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EPBC Reform Taskforce  
Department of Climate Change, Energy, the Environment and Water  
Canberra ACT

Via: [EPRconsultation@dcceew.gov.au](mailto:EPRconsultation@dcceew.gov.au)

**CCAA Submission – EPBC Subordinate Legislation (June 2026): National EPA  
Implementation, Decision Tools and Reducing Duplication**

Dear Officials

Cement Concrete & Aggregates Australia (CCA) welcomes the opportunity to comment on the Department of Climate Change, Energy, the Environment and Water's consultation package Environment Protection Reforms: Setting up for Success.

CCA supports the Australian Government's objective of improving environmental outcomes while delivering greater certainty, transparency and efficiency within Australia's environmental approvals framework.

The construction materials industry recognises the importance of strong environmental protections and supports reforms that improve regulatory effectiveness and public confidence in environmental decision-making.

The industry's primary interest is ensuring that the reforms deliver genuine improvements in regulatory certainty and efficiency while avoiding unnecessary duplication with existing State regulatory systems.

CCA has used the Department's EPBC Amendment Regulations – Table of Topics to guide the specific issues raised in this submission and to focus on subordinate settings that will most affect operability and project certainty.

**Recommendations**

To ensure the subordinate legislation delivers genuine certainty and avoids unnecessary duplication, CCA recommends that Government:

- 1. Make Commonwealth–State harmonisation the primary implementation priority:** explicitly identify and address the complexity, overlap, rework and economic cost arising from parallel Commonwealth and State/Territory biodiversity regimes, with a focus on achieving consistent outcomes with less “green tape”.
- 2. Leverage and strengthen bilateral agreements (and equivalent mechanisms):** maintain and expand practical “assess once / approve once” pathways, including for extractive projects assessed through established State processes (e.g., NSW DA/SSD pathways with Commonwealth referral), to minimise duplicate assessment and approval steps.

3. **Clarify and operationalise the division of responsibilities between regulators:** specify who leads on monitoring, auditing, incident response and enforcement where State and Commonwealth jurisdiction overlaps, including clear information-sharing protocols.
4. **Audit framework:** recognise equivalent State audit/compliance regimes wherever possible, apply a risk-based approach, and retain the “minimal interference” safeguard for continuous operations (e.g., quarries).
5. **Environment Protection Orders (EPOs):** publish clear guidance on when EPOs are issued/varied/revoked and, critically, how National EPA EPOs will be coordinated with State regulator enforcement actions to avoid conflicting or duplicative orders (including notice periods except for genuine emergencies).
6. **Penalties and enforcement policy:** clarify whether penalties apply **per site or per incident**, how multi-site “systemic” administrative issues will be treated, and provide a formal pathway for **reduced penalties/leniency** where issues are self-reported and promptly rectified (particularly where there is no material environmental harm).
7. **Transition (“grace”) period:** provide a reasonable transition period and compliance guidance so businesses can undertake internal audits and update systems before full enforcement of new administrative/reporting requirements.
8. **Decision-making tools:** publish an integrated framework explaining how Protection Statements, Rulings, Standards and other instruments interact, and confirm decision-makers must act consistently with Rulings (or publish reasons where they depart).
9. **Net gain / unacceptable impacts:** finalise and publish workable methodologies and guidance (including treatment of time-lag and progressive rehabilitation) and make transitional settings explicit to avoid confusion and delay.
10. **Single reporting framework:** align Commonwealth and State reporting where possible (including GHG/NGER interfaces) to avoid multiple reporting obligations for substantially the same matters.

### *Industry Context*

The cement, concrete and quarrying sectors provide essential materials required for housing construction, transport infrastructure, renewable energy developments, water infrastructure and broader economic development.

Unlike many other forms of development, quarry resources are geographically constrained. Environmental approval frameworks must therefore balance environmental protection objectives with the strategic importance of maintaining access to construction materials required for national development.

### **Consultation Paper 1 – A Smooth Transition to the National EPA**

CCAA supports the establishment of the National EPA and recognises the benefits of a more consistent and independent environmental regulator.

### *Audit Framework*

CCAA supports the establishment of a national auditor registration framework and measures intended to improve audit quality and consistency.

However, our industry already operates under extensive State environmental audit, reporting and compliance regimes. There is a risk that the proposed arrangements could create parallel Commonwealth and State audit requirements without delivering corresponding environmental benefits.

Notably, many large extractive projects are already assessed under bilateral agreements (for example in NSW), and the Government should explicitly maintain and leverage these arrangements to harmonise State and Commonwealth requirements and minimise duplicate approvals.

