

Australia's new Nature Positive laws: Webinar 23 November 2023

Department of Climate Change, Energy, the Environment and Water

<Webinar commencement>

Slide 1: Australia's new Nature Positive laws

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Mahani Taylor: Thank you for taking the time to join us today to discuss Australia's new Nature Positive laws. My name's Mahani Taylor and I'm joining you today from Ngunnawal Country in Canberra. My colleagues and I are from the Department of Climate Change, Energy, the Environment and Water.

Slide 2: Acknowledgement of Country

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Mahani Taylor: I'd like to start today's session with an Acknowledgement of Country. We acknowledge the Traditional Custodians throughout Australia and recognise their continuing connection to land, waters, and culture. We pay our respect to their Elders, past and present. And I'd like to extend that acknowledgement to any Aboriginal and Torres Strait Islander Peoples here today.

Slide 3: Agenda for today's webinar

00:00:39,510 --> 00:01:51,663

Mahani Taylor: Today's session will provide an overview of Australia's proposed new Nature Positive laws. I'll shortly hand you to my colleague James Tregurtha, who will start with some context setting on environmental regulation in Australia, outline the government's Nature Positive Plan and how the proposed new nature positive laws form one piece of the larger reform agenda. James will then explain how the proposed new laws are designed to work and how they compare to our existing laws. After the presentation, we'll run a question and answer session with our panel. Please feel free to submit your questions during the presentation by using the Q&A button on the bottom of your Zoom window. Questions will go directly to our team who will provide them to our panel for the question and answer session. At the end of the session, I'll briefly outline where you can find more information and how you can submit any further written comments to me and my colleagues. We are recording this webinar and

it'll be published on the department's website in the coming days. I'll now introduce my colleague, James Tregurtha, who's going to present our update today.

James Tregurtha: Thanks, Mahani. I too would like to thank everyone for joining us today. Let's move into our overview of Australia's proposed new Nature Positive laws.

Slide 4: Environmental regulation in Australia

00:01:53,070 --> 00:03:40,653

James Tregurtha: Environmental regulation in Australia occurs through the combined actions of national, state and territory, and local governments. The role of the Australian Government in environmental regulation is focused on matters of national environmental significance. These are those parts of Australia's environment and heritage that are most important and that Australia has made international commitments to protect and conserve. Australia's national environmental law is called the Environment Protection and Biodiversity Conservation Act, commonly referred to as the EPBC Act. The EPBC Act makes sure that nationally significant animals, plants, habitats and places are identified, and any potential significant impacts on them are carefully considered before changes in land use or new developments are approved.

I work at the Department of Climate Change, Energy, the Environment and Water, which is responsible for implementing the requirements of the EPBC Act. The department's role includes listing nationally significant matters and implementing the environmental assessment and approval processes that are required by the EPBC Act. Most activities regulated under the EPBC Act are also subject to state and territory or local government laws. We work closely with state and territory governments on environmental regulation, including to help reduce duplication where state and territory responsibilities overlap with our own.

The EPBC Act is not the only national law in the environment space, and the department is not the only national authority. Another Commonwealth entity that also regulates the environment is the Great Barrier Reef Marine Park Authority, for example.

Slide 5: Nature Positive Agenda

00:03:42,630 --> 00:05:04,323

James Tregurtha: Australia's proposed new Nature Positive laws are only one piece of a much larger puzzle. The Australian Government is working to protect and restore the natural environment through a

Nature Positive Agenda, including a goal of preventing new extinctions of plants and animals and protecting 30% of Australia's land and seas by 2030. The Nature Positive Agenda is a suite of actions, programs, projects, laws, policies, reforms and on-ground direct activities targeted at addressing the drivers of environmental decline and creating circumstances in which nature can thrive.

The Nature Positive Agenda has three fundamental objectives, protecting more of what's precious, managing nature better for the future, and repairing more of what's already damaged. Achieving a nature positive Australia requires delivery of priority reforms and initiatives to alleviate the pressures that are creating environmental decline. This of course requires collaboration and partnerships across governments, industry, communities, First Nations peoples, and the international community. These groups all have critical roles to play.

Slide 6: Nature Positive Plan

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James Tregurtha: On the 8th of December last year, the Minister for the Environment and Water, Tanya Plibersek, released the Nature Positive Plan: Better for the environment, better for business. The Nature Positive Plan sets out the Australian Government's commitments to strengthen our environmental laws and start to create the framework for a nature positive Australia where we protect and repair nature. This is the largest change to Australia's national environmental laws since the introduction of the EPBC Act in the year 2000. The reforms will ensure our national environmental laws are outcomes-focused and nature positive. Regulatory processes will be simplified and streamlined to better protect, restore, and manage nature and de-risk projects for business.

Since the Nature Positive Plan was released in December last year, we've been working to deliver a package of new environmental laws for introduction to the Australian Parliament. The existing EPBC Act is complex and there've been many detailed issues to work through to make sure the new laws work better for the environment and for business and industry.

Slide 7: The 9 Matters of National Environmental Significance (MNES)

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James Tregurtha: The existing EPBC Act protects nine matters of national environmental significance. These are nationally threatened species and ecological communities, migratory species, wetlands of

international importance, often called Ramsar wetlands after the international treaty under which these wetlands are listed. World Heritage Properties, National Heritage places, Commonwealth marine areas, the Great Barrier Reef Marine Park, protection of the environment from nuclear actions, and water resources in relation to impacts from coal seam gas development and large coal mining development, which you may previously have heard referred to as the water trigger.

The new environmental law will protect these same nine matters. However, there are two changes. Firstly, the nuclear actions protected matter will be updated to better reflect the radiation management standards set by the Australian Radiation Protection and Nuclear Safety Agency. Nuclear actions will now be referred to as radiological exposure actions to better reflect contemporary terminology. Secondly, the water trigger will be expanded to ensure the appropriate management and protection of water resources from all forms of unconventional gas, including coal seam, shale, and tight gas developments, where they significantly impact on a nationally protected water resource.

Slide 8: National Environmental Standards

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James Tregurtha: New laws will enable the Minister for the Environment to make National Environmental Standards. These standards will improve environmental protections and guide decision-making by setting clear expectations for regulated activities. National Environmental Standards will ensure that decisions under the new laws contribute towards a nature positive Australia.

Six National Environmental Standards are currently under development. These standards will form part of the legislative package proposed to be introduced to the Australian Parliament next year. Firstly, the Standard for Matters of National Environmental Significance will set clear and strong protections for our nationally important matters. The Standard for Restoration Actions and Restoration Contributions will set out how developers must compensate where significant impacts on protected matters are permitted, either through a direct restoration activity or by making a payment to the Australian Government. It also provides the framework for how the Australian Government must use those payments for environmental restoration. Next, the Standard for First Nations Engagement and Participation in Decision-making will ensure early engagement with First Nations peoples to enable their views and knowledge to be considered in project design and regulatory decision-making. A Standard for Community Engagement and consultation will ensure effective community contribution to environmental decision-making. The Standard for Regional Planning will establish requirements for new

regional plans to be made under the new laws. And finally, the Standard for Data and Information will set requirements for information used in environmental decision-making.

