

Senate Standing Committees on Environment and Communications

Inquiry into the Environment Protection Reform Bill 2025 and six related bills

Submission by Dr Helen Haines MP
Independent Federal Member for Indi

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INDEPENDENT FEDERAL MEMBER FOR INDI

Introduction

I welcome the opportunity to make a submission to this inquiry.

My electorate of Indi covers 29,000 square kilometres of Victoria's North East, from Corryong on the upper Murray River to Kinglake near Melbourne's outer north-eastern fringe. Indi's biodiversity is striking, providing essential habitat for many critically endangered species including the swift parrot, barking owl, common bent-wing bat, the vulnerable growling frog and many others.¹

Constituents in Indi care deeply about the environment. Since I was first elected as the Independent Member for Indi in 2019, I have received more than 25,000 pieces of correspondence about the environment, overwhelmingly calling for stronger environmental protections.

The Environment Protection Reform Bill 2025 and six related bills propose the biggest changes to our national environmental laws in 25 years. Changes to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) are desperately needed. The 2020 Independent Review of the EPBC Act undertaken by Professor Graeme Samuel AC identified Australia's environmental laws are out of date, failing the environment, and in need of fundamental reform.²

I am pleased changes to the EPBC Act are being considered, and that this Inquiry has been established to fulsomely interrogate the proposed reforms. However, I have significant concerns in these proposed Bills as they currently stand.

I am particularly concerned about the high degree of Ministerial discretion in environmental decision making enabled throughout these Bills. The broad national interest exemption powers allow the Minister to contravene national environmental standards and approve projects they deem in the 'national interest'. There is no clear definition of what is, or is not, in the national interest within these Bills. This undermines transparency and trust in environmental decision making, and risks eroding public confidence in these reforms.

I voted in favour of amendments moved by the Member for Curtin which sought to address transparency issues regarding the national interest powers and urge the Government to address these issues.

This submission primarily addresses the Environment Protection Reform Bill 2025 (EPRB). It is informed by my amendments on the EPRB, consultation I have undertaken with stakeholder groups and the many conversations I have had with constituents across Indi since I was first elected in 2019. My amendments are attached to this submission in Appendix A.

I strongly believe changes to this legislation can balance protecting the environment with meeting the needs of business. However, the primary reason for this legislation is to strengthen protections for the environment, and this must remain the priority.

¹ State Wide Integrated Flora and Fauna Teams (2025) *Threatened fauna North East & Gippsland, Victoria*, https://www.swifft.net.au/cb_pages/threatened_fauna_north_east_gippsland_victoria.php

² Samuel, Graeme (2020) *Independent Review of the EPBC Act* <https://www.dcceew.gov.au/sites/default/files/documents/epbc-act-review-final-report-october-2020.pdf>

Recommendations

This submission proposes recommendations to amend the EPRB that will improve outcomes for the environment, business and importantly, regional communities. It makes the following recommendations:

Recommendation 1: Require National Environmental Standards to be established for Community Engagement and Consultation, and First Nations Peoples and Community Consultation.

Recommendation 2: Increase the timeframe for community consultation on bioregional plans to 60 days.

Recommendation 3: Consider high-value agricultural land and drinking water catchments when mapping development zones within bioregional plans.

Recommendation 4: Remove the exemption for minor or preparatory actions to commence prior to controlled action assessment decisions.

Community Engagement and Consultation

The importance of community engagement is clear in the transition to renewable energy. Across Australia, there is broad support of renewable energy infrastructure.³ 70% of regional Australians living within a renewable energy zone (REZ) are supportive of renewable energy projects, and 73% of people connected to farming supportive of these projects.⁴ Most regional Australians believe authentic and early community engagement by developers is essential in building community trust of a project.⁵

In my regional electorate, I often hear from constituents on the importance of early and meaningful community engagement. There are 22 renewable energy projects in Indi that are pending planning approval, under construction or operating. I have received correspondence from some constituents raising valid concerns on the impacts of renewable projects on; the natural environment, bushfire risk, visual amenity, air quality and land value. Residents are not against renewable energy, they are just requesting fair warning, fair process, and fair and intergenerational community benefit from projects.

