LEX 33033

Australian Government
Department of Climate Change, Energy, the Environment and Water

EPBC 2019/8460

Reconsideration of controlled action decision – Winchester South Mine site and access road

To: Rod Dann – Acting Branch Head, Environment Assessments Queensland Branch (for decision)

Timing: There is no statutory timeframe for this decision, however a decision should be made as soon as practicable after the consultation period closes. The public comment period closed on 24 November 2022

Recommended decision	Confirm original decision: ☒ OR Revoke and substitute new decision: NCA ☐ NCA(pm) ☐ CA ☐	
Controlling provisions triggered	***Unchanged from original decision:***	
	World Heritage (sections 12 and 15A)	No
	National Heritage values of a National Heritage place (sections 15B and 15C)	No
	Wetlands of international importance (sections 16 and 17B)	No
	Listed threatened species and communities (sections 18 and 18A)	Yes
	Listed migratory species (sections 20 and 20A)	No
	Nuclear Actions (sections 21 and 22A)	No
	Commonwealth marine area (sections 23 and 24A)	No
	Great Barrier Reef Marine Park (sections 24B and 24C)	No
	Unconventional gas or large coal mining development with impact on water resources (sections 24D and 24E)	Yes

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	Commonwealth land (sections 26 and 27A)	No
	Commonwealth heritage places overseas (sections 27B and 27C)	No
	Commonwealth actions (section 28)	No
Designated Proponent	Whitehaven WS Pty Ltd ACN: 625 165 004	
Public comments on reconsideration request	Yes ☒ No ☐ See Attachment L	
Ministerial comments on reconsideration request	Yes ☒ No ☐ See Attachments F and G	

Recommendations:

1. Consider the information in this brief, the original referral decision package (Attachment A), the reconsideration request (Attachment B) and all other attachments to this brief.

Considered / Please discuss

2. Note that public comment on the reconsideration request was invited for 15 business days from 3 November to 24 November 2022.

Noted / Please discuss

3. Agree to confirm the original referral decision.

Agreed / Not agreed

4. If you agree to recommendation 3, and you accept the reasoning in the departmental briefing package as the basis for your decision, indicate this.

Accepted / