



Submission on

Environment Protection and Biodiversity  
Conservation Amendment (Reconsideration of  
Decisions) Bill 2024

15 October 2024

## **About Bushfire Survivors for Climate Action**

Bushfire Survivors for Climate Action (BSCA) is a growing group of people who have been directly impacted by bushfires in Australia. We are a non-partisan, community organisation made up of bushfire survivors, firefighters and their families, working together to call on our leaders to take action to reduce emissions.

BSCA formed shortly after the Tathra and District fire in March 2018, and its founding members were all impacted by bushfires, including the Black Summer bushfires in 2019-20, Blue Mountains in 2013, Black Saturday in 2009 and Canberra in 2003.

As authors of this submission on behalf of Bushfire Survivors for Climate Action, we have lived experience of the impacts of climate change—through the loss of our homes and loved ones, the fracturing of our communities, and the destruction of our natural environment. We firmly believe that urgent and ambitious climate action by all levels of government is essential to protect the safety and future of all Australian communities and to reduce the impacts of climate change that we have already experienced first-hand.

[www.bushfiresurvivors.org](http://www.bushfiresurvivors.org)

### **Submitted to:**

[www.aph.gov.au/Parliamentary\\_Business/Committees/OnlineSubmission/Submit](http://www.aph.gov.au/Parliamentary_Business/Committees/OnlineSubmission/Submit)

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## SUBMISSION

As community members with firsthand experience of the impacts of climate change as well as a deep care for Australia's natural environment, we appreciate the opportunity to contribute the following perspectives on the Environment Protection and Biodiversity Conservation Amendment (Reconsideration of Decisions) Bill 2024.

We note that the Explanatory Memorandum for the Bill states that the bill seeks to strengthen the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). We agree that the EPBC Act needs to be strengthened, but the Bill being considered here will not achieve this objective. It is unclear how limiting the timeframe to request reconsideration of decisions made under the Act could possibly be expected to strengthen it, and we believe such framing is disingenuous. It would indeed "create greater certainty for those in receipt of approvals" (also from the Explanatory Memorandum), but that is not among the Objects of the EPBC Act.

The Explanatory Memorandum notes that currently the power to vary or substitute decisions under the current EPBC Act is limited to where the Minister is satisfied that revocation and substitution is warranted by the following three criteria (Section 78):

- the availability of substantial new information about the impacts that the action has or will have, or is likely to have on a protected matter; or
- a substantial change in circumstance that was not foreseen at the time of the first decision and relates to the impacts of the action has or will have, or is likely to have on a protected matter; or
- the action is not being, or will not be, taken in the manner identified in the decision notice.

And that Section 78 does not limit the length of time for a decision to be reconsidered at the request of a person other than the relevant State / Territory Minister. *This Bill would introduce a timeframe of 36 months from the date of a decision for a request for reconsideration of the decision to be made by a person who is not a relevant minister of a state or self-governing territory.*

However, **there is no logical reason to suppose that the three criteria are limited to occurring within 36 months of a decision.** In fact, either the availability of new information, or a change in circumstance that was not foreseen would seem if anything **more likely over a longer timeframe** than not. Therefore we argue that

introducing a 36-month limit for a person other than the relevant State or Territory Minister to request reconsideration of a decision would be illogical and contrary to the precautionary principle. **There must be flexibility to consider unforeseen changes or bring new information to light over time.**

Moreover, imposing such a deadline would be undemocratic, limiting and undermining the right of citizens and community members to challenge and contribute to government decision-making with regard to impacts on Matters of National Environment Significance. Object (d) of the EPBC Act is,

*(d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;*

and **the Bill being considered here would directly undermine this Object.**

## **Conclusion**

Bushfire Survivors for Climate Action appreciates the opportunity to contribute to the Committee's inquiry on this matter.

For the reasons discussed above, we urge **against** passage of the Environment Protection and Biodiversity Conservation Amendment (Reconsideration of Decisions) Bill 2024.

We believe that there should be no time limit to the community's ability to participate in the protection and management of Australia's environment, which is crucial to the safety and wellbeing of all Australians.

Thank you for considering our submission.

Yours sincerely,