



Submission Guide: Inquiry into the Nature Positive bills

On 27 June 2024 the Senate referred the [Nature Positive \(Environment Information Australia\) Bill 2024](#), the [Nature Positive \(Environment Protection Australia\) Bill 2024](#), and the [Nature Positive \(Environment Law Amendments and Transitional Provisions\) Bill 2024](#) to the Environment and Communications Legislation Committee for report by 8 August 2024. The Committee is currently accepting submissions from the public, with a closing date of 15 July 2024.

Submission can be made via the [online submission portal](#).

This submission guide is intended to assist groups and individuals to engage with the Committee inquiry. It is informed by Environmental Defenders Office (**EDO**) experience using Australia’s national environmental law, the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), to protect wildlife, culture, community and climate since it was first implemented. EDO also works to improve our national environmental laws through providing specialist law reform and policy advice to stakeholders and policy-makers, and has engaged deeply in the EPBC Act reform process over the last five years.

This submission guide covers the bills before the Committee to establish the new Environment Protection Australia (**EPA**), Environment Information Australia (**EIA**), as well as what is needed – but missing – to ensure our environmental laws truly protect nature, the climate, and community rights.

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1. Background to the Nature Positive reforms

The EPBC Act is Australia's key environmental legislation, tasked with regulating activities that may significantly impact on environmental values considered to be of national importance.

These environmental values include our native fauna and flora species, world heritage areas, national parks and marine parks (including the Great Barrier Reef Marine Park), Ramsar wetlands, national heritage places, migratory species, and water resources such as spring-dependent communities in the Great Artesian Basin.

The Environmental Defenders Office has worked with the EPBC Act for more than 20 years, seeking to ensure it is implemented to best protect our treasured natural values, our wildest spaces and our iconic native plants and animals. Acting for a wide range of clients, EDO lawyers have relied on the EPBC Act to help protect valuable landscapes and wildlife from inappropriate activities like land-clearing and whaling, and prevent harmful projects like Adani's Carmichael Mine and its North Galilee Water Scheme and the proposed luxury helicopter tourism development in the Tasmanian Wilderness World Heritage Area from going ahead.

In 2020, the EPBC Act underwent its 10-year statutory review. This once-in-a-decade independent review by Professor Graeme Samuel found:

Australia's natural environment and iconic places are in an overall state of decline and are under increasing threat. The environment is not sufficiently resilient to withstand current, emerging or future threats, including climate change. The environmental trajectory is currently unsustainable.

[Final Report of the Independent Review of the EPBC Act](#)

This reflects the dire findings of the State of the Environment Report in 2021, which confirmed that the state of Australia's natural environment is deteriorating.¹ Professor Samuel concluded that the environment has suffered from two decades of failing to continuously improve the law and its implementation, and that fundamental reform of the EPBC Act is needed.

Since then, the Federal Government has announced reforms to the EPBC Act, known as the [Nature Positive Plan](#). The Nature Positive Plan sets out the Government's response to the Samuel review, including reforms to establish the new EPA, set enforceable National Environmental Standards, and improving community participation and trust in environmental decision-making. Rather than introduce wholesale reforms as initially proposed in 2023, the nature positive reforms have now been split into stages:

- As announced earlier this year, **stage one** was introduced in 2023 and included a nature repair market and amendments to the water trigger.
- **Stage two** will see the establishment of a national EPA, the EIA, and some additional penalties and transitional measures – the Bills currently before the Committee for inquiry.
- **Stage three** will be progressed 'as soon as possible', and will include the remaining measures, including changes to the assessments and approvals regime under the EPBC Act.

Stage two of the nature positive reforms is the subject of this submission guide.

¹ [Statement of Environment Report 2021](#)

2. Environment Protection Australia

The Nature Positive (Environment Protection Australia) Bill 2024 (**EPA Bill**) creates the new Environment Protection Australia (**EPA**) and its CEO. The new EPA will be responsible for compliance and enforcement of a number of national environmental laws, including the EPBC Act (which will have significantly increased penalties and new enforcement tools under the proposed stage two changes). It will also be given powers for some EPBC Act licensing decisions. At this stage the Minister will retain EPBC Act assessment and approval functions, but will be given the power to delegate these functions to the EPA.