The National Environmental Standards will be made by the Minister for the Environment once the new laws are passed by the Parliament. National Environmental Standards will be subject to review every five years and cannot be changed to reduce environmental protection, only to increase environmental protection.

Slide 9: Other key changes

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James Tregurtha: There are other key changes in the proposed new Nature Positive laws that relate to climate change, community engagement, conservation planning, and unacceptable impacts. For climate change, developers will be required to provide an upfront estimate of the domestic greenhouse gas emissions associated with projects seeking approval, prior to that approval. Developers will also need to explain how these emissions will be managed in accordance with any relevant state and Commonwealth legislation, including the baseline set by the Australian Government's Safeguard Mechanism under the National Greenhouse and Energy Reporting Act.

The information that developers outline will be made publicly available, and for projects covered by the Safeguard Mechanism, relevant information will also be sent by Environment Protection Australia to the Minister for Climate Change to support climate accounting and reporting. In addition, landscape scale assessments under the new Nature Positive laws such as strategic assessments, will need to build in adaptation and resilience measures to address future climate change impacts.

Community engagement under the new laws will be front loaded. That is, developers will be encouraged to conduct community engagement early on in project development so that community feedback can be considered in project design. Community engagement requirements will be managed at multiple levels, directly in the new laws, in the National Environmental Standard for Community Engagement and Consultation, and in new policy and guidance documents. Improved community engagement and increased transparency across the new system will make it easier for the community to understand and contribute to environmental decision-making by the Australian Government. Information about assessments and decisions will also be published on Environment Protection Australia's website.

Since the EPBC Act came into effect in the year 2000, the threats to Australia's biodiversity have changed and grown with more species and ecological communities threatened with extinction. Extreme events such as the 2019/20 Australian bushfire season, commonly known as the Black Summer Bushfires, have highlighted the urgent need for conservation planning that can adapt to rapidly changing circumstances and threats. Existing arrangements for individual species can be heavy on process and paperwork, which can be difficult to keep up to date. The Australian Government is committed to delivering on-ground protection and recovery outcomes for protected species and ecological communities by ensuring they are supported by fit-for-purpose effective conservation planning.

The reformed conservation planning system will be more agile to address the latest threats and take account of the latest science. It will also be accessible to guide priority threat abatement and recovery investment and actions where they are needed most to halt biodiversity decline. Importantly, conservation planning will be informed by the best available expert information, including independent advice from the Threatened Species Scientific Committee, as well as First Nations peoples, ecologists, and other scientists, and other stakeholders. Changes to conservation planning approaches will include consolidating information into a single recovery strategy for each protected species and ecological community with strong regulatory standing in environment impact assessment processes, and a modernised data management platform that makes it easy to search for and access digitised plans for protected species and ecological communities. This will enable organisations, developers, communities, and governments to target protection, threat management and recovery actions at any scale. For example, at a regional, habitat, or ecosystem type, threat, or species specific scale.

Lastly, unacceptable impacts. The new Nature Positive laws will define unacceptable impacts for nationally protected matters. Actions with unacceptable impacts will not be approved by our new regulator, Environment Protection Australia. Unacceptable impacts will include, for example, impacts that would significantly reduce the viability of a listed species or ecological community and its ability to survive in the wild, or that cause irreversible damage to one or more values of a World Heritage property such as damage of a scale or intensity that would cause the heritage values to be lost or unable to be recovered, or cause irreversible damage to the ecological character of a Ramsar wetland.

Slide 10: Environment Information Australia

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James Tregurtha: The Australian Government has established Environment Information Australia within the Department of Climate Change, Energy, the Environment and Water. Environment Information Australia's role is to ensure Australia's available environmental data reporting and analysis is available and used to support decision-making. Environment Information Australia will ensure data is contemporary, accessible, searchable, interoperable, and of high quality. Better data will support our ability to prioritise actions that will protect and restore our environment. The new laws will create an independent statutory officer as the head of Environment Information Australia. This officer will have clear responsibilities and powers to ensure independent and trusted reporting on the environment, including improving data availability, analysing trends, and monitoring progress towards Australia's national environmental goals.

Consistent reporting and analysis underpinned by regularly updated and publicly accessible data and information will help us to know if Australia's on track to meet our national environmental goals. This includes reporting on our progress towards achieving nature positive outcomes. Our national environmental goals include things like protecting and conserving 30% of Australia's land and 30% of Australia's marine areas by 2030, achieving net-zero emissions by 2050 and working towards a circular economy. State of the environment reporting will be underpinned by environmental economic accounts and be informed by the best available science and First Nations knowledge.

Slide 11: Environment Protection Australia

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James Tregurtha: The Australian Government will also establish Environment Protection Australia, a new independent national environmental protection agency. It will take the politics out of decision-making and act as a tough cop on the beat. Environment Protection Australia will enforce national environmental laws and operate with greater independence and transparency to restore public confidence in Australia's environmental protection system. The Minister for the Environment will be able to issue Environment Protection Australia with a public statement of expectations but will not otherwise be able to direct the agency.

Environment Protection Australia will be a separate statutory Commonwealth entity with its own budget led by a chief executive officer. It will make transparent decisions on environmental permits and approvals under national environmental laws based on high quality data. It will also conduct compliance and enforcement to ensure accountability in regulated activities affecting nationally protected matters.

And it will be responsible for providing independent oversight of decisions made under accredited arrangements.

The final design of Environment Protection Australia is being informed through consultations with stakeholders and partners, including with state and territory governments. The Minister for the Environment will retain responsibility for direction setting and Australian Government policy under national environmental laws. This includes the determination of nationally protected matters, whereas Environment Protection Australia's role will solely focus on regulation.

Slide 12: What will EPA's assessment process look like?

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James Tregurtha: One of the key regulatory functions of Environment Protection Australia will be assessing applications for environmental approvals under the proposed new Nature Positive laws. These laws will replace the referral and assessment process that operates under the existing EPBC Act. Under the EPBC Act and the new Nature Positive laws, actions that may have significant impacts on nationally protected matters require environmental approval. While this requirement will remain the same under the new national environmental laws, it will be the CEO of Environment Protection Australia that will make the approval decision rather than the Minister for the Environment.

The new assessment process will be simplified and streamlined to deliver better and faster decisions whilst safeguarding Australia's unique environment. It will do this by removing prescriptive, outdated, and contradictory processes, having a single streamlined assessment process rather than five different pathways, supporting developers by providing better upfront guidance, being outcomes focused, providing new information systems, and, through Environment Information Australia, access to better data to better support decision-making by developers and across national, state and local levels of government, strengthening cost recovery for assessments and approvals and updating arrangements, and requiring developers to demonstrate upfront that they have made reasonable efforts to avoid and mitigate impacts to protected matters. Only then can a restoration action or a restoration contribution be used to compensate for any remaining permitted impacts and improve the environmental outcomes for the protected matter.

