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Impact of the Australian Government's 2025 EPBC reforms on Queensland

Senex Energy

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Thank you for the opportunity to provide a submission in response to the Queensland Productivity Commission's inquiry into the *Impact of the Australian Government's 2025 environment protection reforms on Queensland*.

Senex Energy (**Senex**) is a Queensland based world-class supplier of reliable and secure natural gas – committed to delivering essential energy for life. The energy we proudly provide is essential to our modern lives and for the thriving communities we serve. We are also a critical energy provider to Australia's manufacturing industry, supporting thousands of workers who make essential goods – from bricks to plasterboard to glass bottles.

Senex's growth plans to supply Australia's east coast with more domestic gas will require further approvals under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) as well as the *Environmental Protection Act 1994* (Qld).

Senex endorses the submissions made by Australian Energy Producers (AEP) and the Queensland Resources Council (QRC) to the Queensland Productivity Commission's review of the EPBC Act. Senex supports the recommendations outlined in these submissions aimed at delivering a more streamlined, predictable, effective and productive approvals process.

Senex is deeply concerned the 2025 EPBC Act reforms have entrenched many of the very deficiencies identified by the 2020 Samuel Review. Rather than simplifying environmental approvals, the reforms introduced further uncertainty, perpetuate unnecessary duplication and further prolong lengthy and iterative assessment processes. Significant elements of the reforms impose substantial administrative burden, delay project delivery and increase compliance costs without delivering any demonstrable improvement in environmental or biodiversity outcomes.

In circumstances where matters can be robustly assessed through Queensland's established environmental approvals regime, the requirement for additional or substantially similar assessment under the EPBC Act should be unnecessary with experience showing that EPBC approval conditions are largely underpinned or duplicated by existing Queensland frameworks.

Reforms that promote greater accreditation of Queensland's processes, reduce duplicative assessments and streamline approval pathways would maintain high environmental standards while improving regulatory efficiency and productivity outcomes across the resources sector.

The pathway to more affordable gas requires removal of legislation and/or regulatory requirements that are cumbersome, inefficient, or duplicative, particularly where they do not achieve a material reduction in environmental and biodiversity harm. The 2025 EPBC reforms not only fail to address these long-standing issues, but they also actively exacerbate them. The reforms represent a significant missed opportunity to improve regulatory efficiency and will reduce investment, delay new gas supply and deprive both Queensland and the Commonwealth of additional royalty and taxation revenues.

Key areas of concern are detailed in the following sub-sections with case studies cited where available.

Retention of the 'Water Trigger' and duplication of state water assessment processes

The 2020 Samuel Review of the EPBC Act (the Samuel Review) identified significant shortcomings in the operation of the Commonwealth's 'water trigger', noting that it suffers from unclear definitions of the water resources it seeks to regulate, applies only to a subset of projects within specific industries, and creates regulatory inconsistency by excluding other activities that may pose comparable or greater risks to water resources.

The Samuel Review further observed that responsibility for the management of water resources principally rests with the States and Territories and recommended that the Commonwealth's role be refocused to cross-border water resources only. It also recommended removing restrictions that prevent the accreditation of State and Territory assessment and approval processes, provided they meet relevant National Environmental Standards.

Despite these recommendations, the 2025 EPBC Act reforms did not amend the water trigger and continues to mandate that the Minister must obtain advice from the Independent Expert Scientific Committee (IESC) for all unconventional gas and large coal mining referrals.

Within Queensland, groundwater and groundwater users are protected by the operation of the *Environment Protection Act 1994*, and the *Water Act 2000*, with the later specifically legislating for the creation of regional cumulative management areas and associated make good provisions for water bores.

Queensland's Office of Groundwater Impact Assessment (OGIA) is responsible for the cumulative assessment and management of impacts from resource developments on underground water systems. Through its robust groundwater modelling, monitoring and reporting, OGIA underpins the administration of the Commonwealth's Joint Industry Framework (developed using Queensland expertise).

OGIA's expertise guides holistic groundwater impact management across the Surat Basin in particular, and routinely forms the basis of EPBC approval conditions.