CCAA also supports the draft safeguard that compliance audits be conducted expeditiously and in a way that results in minimal interference with ongoing activities, and recommends this safeguard be retained and reflected in operational guidance to avoid unnecessary disruption to continuous operations such as quarries.

CCAA recommends that the Commonwealth seek to recognise equivalent State audit processes wherever possible and adopt a risk-based approach to compliance auditing.

### *Environment Protection Orders*

CCAA recognises the need for Environment Protection Orders where there is an imminent risk of serious environmental harm.

Government should publish guidance outlining the circumstances in which Environment Protection Orders may be issued, varied and revoked. Clear guidance will help ensure consistent application and provide greater certainty to proponents regarding regulatory expectations.

### *Transparency Registers and Compliance Outcomes*

CCAA supports transparency and public confidence in environmental regulation. However, publication requirements should distinguish between allegations, investigations and final regulatory outcomes. Public registers should avoid unintended reputational consequences arising from matters that have not been fully investigated or determined.

### *Increased Penalties*

CCAA accepts that penalties should be sufficient to deter serious breaches of environmental laws. Given the substantial increase in maximum civil and criminal penalties, it will be important for the NEPA to publish enforcement policies and compliance guidance outlining how the new powers will be applied in practice.

CCAA seeks clarification on whether penalties will apply per site or per incident, especially if a common compliance issue occurs across multiple sites. We are concerned that consistent management approaches (e.g. a shared reporting method or plan) could trigger multiple penalties.

The Government should clarify how aggregated penalties will be calculated, and consider pathways to leniency (for example, reduced penalties or warnings) for companies that promptly self-report non-compliances and take corrective action.

We also request confirmation of a reasonable transition or 'grace' period to allow industry to conduct internal audits and update practices to the new requirements before full enforcement commences.

## **Consultation Paper 2 – More Certainty for Projects and Environment Protection**

CCAA strongly supports measures intended to improve certainty and consistency in environmental decision-making.

### *Protection Statements and Rulings*

CCAA supports the introduction of Protection Statements and Rulings. However, the growing number of planning, conservation and decision-support instruments may create additional complexity unless Government clearly explains how they are intended to operate together.

CCAA recommends that Government publish an integrated decision-making framework that clearly explains:

- the role of each instrument;
- whether the instrument is mandatory or advisory;
- how conflicts between instruments will be resolved; and
- how decision-makers are expected to apply them in practice.

In addition, Government should clarify how Rulings will be developed, consulted on and published, and confirm that decision-makers will apply Rulings consistently (or publish reasons where they depart), so proponents can rely on them for genuine regulatory certainty.

Without such guidance there is a risk that reforms intended to improve certainty may instead create additional complexity.

### *Unacceptable Impacts and Net Gain*

CCAA recognises the policy intent behind the concepts of unacceptable impacts and net gain. However, significant uncertainty remains regarding:

- biodiversity equivalence methodologies;
- offset feasibility;
- restoration success criteria;
- cumulative impact assessment;
- temporal considerations associated with biodiversity restoration; and
- practical implementation of net gain requirements.

For the construction materials industry, consideration should also be given to the role of progressive rehabilitation. CCAA recommends that progressive rehabilitation be recognised as a legitimate contributor to biodiversity outcomes.

CCAA notes the Department is proposing early commencement of elements associated with unacceptable impacts to support bilateral and accredited agreement negotiations, alongside transitional arrangements so these changes do not affect single-project approvals until the later commencement of the full reforms.

CCAA supports clear transitional rules and recommends they be stated plainly in guidance to avoid confusion and unintended delay.

#### *Minor or preparatory works while a controlled action is under assessment*

CCAA supports the introduction of the minor/preparatory works mechanism as a practical tool to reduce avoidable delay for projects under assessment.

To make the mechanism workable and predictable, the Regulations should clearly define the information required in an application, provide practical examples of “minor and repairable” works, and ensure the 20-business-day decision timeframe operates as a binding service standard once an application is complete. Guidance should also clarify how any conditions and publication requirements will operate in practice.

#### *Reconsideration Provisions*

While the proposed 28-day timeframe may improve certainty by reducing prolonged challenges to decisions, further clarification is required regarding what constitutes “new substantial information” and “significantly changed circumstances”.

CCAA notes some reconsideration changes commenced in February 2026, with further provisions (including information requirements and the 28-day timeframe for certain reconsiderations) proposed to commence from 1 July 2026. CCAA recommends the Regulations and guidance include clear decision factors and evidentiary thresholds to reduce dispute risk and improve consistency.

