

INQUIRY SUBMISSION: Investing in cheaper, cleaner energy and the net zero transformation

I am a fourth-generation pastoralist in Central Queensland.

Our 142 year old family property is listed on the State Heritage Register and in the past four decades of having to deal with both fossil fuel and renewable energy projects on our land, and neighbouring properties, I have seen many different viewpoints, and experienced various iterations of government legislation (local, state, and national).

I feel that any streamlining of existing development approval processes (whether it be for net-zero, or not) is an irresponsible plan.

I would like to respectfully submit that reforms proposed by the Productivity Commission in their report “Investing in cheaper, cleaner energy...etc.” be rejected in their entirety, for reasons outlined below:

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is a constitutionally grounded statute, enacted under the external affairs power (s 51(xxix) of the Constitution), and serves as Australia's legislative implementation of binding international environmental treaties such as the UNESCO World Heritage Convention, which on its foundation in 1972 established the [Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage](#)..¹ **(Note the UNESCO emphasis on “National” protection of sites of importance).**

Australia's EPBC Act mandates that all actions likely to significantly affect Matters of National Environmental Significance (MNES) must be referred, assessed, and approved under a Commonwealth process that considers the best available scientific advice (s 136), applies the precautionary principle (s 391), and is subject to public participation and transparency obligations (s 74).

The EPBC Act is enforceable and reviewable, with public standing provisions (s 487), strict approval conditions, and remedies under both the Administrative Decisions (Judicial Review) Act 1977 (Cth) and s 75(v) of the Constitution.²

The Productivity Commission's Interim Report, *Investing in Cheaper, Cleaner Energy and the Net Zero Transformation (2025)*, sets out a suite of policy reforms that would substantially alter the operation of Australia's environmental regulatory framework, particularly the EPBC Act.

These proposals would directly interfere with EPBC Act obligations. The proposed replacement of statutory triggers with environmental standards is not supported by law.

The proposed reforms would unlawfully impede decision-makers, diminish public rights, and expose approvals to jurisdictional error.

¹ Another International Treaty example being The **Convention on Migratory Species (CMS)**, also known as the [Bonn Convention](#), which is a United Nations environmental treaty that Australia is signatory to. It has threefold areas of importance:

Cross-Border Cooperation: Migratory species often travel across national borders, requiring collaborative conservation efforts that a single country cannot achieve alone. **Habitat Connectivity:** The convention helps ensure that habitats along migratory routes remain connected and healthy.

Threat Management: By addressing threats to migratory animals and their habitats on a global scale, the CMS contributes to their long-term survival.

² Dr A.S. Smith, Submission to the Productivity Commission. Dr Smith is an Environmental Research Strategist with a PhD focused on building resilience, wellbeing, and capacity in crisis-impacted communities. Her work spans environmental systems analysis, strategic planning, and advocacy, with a strong focus on protecting Australia's unique habitats and biodiversity

Proposed fast-tracking, coordinator models, and “priority lanes” risk unlawful sub-delegation and lack of impartiality in decision-making, especially where infrastructure delivery and environmental approval functions are merged. Declination of Federal oversight through bilateral agreements, already discredited in previous Parliamentary and judicial findings, would erode the Commonwealth’s ability to uphold its international treaty responsibilities and apply consistent national protections. In other words, the Productivity Commission proposes to weaken national oversight of projects that potentially impact MNES.

For existing examples of the adverse consequences of weakened oversight, look at the unlawful approval of the Nathan Dam, or the Ministerial override of scientific advice in the Yeelirrie uranium case, to international disasters like Deepwater Horizon and Mount Polley - the evidence is unequivocal. Deregulation does not create certainty. It creates risk, litigation, and irreversible harm. The EPBC Act has repeatedly prevented such outcomes and must be fortified, not dismantled.

The bizarre narrative that “environmental laws are slowing down Net Zero” is unsupported by empirical data, as confirmed by independent audits and global evidence. Delays are usually due to proponent error, incomplete scientific baselines, or deficient community consultation - not a result of the EPBC Act.

Net zero initiatives must avoid destroying critical habitats because these ecosystems store vast amounts of "irrecoverable carbon," support biodiversity, and are essential for climate resilience. Damaging these natural systems undermines the goal of net zero itself by releasing stored carbon, reducing nature's ability to absorb future emissions, and jeopardizing human well-being, as societies depend on healthy ecosystems for food, water, and economic stability. **Therefore, transition plans must prioritize protecting and restoring nature, rather than sacrificing it for quick carbon offsets.** ³

The reforms proposed by the Productivity Commission are not legally neutral. They are not simply administrative refinements.

They constitute a direct challenge to the binding effect of Part 3 of the EPBC Act, to the mandatory decision-making framework set out in sections 136 and 391, and to the public participation, transparency, and standing provisions that are foundational to the Act’s legitimacy.

The Commonwealth must reject the Commission’s recommendations in full and recommit to the statutory integrity of the EPBC Act.

Environmental protection is NOT an obstacle to Net Zero; instead, it is, and should always be, its legal foundation.

³ Conservation International - <https://www.conservation.org/priorities/stabilizing-our-climate-by-protecting-and-restoring-nature#:~:text=Irrecoverable%20Carbon,of%20irrecoverable%20carbon%20by%202030>.