

Our laws must work for birds

In 2025, reforms to Australia's nature laws were finally secured. Birdlife Australia welcomes improvements to The Environment Protection and Biodiversity Conservation Act (EPBC), including key changes that, alongside our supporters we have long called for. However, gaps in the legislation remain and important questions around how new laws will work for birds are yet to be answered. Below we provide a breakdown of how the government scored against our priority asks.



Mandated plans to bring species back from the brink

- ✓ The government has an existing international commitment to protecting 30% of Australia's land and sea by 2030 and a national commitment to no new extinctions.
- ✓ The Bill introduces 'protection statements', able to be issued for whole or part of nationally significant habitat ranges.
- ✗ The Bill does not mandate the development of recovery, protection or threat abatement plans to recover bird populations. Instead, their development will be dependent on Ministerial discretion. With 14 out of 18 Critically Endangered birds and 77% of all threatened species lacking an up-to-date plan and the growing threat of H5N1, this is a significant gap in the new laws.



Clear, robust limits to protect and restore nature

- ✓ For the first time, our laws will include recognition of damage to critical habitat as an 'unacceptable impact'.
- ✓ Regional Forestry Agreements are no longer exempt under the Act meaning that forests subject to logging will have new protections. Forestry no longer has special privileges to dodge the laws - a clear improvement for priority species like the Swift Parrot.
- ✓ Coal and gas projects now require federal approval for water use and will not be eligible for "fast-tracking".
- ✗ The government has introduced a Restoration Contributions Fund for offsets, meaning developers can 'pay to destroy' as compensation for impacts to threatened species and there is now no obligation for offsets to benefit the same species impacted by a project.
- ? Whilst the RCF fund cannot be used to offset impacts on 'Protected Matters' these matters are yet to be defined.
- ? The government has committed to legally enforceable National Environmental Standards but it continues to allow for excessive Ministerial discretion.



An independent referee able to enforce the rules

- ✓ The government passed a Bill to establish a new independent agency known as the Environmental Protection Authority.
- ? The Minister will be able to declare that a project needs Commonwealth approval using "call in" powers. However it remains unclear which, if any, decisions will be delegated to the independent EPA and which will be at the discretion of Federal and State Ministers.
- ? For the EPA to appropriately advise on the decisions by states and territories it must be protected from interference and have a clear role in decisions involving major projects and developments.



The best available data to improve public trust

- ✓ The government passed the Environment Information Australia (EIA) Bill to establish a data division and maintain a portal to manage environmental information.
- ? It is unclear if the EIA will collate information in one place including species distributions & sightings to enable science-based decisions on project assessments.
- ? There must be a landscape scale approach to planning and coordinated assessment in decision making which protects nature, prevents loop holes and avoids projects commencing without adequate assessment.

- ✓ **Looking good:** The government has made a commitment to this positive action.
- ✗ **Bad news:** The proposed amendments fail to deliver for birds and must be strengthened.
- ? **Unclear:** There has either been no progress or we need more information.

