



Business Council of Australia

18 October 2024

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

Dear Committee Members,

I am writing in response to the Committee's inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Reconsideration of Decisions) Bill 2024*.

Noting this is a private members bill, the BCA has been engaged with the Government's previous consultation process on the reform of the EPBC Act. We broadly support the recommendations put forward in the Samuel Review for reform of the Act.

One of the key criticisms of the existing EPBC Act is the lack of certainty provided to proponents in pursuing a decision via the process. When multi-million and multi-billion-dollar investments, supporting thousands of direct and indirect jobs, are being developed and delivered there must be certainty in process and approvals.

The recently highlighted ability under the existing Act for third parties to challenge an approval, years after it has been given, has the potential to undermine investor confidence in any project that may have an interaction with the EPBC Act. Decisions under the Act range from renewable energy projects to mining, to housing supply and tourism, and to agriculture and aquaculture.

This action can be taken despite the project complying with its approval requirements under the Act, years after it has begun operation. Such action also has the potential to devastate local communities that have come to rely on the jobs and economic opportunities the project has delivered.

I encourage the Committee to consider the ramifications of how the existing reconsideration provisions of the Act are now being used. The Committee should support measures to reform those provisions, to provide certainty that an EPBC Act decision can be relied on into the future.

Yours sincerely

**Bran Black**

Chief Executive  
Business Council of Australia