The Commonwealth's Joint Industry Framework is itself heavily reliant upon groundwater modelling, monitoring and impact assessment undertaken by Queensland's Office of Groundwater Impact Assessment. The fact that the Commonwealth's preferred assessment framework is fundamentally dependent upon Queensland-generated data and analysis highlights the inefficiency of maintaining parallel approval processes. In effect, the Commonwealth is re-assessing information already generated and validated through Queensland's established regulatory framework.

Accordingly, there is little if any additional environmental protection derived from Commonwealth intervention through the IESC. In practice, the process frequently functions as a duplicative academic review exercise that consumes substantial time and resources while relying heavily on work already undertaken by Queensland agencies. These overlapping requirements are a major source of avoidable delay, escalating compliance costs and prolonged regulatory uncertainty for projects that have already undergone rigorous state assessment.

For example:

1. Senex's Atlas Stage 3 project experienced extensive IESC information requests relating to matters that had already been assessed by Queensland Government agencies, adding six-months to the EPBC approval timeframe.
2. The IESC generally requires two years of baseline groundwater monitoring data particularly in relation to local-scale interactions between alluvium and shallow groundwater prior to a decision being made on a referral. This far exceeds state requirements, which typically require 12 months or less.
3. Removing the IESC baseline data requirement or allowing the State government to be accredited would remove approximately 12 months from the assessment timeframe, and in conjunction with the removal of the above-mentioned duplicative assessments, could almost halve the total EPBC assessment timeframe.
4. Every additional year required to secure environmental approvals delays the timing of more gas supplied to the domestic market, postpones Queensland royalty revenues and Commonwealth taxes, reduces project net present value and weakens investment attractiveness. These impacts are particularly significant for projects supplying forecasted domestic gas shortfalls, where delayed approvals directly affect the market's ability to respond to emerging energy supply constraints.

If the Commonwealth were to accredit Queensland's water assessment processes and recognise OGIA's world-class groundwater modelling, it would reduce unnecessary duplication, shorten approval timeframes and improve consistency between State and Commonwealth regulatory processes.

Such an approach would be consistent with the recommendations of the Samuel Review, which called for the removal of legislative barriers preventing the accreditation of State and Territory bodies for the purposes of the water trigger.

Commonwealth-State Bilateral Agreements represent the greatest productivity opportunity

The Samuel Review identified bilateral agreements and accreditation of State processes as a critical reform opportunity capable of reducing duplication while maintaining strong environmental protections.

Queensland's existing regulatory framework, particularly in relation to groundwater management and cumulative impact assessment, provides a strong foundation for expanded accreditation arrangements.

Despite the financial and resource burden upon the state, Senex endorses bilateral agreements. In particular, Senex considers the removal of IESC's involvement in the assessment of the water trigger as the most effective mechanism available to reduce duplication and improve the efficiency of environmental approvals.

For resource projects such as coal seam gas (CSG) developments, accreditation of State assessment processes would provide substantial productivity benefits through:

- Reduced duplication of technical assessments (particularly groundwater and ecology);
- Reduced regulatory burden on government and industry;
- Improved certainty regarding approval requirements;
- Shorter assessment timeframes;
- Reduced approval costs;
- More efficient allocation of regulatory resources; and
- Faster delivery of projects and associated economic benefits.

Expanding bilateral agreements should therefore be considered a priority reform and represents by far the most significant productivity reform available to both the Queensland and Commonwealth Governments.

Exclusion of fossil fuel projects from the fast-track assessment pathway

Senex is concerned by the exclusion of fossil fuel projects from the 2025 EPBC Act reforms fast-track assessment pathway. The fast-track pathway is specifically designed to improve assessment efficiency where proponents provide high-quality information and can demonstrate compliance with environmental standards. The blanket exclusion of fossil fuel projects from the fast-track pathway is arbitrary, discriminatory and fundamentally inconsistent with a genuinely risk-based assessment framework. It denies proponents access to streamlined assessment solely because of the sector in which they operate, rather than the actual environmental risks posed by a project. The exclusion appears to be driven by political considerations rather than environmental risk, environmental performance or scientific evidence.

The removal of this pathway will adversely affect productivity by increasing approval timeframes, project uncertainty and development costs for CSG proponents. For projects that require substantial upfront investment and long lead times, delays in environmental approvals can defer production, employment opportunities, royalty payments, domestic gas supply and associated economic benefits.

