

Statement of Concern

I'm seriously concerned by the reforms proposed in the Productivity Commission's interim report *Investing in Cheaper, Cleaner Energy and the Net-Zero Transformation (2025)*. Though these changes are being sold as improvements to efficiency, they would significantly weaken the legal and constitutional protections that safeguard Australia's nationally significant environments.

Two key proposals are especially troubling:

- Replacing EPBC Act triggers with national environmental standards – This would remove the hard legal triggers that currently require federal environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act), replacing them with softer, less enforceable policy standards.
- Creating a centralised delivery agency or Coordinator-General – Centralising approval powers in a single agency is intended to speed up project approvals, but it risks sidelining independent, evidence-based decision-making in the process.
- Expanding bilateral agreements to devolve decision-making to the states – While framed as a way to reduce duplication, this approach risks weakening national oversight and creating inconsistent protection standards across jurisdictions. Matters of genuine national environmental significance require nationally consistent safeguards—not a fragmented, state-by-state approach.
- Introducing fast-track or “priority” pathways for major projects aligned with Net-Zero goals – These pathways would allow certain projects to avoid the full assessment process required under the EPBC Act. The result is a system where economic and energy-transition objectives are allowed to override environmental due diligence.

Taken together, these proposals represent more than just administrative reform—they undermine the foundations of Australia's national environmental law. Specifically, they:

- Undercut Part 3 of the EPBC Act, which defines and protects matters of national environmental significance;
- Weaken Sections 136 and 391, which set out clear legal requirements for evidence-based and transparent decision-making; and
- Threaten the public participation, transparency, and legal standing provisions that are essential for accountability and trust in environmental governance.

These changes are not technical adjustments—they are a fundamental rollback of legal protections that were put in place to ensure environmental decisions are made with integrity, independence, and in line with Australia's international obligations.

If adopted, these reforms would significantly weaken the legal protections that safeguard biodiversity, cultural heritage, and ecosystem health. They would also limit opportunities for genuine community input and constrain the ability of courts and regulators to enforce accountability.

Given the scale of what's at stake, these proposals demand close scrutiny. Policymakers, stakeholders, and the public must insist on strong, enforceable safeguards that uphold the protective intent of the EPBC Act—and ensure that the push toward net-zero does not come at the expense of Australia's environmental integrity.