Regional Australia is on the precipice of a gold-rush of investment from renewable energy. The Clean Energy Council predicts grid-scale renewable energy projects are expected to deliver up to \$11.7 billion in landholder payments and community benefit contributions across Australia over the coming decades to 2050.⁶ Trust from early community engagement is foundational for negotiating this benefit.

³ Boundless Earth and 89 Degrees East (2025) *Clean Energy Solutions Index*, https://cleanenergysolutionsindex.com.au/wp-content/uploads/2025/08/Clean-Energy-Solutions-Index_Report_Final.pdf

⁴ Farmers for Climate Action (2024) *Renewable Energy in Farming Communities*, <https://farmersforclimateaction.org.au/wp-content/uploads/2025/02/FFCA-89DE-RenewableEnergyReport-2.pdf>

⁵ *ibid*

⁶ Clean Energy Council (2024) *Billions in the Bush*, <https://cleanenergycouncil.org.au/getmedia/2f9d50cb-60d1-4bec-86f0-65d77ce998ec/billions-in-the-bush-november-2024-final-compressed.pdf>

However, when community consultation is poor, this undermines trust in the relationship between communities and proponents and risks worse outcomes for both.

I have long advocated for clear standards for community engagement and benefit and want to see this embedded within the EPBC Act. Participation in environmental decision-making processes is an established right under the United Nations *Rio Declaration on Environment and Development*, of which Australia is a signatory.⁷ Early and meaningful community consultation improves outcomes for communities and the environment.⁸ Businesses also understand that establishing trusting relationships with communities early in the process is key to business growth.⁹

Graeme Samuel identified that the lack of opportunity to substantively engage in environmental decision making under the EPBC Act erodes trust in the Act.¹⁰ To address this, Samuel's Independent Review of the EPBC Act recommended the creation of National Environmental Standards, and that these should include community consultation and Indigenous engagement and participation national standards.¹¹

The Government have indicated they intend to create National Engagement Standards for matters of national environmental significance, offsets, data and environmental information, and First Nations engagement. I welcome the power to create these standards under the Environment Protection Reform Bill 2025 (EPRB) and the Government's intention to create the abovementioned standards. However, the EPRB does not create a legislated requirement for these standards to be created. This must go further and require the Minister to create National Environmental Standards, and require standards on community engagement and consultation, and First Nations Peoples and community consultation be included.

Recommendation 1: *Require National Environmental Standards to be established for Community Engagement and Consultation, and First Nations Peoples and Community Consultation.*

The Government should also be implementing best-practice community consultation principles in their consultation under the EPBC Act. I am particularly concerned around the Government's proposed 30-day consultation period on the creation and amendment of bioregional plans. 30-days is not a reasonable timeframe for communities that will potentially host a development zone under the EPBC Act to consider a proposal, consult with their community members and make a meaningful contribution to the consultation.

⁷ United Nations General Assembly (1992) *Rio Declaration on Environment and Development*, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf

⁸ The Wilderness Society (2022) *Who Holds the Power Report*, <https://wilderness.org.au/images/resources/WhoHoldsThePowerReport.pdf>

⁹ Clean Energy Council (2025) *Doing renewables right*, <https://cleanenergycouncil.org.au/advocacy/doing-renewables-right>

¹⁰ Samuel, Graeme (2020) *Independent Review of the EPBC Act*

¹¹ *ibid*

I proposed an amendment to increase the community consultation timeframe on the creation and amendment of bioregional plans from 30 to 60 days. This extension to 60 days is reasonable and allows communities a fair timeframe to participate in the environmental decision-making process.