The level of investment in detailed assessments and strong commitment to avoid impacts wherever possible, means CSG projects have small, spatially discrete disturbances. These disturbances are orders of magnitude lower than many other proposed actions (such as large-scale renewable projects) that are not exempted from the fast-track approvals process.

Excluding an entire industry from a supposedly risk-based approvals pathway fundamentally undermines the credibility of the reforms and raises serious questions regarding regulatory neutrality and consistency. Assessment pathways should be determined by the quality of information provided, the nature and significance of

impacts, and the effectiveness of proposed mitigation measures, rather than by the type of industry alone. Well-designed CSG projects that can demonstrate compliance with environmental standards should have the same opportunity to access efficient assessment pathways as proponents in other sectors.

For Queensland, where the CSG industry is a significant contributor to regional employment, state revenues, energy security and export earnings, the removal of the fast-track pathway risks reducing investment attractiveness and increasing regulatory complexity. This may ultimately undermine the productivity objectives of both the Queensland and Australian economies by delaying the delivery of projects that can provide substantial economic and social benefits while meeting rigorous environmental requirements.

Senex believes that assessment pathways under the EPBC Act should be based on project risk, environmental performance and the quality of information provided by proponents, rather than the exclusion of specific industry sectors. This would better support investment certainty, regulatory efficiency and productivity outcomes while maintaining robust environmental protections.

Regulatory uncertainty and investment confidence

Efficient regulatory systems are not defined solely by the level of environmental controls they impose, but also by the effectiveness of those controls and the degree of certainty they provide to investors and project proponents.

For capital-intensive industries such as natural gas production, investment decisions need to be made many years before production commences and are heavily influenced by the predictability of regulatory requirements, approval pathways and assessment outcomes. The precautionary principle has been weaponised, increasingly being applied in a manner that bears little relationship to demonstrated environmental risk. This effectively transforms a tool intended to manage uncertainty into a mechanism for delaying or preventing development regardless of actual environmental outcomes.

The 2025 EPBC Act reforms introduce a range of new concepts, assessment criteria and decision-making frameworks that remain largely untested and, in some cases, undefined. For the CSG industry, the reforms amount to little more than an expansion of regulatory green tape, increasing complexity, uncertainty, cost and delay without any corresponding improvement in environmental protection.

Of particular concern is the introduction of concepts such as ‘unacceptable impacts’ and the reliance on National Environmental Standards that are not fully developed, implemented or interpreted through regulatory practice.

Key terms within these frameworks remain undefined or subject to broad interpretation, creating uncertainty regarding approval thresholds, assessment expectations and the likelihood of securing project approvals. As a result, proponents face increased difficulty in accurately forecasting approval timelines, identifying critical project risks and confidently committing capital to future developments.

For Queensland's natural gas industry, these impacts have direct productivity consequences. Delays in investment decisions inevitably delay the delivery of new gas supply, employment opportunities, regional economic activity, royalty revenues and taxation benefits. Increased regulatory risk also affects the competitiveness of Queensland as an investment destination, particularly where capital must compete with projects in other jurisdictions that offer greater approval certainty and more predictable regulatory frameworks.

Importantly, regulatory certainty and environmental protection are not mutually exclusive objectives. A clear, transparent and predictable approvals framework that is outcome focused rather than prescriptive enables proponents to design projects that meet environmental expectations from the outset, reduces the need for iterative assessment processes and allows regulators to focus resources on matters posing the greatest environmental risk.

To support this approach, Senex believes the Commonwealth should prioritise the development of clear, objective and measurable assessment criteria, provide detailed guidance on the application of National Environmental Standards and ensure that approval decisions are based on transparent and consistently applied risk-based principles. These reforms would improve investment confidence, reduce unnecessary regulatory burden and support the timely delivery of projects that contribute to Queensland's economic productivity and energy security while maintaining strong environmental protections.

The impact of inconsistent application of the legislative framework is articulated in the case study below.

