



Environment Protection and Biodiversity Conservation Amendment (Reconsiderations) Act 2025

No. 18, 2025

**An Act to amend the *Environment Protection and
Biodiversity Conservation Act 1999*, and for related
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Environment Protection and Biodiversity Conservation Amendment (Reconsiderations) Act 2025

No. 18, 2025

**An Act to amend the *Environment Protection and
Biodiversity Conservation Act 1999*, and for related
purposes**

[Assented to 27 March 2025]

The Parliament of Australia enacts:

No. 18, 2025 Environment Protection and Biodiversity Conservation Amendment 1
(Reconsiderations) Act 2025

1 Short title

This Act is the *Environment Protection and Biodiversity Conservation Amendment (Reconsiderations) Act 2025*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	28 March 2025

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Environment Protection and Biodiversity Conservation Act 1999

1 After subsection 78(3)

Insert:

Decision not to be revoked in certain circumstances

(3A) The Minister must not revoke the first decision if:

- (a) the first decision was that the action was not a controlled action because the Minister believed the action would be taken in the manner identified under subsection 77A(1) in the notice given under section 77; and
- (b) the identified manner included that the action would be taken in accordance with a management arrangement made, approved or administered by the government of a State or self-governing Territory; and
- (c) the action is being taken; and
- (d) either:
 - (i) if the Minister is requested under subsection 78A(1) to reconsider the decision—at the time the request is made, the way in which the action is being taken has been ongoing or recurring for at least 5 years; or
 - (ii) otherwise—the way in which the action is being taken has been ongoing or recurring for at least 5 years.

2 After subsection 78C(1)

Insert:

(1A) To avoid doubt, the Minister must not revoke the decision if subsection 78(3) or (3A) applies in relation to it.

3 Application of amendments

- (1) The amendments made by this Schedule apply in relation to a decision (the *first decision*) made under subsection 75(1) of the *Environment*

*Protection and Biodiversity Conservation Act 1999 (the **Act**)* about an action, regardless of whether the first decision was made before or after this item commences.

- (2) The amendments made by this Schedule apply in relation to the first decision regardless of whether a request was made under subsection 78A(1) of the Act in relation to the first decision before this item commences, unless the Minister has made a decision under subsection 78(1) of the Act in relation to such a request before this item commences.

*[Minister's second reading speech made in—
House of Representatives on 25 March 2025
Senate on 26 March 2025]*

(25/25)
