

Nature positive (?)

A triumph of regulation pretending to be conservation

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On 28 November 2025, the Albanese government finally rammed through its overhaul of the Environment Protection and Biodiversity Conservation (EPBC) Act.

Comprising seven Acts in 1,500 pages, it emerged from the 2020 Samuel inquiry into the EPBC Act. The Act purported to be pursuing the commendable goal of rationalising the roles of state and Commonwealth in environmental regulations.

In fact, Graeme Samuel's 252 page report was founded upon the fashionable absurdity that, "The environment is not sufficiently resilient to withstand current, emerging or future threats, including climate change. The environmental trajectory is currently unsustainable." Based in such canards, the Samuel report promoted a vast new role for the Commonwealth as the only means of reversing the supposed and prospective damage from modern agriculture and mining in a "holistic" manner based on 'matters of national environmental significance'

(MNES). This gave the Commonwealth a hand with which it could play a leading role with a vast new Commonwealth superstructure developing comprehensive national rules and standards, naturally, with indigenous engagement and participation in decision-making. It was, of course, music to the ears of the ambitious bureaucracy that ghost-wrote Samuel's report and to the green activists who had been chipping away at property rights and retarding the ability of landholder to continue building upon on the productive enhancements of the two centuries following Captain Cook's arrival.

The new Acts themselves were based on countless backroom deals with the Greens, bringing about what we are told is the dawn of a "nature positive" future.

In reality, it is another triumph of regulatory inflation dressed up as environmental salvation.

The new Commonwealth agency, Environment Protection Australia (EPA) is armed with 14-day stop-work orders and an ability to levy fines of up to \$1.5 million. A second agency, Environment Information Australia, will compile biennial State of the Environment reports and declare "national environmental information assets". The Commonwealth deals itself more comprehensively into the environmental regulation game by adding its own dimension: imposing penalties for breaches affecting matters of national environmental significance, such as threatened species, World Heritage sites, wetlands, and emissions-intensive projects.

This fortifies the existing laws that have retarded developments in mining and agriculture – including those that [Louise Clegg](#) has documented that have sterilized farmland to provide the illusion that Australia is decarbonising and in a zeal to preserve remnant native vegetation, paralysed weed eradication activity. All this is amplified under the new provisions, which allow long established land clearances to become caught in the approval process net.

Other practical effects of the new legislation include administering the final rites to wood production from state forests. Native forest logging has been regulated under Regional Forest Agreements (RFAs). These have progressively constricted output since 1990. Prior to that the states had already been taking salami slices out of the forest areas available for logging, with the available area being reduced from about 27 per cent in 1990 to under 10 per cent at present (with the availability conditioned by a vast amount of additional red tape). Each amendment of the RFAs came with assurances that it was the final settlement. Victoria and WA have now formally closed all state forests to logging. The new EPBC ostensibly requires each logging coup to have an environmental review – an impossible task that would foreclose any logging activity. Commonwealth Environment Minister Murray Watt claims to have a cunning plan that would prevent this, especially in Tasmania.

Closing down local supply of timber for furniture and structures simply means that this is now imported. Total Forest/Wood Products imports rose 53% between 2015 to 2024 (real terms adjusted for inflation), with 90% of Australia's hardwood needs now being met via imports. Another outcome is not the envisaged pristine wilderness, but a tinderbox of thickets overrun by weeds, feral cats, and the ecological chaos, that the 2019-20 Black Summer fires brutally exposed.

One feature of the new laws is fast-tracking procedures. These were originally seen as a means of circumventing the kind of lawfare (770 appeals from climate groups and environmentalists concerned about greenhouse gas emissions) that resulted in the six year

delay in Woodside getting approval for its NW Shelf Karratha gas plant. They were also envisaged as terminating the objections that have forestalled new housing developments on city peripheries.

But the outcome is entirely different. [Gas and coal](#) projects are explicitly removed from the fast-track stream. And the Minister is forbidden to declare fossil fuel projects to be in the "national interest" and therefore exempt from compliance with these EPBC Act provisions. The Greens also ensured the retention of the "water trigger" for large coal mining and coal seam gas fracking projects, to ensure federal oversight where such a project may have significant impacts on water resources (including ground water tables).

In the case of housing, developers have a 30-business-day fast-track for "low-risk" projects and the promise of future "development zones" where red tape will supposedly melt away. But the fast-track excludes anything touching a threatened species or ecological community (which is most of Sydney's remaining growth corridors).

One area explicitly included in the fast-track process is renewable energy developments together with the transmission systems that they require - often snaking through pristine wilderness. At this point of time there are over 60 enquiries involving panels and hearings around which increasingly vocal opposition from rural landowners and other interested parties tends to coalesce. Almost all of these inquiries rubber stamp the proposals, none of which would pass a commerciality test without subsidies, meaning they are, almost by definition, non-productive. Meanwhile, [Mining Weekly](#) identifies \$129.5-billion in projects, forecast to create demand for over 22,000 new operating-phase jobs – already a sharp reduction on previous periods - are likely to be bogged down in the enhanced regulatory morass.

The Samuel Review claims to have diagnosed a broken system. Labor's answer is to make it bigger, slower and more expensive. The "nature positive" laws are not reform; they are regulatory capture by the professional green movement, paid for by the rest of us. They will raise the cost of everything from a new house to a tonne of coal, deliver no measurable biodiversity gain, and ensure that the next generation of activists has permanent, well-funded employment.