There are three core steps in the new assessment pathway. The first step like now is self-assessment, much like under the current processes. In this step, a developer will familiarise themselves with the National Environmental Standards and other legal obligations. In these early stages of project

development, a developer will design their project, and in conjunction with early community consultation, refine that design to ensure consistency with the National Environmental Standards. Once satisfied their proposal is consistent with Standards, the self-assessment will be able to be finalised and the developer will lodge their application through Environment Protection Australia's application gateway. Environment Protection Australia will then have up to 60 business days to assess the application and decide whether the application can be approved or refused. If the application is approved, this can be with or without conditions.

Some developers will decide through their self-assessment that they're not going to have a significant impact on a nationally protected matter, but may still want legal certainty that an approval is not required. In these circumstances, a low impact pathway will be available. Under this low impact pathway, the developer will still undertake a self-assessment, but once they're satisfied there are no significant impacts to protected matters, the developer would then lodge that application through the Environment Protection Australia application gateway.

In this case, Environment Protection Australia have 20 business days to assess that application and determine whether or not the proposed action requires approval. If Environment Protection Australia determine the action does not have any significant impacts on protected matters, no further action is required. If however, Environment Protection Australia decided an approval was still required, the developer will then need to move into the standard assessment pathway, ensuring they meet the associated requirements for an approval.

The new assessment pathway also includes a ministerial call-in power. This power will allow the Minister for the Environment to call in and to make approval decisions that would otherwise be made by Environment Protection Australia. Decisions made by the minister will still be supported through environmental assessment undertaken by Environment Protection Australia and the minister will still need to make decisions in accordance with legal requirements. When calling in a decision, the minister will be required to publish both their reasons for calling in the decision and the basis for the decision on whether to grant an environmental approval.

Where there is an urgent need to conduct an activity that would ordinarily require environmental approval, and this is in the national interest, a national interest exemption can allow it to proceed without environmental assessment. The national interest exemption will be tightly and clearly defined in the legislation.

Slide 13: Other decision-making streams

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James Tregurtha: Consistent with the current EPBC Act, there are a few alternative processes that can be used to secure an appropriate authorization to undertake an action that impacts on nationally protected matters. The first of these is regional planning. Governments will be able to work together to enable better, faster environmental decisions and better outcomes for nature at a landscape and seascape scale, including through addressing cumulative impacts. Regional plans will improve protection and restoration of priority conservation areas and provide clear guidance for project proponents about their environmental obligations in areas that are appropriate for development.

Improved strategic assessments are another option. As currently under the EPBC Act, strategic assessments will provide for a landscape scale assessment of a range of similar actions. The improved strategic assessments will have greater flexibility, clearer ongoing responsibilities for approval holders, and better oversight through Environment Protection Australia. Regional planning and strategic assessments provide for consideration of the cumulative environmental issues and developmental pressures at a landscape scale.

Slide 14: What is staying the same?

00:26:23,010 -->00:27:29,373

James Tregurtha: Broadly, the responsibilities of the Australian Government and those of states and territories, including in relation to the nine matters of national environmental significance, will remain the same. The Australian Government, through Environment Protection Australia, will continue to regulate the environmental aspects of imports and exports including native wildlife, hazardous waste, chemicals, and certain waste products.

Places of national and international importance protected under national laws, such as World Heritage areas, will still be protected and managed in much the same way. Developers will still need environmental approval under national environmental laws where they have significant impacts on nationally protected matters, and they will still need to undertake self-assessment of likely environmental impacts to decide whether approval is required. The government will keep working with stakeholders and the community to continually improve our systems and processes.

Slide 15: Nature Positive Plan: Key outcomes

00:27:32,640 --> 00:30:44,130

James Tregurtha: The Nature Positive Plan aims to better protect, manage, and restore Australia's environment. Better outcomes for Australia's environment and heritage will be reflected in our new laws in several ways. We're protecting more of what matters most, hard protections for critical protection areas of habitat essential for the survival of species. We're making sure the environment is better off with each project with Nature Positive outcomes for each project regional plan, which is a really important contribution by the regulatory system towards a nature positive Australia. We're also increasing trust and holding ourselves to account through Environment Information Australia with greater transparency on how we're tracking on nature positive outcomes nationally, regionally, and at a project level, and by creating an independent Environment Protection Australia.

The changes set out in the Nature Positive Plan will also be better for business and industry. We're giving a much faster pathway to an approval for businesses. This could save potentially years of assessment time if businesses design their projects well by avoiding critical protection areas and not having impacts that would lead to the extinction of a species. We're also de-risking projects by providing clear direction on which areas to avoid, plus upfront engagement by Environment Protection Australia on project proposals. This will give business greater certainty that if you design your project well, you will get a quick yes well within 60 business days. We deconflicted key development areas for renewable energy, critical minerals, and housing development as well using regional plans developed collaboratively with states and territories to provide businesses and communities with clarity on conservation and development priorities for key areas around the country.

Finally, delivering improved accountability and transparency in national environmental decision-making is key to the success of the proposed new laws. The reforms deliver this by establishing Environment Protection Australia as an independent environmental regulator, establishing Environmental Information Australia to improve the quality and accessibility of environmental data and information. Ensuring consistent transparency and engagement requirements are applied across the breadth of decisions under the new laws. Ensuring statutory committees have clear roles under our new environment laws as well. This includes enhancing the Indigenous Advisory Committee's role. And finally, clarifying requirements for consideration of social and economic matters in decision-making. That concludes my presentation for this afternoon, and I'll now ask Mahani to step in and take us through next steps.

Slide 16: Next Steps

00:30:44,130 --> 00:32:04,863

Mahani Taylor: Thank you, James. Well done. The Australian Government is now conducting a rolling consultation process for the new laws. This webinar is just one part of that. Consultation on the detail of the new national environmental laws began in October, 2023 with experts from more than 30 groups, including environment, business, and First Nations representatives, who were invited to carefully examine the detail to make sure the new laws will be as effective as possible. These webinars provide you with an opportunity to find out more about the reforms and to ask questions. We will also be accepting any comments you may have about the reforms through the Have Your Say platform, accessed through the Nature Positive Reform website.

Our rolling consultation will continue into next year so that all Australians have the chance to hear about the new laws and have their say before introduction into Parliament next year. After the package of new laws is passed, there will be a transition period before the laws take effect. During this time, we'll continue to work closely with those affected to get everyone ready, including publishing lots of information on what the changes mean and how to prepare. If there are any elements of the reform that you're particularly interested to hear more about, please suggest these through the comment function on Zoom or through the Have Your Say platform.