EDO has long advocated for an independent and empowered national environment protection regulator. Establishing an EPA is, in our view, a step in the right direction. However, there are some significant deficiencies in the design of the proposed EPA that we think undermines its independence, reduces its accountability, and do not inspire confidence that it will be the “tough cop on the beat” that the Government says it will, and which is desperately needed. EDO’s suggestions to address these are listed below.

Ensure EPA is truly independent

The EPA Bill creates an office of CEO of the EPA, who is given all the powers and functions under the proposed EPA Act and other federal environment legislation. The CEO, as proposed by the EPA Bill, will be appointed by the Government (by way of the Governor General).

The EPA as an agency will have the function of supporting the CEO. That is, the CEO will have a significant amount of power and discretion, and it is therefore crucial that this position is independent of Government as possible, has clear and enforceable duties and guiding principles for the performance of the role, is transparent, and is subject to independent oversight. We recommend the following measures to support this:

- **Governance and CEO appointment:** The EPA should be governed by a CEO appointed by, and reporting to, an independent statutory skills-based Governance Board. The Board would appoint the CEO based on legislated skills criteria. The CEO would lead the EPA and make decisions but report to the Governing Board on a number of criteria.
- **CEO independence:** Direct appointment of the CEO by the Government risks politicization and undermines public trust. If the best practice Board appointment model isn’t adopted, CEO appointment should follow a transparent, legislated, process. It is crucial that the CEO has substantial expertise and is required to adhere to strong conflict of interest rules, including around perceived conflicts. A Joint Standing Parliamentary Committee with oversight of the CEO’s performance, responsibility for confirming CEO appointment, and inquiry functions relating to environmental laws more generally, should be established to support either the Governance Board, or direct appointment process.
- **Independent exercise of functions:** The ability of the Minister to issue a Statement of Expectations to the EPA should be constrained by a clear legislative purpose and duties for the EPA.

EPA must have transparent operations to ensure community trust

A fundamental finding of the Samuel Review was that the community has very little trust in the EPBC Act in large part due to lack of transparency around environmental decision-making (including relating to compliance and enforcement activities).

The Bill to establish the EPA contains very little to ensure that the CEO and EPA are transparent and accountable in the exercise of their functions. For example, despite establishing a register of decisions, the Bill is silent on what decisions must be published, which will be set out in subordinate Rules that can be changed by the Government at any time.

The transparency of the EPA's operations is crucially important in building public confidence in the integrity of its operations. There must be clear requirements for the publication within reasonable timeframes of relevant information, including decisions.

A positive element of the proposed EPA Bill is the provision of an Advisory Group to assist the EPA with decision-making. However, the appointment process for members of this committee must be transparent, as should the advice it provides to the EPA.

Clear purpose and duties should guide EPA functions

To ensure the new EPA's independence and integrity, including to protect against weakening by future governments, its enabling legislation must have serious and enforceable guardrails. The proposed object in the EPA Bill is not sufficient, although aiming for accountable, transparent and outcome-focused decision-making is a good start. Clear duties and objectives, which contain substantive goals of environmental justice and protection, coupled with civil enforcement provisions, are important integrity and accountability measures and promote the rule of law.

The new EPA will be responsible for carrying out functions under several pieces of legislation, including the EPBC Act. It should be guided by a clear purpose in how it administers these functions – for example, to enhance the protection and restoration of Australia's environment, and promote public trust in environmental decision-making.

The EPA should also have clearly defined duties to which it can be held accountable, including by the community, if it does not comply with those duties. Such duties should include duties to promote environmental justice, act consistently with the human right to a healthy environment for all, and take all actions necessary to reduce the impact of climate change.

EPA's functions must enable and ensure nature protection

The EPA's functions should clearly align with its role as the primary regulator of our national environmental laws, allowing it to play a key role in nature protection. In particular:

- **Forestry oversight:** The Bill should include an explicit function for the new EPA to have an audit and assurance role in relation to Regional Forest Agreements (**RFAs**).
- **Climate objectives:** The EPA will be responsible for the assessment and approval of potentially climate-harming projects under the EPBC Act. It should have a mandate to facilitate the achievement of Australia's greenhouse gas emissions reduction targets, in line with the *Climate Change Act 2022*, mirroring the objectives of other relevant federal statutory bodies.
- **Third party enforcement:** The Bill should include, as a crucially important accountability mechanism for the new EPA, broad third-party enforcement provisions in relation to the EPA enabling legislation and the legislation the EPA will administer.