#### *Lapsing Not Controlled Actions (NCA / NCA-PM)*

CCAA notes the proposed new power to lapse NCA/NCA-PM decisions after five years where an action has not substantially commenced, with an extension pathway. To avoid unintended consequences, the Regulations and guidance should clearly explain the notice process, extension criteria, and transitional application, including which decisions are subject to the lapsing regime.

#### *Greenhouse Gas Reporting*

CCAA supports transparency regarding greenhouse gas emissions. However, several implementation questions remain unresolved including:

- whether reporting thresholds apply to the proposed action alone or the broader facility;
- the form and purpose of any certification process for projects below the reporting threshold;
- interaction with existing NGER obligations; and
- whether proponents may rely on existing reporting methodologies and data.

CCAA seeks confirmation that greenhouse gas reporting requirements are intended solely as disclosure obligations and do not create a de facto climate trigger.

### **Consultation Paper 3 – Reducing Duplication**

CCAA strongly supports the objective of reducing duplication between Commonwealth and State environmental approval systems. The success of these reforms should not be measured by the number of bilateral agreements or accreditation arrangements established, but by whether they deliver a genuine reduction in regulatory burden while maintaining strong environmental outcomes.

The construction materials industry is subject to extensive State and Territory environmental regulation, including environmental assessments, operating approvals, biodiversity offset requirements, rehabilitation obligations, monitoring programs and compliance reporting.

The reforms provide an opportunity to establish a more integrated regulatory framework that avoids unnecessary duplication and allows regulators to focus resources on environmental outcomes rather than administrative processes.

CCAA notes the proposal to bring forward commencement of elements supporting bilateral agreements and accreditation to 1 July 2026, with transitional arrangements so these changes do not affect single-project assessments until the full suite of reforms commences later in 2026. CCAA supports this approach and recommends the transitional settings be explicit and conservative for long-life, staged operations to avoid inadvertent duplication or reassessment.

CCAA considers that the following principles should guide implementation of the bilateral agreement and accreditation reforms.

#### *Single Assessment and Approval Pathway*

The primary objective of the reforms should be to ensure that projects are assessed once and approved once wherever equivalent environmental outcomes can be achieved through accredited State and Territory systems.

While CCAA recognises the importance of Commonwealth oversight for Matters of National Environmental Significance, proponents should not be required to undertake multiple assessments addressing substantially the same environmental issues.

Accreditation arrangements should therefore be designed to maximise reliance on State and Territory assessment processes and reduce the need for duplicate environmental studies, information requests and approval processes.

#### *Clear Division of Regulatory Responsibilities*

A key objective of the reforms should be establishing a clear and transparent allocation of regulatory responsibilities between Commonwealth and State regulators.

Industry requires certainty regarding:

- which regulator is responsible for compliance monitoring;
- which regulator is responsible for enforcement;
- which regulator leads audit activities;
- how regulatory information will be shared;
- how overlapping jurisdictional issues will be managed;
- how Environment Protection Orders (EPOs) issued by one regulator will be coordinated with the other (including which regulator issues or serves the order, notice periods, and enforcement responsibilities), and
- clear processes for handling major environmental incidents or non-compliances that span State/Commonwealth jurisdictions (to avoid duplicate or conflicting enforcement actions).

Where accreditation arrangements are in place, regulatory responsibilities should be clearly defined and communicated to proponents.

#### *Mutual Recognition of State Decisions and Frameworks*

CCAA strongly supports greater recognition of State and Territory environmental management systems where they deliver equivalent environmental outcomes.

This should include recognition of:

- approved biodiversity offset arrangements;
- biodiversity assessments;
- rehabilitation and closure plans;
- quarry and extractive industry approvals;
- environmental monitoring programs; and
- compliance reporting systems.

Where a project has satisfied equivalent State requirements, proponents should not be required to duplicate those processes solely to satisfy Commonwealth administrative requirements.

#### *No Duplicate Offset Requirements*

The industry's strongest concern is the potential for duplicate offset obligations.

Where a State biodiversity offset framework has already been applied and delivers equivalent environmental outcomes, proponents should not be required to provide an additional Commonwealth offset for the same impact.

Duplicate offset requirements create unnecessary costs and uncertainty while providing limited additional environmental benefit.

The reforms should establish mechanisms that facilitate recognition of State-approved offsets wherever environmental outcomes are demonstrably equivalent.

### *Consistent Environmental Standards and Metrics*

The effectiveness of bilateral agreements will depend on the consistency of environmental standards and biodiversity assessment methodologies across jurisdictions.