Slide 17: Questions and answers

00:32:06,630 --> 00:32:34,953

Mahani Taylor: We'll now move into a question and answer session, and I think we have close to an hour for that. You can use the Q&A button on the bottom of your Zoom window to enter questions which will be sent through to our team. We are conscious there are lots of people online and I know there's a lot of questions already, and we will try and get to as many questions as possible. Our team may also group questions where they cover similar issues. If we don't address your question today, you're welcome to submit comments to the team via Have Your Say.

(No slide) Question and answer session

00:32:36,210 --> 01:25:12,360

Mahani Taylor: Our panel today consists of James Tregurtha, who you've heard from already, and Ilse Kiessling from our biodiversity area. I'll be reading out questions provided to you for our panel. So we

will move on to our first question. One for Ilse maybe, to give James a break. Why are we moving from recovery plans to recovery strategies?

Ilse Kiessling: Thanks, Mahani. Well, under the reforms, we will be maintaining strong protection for our threatened species and ecological communities in Australia. We will be enhancing those protections by creating recovery strategies, and what this means is that we will be consolidating all of the conservation planning documents that we have at the moment. This includes things like conservation advice and recovery plans. We will be bringing all of those together into recovery strategies. We will be putting those recovery strategies in a data platform so that they will be much more easily found, easily searched. We will be able to aggregate those recovery strategies in any way that we choose to, whether it's at a landscape scale, at a species scale, at a threat scale. Any other way that we might choose to, we will be able to search through them and understand where the commonalities and the differences might be and how we better protect our species and ecological communities.

The other important part of the recovery strategies, and I think James mentioned this in his presentation, is that these recovery strategies will be much more easy to update and it will be much easier for us to be able to take account of new information. And that's because we will be presenting those recovery strategies in a modular way, there will be individual sections that we can update as new information becomes available. So these recovery strategies will give us better information to support protection, they will also be much more accessible to people to be able to understand how they can avoid impacts on species, and they will be much more agile in terms of responding to the new threats and to new information.

Mahani Taylor: That's fantastic. So even better than recovery plans. All right. Next question, one for James. When are these new laws going to start ?

James Tregurtha: Thanks, Mahani. So, maybe the best way to answer that question is to say that there's two parts to that question. The first is of course that the new laws need to be passed by the Australian Parliament in order for them to come into effect. So it is the intention of the Australian Government to introduce the new laws into parliament at the earliest possible opportunity next year. Once those laws have been introduced to the parliament, clearly it's then a matter for parliament to determine when and how those laws are passed by the parliament or indeed whether or not there are any changes required by the parliament to those laws. Once the laws have been passed, there will be, and it's usual with

reforms of this nature for there to be a transition period between the old laws ending and new laws coming into effect.

So the package that is presented will incorporate a transitional timeframe between the laws being passed and when they actually commence. This will be a number of months in order for the department and the government to undertake the necessary work to ensure that all of the various settings are in place, to ensure that we liaise effectively with all of our stakeholders, both industry and community, to ensure that everything is set and ready to go before the new laws commence. So what that means is there will be a period in which there is an opportunity to ensure that guidance and policy documents are in place and to ensure that everyone understands and is ready for new laws. Communication and consultation will be a key part of that period as we work our way around all of our stakeholders to ensure that there is a strong understanding of the obligations and requirements under the new laws and what is changing and what's staying the same. So of course I can't give you an exact timeframe or date, but certainly, that will be the process that we will go through in order to commence the new laws.

Mahani Taylor: Thanks James. So a period between the passage of legislation and when the act commences and a lot of ongoing consultation and engagement during that time. Thank you. All right. Could you confirm that the federal responsibilities aren't changing in relation to protecting our environment?

James Tregurtha: So I think as I set out in my presentation, the nine matters of national environmental significance will stay the same. I did mention there would be two adjustments, one to the nuclear trigger, to ensure that there's a high degree of consistency between Australia's nuclear regulator, ARPANSA [Australian Radiation Protection and Nuclear Safety Agency], and the department's regulatory processes. And then the second change, both of which are set out in the Nature Positive Plan, is that the water trigger is to be extended to all forms of unconventional gas in addition, as presently to large coal mining and coal seam gas.

Mahani Taylor: Okay. So largely the remit of our act isn't changing substantially.

James Tregurtha: Correct.

Mahani Taylor: All right. The next one, which we were anticipating would come up. Why isn't there a climate trigger and how would greenhouse gas estimates then be used to inform decision-making on proposed actions under the new laws?

James Tregurtha: That's one for me. So in relation to nationally protected matters, as I've just mentioned, the government has decided to retain the nine nationally protected matters as the core regulatory component of the new laws. The Australian Government has introduced the Safeguard Mechanism that means polluters have to reduce pollution so that Australia can meet its Paris Agreement targets, and that is the key mechanism through which the Australian Government will be using to deal with climate change. I should point out that Nature Positive reforms do have a number of climate change aspects related to them. So as I think you have mentioned, the first of which is that any developers proposing a project for approval through national environmental law will be required, as I think I said in my presentation, to nominate the expected amount of emissions associated with their project.

They will then be required to also set out how those emissions are intended to be managed in line with existing Australian Government and state government regulations and legislation. Where those facilities are captured by the Safeguard Mechanism due to the size and nature of those facilities, the Minister for the Environment will be required to provide the advice they receive on those projects through to the Minister for Climate Change to ensure there's an accountability pathway from that perspective as well. In addition to this, the climate change considerations will be required to be built into strategic planning and regional planning under the EPBC Act.

So any landscape scale approaches in relation to the regulation on nationally protected matters will be required to assess climate scenarios and ensure that appropriate mitigation and adaptation of climate related aspects is built into those plans. And finally, through Environment Information Australia, we are expecting that far more climate information will be brought together in one place and provided easy access to both regulatory decision makers, both at the Commonwealth level, but also state and territory level.

Mahani Taylor: Thanks James. All right, I think this one is possibly a good one for both of you. How will the new laws protect endangered species such as koalas?

James Tregurtha: Do you want to start [Ilse]?

Ilse Kiessling: Thanks James, maybe I will start on that one. So the new laws will continue to protect all of our listed threatened species and ecological communities. We mentioned that in that last question that came to me. We are going to be strengthening our protections for species like koalas. Koalas are a listed threatened species in this country. So we will have recovery strategies that will be in place for

koalas and other threatened species. We will also have a range of other measures that are available under the proposed reforms that will give protections to these species. The recovery strategies are at the heart of the protections for species in ecological communities because they spell out the biology of the species, why the species has been listed and protected under national environmental law. They also describe the threats to species, they will describe all of the recovery actions and management actions that need to be taken to ensure that not only the species survives, but they actually thrive in the wild.

We don't want to have threatened species. We want to be able to, at some point in time, to be able to actually recover species so they come off the threatened species list. So recovery strategies are at the core of the protections because they really detail the specific requirements for our individual species as well as our ecological communities. But there's a host of other reforms that we are wanting to bring into place that will give protection to species and are other matters of national environmental significance too.

