

## Environment Protection and Conservation (EPBC) Act Reforms

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On April 16, Hon. Tanya Plibersek, Minister for the Environment and Water, announced the Government's plan to progress to the second stage of its Nature Positive Plan, including establishing the body 'Environment Protection Australia'.

The announcement follows the Government's commitment to comprehensively reform the nation's primary environmental protection laws, the Environment Protection and Biodiversity Conservation (EPBC) Act.

Following an Independent Review of the EPBC Act released in December 2020, 38 recommendations, including establishing the Nature Positive Plan, deliver on the Government's election commitment to 'strengthen and streamline' Australia's environmental laws.

### The Nature Positive Plan

The Nature Positive Plan (NPP) identified the Government's priorities in guiding its reform agenda, led by three essential principles:

- Delivering better environmental protection and laws that are nature positive.
- Speeding up decisions and making it easier for companies to do the right thing.
- Restoring integrity and trust in systems and environmental laws.

In developing National Environmental Standards, the Government aims to improve environmental protections and guide decision-making. In reforming environmental laws, the Government intends on a conceptualised shift from a 'nature negative' viewpoint, inclusive of an overall decline in the environment, to 'nature positive', where the protection of land and water is fundamental to leaving the environment in a better state than it was found.

### Environment Protection Australia

Operating as Australia's first national independent environment protection agency, EPA will initially operate within the Department of Climate Change, Energy, Environment and Water with new powers and penalties to enforce federal laws more efficiently.



The EPA chief will be an independent statutory appointment—similar to the Australian Federal Police Commissioner—to ensure that no government can interfere with the new agency’s enforcement work.

The EPA will be able to issue Environmental Protection Orders—or ‘stop-work’ orders—to anyone breaking the law. It will also be able to audit businesses to ensure they are compliant with environmental approval conditions.

Penalties will also be increased, bringing maximum fines into line with punishments for severe financial offences such as insider trading and market manipulation.

The result of an offsets audit ordered by Minister Plibersek in 2022 found that one in seven developments may breach their offset conditions, underscoring the urgent need to strengthen enforcement through the EPA.

### Environment Information Australia

The Government will also establish the ‘Environment Information Australia’ (EIA) body. The body will “[work] to support faster, clearer decisions for the business. Greater certainty for business will help drive investment in nation-building projects”, as stated by Minister Plibersek.

EIA will give businesses more accessible access to the environmental data required and give the community transparency in information obtained about the state of the nation’s environment.

The EIA Chief will be a statutory office holder with independent functions to ensure no government can interfere with its work.

### Next Steps

Legislation will be introduced into Parliament in the coming weeks following Stage 1 of the Nature Positive law reform package.

The Federal Government will fully deliver the third stage of environmental law reform by continuing to consult closely with environmental groups, businesses, states, territories, and other regulatory bodies on further updates to national environmental laws, as outlined in the Government’s NPP.

The third stage will also include a comprehensive exposure draft of the new laws released for public consultation before their Parliamentary introduction.



For any in-depth details on the reforms, please reach out to your Hawker Britton consultant, Emma Webster, at [ewebster@hawkerbritton.com](mailto:ewebster@hawkerbritton.com)