Differences between State and Commonwealth assessment metrics can result in:

- duplication of assessment work;
- inconsistent outcomes;
- increased project costs;
- delays in project delivery; and
- uncertainty regarding offset obligations.

CCAA encourages Government to work closely with State and Territory jurisdictions to improve consistency between biodiversity assessment frameworks and offset methodologies.

### *Protection Against Conflicting Conditions*

One of the key risks associated with dual regulatory systems is the imposition of conflicting approval conditions.

The reforms should provide clear mechanisms for resolving situations where Commonwealth and State requirements differ or create inconsistent obligations.

Industry requires certainty regarding:

- which conditions prevail where conflicts arise;
- how inconsistencies will be resolved; and
- how accredited arrangements will operate in practice.

The objective should be to avoid situations where proponents are unable to comply with one approval condition without breaching another.

### *Streamlined Audit and Compliance Arrangements*

CCAA supports stronger compliance and assurance arrangements where they improve environmental outcomes.

However, accreditation arrangements should avoid creating multiple audit, monitoring or reporting obligations for the same environmental matter.

Where State regulators already undertake environmental auditing and compliance oversight, Commonwealth requirements should seek to leverage existing systems rather than duplicate them.

A risk-based approach should be adopted that recognises existing regulatory frameworks and focuses resources on areas of genuine environmental risk.

### *Protection for Existing Quarry Operations*

Many quarry operations operate under long-standing approvals that have been developed and refined over many years.

Implementation of the reforms should not create uncertainty for existing lawful operations or require unnecessary reassessment of established approvals, rehabilitation programs or offset arrangements.

Appropriate transitional arrangements should be established to provide certainty for existing operations and long-life staged developments.

### *A Single Reporting Framework*

CCAA supports transparency and accountability in environmental management.

However, reporting obligations should be consolidated wherever possible to avoid multiple reporting requirements addressing substantially the same matters.

The industry strongly supports development of a single reporting framework that:

- aligns Commonwealth and State reporting requirements;
- recognises existing reporting systems;
- avoids duplication of data collection;
- uses consistent methodologies; and
- minimises administrative burden.

This principle is particularly important in relation to greenhouse gas reporting, biodiversity monitoring and environmental compliance reporting.

### *Binding Service Standards and Timeframes*

The reforms should be accompanied by clear service standards and decision-making timeframes.

Regulatory certainty is improved not only by clearer rules but also by greater predictability regarding assessment and approval timeframes.

CCAA supports the introduction of binding performance measures for regulators involved in accredited assessment and approval processes.

These measures should be transparent, publicly reported and subject to regular review.

### *Industry Consultation and Continuous Improvement*

Given the scale and complexity of the reforms, ongoing engagement between Government, regulators and industry will be essential.

CCAA supports the establishment of mechanisms that enable continuous improvement of bilateral agreements, accreditation arrangements and associated guidance materials.

Regular consultation with industry will help identify implementation issues early and ensure that the reforms continue to achieve their intended objectives of reducing duplication, improving environmental outcomes and increasing regulatory certainty.

### *Conclusion*

CCAA strongly supports the objective of reducing duplication between Commonwealth and State environmental approval systems.

CCAA emphasises that the complexity and overlap between Commonwealth and State biodiversity standards must be addressed as a priority. We urge the Government to leverage bilateral agreements (or similar mechanisms) to align requirements, ensuring that State-approved projects and offsets can be carried over rather than duplicated under the new system.

The reforms present a significant opportunity to improve efficiency, reduce regulatory burden and provide greater certainty for project proponents.

To achieve these outcomes, implementation should be guided by the principles outlined above, with a particular focus on single assessment pathways, mutual recognition of State systems, avoidance of duplicate offsets, streamlined compliance arrangements and protection of existing operation

Should officials wish to discuss this matter, please contact CCAA's Industry Policy Director, Mr David Rynne via [david.rynn@ccaa.com.au](mailto:david.rynn@ccaa.com.au) and

Yours sincerely

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### **About CCAA**

Cement Concrete & Aggregates Australia is the voice of the heavy construction materials industry in Australia.

CCAA members produce the majority of Australia's cement, concrete, and aggregates, which are crucial to Australia's building and construction sectors. These materials support the development of our nation's transport, energy, water, housing, defence, and social infrastructure.

Nationally, the [industry contributes](#) \$20.7 billion to GDP and supports 112,970 jobs across Australia. It generates \$6.8 billion in direct value added and underpins activity across the broader economy through extensive supply chain and induced effects.