James Tregurtha: So I might jump in there as well, Mahani. So from a regulatory perspective, it's also important to note that the new laws will introduce this concept of unacceptable impacts. So for example, if there was to be identified an area of habitat that was determined to be critical to the ongoing survival of the koala as a species in the wild, then that could be determined, may well be recorded in the recovery strategies that Ilse is talking about, but certainly would be able to be taken into account in decision-making where Environment Protection Australia would then be able to say that area is of such significance that no impacts would be permitted to that particular area of habitat, whether that's for the koala or any of the many other threatened species that are currently listed at the Commonwealth level.

So there is an architecture in relation to the new regulatory system that does provide some additional protections for particularly threatened species. Likewise, the requirement to be nature positive through the regulatory system will mean that where there are impacts on habitat, through necessary development, whether that's housing, critical minerals, Australia's transition to renewable energy infrastructure, it will be a requirement of those impacts where they are permitted to deliver a nature positive outcome through things like offsetting actions or contributions through a payment system in order to ensure that overall there will be a net gain for those threatened species, as Ilse was describing.

Mahani Taylor: Thanks James. So a suite of measures with recovery strategies at the heart there. Thank you. All right, we've got a series of questions on the EPA, and so I'll go through those in turn. The first

question, would it be fair to say that the biggest change here is that the approvals for the most part will lie with the EPA as opposed to the minister?

James Tregurtha: Certainly that is one very significant and major change in relation to the new system. The introduction of an independent Environment Protection Australia as the key regulatory decision maker will absolutely be a large change in relation to how the system operates. We are hoping there will be confidence that that independent decision maker supported by the much better data and transparency arrangements that's a requirement through Environment Information Australia, will be in a position to make clearer and frankly make more quick decisions in relation to nationally protected matters. So that is a very big component of the reforms. It's not the only one. The critical protection areas that Ilse and I were just discussing is of course another very big new part of the reform package, but certainly that is a very big component of it.

Mahani Taylor: Thank you. And so, how will the national EPA or Environment Protection Australia differ from the existing state EPAs, apart from the name?

James Tregurtha: So I think it's important to recognise that while states and the Commonwealth both have responsibilities for environmental regulation, they are actually quite different. So in relation to the Commonwealth, as I mentioned at the start of my presentation, the Commonwealth is particularly focused on matters of national environmental significance where we have agreed with the states and territories that some things are of such high importance that we should take a national view on protecting those things. Equally, environmental impacts that involve Australia's border are also things that need to be managed by the national government due to the relationships we need to have with other countries in relation to environmental assessment and approval.

So I think it's fair to say that the EPA at a federal level, Australian Government level, will focus on nationally important matters and will focus on the import and export of materials that either have an environmental impact such as hazardous wastes and other waste identified waste products, or the import and export of materials, and or species and animals that are important parts of Australia's, and frankly other countries as well, national environmental laws. So Australia is a signatory to something called CITES, which is the Convention on International Trade in Endangered Species. Ilse will tell me if I've got that wrong.

And as part of Australia's obligations under that particular international convention, we work with other countries to minimise the illegal trafficking of wildlife across international boundaries. That's clearly an

Australian Government responsibility and one we take very seriously. State and territories on the other hand, and the EPAs in state and territories are far more concerned with the operation of environmental protections within their state boundaries. They also do a range of far broader environmental aspects and regulation given the nature of those governments. Also, state governments are generally responsible for planning in their jurisdictions, which is why, for example, in doing regional plans, we will be working with state governments in terms of those areas. So it's a slightly different focus. Also, the other thing to note about EPAs at a state and territory level is they are also a key regulator at a state and territory level of the air quality and pollution and chemicals management in those jurisdictions as well, which is again slightly different to the federal government's role. I hope I've answered the question there.

Mahani Taylor: I think so, James. So really, that our Environment Protection Australia will be reflecting the jurisdiction that we have as Australia's legislation, as opposed to the states who have a different role in terms of that legislation. Excellent. Last EPA question. Why does the minister need the power to call in applications from the EPA, and how will we avoid this compromising the EPAs independence?

James Tregurtha: That's a great question. So I think it's important to recognise that as the democratically elected official and appointed Minister for the Environment, the Minister for the Environment is ultimately, at an Australian Government level, the person who bears responsibility for delivering the Australian Government's environmental policies and outcomes. So it's very important that they ultimately remain capable of exercising their responsibilities, and this was something that was reflected in the recent review of the EPBC Act as well. So, from an accountability perspective, it's very important that the Minister is still able to exercise that particular capacity. It's also the case that there inevitably in environmental regulations are circumstances in which you do come up against issues where social and economic outcomes, some of which are of vital importance to the nation, come into conflict with environmental outcomes.

So whereas the Environment Protection Australia will be Australia's independent environmental regulator, it's still important for the Minister for the Environment to be able to turn their mind to those issues where inevitably those two, the objectives of social and economic outcomes come into conflict with the environment. Whether that is through approving a regional plan would be another example where built into the revised EPBC Act there is the capacity for the minister to use a vehicle like that to deconflict between development and the environment, because those decisions are often very difficult. So as a result, the judgement was made that there needed to be the capacity for the minister to do that.

But in terms of accountability, when the minister determines to do that call in power, it will be entirely public. So the decision to call a particular project in will be publicly notified and made available, including, we expect probably through Environment Protection Australia's website denoting that one of those projects had been called in, and then the decision pack from the minister making the decision on those projects will also be made publicly available when the decision is made. So, through those two mechanisms of transparency, we consider that there will be a high degree of public oversight in relation to those projects that are called in, and indeed the reasons for which they are called in.

Mahani Taylor: Thanks James. And of course, the minister's decision will also be based on the Environment Protection Australia's assessment, which will also be made available. Fantastic. Ilse, I think we've got one for you. In relation to the 30 by 30 commitment, how was 30% determined as the amount of natural environment to be saved?

Ilse Kiessling: I'm going to need to also work with James on this one because 30 by 30 isn't entirely within my area of responsibility. What we do know is that 30% relates to 30% of Australia's land area and indeed our ocean area as well. Exactly how we get there, I'm going to be looking to James to help me on that one.

James Tregurtha: So thanks, Ilse. So the determination of the 30% figure, that is a figure that has come out of international discussions around the conservation of the environment and biodiversity globally. So there have been a number of global discussions in things like the Convention for Biological Diversity, which is a convention to which Australia is a party, that have determined that at a minimum, 30% of lands being either protected or managed for the environmental outcomes is the minimum necessary to ensure the ongoing health and the ongoing availability of the environment and the ecosystem services that the environment provides for Australians and globally, to ensure that they are available both now and for future generations. In terms of what that means as a figure, there are a number of different... As I said, it's not just protected areas, so of course all of Australia's protected areas would count towards that 30%. And indeed in the marine area, through the creation of Australia's marine park network a number of years ago, Australia is I think already ahead of that 30% figure in the marine environment.