Recommendation 1

The EPA Bill should be amended to:

- **Create a governance structure for EPA that is truly independent, including a Governance Board and Joint Parliamentary Committee.**
- **Ensure EPA and the CEO operate transparently, and that the public have access to important information.**
- **Implement clear and enforceable objectives and duties that guide and safeguard EPA functions.**
- **Give EPA additional functions that will truly protect nature.**

Further information is available in EDO's Briefing Note: [Environment Protection Australia – EPA](#).

3. Environment Information Australia

The new Environment Information Australia (**EIA**) will be established by stand-alone legislation, the Nature Positive (Environment Information Australia) Bill 2024 (**EIA Bill**). It is proposed EIA will be created within the Environment Department, under a new statutory head, who will have responsibility for managing national environmental data and monitoring and recording achievement against, the goal of 'nature positive.'

EIA is a welcome reform which establishes for the first time a single national source of environmental data and statutory requirements to holistically report on national environmental data. This will include more frequent environmental reporting and building an information base to feed into decision-making. An EIA with clear functions that improves the collection, dissemination and use of environmental data will be critically important for tracking and understanding our changing environment, and is a useful and significant new institution. EDO's suggestions for strengthening EIA are outlined below.

Nature positive definition must include a measurable baseline

The definition of 'nature positive' is an important concept for the whole of the reforms, including stage three, and will be defined in the EIA legislation. It's crucial this definition is meaningful both for our international reporting obligations, but also so it can be used to galvanize policy change and identify priorities.

In line with the goals agreed under the Global Biodiversity Framework, the definition of 'nature positive' must recognise the need to increase in the natural diversity, abundance, resilience and integrity (meaning the completeness, functionality and health) of species, populations and ecosystems with a goal of halting and reversing nature loss by 2030 and achieving full recovery by 2050, measured against a 2020 baseline. A measurable and defined baseline is crucially important. Rather than requiring the Head of EIA to establish a baseline, the baseline should be built into the legislative definition of nature positive in this way.

Capture and manage data that will enable nature protection and recovery

The EIA should be tasked with capturing and managing data that will enable and support nature protection and recovery, including:

- **Tracking threatened species recovery:** A current gap in reporting obligations for EIA is an explicit requirement to monitor and evaluate the development and implementation of conservation planning documents. EIA should have additional functions relating to

collection of data and reporting in relation to these conservation planning documents, including on threatened species recovery trajectories and progress against recovery actions. These additional functions will ensure EIA data is meaningful, granular, and can be used on the ground to make a difference to the species and ecosystems the EPBC Act aims to protect and restore.

- **Enable better understanding of climate change impacts on MNES:** EIA should have a specific role in understanding how climate change is impacting our environment, and how EPBC Act decisions have a material effect on our climate. EIA should collect information on how climate change is impacting on matters of national environmental significance, such as the contribution of new approvals under to EPBC Act the climate impacts, including through the direct and downstream emissions projections from new actions.
- **Undertake State of the Forest reporting:** EIA should have a role in collating forests data and publishing the State of the Forests Report. It should be required to do so more frequently than the current five yearly requirement, given the at-risk health of our native forests. In conjunction with State of the Forest reporting, EIA should monitor and report on woody vegetation extent and changes to that extent due to clearing and regrowth.

Data and information handling practices

It is important for the EPA to have powers to effectively obtain and manage data:

- **Data and Information Standard:** EIA will be responsible for managing data from a myriad of different sources, including 'sensitive data and information'. As proposed under the Nature Positive Plan, how EIA deals with data must be consistent with the National Environmental Standard on Data and Information. The reforms should establish the power for the Minister to create National Environmental Standards, which will enable an EIA specific standard to be developed in relation to its data and information assessment activities.
- **Mandatory data sharing:** In order to do its job effectively, EIA must be able to obtain and use relevant data, including data collected and owned by others. While access to data may be able to be negotiated by EIA, it would be prudent for EIA to have legislative powers to compel access to data if needed.
- **Public access to information:** In order to promote transparency, support community engagement and encourage improved decision-making, information held by EIA should be publicly accessible and in a form that is easy to understand and use.