Recommendation 2: *Increase the timeframe for community consultation on bioregional plans to 60 days.*

Bioregional Planning

I welcome the introduction of bioregional planning under the EPRB. Regional mapping which clearly defines land that isn't suitable for development activities, including high value agricultural land, drinking water catchment areas, land of cultural and environmental significance was my first recommendation to the Community Engagement Review undertaken by former Australian Energy Infrastructure Commissioner, Andrew Dyer.

The Government has a difficult responsibility in managing competing land-use priorities. We need to balance climate, biodiversity and economic objectives in local communities. Done right, bioregional mapping can ensure our land is most appropriately and efficiently used for environmental protection and regeneration, farming food and fibre, and renewable energy. Research from Climateworks Centre and Deakin University demonstrates that it is possible to solve for these objectives at the same time.¹²

Strategic planning of land use must be done at a regional and national level and must be consistent with other national land use policies. The government is currently developing the 'Feeding Australia: A National Food Security Strategy'. This is intended to ensure our food production is better protected against climate change. Bioregional planning under the EPBC Act must link with this strategy to identify the areas of high-value agricultural land most essential to protecting our food security and to identify where land is better and more economically suited to environmental preservation, regeneration or renewable energy projects.

Planning can maximise co-benefits such as the coexistence of renewable energy or environmental regeneration and farming. Many farmers welcome renewable energy projects on agricultural land.¹³ It's an additional form of diversification in their income, protecting them in times of drought or other difficult periods. We must ensure that bioregional planning preserves high value agricultural land that is strategically significant for food and fibre security and allows farmers and communities to host renewable energy infrastructure to receive intergenerational regional economic benefits.

Drinking water catchments are a critical area of our environment and must also be considered in creating bioregional plans. Potential impacts from developments on regional drinking water catchments is an unacceptable risk to the safety of regional communities and industry.

¹² Climateworks Centre (2025) *Harnessing nature's power for net zero and biodiversity*
<https://www.climateworkscentre.org/news/harnessing-natures-power-for-net-zero-and-biodiversity-anna-skarbeks-address-to-the-forest-carbon-summit-at-national-press-club/>

¹³ Boundless Earth and 89 Degrees East (2025) *Clean Energy Solutions Index*

I believe we can deliver better environmental, community and business outcomes if we consult with our communities, get bioregional planning right and link our national and our regional planning in a sensible and considered way.

Recommendation 3: *Consider high-value agricultural land and drinking water catchments when mapping development zones within bioregional plans.*

Minor and Preparatory Works

The EPBC Act establishes it as an offence for a proponent to undertake work on a project referred to the Minister for a controlled action decision, before the project application has been approved by the Minister. The EPRB opens an exemption to this offence allowing the Minister to authorise minor or preparatory works to commence before the Minister has assessed the overall project or made a controlled action decision.

Projects referred for controlled action decisions are referred for this assessment because there are considerable concerns about their impact on the environment. This power permitting 'minor' works to occur on site prior to full assessment poses multiple risks to communities, the environment, and the quality and integrity in environmental assessment under the EPBC Act.

Recommendation 4: *Remove the exemption for minor or preparatory actions to commence prior to controlled action assessment decisions.*

Conclusion

If the Environment Protection Reform Bill 2025 and six related bills fail the environment, they will also fail business, regional communities like those I represent and all Australians. I acknowledge reforming the EPBC Act is a large and challenging task and am pleased the Government is seeking to undertake these reforms.

The Environment Protection Reform Bill 2025 makes significant changes to our national environmental laws. Some of these changes are positive steps towards better environmental protection. However, I remain concerned about the lack of community engagement and consultation and considerations of high value agricultural land and drinking water catchment areas in mapping bioregional plans. I also have serious concerns about the definition of national interest and the high degree of Ministerial discretion throughout these Bills.

We must get these environmental reforms right. Changes must be made to the EPRB to ensure that it is fit for purpose to protect the environment into the future. I am optimistic that, if amended in line with my recommendations, the EPRB can prioritise and deliver better environmental protections while also providing more certainty for business and communities.