In relation to land-based environment, one of the things that gets recognised there in addition to, as I said, national parks and other protected areas, whether they're protected by the Commonwealth or by state governments, the other thing that's managed is other environmental areas that may be privately held or held by other non-government organisations, but are managed for environmental outcomes. So

those bits of the land that are managed to improve Australia's environment, even if they are productive land as well, can still qualify as other measures that contribute towards Australia's objective of getting towards 30% protection in both the land and the sea environment.

Mahani Taylor: Fantastic. Thank you both. All right. Next one. Will the recovery plans be legally binding?

Ilse Kiessling: I think I can pick that one up. So thanks, Mahani. Recovery strategies will be legally binding in part. Well, as I said earlier, our recovery strategies will be in modules, and so there will be a module of the recovery strategy that will be called a protection statement. That protection statement is actually introduced under law. The decision on that protection statement is made by the minister through government, and that protection statement will outline very clearly where there would be unacceptable impact on a species or a threatened species or an ecological community.

The remainder of the recovery strategies will be very important guidance in terms of how decision makers can protect species in ecological communities, how developers can avoid impacts on species in ecological communities, and the recovery actions that are needed to protect species and recover their populations. But it's the protection statement that has the strongest guidance and in fact has the legislative guidance in terms of where the unacceptable impacts on species and ecological communities would be. The minister must take into account the entirety of the recovery strategy, but must not act inconsistent with the protection statement element of the recovery strategy.

Mahani Taylor: Thanks. And of course, that goes for the EPA as well.

Ilse Kiessling: Certainly does.

Mahani Taylor: Fantastic. All right. Another one we knew would come up. How and when will Standards apply to regional forestry agreements?

James Tregurtha: So, thank you for the question. And in relation to regional forestry agreements, the Nature Positive Plan was very clear when it said that the manner and timing of the application of National Environmental Standards to regional forestry agreements would be undertaken in consultation with industry. So, as we work through the reforms to the EPBC Act and particularly regional forestry agreements, which many of the viewers would understand are given effect through a separate law administered by the agriculture, fisheries and forestry portfolio, but that then creates an exemption within the current EPBC Act. The commitment in the Nature Positive Plan, as I said, was to consult with

industry and stakeholders in order to effectively determine how and the timing of the application of Standards to regional forestry agreements.

Now, we have of course been working on developing National Environmental Standards, as I ran through in my presentation, and we're at a stage now where we are working with our colleagues in the Department of Agriculture, Fisheries and Forestry to determine the best mechanism to come out and consult with industry to do just that. So the question of when will they apply and how will they apply is yet to be finalised, but that's entirely consistent with the manner in which the Nature Positive Plan committed to take that particular measure forward.

Mahani Taylor: Thank you. Okay, we have a number of questions and interest about community engagement in approvals processes. So the first question, I've got three. How will community engagement and consultation work within the Standard [National Environmental Standard for Community Engagement and Consultation]?

James Tregurtha: So, the manner in which the new system will operate, again, as I said in the presentation, is that first and foremost, the system has been designed as a self-assessment system. What that means is anyone who wants to take an action that might have an impact on a nationally protected matter will have to work in terms of designing their project and developing their EPA application to ensure they meet National Environmental Standards. The idea there is that the National Environmental Standards will therefore set a framework of obligations and responsibilities that provide the direction about what's needed to be complied with in order for you to be able to make a valid application to the new Environment Protection Australia. In relation to community consultation, what that will mean is that Standard we anticipate will set out the formal obligations that need to be addressed by a proponent in order for them to be able to demonstrate clearly to Environment Protection Australia that the obligations of community consultation have been met through that self-development, self-assessment process.

So I can give you an example. The community consultation [Standard] will set out things like how long information should be made available for, the forms and the nature of making information available to the community to therefore ensure that the community broadly is able to have knowledge of and access to the proposals that will affect them and make sure that there is an opportunity for feedback to be provided in a number of different formats. The Community Consultation Standard will then oblige the

person proposing to take the action to review comments they receive through that consultative process and to respond to them.

So if you like, as the material moves through that system towards submission to Environment Protection Australia, what will be required to happen is all of the comments that are received in relation to a particular proposal will need to be packaged up and provided to Environment Protection Australia together with an assessment of those comments and how they have been addressed in the proposal, whether prior to or after the consultation taking place. All of that material will then be published by Environment Protection Australia on receipt. So there will be clear community visibility, public visibility of all of the comments that have come in and how they've been dealt with as that particular activity moves through the assessment and approval process in Environment Protection Australia.

Mahani Taylor: Thanks. So the Community Engagement and Consultation Standard is primarily for proponents or developers of projects. So they are obviously responsible for some consultation. The next question is, who else will be responsible for consultation?

James Tregurtha: So in relation to a couple of things there, so as I said, the Environment Protection Australia will be publishing all of the applications that they receive. And so, Environment Protection Australia has a clear role in ensuring there is community visibility in relation to proposals. One of the key things that will happen is in relation to proposals that propose to go through the low impact pathway, which is effectively an analogue of our existing referral system, for any viewers who are familiar with the environmental assessment and approval system. In those circumstances, when that application is received by Environment Protection Australia, Environment Protection Australia will publish that particular application for comment to the community so the community will be able to respond to and or react to what is being proposed in terms of activities that are thought not to be significant. So if there were some particular concerns, they would be able to be provided through to Environment Protection Australia.

The third limb of consultation, which is also important, is the chief executive officer of Environment Protection Australia will also be empowered to seek information they consider necessary to inform where they consider information is necessary, and it's part of a rule set that is a requirement in order to be able to make an effective decision in relation to approving a potential impact on a nationally protected matter. They will also be able to reach out to relevant experts to receive that information as

well, thus adding to the suite of information that is available to the decision maker when they make their decision.

Mahani Taylor: Thank you. So a lot of opportunities for consideration of public comments during an assessment and approval process. The third question that we had was in relation to how did a community member know how their questions are being considered, but I think you already answered that, and that would be published, the response by the proponent to those consultations. All right, next question. How will existing recovery teams fit in with the new laws?

Ilse Kiessling: Thanks, Mahani. That's a good question. So for everybody who's watching, just to make sure that you're aware that there are existing conservation planning documents in place for our threatened species and ecological communities. We have talked about that a bit already. And a really important part of the implementation of those existing recovery plans and conservation advice is recovery teams, our recovery teams. There is a recovery team for many species, not all of our listed threatened species, but for many species, and they have a really important role to play in helping implement that conservation advice and recovery plans and making sure that we are really protecting our biodiversity on the ground. Our recovery strategies, it will still depend on good implementation.

In fact, we will be wanting to support better implementation through our recovery strategies by providing more information, by providing better guidance, by providing better access to information to groups like recovery teams. So recovery teams will continue to be extremely important in the implementation of protections for our species and ecological communities, and we look forward to working with recovery teams into the future. Unfortunately, we continue to have more species being added to the threatened species list, and so we would anticipate that where there is interest from community and from organisations to form recovery teams, that we will be supporting the development of those recovery teams with the recovery strategies.