Prioritising First Nations knowledge

At present, it is not clear how culturally important or sensitive data will be managed by EIA as it relates to First Nations. It is integral that any Indigenous Knowledge provided by First Nations peoples is respected and acknowledged as the intellectual property of those knowledge holders. Indigenous Knowledge includes both Traditional Knowledge and Traditional Cultural Expressions.² Further, all data that is recorded as part of an assessment and approval (or other process) under the EPBC Act must remain the property of First Nations people. First Nations people must retain ownership of their Traditional Knowledge and Traditional Cultural Expressions and must have the right to control how their Indigenous Knowledge is collected, curated, integrated, analysed, used, shared and published, in accordance with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples.

² See Terri Janke and Company, [Indigenous Knowledge: Issues for protection and management](#) (2017).

As such, EDO supports the development and implementation of the First Nations Engagement and Participation in Decision-making Standard (**First Nations Standard**) in stage two, to guide the management of sensitive data, including Indigenous Knowledge. The First Nations Standard must be designed by First Nations people for First Nations people, and should be created as a priority.

Recommendation 2

The EIA Bill should be amended to:

- **Include a definition of nature positive that is in line with the goals agreed under the Global Biodiversity Framework and has a clear baseline for measuring progress.**
- **Ensure EIA is given functions to capture and manage data that will enable nature protection and recovery.**
- **Provide the EPA the ability to effectively obtain and manage data.**
- **Enable a First Nations Participation and Engagement Standard to be established which can deal with how First Nations knowledge and information is shared and used.**

Further information is available in EDO's Briefing Note: [Environment Information Australia – EIA](#).

4. Environment Law Amendments and Transitional Provisions

The Nature Positive (Environment Law Amendments and Transitional Provisions) Bill 2024 (**Environment Law Amendments Bill**) also contains some important regulatory changes, including:

- New environment protection orders that allow the Minister to stop work or restrict activities that pose an imminent significant environmental risks and harm in urgent circumstances.
- An additional audit mechanism called a 'compliance audit' which can be initiated by the Minister without notice to allow monitoring of compliance with the legislation.

The Environment Law Amendments Bill also introduces new 'stop the clock' provisions, which enable proponents to have a say on whether requests for further information from the regulator to proponent will pause the timeframe for approvals, or keep the clock running.

Finally the Environment Law Amendments Bill makes consequential amendments to various Commonwealth environmental legislation needed to support the creation of the EIA and EPA, for example to give the newly established EPA regulatory functions under various legislation including the *Environment Protection (Sea Dumping) Act 1981*, *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995*, *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Act 1995*, *Product Emissions Standards Act 2017*, *Recycling and Waste Reduction Act 2020* and the *Underwater Cultural Heritage Act 2018*.

However, as discussed further below, the Environment Law Amendments Bill is a missed opportunity to address crucial gaps in the existing EPBC Act set the framework for 'stage three' amendments.

5. What's missing?

As noted above, establishing an effective, independent and fit-for-purpose federal EPA is a significant reform that is long overdue, and EIA is an important and useful new institution that will have a critical role in measuring our progress towards 'nature positive.'

However, these changes and new institutions in stage two fall far short of the comprehensive legislative reform we urgently need to see passing the Parliament this year to turn around Australia's extinction trajectory. These institutions will only be responsible for enforcement and monitoring of our environment in line with fundamentally broken nature laws.

Without a clear timeline for implementing wholesale reforms, the broken EPBC Act will continue to let down communities, enable extinctions, and fuel the climate crisis. EDO recommends the Government introduce – and the parliament pass – a comprehensive package of legislation in this term of parliament to halt the extinction crisis, fix community trust in environmental decision-making, and protect nature from dangerous climate change.

Recommendation 3:

The Government must commit to passing the full package of nature positive reforms before the end of the parliamentary term.

Ahead of anticipated stage three reforms, EDO has identified crucial gaps in the existing EPBC Act that need urgent attention, and which will have immediate and tangible impacts for nature – as well as setting in place the framework for 'stage three', when it is implemented.

Put in the architecture for national environmental standards

Under the Nature Positive Plan, the National Environmental Standards are intended to be legally-binding, outcomes-based instruments that will guide decision-making in the new regime. This is a significant departure from the current, highly discretionary and often arbitrary, decision-making system under the EPBC Act. To set the foundation for stage three, the legislative architecture should be set in place to enable the Minister to create National Environmental Standards as envisioned.

