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Australian Environmental Regulations:
redressing their harmful effects

Environment Protection Reform Consultation

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Problems with the government barriers to productive ventures

Many projects, including several major development schemes, have faced significant delays, cost overruns, scaling back, or cancellation, primarily due to environmental regulations. These often involve legal challenges, court actions, prolonged approvals, community and Indigenous opposition, and assessments of impacts on threatened species, water resources, World Heritage sites, or sacred sites. The regulations are couched in such a way that activist organisations can prevent productive activities proceeding on spurious grounds.

Thus, the Carmichael Coal Mine, proposed to be one of Australia's largest coal mines, saw serious delays (and a significant downsizing) due to multiple challenges under the EPBC Act approvals. Some of these involved putative impacts on threatened species (e.g., yakka skink, ornamental snake) when the mine, like any other, is tiny compared to the range in which the species live. Others were concerns about groundwater (for which the mine's risk is minuscule compared with that stemming from long-standing conventional agricultural activities, which themselves pose no threat). And contrived threats are even seen to the Great Barrier Reef, which is 350 kilometres away! The cost to Australia would be counted in hundreds of millions of dollars.

Similarly, oil and gas exploration was driven away from the Great Australian Bight by constant "lawfare" after some \$2 billion had been wasted on exploration. The disincentive effect of aching persistent activism would multiply this cost through deterred exploration by an industry acutely aware of the barriers it faces in Australia, with many alternative locations available around the world.

Another notable case is the Narrabri Gas Project (Santos, NSW). The project took 9 years to obtain approvals and is on track to require another 7 years of protracted "lawfare" covering, threatened species/water concerns, Traditional Owner opposition over cultural heritage as well, predictably, as climate impacts. Santos has wasted some \$1.5 billion navigating this morass on a project that was envisaged as a valuable energy source and was expected to cost \$3.5 billion to commission. An equally egregious case was that of the 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.

Stopping a project on grounds that it might adversely impact the global climate, is not only a genuflecting to the discredited belief in human-induced catastrophic climate change. It is also founded on a misplaced notion that such a project will not be replaced by an alternative located elsewhere on Earth. A similar sentiment underlies the belief that forcing Australia to deindustrialise would mean fewer coal-fired power station emissions, a fallacy abundantly illustrated by energy simply migrating to super-industrialising nations, particularly China.

Farming has also suffered from environmental depredations. In the case of the Murray-Darling Basin, Australia's only really significant irrigated-agriculture province, until recently, farmers used about half of the rivers' water. Inspired by fallacious notions, including that salinization is occurring and the "trees need a drink", bodies of self-appointed scientists and activists like the Wentworth Group lobbied to pressure governments into buying a quarter of the irrigation water farmers formerly used. This water was then directed to unproductive environmental uses. The process of augmenting the wasted water is continuing.

[Sterilisation of land](#) from farming has been the means by which successive Australian governments have claimed to be meeting 90 per cent of their greenhouse gas reduction goals.

The Howard Government conspired with the NSW and Queensland ALP governments to prevent land clearing, employing an internationally adopted formula for supposedly curtailing greenhouse gas emissions by preventing the conversion of unused or underutilised scrub into pasture. Barnaby Joyce has suggested that the expropriation of farmers for carbon sequestration alone had cost them \$200 billion in the year 2000 dollars.

This figure (which was not contested in the Parliament) was arrived at by comparing land values where regulation prevented productive use, to values of land that was unaffected. No compensation has been paid and in a notorious case, landowner Peter Spencer took his grievance to the NSW Supreme Court only to be informed that, although the Australian Constitution has a “just terms” requirement on the Commonwealth for compensation in such events, it was his hard luck that there is no such provision in state law.