Mahani Taylor: Fantastic. The more people working for conservation, the better. That's fantastic. Right, next one, who's responsible for delivering regional plans and strategic assessments? Can proponents do this or does it have to be government?

James Tregurtha: Well, that's a great question, and thank you. So a couple of things perhaps I'll start with regional plans and then move on to strategic assessments. So with a regional plan, the responsibility for delivering them, there's probably two parts to that question. The first is who develops one, and then the second one is, how is it managed? So the development of a regional plan will be done

through an agreement, as I think I mentioned in my presentation between the Commonwealth and the relevant state or territory government for the territory in which the region is located, unless of course the region was to be entirely within a Commonwealth area, in which case the Commonwealth Government could do one on its own. That is the case in the marine environment often, where the Commonwealth marine parks are an example of where the Commonwealth would do that on its own.

Largely though, the Commonwealth will work with states and territories, and indeed, Minister Plibersek signed an agreement with Queensland in December last year to develop three regional plans. And there is an example of where the Australian Government is working with states and territories to develop regional plans. Once those plans are developed, we expect they will have a rule set associated with them. And then, in relation to managing the plan, it's more likely that either the state or the Commonwealth or a combination of them will manage entry of particular developers into the space covered by that regional plan. But importantly, compliance and enforcement could also be undertaken by either jurisdiction, and in the case of the Commonwealth, that compliance and enforcement would be undertaken by Environment Protection Australia, who will be the Commonwealth's key environmental regulator and have that compliance and enforcement function.

So in summary, developed by states and the Australian Government together, managed by states and or the Australian Government depending on the type of regional plan and the agreements that's reached, and then in fact completing the trio, and enforced by both states and the Commonwealth Government. And in the Commonwealth's case, it would be Environment Protection Australia. Strategic assessments are slightly different because a strategic assessment is essentially a large landscape scale approval at the Australian Government level of a suite of similar actions. So that might be a range of different housing development proposals. Equally, it could be a range of different proposals in another sector.

The way strategic assessment will work is that all of those activities are brought together through a plan. The development of the plan is the responsibility of the entity that is proposing to do a strategic assessment. So this is a vehicle that is already available under the current EPBC Act, and in the past, the Commonwealth has approved strategic assessments with both state and territory governments. So there are strategic assessments, for example, with New South Wales and Victoria. Equally, the Commonwealth has also approved strategic assessments with private companies. For example, BHP has a strategic assessment operational in Western Australia.

So the responsibility for developing the plan and program rests with the entity that is proposing to do a strategic assessment. The assessment is undertaken by Environment Protection Australia, who would make a recommendation to the minister given the strategic nature of these particular vehicles. The approval for those strategic assessments will be undertaken by the Minister for the Environment on the advice of the Environment Protection Australia. And then, as with regional plans, the Commonwealth's regulator in relation to compliance and enforcement with that strategic assessment is Environment Protection Australia's compliance and enforcement arm.

Mahani Taylor: Thanks, James. That's a very comprehensive answer for a very complicated system. Regional plans being new and strategic assessments already existing in the act. All right. One for Ilse, I think. Is there still going to be a focus on threat abatement and feral species management?

Ilse Kiessling: Thanks, Mahani, what an important question that one is. So one of the most fundamental ways that we can protect our biodiversity is through threat abatement, and one of the biggest threats to our biodiversity is our feral animals and invasive weeds. And so we have to continue threat abatement, we have to continue managing our invasive weeds as well as our feral animals in order to have any sort of protection for our threatened species and ecological communities. So, threat abatement will be a really important part of our future reforms. We are looking at all sorts of improvements to our recovery strategies, as we have talked about. We are also looking at improvements to our threat abatement plans. And so, under the current EPBC Act, we have a process that allows for key threatening processes to be listed and for threat abatement plans to be developed in response to those key threatening processes.

We will continue that under the new legislation, and so that we will continue to have threat abatement plans, but we also want to make sure that they are stronger and give better guidance about how to direct action around those threats. So we see the recovery strategies and the threat abatement plans really working in tandem in the future in much stronger ways than they currently do, and that threat abatement being very fundamental to the way that we are approaching protections. And I also might just add that threat abatement plans are not the only way that we would be pursuing responses to threats. We would also be describing threats to individual species and threats to ecological communities in each of the recovery strategies, and that's one of the reasons why we want to make sure that there is much stronger links between our recovery strategies and our threat abatement plans and that we may taking a much more systematic and landscape scale approach to threat abatement.

Mahani Taylor: Fantastic. So safe to say it hasn't been forgotten in the new act.

Ilse Kiessling: Not at all.

Mahani Taylor: All right. This is a good one. How will these laws be enforced and monitored? Will there be a Standard [National Environmental Standard]?

James Tregurtha: So, thanks for that question. In relation to the enforcement and monitoring, I think as I was just saying in my previous answer, that Environment Protection Australia will assume the Commonwealth Australian Government's primary environment compliance and enforcement role. It will have a clear responsibility as the independent regulator to ensure that Australia's new national environmental laws are being complied with. It will also have the capacity to of course receive complaints or questions from the community in relation to compliance and enforcement issues that are raised with it. Generally, what would happen is as the independent regulator, it would be up to Environment Protection Australia to determine how to intervene and what action to take in relation to any of the matters raised with it. So that is very much one of the reasons for having that independent organisation to make judgements around the nature and priority of investigating and then intervening in relation to the application of the new laws. I don't know that I've completely answered the question though.

Mahani Taylor: Will there be a Standard [National Environmental Standard]?

James Tregurtha: Will there be a Standard? Thank you. That was the other part. So in relation to a Standard, the Nature Positive Plan does mention the potential for a Compliance and Enforcement Standard, but the Compliance and Enforcement Standard, the way the Nature Positive Plan conceived of that was to wait until the Environment Protection Australia entity was stood up as an entity in its own right, because the advice to the minister in making a Compliance and Enforcement Standard, we wanted that to be strongly informed by the new independent regulator before it was brought into being. So I guess you can say that there is currently an intention to make a Compliance and Enforcement Standard, but not in this first initial set of Standards, but rather once the Environment Protection Australia is up and running.

Mahani Taylor: Fantastic. Thank you very much. All right, one for Ilse, I think. Critical habitat has an existed and accepted meaning. Will the new critical protection areas protect all critical habitat or something different?

Ilse Kiessling: Thanks, Mahani. Critical habitat is something that is in scientific literature. There's all sorts of definitions and ideas about what critical habitat might be. Critical habitat is also in the current legislation in different ways. We actually refer to critical habitat in a few different parts of the legislation. And so, there is a few different ways that we define it under the current laws. In the future, under the new legislation, we will be identifying critical protection areas. Now as I've said, there's a few different ideas currently about critical habitat and how we actually define critical habitat and so on. But what we want to do under the new legislation is to bring that together, to consolidate that and to have a consistent way that we approach the definition of critical habitat. So these critical protection areas will be defined and identified through a scientific process.