As noted above, EIA will be responsible for management of environmental and cultural data from different sources, including First Nations communities, and at a minimum, the Data and Information Standard, as well as the First Nations Participation and Engagement Standard, should be in place to give certainty to how this will be done from the outset. These must be followed by the full suite of National Standards, particularly the Standard for Matters of National Environmental Significance, which is intended to deliver nature positive outcomes for all aspects of the environment our national nature laws intend to protect. Establishing the power for National Standards to be developed, created, and varied subject to a non-regression clause, should be part of these stage two reforms.

Recommendation 4:

Provide the Minister with the power to create National Environmental Standards, safeguarded by a non-regression clause that means environmental protection can't be reduced in subsequent standards.

Federal nature laws must protect our environment from climate change

It is nonsensical that our national environmental law does not currently directly address the greatest challenge facing the Australian environment. In over 1000 pages, the EPBC Act fails to explicitly, clearly and comprehensively address the threat of climate change. To date, over 740 fossil fuel projects have been approved under the EPBC Act, with no requirement for decision-makers to consider how these projects will lead to devastating climate change impacts, or even if their emissions profiles fit within our legislated emissions targets.³ With increasingly frequent and more severe climate events and impacts on all aspects of our environment, including all the matters the EPBC Act aims to protect – from the Great Barrier Reef to threatened species like the koala⁴ - it is essential that our federal nature laws properly account for climate. In EDO's view, protecting nature from climate change falls squarely within the remit of our national environmental law, and should be a priority of the federal government as it works to modernise and future-proof the 1999 legislation. It is simply impossible to achieve a 'nature positive' Australia without taking climate into account.⁵

As such, climate considerations should be built into our environmental laws at every stage. Importantly, this includes the assessment and approvals process, for example through a climate trigger – the creation of a new matter of national environmental significance (**MNES**) which explicitly deals with new projects which will have a significant impact on the climate.⁶ This would allow decision makers to directly consider new projects on their climate impacts and expected emissions, and reject projects which would have an unacceptable impact on the climate.

At a minimum, the climate impacts of a proposed action should be disclosed from the outside (in the form of all direct and downstream emissions expected from the action), and must form a mandatory consideration for the decision-maker. Climate impact should also be considered in relation to each of the relevant matters of national environmental significance which will be impacted by the action. This disclosure must also be linked to Australia's climate targets under the *Climate Change Act 2022*, as well as the emissions limits in the newly reformed Safeguard Mechanism. It is illogical that no analysis of these legislated carbon budgets currently takes place *before* a new project is approved.

Finally, the nature positive reforms must urgently implement measures to make sure species listings can be updated after catastrophic climate events, like the Black Summer Bushfires.⁷ These changes are urgently needed to prevent further climate-related extinctions, properly incorporate climate adaptation measures, and meet our international emissions obligations.

³ See e.g., Climate Council, [Beating Around the Bush: How Australia's National Environment Law Fails Climate and Nature](#) (27 September 2023).

⁴ The Guardian, '[Most of it was dead': scientists discover one of Great Barrier Reef's worst coral bleaching events](#)' (26 June 2024), The Guardian, '[Devastating': more than 61,000 koalas among 3 billion animals affected by bushfire crisis](#)' (7 December 2020).

⁵ 'The Australian environment faces significant future pressures, including land-use change, pollution, habitat fragmentation and degradation, and invasive species. Climate change will continue to exacerbate these impacts and contribute to ongoing decline.' *Independent Review of the EPBC Act* (October 2020) 41.

⁶ See, [EDO submission to the Inquiry into the Environment Protection and Biodiversity Conservation Amendment \(Climate Trigger\) Bill 2022 \(13 October 2022\)](#).

⁷ See, EDO [Wildlife Can't Wait](#) Report (November 2022).

