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**Submission to the Australian Government Productivity Commission in regards to:
Investing in cheaper, cleaner energy and the net zero transformation, Interim
report.**

The comments in this submission specifically focus on concerns regarding the push to expedite approvals under the EPBC Act. Comments are provided under each bolded section extracted from the interim report.

Section 2 Speeding up approvals.

In this section, specific mention is made regarding the EPBC Act being the cause of significant delays in approvals. The EPBC Act is designed to protect environmental entities that are considered of National significance. In some cases, approvals will not be possible because the damage to these entities is considered too great. Delays might therefore be necessary, and the longer the delay, the greater the indication that the development is on a site which is environmentally inappropriate. Any push to “reduce delays” or “speed up approvals” is likely to be undermining the very purpose of the Act.

The existence of unspoilt areas (e.g. mountainous forested terrain or natural semi-arid vegetation complexes), especially those containing State or Federally important species and habitats, is now becoming increasingly rare. Protecting these from renewable developments (which cause fragmentation, weed invasion and a trajectory of further development due to the “opening up” of the country) is extremely important. The damage done by these developments is not dissimilar to that caused by some extractive industries. The EPBC Act needs to be used in the same way for renewables as it is used for other developments, there should be no exceptions.

Draft recommendation 2.1

The Australian Government should reform environment laws to expedite approvals for clean energy projects and better protect the environment. The reforms should:

• *introduce national environmental standards*

Carefully constructed National environmental standards could be beneficial to the environment. However, any national environmental standards should include State-

level environmental matters including State-listed threatened species and communities.

• *facilitate regional planning, particularly within renewable energy zones, with stricter statutory deadlines for assessing projects in ‘go zones’*

Regional planning is crucial to choosing more environmentally appropriate sites for renewable developments. Maps of “Go zones” should require producing maps of “no go zones”. These should include environmental no go zones that are created by State and Federal government employees with high-level credentials in vegetation mapping and threatened species science. Development of maps of environmental no go zones need to take into account:

- Known and likely distribution of State and EPBC-listed threatened plants and animals.
- Known distribution of State and EPBC listed vegetation communities
- As assessment of condition of native vegetation using a combination of on-line resources and expert opinion surveys by groups of scientists or experts familiar with each bioregion or biome. The aim would be to produce a detailed map of native vegetation condition (including likely extent of weeds) across all areas likely to be targeted for renewables projects. Starting points are:
 - CSIRO Habitat Condition Assessment of Australia
<https://research.csiro.au/biodiversity-knowledge/projects/hcas/>
 - Queensland Herbarium Spatial Biocondition
<https://www.qld.gov.au/environment/plants-animals/biodiversity/spatial-biocondition>

However, the above condition datasets are in early stages of development, and do not yet incorporate accurate information regarding ground layer integrity (degree of weed invasion and disturbance in the ground layer). This is where expert opinion should be harnessed to refine these maps to outline areas of each ecosystem which are known to be in excellent condition (ie relatively unchanged since European settlement).

• *provide accessible, high-quality information about the environment and past assessment decisions*

Agree this is essential.

• *make offsetting arrangements more efficient, such as by enabling developers to meet their offset obligations by contributing to an Australian Government offsets fund*

Offsets are increasingly becoming the key to the continuation of the fragmentation and degradation of our dwindling natural areas. They are very rarely of any actual benefit to the environment. It should be made very clear to the Australian public exactly how offset funds are to be used. There are very few or no uses of offset funds which provide adequate compensation for the clearing or fragmentation of native vegetation. Native vegetation in good condition, once cleared or fragmented, can rarely be restored to its original condition due to the complex and insidious nature of weed invasions and soil structural and compositional changes.

The use of offsets for the “compensation” of threatened species and community loss in highly intact tracts of unspoilt vegetation should simply be halted altogether. In the situation where the proposed development area is in heavily fragmented and degraded vegetation, offsets are perhaps more acceptable. The vast majority of offset funds should be used for the purchase of Freehold or Leasehold property for permanent protection from mining and development under National Park tenure. This is the only way to ensure long-term protection from future development.

Because damage to native vegetation by clearing and fragmentation usually results in permanent irreversible damage, only a small proportion of offset funds should be used for activities which have short-term or questionable benefits such as:

- Research into threatened species.
- Control of weeds or feral animals on similar properties.

Therefore any proposed Australian Government offsets fund structure and administration must first go through a rigorous assessment by scientists and environmental experts, and a draft be made available for the general public to review.

• *set clear expectations about engagement with local communities and Aboriginal and Torres Strait Islander people.*

Agree this is essential.

Draft recommendation 2.2

Set up a specialist ‘strike team’ for priority projects

The Department of Climate Change, Energy, the Environment and Water should set up a strike team focused on priority renewable energy projects. The strike team should:

- ***be adequately resourced to ensure all priority projects can be efficiently assessed under the Environment Protection and Biodiversity Conservation Act 1999 (Cth)***

It is essential that they should also assess all projects under the relevant State legislation for the protection of threatened taxa and vegetation communities at the State level.

- ***integrate environmental and clean energy expertise***

Environmental experts should include representation from all States. It should include people with qualifications in landscape ecology, botany, geomorphology, zoology and conservation ecology. This is required to ensure that experts have thorough understanding of the true environmental impacts of the proposed developments.

- ***be issued with clear expectations, tools and escalation procedures***

They should also be issued with clear directions that they have a duty of care to the Australian environment, and that addressing climate change impacts such as carbon-dioxide emissions are not the entire solution to protecting biodiversity. Maintaining integrity of complex natural ecosystems and protection of dwindling habitats and “wild remote places” is core to the public’s perception of environmental protection. Their satisfaction with measures to “save the planet” are strongly linked to enjoyment of these places or to the knowledge that they exist.

Therefore “escalation procedures” should also apply to escalation of accumulating information (including new research) to provide thorough, science-based information in order to avoid significant irreversible damage to ecosystems, species and highly intact areas.

- ***work with state and territory counterparts to reduce duplication and share information and expertise.***

Agree this is essential.

Draft recommendation 2.4

Consider the energy transition in approval decisions

The Environment Protection and Biodiversity Conservation Act 1999 (Cth) should be amended to require the minister to consider the needs of the energy transition when deciding whether to approve an energy project that will have a significant impact on a matter of national environmental significance.

I strongly disagree with this recommendation. The EPBC Act is there to protect the environment from unacceptable damage regardless of the purpose of the development. If the damage is too great, the development should take place somewhere else.

Draft recommendation 3.4

Give the Climate Change Authority responsibility for monitoring, evaluation and learning regarding adaptation policy

They should have ultimate authority, however the responsibility for monitoring, evaluation and learning should be done in collaboration with State governments where specialist environmental expertise is more likely to reside.

Thankyou for the opportunity to provide this submission

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