They are all about understanding the biology of the species and the habitat needs of a species, and they are areas that are fundamental, indeed critical to the survival of a species. We don't anticipate that the current definitions of critical habitats will be exactly the same under the new legislation. So there is not a direct translation, and as I say, that's largely because we've actually got a few different ways that we are approaching critical habitat at the moment, so it would be difficult for us to transition all of those. We want to make sure that we take a consistent approach, that we take a very scientific approach and that we are very sure of the information that we are presenting because ultimately, those critical protection areas that will be described and mapped in our recovery strategies, they will be the areas where we know there cannot be any unacceptable impacts.

If there are unacceptable impacts, that would lead to a catastrophe essentially for those species or ecological communities. And so, we need to be sure of the information and we need to be very consistent in the way that we approach those areas because they have a very important meaning and they are very strong in terms of the way that they protect species.

Mahani Taylor: Thank you. And what we currently call critical habitat won't be lost of course, in terms of that information being available in those recovery strategies.

Ilse Kiessling: Absolutely not. That's a really good point to emphasise, Mahani, that the way that we currently approach critical habitat areas and all the information that's gone into the descriptions of critical habitats that we have in our recovery plans at the moment absolutely won't be lost. What I was wanting to try and emphasise here is that we want to bring all of that together and in fact strengthen and make a much more consistent approach to that. So none of it is lost, it is actually improved.

Mahani Taylor: Fantastic, thank you. All right, next question. How will Environment Information Australia improve the information available to environment assessments?

James Tregurtha: That is a great question. Thank you. I might field that one. So, one of the things that, as I think I said in my presentation, that Environment Information Australia is working on now and will be part of the package, is a Data and Information Standard. So the first way in which Environment Information [Australia] will improve the information is by the development and release of that Standard together with technical guidance. So underneath that Standard, Environment Information Australia will produce technical guidance that will also inform the manner in which we are able to, when I say we, I mean the regulator, the department, state and territory governments, are able to have confidence in the quality and the currency of the data that's provided to it. So frankly, I think everyone knows there is so much data and information around being able to quickly determine the high quality robust data that when you receive it and knowing when you receive it, being able to use it quickly is going to be essential in order for Environment Protection Australia to get its environmental decisions right.

So a lot of that information will come through the work that is done by developers in terms of developing their applications and demonstrating how they have avoided, mitigated or have dealt with impacts on their particular sites. But also, equally there will be data held by Environment Information Australia that will be pertinent, and understanding the quality of that data will be critical. The second thing I'd say is one of the other responsibilities of Environment Information Australia of course, is to ensure accessibility to environmental data as well. So ensuring that we have a mechanism through which all of the regulators, not just Environment Protection Australia, but frankly nationally, so within states and territories as well, have immediate instant access to that data and understand how robust it is and how current it is to be able to compare it with information that is being provided to it by the community or indeed through an assessment and approval application, will be critical to enable Environment Protection Australia to make the most robust and best possible regulatory decision.

Mahani Taylor: Thank you. And of course that information, as much as it's available, will be also available to developers and proponents and community in fact. So, can't argue with better data. All right. Next question. Will the new laws allow approval of fossil fuel projects?

James Tregurtha: So as now, the new laws won't distinguish between the nature of a project that is being presented to Environment Protection Australia, or in the current case, under the EPBC Act for

approval. So applications will be able to be made across a range of sectors that would include fossil fuel projects. The key difference of course, those projects will be subjected to, like all others, will be subjected to the new regulatory arrangements, one of which is the obligation to notify the emissions profile of projects in relation to domestic emissions. And then, as I mentioned in my presentation, or I think maybe in an answer to a previous question, the Minister for the Environment will be obliged where those projects are captured by the Safeguard Mechanism to ensure that that information is then provided on to the Climate Change Minister, to ensure that minister, and through the Safeguard Mechanism, has full information in relation to the emissions profile of those particular projects. But other than that, they will progress through the regulatory system like any other project.

Mahani Taylor: All about the impact of course.

James Tregurtha: Indeed.

Mahani Taylor: Thank you. All right, next question. What are some examples of cases where environmental approval is not required? That could be for either of you.

James Tregurtha: Yes, indeed. So an example of a case... So the simplest answer to that question would be where there is no significant impact on a nationally protected matter. So there is a range of activities that happen across Australia every day where the impact of the action doesn't affect one of our, and this goes to the previous question as well, it is only where an activity is likely to have a significant impact on one of the nine nationally protected matters that it is required to get assessment and approval under this pathway. So if through self-assessment it is determined by a proponent proposing to take an action that there will not be a significant impact on a nationally protected matter, it won't require approval. In the new law, there will be an additional consideration, which will be to ensure that there are no unacceptable impacts which go to the critical protection area and recovery strategy. So ensuring there are no impacts on a critical protection area, and then no significant impacts on a nationally protected matter otherwise. Those projects won't require national environmental approval by Environment Protection Australia.

Another example might be that if you have a regional plan in place, it might be that, well, in the case of a regional plan, we anticipate those plans will set out the obligations for development within that regional planning zone. In those circumstances, the developer won't need a separate approval by Environment Protection Australia as long as they are captured by the actions in that regional plan, so they are one of the actions that regional plan is in place for and they followed the whatever, I guess, rule set, for want of

a better term, is built into that regional planning instrument. So that is another example of where an individual assessment and approval would not be required, but there is still a mechanism in place to ensure that there is a nature positive outcome from that action overall.

Mahani Taylor: Thanks James. And of course, those smaller projects or those ones where they don't trigger our national environmental law are likely to be subject to state or territory or other local laws.

James Tregurtha: Many of them, absolutely.

Mahani Taylor: Excellent. All right. Gosh, we are getting towards time, so we would like to acknowledge there are lots more questions on the chat that we haven't had time to answer today. We've got one last question for today before we will have to wrap things up, but we will have all that information and we look forward to reading and receiving it all, and thank you for those questions. So the last question. Will the recording of the meeting, including the Q&A session, be shared with participants?

James Tregurtha: So, yes is the short answer to that question. So what we will be doing is the recording of this session, both the presentation and the Q&A session, will be made available on the department's website where I think all of you probably registered to participate in today's session. That will be available there. There will also be a link on that website to the Have Your Say facility. As Mahani has already said, we know there are a lot of questions that we were not able to get to today, but certainly we would love to hear the questions and comments indeed on the new system from everyone participating today. So there will be a link to that facility off that website as well.

Mahani Taylor: Fantastic. So to finish, thank you very much firstly to our panel. So thank you to James and Ilse for surviving that interrogation by me. And thank you very much for everyone who attended online today.

Slide 18: Thank you

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Mahani Taylor: Please visit the EPBC Reform webpage, at the link that's now displayed, for more information about the reforms. And as I mentioned earlier, and James did, comments can be submitted through the Have Your Say portal, which is available through the EPBC Act Reform webpage. Thank you very much for your attention. Thank you.

<Webinar close>

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