



Consultation for Stage 3 – Nature Positive Law Reform

On 16 April 2024 Minister Plibersek announced the progression of Stage 2 legislation to establish Environment Protection Australia, the statutory role of the Head of Environment Information Australia and provide for stronger compliance and enforcement.

The Government is committed to legislating the remainder of the commitments in the Nature Positive Plan. **Consultation with stakeholders will continue to ensure those commitments are delivered effectively in the third stage of our reforms.** This will be followed by release of the new laws for public consultation.

Further consultation is helpful to make sure the detailed policy settings are right, and that any additional policy work required is completed and thoroughly tested with stakeholders. Delivery of the plan will require a bit of cooperation, compromise and common sense from all parties. The Government is putting all these issues on the table for further discussion to encourage stakeholders to reach that compromise.

Consultation on matters in Stage 3 will focus on **six issues** (see below) where there are a wide range of stakeholder views. These issues reflect those topics where stakeholders have raised concerns or have questions about the potential operation of the Nature Positive Plan. They do not necessarily reflect a commitment from the Government to alter any current policy settings.

There will also be opportunities to provide feedback on other matters, including policy and guidance documents required for implementation and matters proposed to be transferred into the new legislation with little or no change.

Assessment and approvals system – consultation focus on: providing clarity and certainty to proponents on requirements for assessments, meeting standards, and which protected matters are under assessment.

- Scope of discretion in EPA decision-making,
- Approach to key foundational settings including: definition of critical protection areas, unacceptable impacts and requirements for avoidance/mitigation.
- Approach to call in and associated Ministerial powers.

Next steps

1. The approach to assessment and approvals will be updated in light of stakeholder feedback, including the outcomes of implementation workshops currently underway.
2. The updated approach will be tested with key stakeholders and further refined through implementation workshops with legal, environmental and industry stakeholders and practitioners.
3. A paper setting out the updated approach will be published to enable broad feedback.



Restoration Contributions – consultation focus will be on ongoing development of implementation arrangements, particularly consideration of updates to the current Offsets calculator.

Next steps

1. Consultation is already underway on the early development of an updated restoration contributions calculator including with peer review of technical aspects from economic and ecological experts as well as states and territories.
2. The updated calculator will be further developed and tested through workshops with end users including industry, environmental consultants and environmental organisations.
3. The draft updated calculator will be published together with the revised Standard for Restoration Actions and Restoration Contributions for public feedback.

Standard for First Nations Engagement and Participation in Decision-making – consultation focus will be on stakeholder testing of the first draft of the standard.

The development of a first draft of the First Nations Standard is close to complete, including clarifying its interaction with the Standard for Community Engagement and Consultation.

Next steps

1. The draft First Nations Standard will be refined with the First Nations Heritage Protection Alliance.
2. The draft standard will be tested with key stakeholders through implementation workshops to ensure:
 - Alignment with processes under cultural heritage law and the *Native Title Act 1993*.
 - Provisions work across different types of tenure, jurisdictions and First Nations representative organisations.
 - Provisions are workable for all types of proponents, including small proponents.
3. The draft First Nations Standard will be published together with other, revised draft standards.

Regional Forest Agreements – consultation focus will be on how to appropriately apply national environmental standards to Regional Forest Agreements (RFAs)

Next steps

1. DCCEEW and DAFF will undertake targeted consultation with relevant state governments, unions, industry and environmental organisations.
2. Government will publish a policy paper on the approach for application of national environmental standards to RFAs and seek public feedback, including the legal mechanism, timing and process.



Exemptions (prior authorisation and continuing use) - consultation focus will be on testing provisions raised by stakeholders aiming to clarify the actions covered by exemptions and when changed circumstances should limit the operation of an exemption.

Next steps

1. Implementation workshops will be held with impacted groups, including farming peak bodies, environmental organisations and states and territories, to refine and clarify the provisions.

Climate Change – consultation focus will be on feedback received on climate-related reforms, including the interaction between environment and climate laws.

Next steps

1. Consultation will be undertaken with a targeted representative group of stakeholders to test their recommendations and requests and determine whether additional analysis may be required to support government decision-making.