Recommendation 5:

The Environment Law Amendments Bill should be amended to:

- **Add a standalone climate MNES (climate trigger) to ensure actions with significant climate impacts are assessed under national nature laws.**
- **Make sure that climate change is mandatory consideration, and that decision-makers have oversight of all expected direct and downstream emissions from proposed actions.**
- **Properly link the Safeguard Mechanism and Climate Change Act to the EPBC Act, so that actions cannot not be approved if they likely to breach emissions targets and thresholds.**

Urgent action on extinctions is needed now

Australia is facing an extinction crisis. The Australian State of the Environment Report 2021 (**SoE 2021**) confirms that Australia’s biodiversity continues to be in decline.⁸ SoE 2021 reports that the number of threatened species listed under the EPBC Act has risen for almost all taxa over the past 5 years and we can expect further extinctions of Australian species over the next two decades unless current management effort and investment are substantially increased.

Australia has made some key commitments in response to the extinction crisis. Notably it has signed up to the Kunming-Montreal Global biodiversity framework (GBF).⁹ The GBF sets out 4 goals including that “the integrity, connectivity and resilience of all ecosystems are maintained, enhanced, or restored, substantially increasing the area of natural ecosystems by 2050” and “human induced extinction of known threatened species is halted and, by 2050, extinction rate and risk of all species are reduced tenfold and the abundance of native wild species is increased to healthy and resilient levels”. At a domestic level, the Government’s Threatened Species Action Plan: Towards Zero Extinctions includes objectives of putting all priority species on track for improved trajectory, preventing new extinctions of plants and animals, and ensuring at least 30 per cent of Australia’s land mass is protected and conserved.

Our national environmental laws must reflect our ambition and commitments to halt extinction and reverse biodiversity decline. The threat is too urgent, and risk to our native species too imminent, to wait any longer. Without changes to how decisions are made – such as preventing new actions which will have unacceptable impacts on critical habitat – our nature laws will just facilitate further decline. Making sure that biodiversity offsets are like-for-like and secured in perpetuity, and preventing further destructive and illegal deforestation, are critical measures we need to implement to meet the laudable commitments described above. There is an opportunity *now*, with the stage two Bills currently before Parliament, to make some urgently needed changes to the current framework to strengthen protections for threatened wildlife.

Recommendation 6:

The Environment Law Amendments Bill should be amended to:

- **Strengthen existing provisions to ensure that unacceptable impacts (including impacts on critical habitat) are identified upfront and not permitted to proceed.**
- **Put restrictions on the use of biodiversity offsets.**
- **Legislate to ensure destructive and illegal deforestation is properly assessed under our nature laws, including by removing loopholes and exemptions.**

⁸ [Australian State of the Environment Report 2021.](#)

⁹ <https://www.cbd.int/gbf/>

Community rights must be strengthened to build public trust

The Samuel Review found that the community does not trust our federal nature law or its implementation to deliver for the environment, and that “limited access to information about decisions and the lack of opportunity to substantively engage in decision-making under the Act further erodes trust”. Stage 2 does little to change the circumstances that led to this.

Significant gaps in the framework as contemplated by stage 2 in relation to community rights (the rights to know, to participate, and to challenge) in environmental decision-making are:

- **Third party merits review:** Merits review is critical for ensuring transparency in decision-making and accountability of decision-makers, and that the best decisions are being made in line with the intent of the legislation, and should be implemented in the EPBC Act and under lack of merits review for third parties of decisions on assessment and approval of projects.
- **Third party referral of projects:** There is a real need for the EPBC Act to contain a mechanism by which the community can refer a project for assessment if the proponent, State authority, or the Minister do not. This is particularly relevant to deforestation and habitat destruction.
- **Third party enforcement:** Third party enforcement is a crucially important accountability mechanism, which enable the community to take action to enforce the law in circumstances where the regulator has failed to do so or has itself breached the law. The EPBC Act contains very limited community rights for “interested parties”. This should be opened up to provide that any person may apply to the court to remedy or restrain a breach of the EPBC Act. The Bill should also explicitly allow for interested persons to enforce breaches of civil penalty provisions through seeking civil penalties. This reform is critical to improve enforcement and deterrence particularly for significant environmental damage that has already occurred.

Recommendation 7:

The Environment Law Amendments Bill should be amended to:

- **Implement third party merits review on decisions on referral, assessment, and approval of controlled actions;**
- **Provide a mechanism for the community to formally request that a project be referred under the EPBC Act.**
- **Strengthening civil enforcement, including through open standing and through civil penalties.**

6. Conclusion

Environmental Defenders Office will continue to provide expert legal advice throughout the nature positive reform process, and will publish ongoing legal updates on our website: [Reforming Australia's Nature Laws](#).

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