These and countless other cases of a less significant nature illustrate that legislation, perhaps abetted by judicial activism and certainly fuelled by NGO funding, has taken a heavy toll on Australian economic development. With regard to activism, the [Guardian](#) has recently fulminated about \$1 million in funding from coal interests to a lobby group. It failed to report Sydney-based charity, the [Sunrise Project](#), has received hundreds of millions of dollars in donations from overseas financiers to push for net-zero emissions and has funded Australian conservation groups to support renewable energy projects, in spite of [mounting concerns](#) about their environmental impacts. Thus, Friends of the Earth received \$26 million to support plans to carve up pristine forest in North Queensland for a wind farm.

The latest review of the EPBC Act

Supposedly to improve the regulatory arrangements, the overhaul of the Environment Protection and Biodiversity Conservation (EPBC) Act passed into law in November 2025.

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

Graeme Samuel’s 252 page report was founded upon the notion that, “The environment is not sufficiently resilient to withstand current, emerging or future threats, including climate change. The environmental trajectory is currently unsustainable.” Based on 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).

The Samuel recommendations 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, predictably 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 recommendations seek to return Australia to a wilderness that has not existed since the Aboriginals arrived 50,000 years ago. Mankind has irreversibly changed the pre-human environment. In Australia, Aboriginal peoples did so by using fire to convert forests into

grasslands that better support game. Modern farmers have made the grasslands more productive by seeding them with new varieties and ensuring they are better and more consistently watered, fertilised, and protected from pests.

The assumptions underpinning the Samuel recommendations are that the custodians of the land – who are overwhelmingly Aboriginals or modern farmers – are environmental vandals. And the land in all of its human-modified forms is a departure from some pre-human ideal.

The effects of the new EPBC Acts

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, this 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 adds a new 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 but, in a zeal to preserve remnant native vegetation, is paralysing 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 plan that would prevent this, especially in Tasmania.

Closing down the local supply of timber for furniture and structures simply means it 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.

In the case of [fishing](#), Australia, with perhaps the greatest expanse of ocean resources in the world, has become a net importer - 60 per cent of the fish consumed is imported. Vast areas of the ocean have been denied to commercial fishing, not to protect stocks but to ensure some form of presumed ecological balance. Moreover, environmental restraints have sharply curtailed the extent of fish farming.

One feature of the new laws is fast-tracking procedures. These were originally seen as a means of circumventing the kind of lawfare previously addressed. They were also envisaged to overcome the objections that have forestalled new housing developments on the city's 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 in 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.

In aggregate, in \$2025 terms, exploration expenditure in Australia has remained at about \$4 billion a year over the past 15 years, though over time a far greater proportion of this has been spent on satisfying regulators rather than chipping rocks and drilling. In the case of development expenditure, the carnage created by the tightening regulatory corset is evident: in \$2025 terms, current spending is only one-third of that of 15 years ago, as a result of the discouragement and outright rejection of new developments.

With mining, agriculture, forestry and fishing, as well as, of course, energy, Australian governments have predator-like sought to constrain wealth-enhancing activities with regulation, especially in the name of the environment. These measures have greatly diminished our potential wealth as a nation.

Concluding comments

The Samuel Review claims to have diagnosed a broken system. The Government'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. Not only will they deliver no measurable biodiversity gain, but they will take us backwards from an environmental viewpoint as we import more fish and timber, and as the preoccupation with restoring some mythical wilderness means many areas are now prone to devastating wildfires. Among the costs of the EPBC “reform” is that it will ensure the next generation of activists has permanent, well-funded employment!

The world in which we are living is changing in ways that are to our disadvantage. Nations are once again coveting valued lands weakly held by others and Australia finds itself vulnerable to such forces with a run-down capability of defending a continent of vast natural wealth inhabited by 28 million people. In this context, Australian governments have seized for themselves shares of income that would previously have been preposterous and used those shares in ways that add little to productive capabilities. And those same governments have used regulations that inhibit the wealth-creation process.

Rather than proceeding with the extension of Commonwealth environmental duplication and intensification of regulatory excesses, the Commonwealth should retreat from a role in environmental measures, leaving the task to the individual states except for issues (offshore and with interstate waterways) where it is the appropriate regulatory authority.