

TERMS OF REFERENCE

Independent review of the *Environment Protection and Biodiversity Conservation Act 1999*

The Australian Government is committed to delivering improved national environmental laws to ensure a healthy environment and a strong economy. The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of national environmental law. The EPBC Act requires there be an independent review at least once every 10 years.

These are the terms of reference for the second independent review of the EPBC Act.

- 1) In accordance with section 522A of the EPBC Act, the review will examine:
 - a) the operation of the Act, and
 - b) the extent to which the objects of the Act have been achieved.
- 2) The review will make recommendations to modernise the EPBC Act and its operation to address current and future environmental challenges, including consideration of:
 - a) The objects in section 3(1)(a)-(g) of the Act
 - b) Australia's international environmental responsibilities
 - c) Indigenous peoples' knowledge and role in the management of the environment and heritage
 - d) implementation of relevant agreements between the Commonwealth, States and Territories
 - e) other legislation that may relate to the operation of the Act
 - f) recommendations of previous reviews and inquiries and significant publications regarding the operation of the Act and potential reform
 - g) broad consultation, including with State, Territory and other levels of government, non-government organisations, Indigenous peoples, members of the community, industry and academia, and
 - h) costs and benefits of recommendations.
- 3) The review will be guided by the principles of:
 - a) protecting Australia's unique environment through strong, clear and focused protections
 - b) making decisions simpler, including by reducing unnecessary regulatory burdens for Australians, businesses and governments
 - c) supporting partnerships to deliver for the environment, supporting investment and creating new jobs
 - d) improving transparency to ensure better use of information, accountability and trust in the system, and
 - e) streamlining and integrating planning to support ecologically sustainable development.
- 4) The Independent Reviewer will provide a report to the Minister for the Environment within 12 months of the commencement of the review.