



**CONSERVATION
COUNCIL** ACT REGION

Submission to the Inquiry: the *Environment Protection and Biodiversity Conservation Amendment (Reconsideration of Decisions) Bill 2024*

October 2024

The Conservation Council ACT Region is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future for our region. We harness the collective energy, expertise and experience of our more than 40 member groups to promote sound policy and action on the environment.

We campaign for a safe climate, to protect biodiversity in our urban and natural areas, to protect and enhance our waterways, reduce waste, and promote sustainable transport and planning for our city. Working in the ACT and region to influence governments and build widespread support within the community and business, we put forward evidence-based solutions and innovative ideas for how we can live sustainably.

At a time when we need to reimagine a better future, we understand that the changes we need will only happen with the collective support of our community.

For further information please contact:

Thank you for the opportunity to comment on the *Environment Protection and Biodiversity Conservation Amendment (Reconsideration of Decisions) Bill 2024* (the Bill).

We do not support the Bill. The Committee should recommend that it not pass the Parliament.

The reconsideration provisions in Division 3 of Part 7 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) relate to whether an action that is referred is a controlled action, nothing more. Contrary to a view put by Senator Colbeck in his second reading speech¹, these provisions do *not* allow for approvals to be reconsidered. Section 78(3) of the EPBC Act refers.

Reconsideration requests are only considered in limited circumstances, i.e., where substantial new information becomes available, or where there is a substantial change in circumstances.

The reconsideration provisions are an important safeguard in the event new information or circumstances demonstrates the:

- adverse impacts of the action will be reduced so that they are not likely to have a significant impact, or will be prevented in their entirety, or
- adverse impacts of the action are likely to be significant, contrary to earlier findings, or
- action is likely to have different or additional significant impacts or controlling provisions to those previously considered or identified.²

The reconsideration provisions are entirely appropriate.

Third parties do not abuse this review opportunity. A review of notices on the EPBC Act Public Portal³ shows: Since the EPBC Act commenced, 260 proposals have been referred by proponents seeking to take actions in the ACT. To date, five reconsideration requests have been determined. Of these decisions, *none* have resulted in a new controlled action decision, and *none* have resulted in a controlling provision being added.

Rather than proposing the weakening Australia's national environmental laws, we suggest all parties strengthen them by delivering urgently needed improvements.

¹ https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansards/28066/0098/hansard_frag.pdf;fileType=application%2Fpdf

² <https://www.dcceew.gov.au/sites/default/files/documents/epbc-act-policy-reconsideration.pdf>, pp. 9-10

³ <https://epbcpublicportal.awe.gov.au/all-notices/>