



Environmental Protection Reform Bill 2025

31 October 2025

On 30 October 2025 the Government introduced the Environmental Protection Reform Bill into the House of Representatives. The Reform Bill is the primary component of a package aimed to modernise the Environmental Protection and Biodiversity Conservation Act and has been the subject of widespread industry, state government and cross-party consultation over several years.

The reform stems from Professor Graeme Samuel AC's 2020 independent review of the EPBC Act, which was presented to then-environment minister and now Opposition Leader Sussan Ley. The reform package is centred around three pillars; stronger environmental protection and restoration, more efficient and robust project approvals, and greater accountability and transparency in environmental decision making.

The Bill faces several hurdles before passing parliament, with both the Coalition and Greens threatening to block the proposed reforms. While negotiations continue, Greens Senator Sarah Hanson-Young has had the Bill referred to the Environment and Communications Legislation Committee for inquiry and report by 24 March 2026. This may delay the Bill, although it could still pass earlier if consensus is reached between the Government and either the Coalition or the Greens.

Stronger Environmental Protection and Restoration

The reforms deliver a package of changes to protect the environment, including a new Ministerial power to make National Environmental Standards (NES), which will become regulations under the Act. This provides a framework for the Minister to make, vary and revoke national environmental standards, and to apply such standards to decision-making under the Act, across the various approval pathways. This allows for the ability to make continuous improvements to the standards, and the Minister would need to ensure that any variation would not lessen the environmental protections provided.

The Bill also includes a new power to make rulings, which can be used to set out the Minister's opinion on how the law, regulations or subordinate instruments should be applied, such as project approval decisions. Rulings will also be available to the CEO of the National Environmental Protection Agency (NEPA) to make in relation to vested powers, including on compliance and enforcement matters.

The reforms also provide, for the first time, a definition of unacceptable impacts to the environment, to deliver greater protection for the environment and more certainty to industry. This will increase the transparency surrounding actions that will likely be approved and provide protections under law. Unacceptable impacts will not be able to be compensated through offsets. These impacts will need to be avoided or mitigated below the threshold before the project can be approved.

The Bill introduces a new offsets regime, including a new requirement for residual significant impacts of the action on nationally protected matters to be compensated to a net gain. The Bill also establishes the Restoration Contributions Holder, an independent statutory office holder, where if the proponent pays a restoration contribution charge, the money will be spent on restoration actions for the purpose of compensating the relevant damage to a net gain.

The Bill also improves the enforcement powers of the EPBC Act, introducing higher penalties for intentional and severe breaches of environmental law, introducing a new civil penalty, including new powers to issue Environment Protection Orders, and expanding the existing auditing powers.

More Efficient and Robust Project Approvals

The Bill would update and streamline the provisions of the EPBC Act relating to accreditation and bilateral agreements. The updated arrangements will make accreditation and bilateral arrangements more durable, reduce duplication and deliver efficiency.

A new Streamlined Assessment Pathway will be established, to reduce the assessment timeframe for proponents who provide sufficient information upfront. This is a direct response to the findings of the Samuel Review, which found the processes to be unnecessarily complex, outdated and contradictory. The purpose of these

amendments is to streamline the assessment and approval process and improve environmental outcomes and consistency in decision-making.

The Bill would insert a new part into the EPBC Act to provide for bioregional plans. Bioregional planning is a land or seascape scale approach to environmental planning, a key theme in the Samuel Review. Bioregional plans will allow a region to be mapped to include both development zones and conservation zones, as well as areas that fall in-between. This will streamline development in areas with lower environmental impacts, while avoiding development impacts in areas with higher ecological value.

The national interest exemption in the Act will be strengthened, by allowing conditions to be attached to taking an action covered by a national interest exemption and providing for a set period for which such an exemption is granted. On top of this, The Samuel Review recommended that the EPBC Act should include a specific power for the Minister to exercise discretion in rare circumstances to make a decision that is inconsistent with the national environmental standards, where it is in the public interest and with a clear statement of reasons. The Bill would provide an approval mechanism that responds to this recommendation for designated projects that the Minister considers to be in the national interest. Such actions will only be able to be approved so far as any exemption is necessary for the action to result in the outcome that the Minister has decided is in the national interest.

Greater Accountability and Transparency

The reforms would also facilitate the establishment of the NEPA. This would be Australia's first independent, national EPA. The NEPA will be an independent watchdog with new powers including the ability to issue 'stop-work' orders and to audit approval holders to ensure compliance. The NEPA would also be able to take on other functions delegated by the Minister, including environmental assessments, approvals and conditions on projects.

The Minister for the Environment will retain decision-making on environmental assessments and approvals. The Minister would also retain responsibility for direction-setting and Australian Government policy under national environmental laws, including the determination of nationally protected matters. Minister Watt in his

speech to the National Press Club, noted that this is a point of agreement between Labor, the Coalition and the Greens.

The Bill will require the disclosure of emissions and details of how they will be managed in line with the Government's climate policies, such as the Safeguard Mechanism. The Bill also establishes a statutory head of Environment Information Australia to oversee better environmental data and reporting. This will improve the availability and accessibility of high-quality information and data, and provide regular and transparent reporting, including on the State of the Environment.

The Bill also seeks to improve engagement with First Nations people in decision-making. The reforms will codify the involvement of First Nations people, via the Indigenous Advisory Committee (IAC), into environmental governance and decision-making. The IAC will be consulted on the development of a national environmental standard relating to engagement with First Nations peoples, and the incorporation of cultural knowledge into the threatened species and ecological communities listing processes.

While a clear path forward for the Bill has not yet emerged, Minister Watt knows he can negotiate with either the Coalition or the Greens/Crossbench to pass the bill and with any luck, a better model for both industry and the environment will in place before too long.

Further Information

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See the Minister's Media Release [here](#).

See the Minister's Address to the National Press Club [here](#).

See the Bills Explanatory Memorandum [here](#).

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