Case study: Inconsistent application and assessment requirements

Recent project experience highlights a lack of proportionality and consistency between environmental assessment requirements across different sectors. For example, a recent Senex gas development was authorised to impact approximately four hectares of koala dispersal habitat. It is worth noting that this so-called koala habitat consisted of widely dispersed, predominantly immature paddock trees with limited ecological value, providing only fragmented connectivity between larger habitat areas.

Notwithstanding the limited scale of our impact, an extraordinary 3.5-year process was required to gain EPBC approval.

By comparison, other recent non-gas developments with substantially larger vegetation clearing footprints have rapidly progressed through approval processes without Commonwealth assessment. These developments occurred within areas of recognised koala foraging and breeding habitat, yet did not attract Commonwealth compliance action for unauthorised impacts to Matters of National Environmental Significance (MNES). While each project differs, such examples raise questions regarding the consistency, proportionality and risk-based application of the EPBC framework.

This example illustrates the disproportionate and often punitive regulatory burden imposed on gas developments. Proponents are routinely subjected to lengthy, expensive and highly uncertain assessment processes even where impacts are minor, while there are examples of projects in other sectors with substantially larger environmental footprints proceeding through more streamlined pathways.

Senex considers that environmental assessment effort should be proportionate to the nature, scale and significance of potential impacts, irrespective of industry sector. This would ensure regulatory resources are being directed towards projects and activities with the greatest potential environmental consequences.

The 2025 EPBC reforms also introduced a raft of other measures that are further defined through either subordinate legislation, standards or guidelines. Of particular concern are the proposed National Environmental Standards. Five National Environmental Standards are proposed, only four of which have been released for consultation. Senex is concerned that the operation of the National Environmental Standards (based on draft copies for consultation) will further increase the regulatory burden on proponents by leaving key criteria open to interpretation, making each assessment subjective and increasing the likelihood of inconsistent decision-making across all applications. Specific concerns regarding the National Environmental Standards that have been released for review are detailed in Table 1.

Table 1: National Environmental Standards regulatory burden

NES	Requirement	Comment
Matters of National Environmental Significance (MNES)	Division 1A of the EPBC Act now includes an *Unacceptable Impacts* threshold. The available definition of unacceptable impacts taken from the National Environmental Standards for Matters of National Environmental Significance policy position paper includes: 1. **seriously impairing the viability** of listed threatened species or ecological communities 2. **causing serious damage to critical habitat** of listed threatened species or ecological communities where the habitat is irreplaceable and necessary for it to remain viable in the wild	Key phrases in the *Unacceptable Impacts* definition remain undefined, leaving it open to interpretation. Projects with such impacts cannot be approved with offsets. CSG Projects often intersect with groundwater drawdown, connected ecosystems and threatened species habitat. These impacts may now fall into 'unacceptable' territory (particularly when considered cumulatively). This new provision removes flexibility previously achieved via offset conditions and introduces a binary approvals risk for certain areas of development configurations.
Environmental Offsets	Principle 8 of the Offsets National Environmental Standard requires that the offset is secured and actively managed prior to the relevant impact starting at the impact site	Despite EPBC approval commonly taking three to four years from start to finish, approvals have previously allowed offset sites to be secured and for management of offsets to commence after approval and after the impact has occurred. Securing an offset site is a multi-year process involving significant landholder engagement and negotiations, and a state government approval process without legislated timeframes. The screening process to identify potential offset sites normally commences as early as possible in the EPBC process, but often still requires anything up to a further two years to secure land. Requiring offsets to be secured prior to the impact occurring will only further delay projects, increase red tape and negatively impact productivity.
Community Engagement	Introduces a new process that could act to duplicate stakeholder engagement processes already required under the *Environmental Protection Act, 1994* (Qld).	Adds a new process and compliance requirement to the assessment of applications under the EPBC Act.

NES	Requirement	Comment
		The creation of overlapping state and Commonwealth requirements will increase complexity, delay decision making and impose additional costs without corresponding environmental benefit.

Conclusion

Senex supports robust, science-based environmental regulation. However, environmental regulation must be proportionate, risk-based and designed to mitigate against environmental harm and loss of biodiversity.

The 2025 EPBC reforms represent a missed opportunity to address many of the systemic issues identified by the Samuel Review. Rather than reducing duplication and improving efficiency, the reforms increase regulatory complexity, extend approval timeframes, reduce investment certainty and impose additional compliance costs.

