12 November 2025

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

**Joint submission into the inquiry into the Environment Protection Reform Bill 2025 and six related bills**

We write with a joint submission on behalf of the Smart Energy Council and the Clean Energy Council. Together, our two organisations represent Australia's clean energy and renewable technologies sector — a broad coalition of businesses, developers, investors, manufacturers, and professionals involved in renewable power generation, energy storage, grid infrastructure, and emerging low-emissions technologies. Our members span the entire clean energy supply chain, including solar, wind, hydro, battery and hydrogen industries, as well as installers, retailers, and service providers supporting the transition to a net-zero economy.

We have prepared this submission at the request of the Committee and in advance of our anticipated appearance at a Committee hearing on 14 November 2025. The submission is being prepared on short notice. We would like to reserve our right to put in a further submission as the Committee continues its deliberations on the Bill.

## Executive Summary

In summary we provide cautious support for the legislative package put forward by the Australian government. We note that we still in the process of fully understanding the implications of key provisions of the bill, including and especially those around unacceptable impacts and how decision making will occur under the proposed regime. However, we regard the bill as a positive step forward for environmental law reform which has proven difficult for the Australian parliament to progress for many years now. In short, we believe this proposal is better than the status quo.

We also wish to explicitly acknowledge the consultative and cooperative manner that the Minister, his department and his office has taken to these reforms. We believe they are genuinely trying to reach agreement and consensus in a very difficult policy area which has eluded previous governments. We also acknowledge steps the Australian

government has taken to support renewable energy projects seeking federal environmental approval, including developing a National Priority List of Renewable Energy Projects and the Renewables Environmental Research Initiative.

However, we believe that more could potentially be done to assist renewable energy projects move more rapidly through federal environmental approval, while still protecting nature. To this end we suggest that the Government consider drafting a National standard making power explicit to the renewable energy sector. This would enable us to work with the Australian Government to design a possible regulatory scheme that might enable arrangements for renewable energy projects, given their national importance and the volume of applications in the system.

## Environment Protection Reform Bill 2025

We have addressed the thematic elements of this Bill and provided individual comments on each matter.

**National Environmental Standards**

We support the Government's amendments to introduce the power to make National Environmental Standards, including outcome-based standards for Matters of National Environmental Significance (MNES) that apply to all decision-making processes. We also support the non-regression principle contained within the Bill.

We urge the Government to undertake further detailed consultation with stakeholders and industry as it develops these standards. While we do not intend to comment on any standards already released for initial review, we emphasise that careful consideration must be given to ensuring an appropriate balance between the legitimate pursuit of objectives such as the mitigation hierarchy and avoiding provisions that are unwieldy or unworkable in practice. We acknowledge the good-faith discussions that have occurred to date — including constructive engagement across industry and with environmental non-government organisations (ENGOs) — and we remain committed to continuing that engagement as this process progresses.

**Unacceptable Impact framework**

We welcome the intent to provide greater clarity in the Bill through the definition of "unacceptable impacts." We support the principle that there should be further precision—either within the primary legislation or through the regulatory framework—to clearly establish the legal definition of such impacts. We would be comfortable for this additional detail to be provided by way of regulation, where appropriate.

We note that the definitions of unacceptable impacts are critical to the decision-making processes of the Minister or the National Environmental Protection Authority (NEPA), should that body be formally legislated. While we have engaged with our members on the terminology used in the Bill, we (and they) have not yet had the opportunity to

conduct a comprehensive analysis of its implications given the short time since the bills have been made publicly available.

Accordingly, while we broadly support the direction of these provisions, we caution that insufficient time has been available to determine whether aspects of the current drafting could create unintended consequences—for example, difficulties for projects that are otherwise of merit and have only limited environmental impact. These potential issues may become more apparent following further review and consultation.