Sincerely,
Helen Haines MP

2025

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Environment Protection Reform Bill 2025

(Dr Haines)

- (1) Schedule 1, item 168, page 69 (line 12) to page 70 (line 22), omit the item.
[minor or preparatory actions]
- (2) Schedule 1, item 194, page 85 (line 10), at the end of subsection 87(5), add:
; and (c) the national environmental standards dealing with community engagement and consultation, First Nations Peoples and community consultation and environmental impact assessment have been complied with as relevant.
[national environmental standards]
- (3) Schedule 1, item 320, page 158 (lines 17 and 18), omit “30 business days”, substitute “60 business days”.
[public consultation]
- (4) Schedule 1, item 323, page 161 (line 18), at the end of subsection 177AD(2), add:
; (g) high value agricultural land;
(h) drinking water catchment areas.
[development zones]
- (5) Schedule 1, item 323, page 165 (after line 22), after paragraph 177AL(1)(a), insert:
(aa) a copy of the bioregional plan strategic assessment report prepared in accordance with subsection (1A); and
[bioregional plans]
- (6) Schedule 1, item 323, page 165 (line 25), omit “30 business days”, substitute “60 business days”.

[public consultation]

- (7) Schedule 1, item 323, page 165 (after line 25), after subsection 177AL(1), insert:

(1A) Before the Minister publishes a draft bioregional plan under subsection (1), the Minister must prepare a bioregional plan strategic assessment report that identifies the conservation and recovery priorities for the bioregion and considers the cumulative impacts of any proposed activities under the bioregional plan, and meets the requirements prescribed in the regulations.

[bioregional plans]

- (8) Schedule 1, item 323, page 169 (line 8), at the end of section 177AP, add:
; (g) that the bioregional plan does not compromise high value agricultural land or drinking water catchments.

[bioregional plans]

- (9) Schedule 1, item 323, page 175 (lines 7 and 8), omit “30 business days”, substitute “60 business days”.

[public consultation]

- (10) Schedule 1, item 323, page 182 (line 24), omit “30 business days”, substitute “60 business days”.

[public consultation]

- (11) Schedule 1, item 323, page 182 (line 31), omit “30 business days”, substitute “60 business days”.

[public consultation]

- (12) Schedule 1, item 323, page 187 (line 5), omit “regulations.” substitute “regulations; and”.

[priority actions]

- (13) Schedule 1, item 323, page 187 (after line 5), after paragraph 177BN(2)(d), insert:

(e) be accompanied by evidence of compliance with the national environmental standards dealing with community engagement and consultation, First Nations Peoples and community consultation and environmental impact assessment.

[priority actions]

- (14) Schedule 1, item 323, page 195 (line 16), omit “30 business days”, substitute “60 business days”.

(15) Schedule 1, item 571, page 315 (line 14), omit “may”, substitute “must”.
[national environmental standards]

(16) Schedule 1, item 571, page 315 (after line 15), after subsection 514YD(1), insert:

(1A) Without limiting subsection (1), the national environmental standards must deal with the following:

- (a) community engagement and consultation;
- (b) First Nations Peoples and community consultation;
- (c) environmental impact assessment;
- (d) other standards the minister determines.

[national environmental standards]

(17) Schedule 1, item 571, page 316 (after line 15), at the end of section 514YD, add:

(7) The national environmental standard dealing with community engagement and consultation must set out engagement and consultation processes required to be undertaken for:

- (a) a referral seeking streamlined assessment under Division 5A of Part 8; and
- (b) a request to be made to take a priority action in a development zone specified in a bioregional plan under section 177BN.

[national environmental standards]

(18) Schedule 1, page 342 (after line 27), after item 587, insert:

587A At the end of Subdivision B of Division 1 of Part 23

Add:

525A High value agricultural land and drinking water catchments

In this Act:

drinking water catchment has the meaning prescribed by the regulations.

high value agricultural land has the meaning prescribed by the regulations.

[high value agricultural land and drinking water catchments]

(19) Schedule 1, item 678, page 385 (lines 5 to 10), omit the item.

[minor or preparatory actions]