For Queensland, these outcomes have direct productivity consequences. Delayed project approvals defer investment, employment, royalty revenues, domestic gas supply and the economic benefits that flow from the responsible development of the state's natural resources.

At a time when eastern Australia requires more gas development to increase supply and put downward pressure on gas prices, regulatory settings should enable efficient assessment of projects that can demonstrate compliance with rigorous environmental standards.

Senex is particularly concerned that the 2025 EPBC Act reforms:

- Retain duplicative Commonwealth assessment of water-related impacts despite Queensland's mature and comprehensive groundwater management and regulatory framework;
- Continue mandatory IESC involvement for unconventional gas projects, resulting in lengthy and resource-intensive assessment processes that frequently duplicate state-based assessments;
- Exclude fossil fuel projects from streamlined and fast-track assessment pathways regardless of project risk, environmental performance or quality of supporting information;
- Introduce new approval risks through broad and currently undefined concepts such as 'unacceptable impacts';
- Create additional procedural and consultation requirements that overlap with existing State and Commonwealth processes; and
- Increase approval timeframes, regulatory uncertainty and project costs with negligible increase in environmental and biodiversity protections.

Accordingly, and with the understanding that further legislative change may be required, Senex would support the Queensland Productivity Commission recommending that the Commonwealth Government:

1. Implement the Samuel Review recommendation to limit the water trigger to actions with potential impacts on cross-border water resources, recognising that groundwater management within Queensland is already subject to robust state regulation.

2. Fully accredit Queensland assessment and approval processes under a strengthened bilateral approvals framework, including for matters relating to water resources and the water trigger resulting in Queensland being responsible for assessing impacts to MNES.

3. Remove the blanket exclusion of fossil fuel projects from streamlined assessment pathways, allowing eligibility to be determined on the basis of project risk, environmental performance and the quality of information provided.

4. Provide greater clarity and certainty regarding the National Environmental Standards, including clear definitions and guidance relating to concepts such as "unacceptable impacts".

5. Ensure offset requirements do not duplicate state requirements and are practical, achievable and aligned with commercial and regulatory realities to avoid unnecessary delays arising from requirements that are outside the control of project proponents.

6. Allow an efficient and strategic managed offset scheme that is complimentary to state requirements, rather than a patchwork quilt of proponent led approaches.

7. Establish approval pathways that are genuinely risk-based, proportionate and outcome-focused, enabling environmental protections to be maintained while supporting investment, productivity and energy security outcomes.

Without the above amendments, the 2025 EPBC reforms will further entrench a complex and duplicative approvals framework that increases regulatory burden on projects with comparatively low life-cycle impacts, while delivering no additional protection for the environment and biodiversity.

For natural gas producers like Senex, the reforms reduce the number of viable approval pathways and create longer more costly and less predictable assessment processes – the opposite of the Commonwealth's stated reform objectives. Under the reforms, approvals for new gas supply will take well in excess of three years, materially delaying investment and the delivery of much needed new gas to the domestic market. This outcome is not merely disappointing—it is contrary to the stated objectives of approval efficiency, energy security and national productivity.

A more efficient, nationally coordinated and delegated one-stop approvals system would better support Queensland's productivity, maintain high environmental standards and enable timely investment in the projects needed to support Australia's future energy and manufacturing requirements.

In conclusion, the reforms do not deliver any clear environmental or regulatory benefits. Rather than promoting more efficient assessment pathways for activities with greater environmental risk, they impose additional complexity, uncertainty and delay on the natural gas sector, despite its comparatively limited environmental footprint. The result will be longer approval timeframes, higher project costs and increased investment uncertainty, undermining a sector that is essential to Queensland and Australia's energy security, economic growth and standard of living. Taken as a whole, the reforms have been driven by political considerations rather than a genuinely evidence-based assessment of environmental risk, biodiversity outcomes or economic consequences.

Senex appreciates the opportunity to contribute to the Commission's inquiry. Should the Commission wish to discuss further the matters raised in this submission, please contact Senex Government Relations and Community Manager, **Trevor Robertson** on [redacted] or [redacted]

Yours sincerely

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