We are also unclear on how the Minister or NEPA will apply the unacceptable impact framework. It is unclear whether unacceptable impact will be applied in the manner of the current threshold "clearly unacceptable" test at referral stage to knock back proposals which should obviously not proceed. It is also unclear whether a proposal which is not unacceptable, and otherwise might comply with the Act, must still be assessed for significant impact in accordance with existing significant impact criteria. Or is it the case, as we understand was originally intended, that unacceptable impact now replaces significant impact? What criteria is to be applied to decision making on proposals that are determined not to have unacceptable impacts to decide whether they are to be approved? Some more information on this from the Australian government would assist proponents better understand what is being proposed in this amendment, which forms the most significant part of the bill.

**Offsets and Restoration Contributions**

We strongly support the proposed reforms to the offset framework, including the creation of a Restoration Contribution arrangement for offsets. We believe the flexibility provided through this mechanism will deliver better outcomes for both business and nature. It enables proponents who may not be best placed to undertake on-ground restoration to discharge their offset obligations through a payment, while allowing Restoration Contribution Holders to deliver landscape-scale restoration. This approach represents a genuine win–win scenario.

We also support maintaining flexibility for proponents who wish to implement their own restoration or offset measures directly. We are generally supportive of the net gain principle although would appreciate further consultation of how it would be implemented, which we understand will occur prior to the introduction of any regulation. For example, it might be difficult if it is applied on a species-by-species basis which is implied by the current drafting in the bill. It may be impossible to achieve a net positive outcome for each species – a better approach would be that nature overall is better off.

In addition, we strongly support the proposed amendments to the Nature Repair Market that would enable biodiversity certificates to be used to meet offset obligations. This reform could again deliver a mutual benefit, allowing proponents to manage their environmental risks more efficiently at the outset of projects. Over time, this could underpin the development of a tradable biodiversity certificate market, encouraging greater investment in biodiversity as a recognised asset class—one that is fungible,

tradable, and capable of driving ongoing private sector participation in nature restoration**.**

**Streamlined Assessment and Approval Pathways**

We strongly support the proposed changes to streamlined approvals and assessments, including the introduction of a power to make binding rulings. These reforms will provide greater clarity, certainty, and efficiency for proponents by enabling consistent interpretation of the law and reducing unnecessary duplication or delay in the assessment process. Binding rulings will also help ensure that both regulators and industry have a shared understanding of key requirements at the outset, improving decision-making and confidence in the system overall.

**Bio-regional planning**

We strongly support the provisions relating to bioregional plans and urge both state and federal governments to fast-track their development and adoption should this Bill be passed. We believe that renewable energy zones (REZs) should be prioritised within the first tranche of bioregional plans, with particular attention given to the integration of transmission infrastructure and its environmental and community impacts.

We note that the former Queensland Government commenced foundational work in this area under its earlier REZ framework, providing a valuable starting point for future collaboration. As industry bodies, we would be pleased to participate—along with our members—in the development of these bioregional plans, ensuring that they are practical, evidence-based, and capable of delivering both sustainable environmental outcomes and efficient renewable energy deployment.

**Strategic and Bilateral Assessments**

We strongly support the changes to strategic and bilateral assessments aimed at creating simpler and more efficient assessment models. These reforms will help ensure that proponents are not required to undertake multiple rounds of evidence gathering when seeking both state and federal approvals for the same project.

We have consistently supported closer integration between state and federal environmental decision-making processes wherever possible. In this context, we also support the principle of single-touch approvals, if there is robust oversight of environmental outcomes, including through the application of a clear and enforceable MNES Standard.

We believe this legislative package strikes an appropriate balance between efficiency and accountability, noting that the finalisation of the MNES Standard will be a critical step in ensuring the system operates as intended.

**Climate disclosure**

We support the Bill's provisions requiring the disclosure of Scope 1 and Scope 2 greenhouse gas emissions, along with other related information and reporting requirements.

**Additional provisions for renewables**

There is an urgent national requirement to bring on more large-scale renewable energy capacity to meet the Australia's goals around electrification and climate change. The Australian Energy Market Operator forecast in its 2024 Integrated System Plan that Australia would need to add approximately 6 GW of utility scale generation capacity each year to replace ageing coal generation. Clean Energy Council's 2024 review noted that in 2024 only 2 GW was commissioned for wind and large-scale solar. It's clear that more needs to be done and our industry stands at the ready to roll up our sleeves.

The Australian government has a target of 82% renewable electricity generation by 2030. We want to meet and beat this target. Measures designed to help us meet the 2030 target require immediate action. As welcome as steps such as bio-regional planning are, they are unlikely to impact in the short to medium-term.

The Australian government has committed to streamline approvals for renewable energy projects under the EPBC Act. This was most recently expressed in Australia's Net Zero Plan. Subject to our caution around definitional changes and decision making expressed above, we understand that the bill should speed up approvals for most projects, where their impact to nature is not unacceptable. However, we remain concerned that, in this bill, the Australian government has not met its long-held desire to increase the speed of renewables approvals. As we understand it, these represent the largest group of projects seeking federal environmental approval.

We suggest that one way the Australian Government could address this challenge is through the creation of a specific national environmental standard for the approval of renewable energy projects. This standard could be limited to renewable energy generation and transmission projects, enabling the Minister to establish a bespoke regulatory regime for such projects by way of regulation.

Such a regime could allow for more flexible evidentiary requirements while still maintaining strong safeguards to ensure that environmental outcomes are not compromised. For example, it could incorporate a template adaptive management framework — a structured yet flexible approach that enables approvals to be granted more efficiently by combining clear upfront commitments with robust ongoing monitoring and compliance mechanisms. This would allow regulators to approve projects even where some uncertainty remains, provided strong adaptive measures are in place to manage risks and ensure continual improvement in environmental performance.

We do not believe these details need to be finalised before the passage of the Bill, and the provisions of the Bill potentially allow for such a standard to be introduced. This will allow for further negotiation and discussion among stakeholders prior to the adoption of any standard by way of regulation.

## National Environmental Protection Agency Bill 2025

We have no strong comment on the National Environmental Protection Agency Bill. Feedback from our members indicates that their primary concern lies with the substance of the laws being applied, rather than with which entity serves as the decision-maker. We understand that other organisations, including the Business Council of Australia, are expected to provide more detailed feedback on the provisions and governance arrangements set out in this Bill.

## Environment Information Australia Bill 2025

We strongly support the provisions of the Environment Information Australia Bill and urge the Senate to proceed with its establishment. A well-resourced and independent national environmental data body is critical to improving the efficiency, transparency, and quality of environmental decision-making.

We also encourage the Australian Government to continue investing in the collection, integration, and public sharing of environmental information, enabling proponents to design projects more efficiently and to avoid or minimise environmental impacts wherever possible. We support transparency and accountability—both to government and to project proponents—through the open publication of environmental data and mapping tools wherever practicable.

## Remaining Charges Bills

We have no comment to make on these Bills.

## Conclusion

In conclusion, the Smart Energy Council and the Clean Energy Council support the broad direction of the Government's environmental law reform package contained in these bills and commend the Minister and Department for their open and collaborative approach. We recognise that the Environment Protection Reform Bill 2025, together with the accompanying legislation, represents a significant step forward in modernising Australia's environmental framework and improving the clarity, consistency, and transparency of environmental decision-making.

We are confident that, with continued consultation, these reforms can deliver both stronger environmental protection and faster, more predictable project approvals—outcomes that are essential for Australia's clean energy transition and for meeting our

national emissions and biodiversity goals. We caution that we still await further feedback on unacceptable impacts and decision-making processes.

At the same time, we urge the Government to prioritise implementation measures that accelerate renewable energy deployment, including the development of a renewable energy–specific environmental standard and the fast-tracking of bioregional planning in renewable energy zones. These steps would ensure that environmental reform directly supports Australia's broader net zero and 82% renewable electricity by 2030 targets.

Our industry stands ready to work in partnership with government, regulators, and environmental stakeholders to make these reforms successful in practice—ensuring that Australia's clean energy future is delivered efficiently, responsibly, and sustainably.

We look forward to the opportunity to further discuss these matters when we appear before the Committee.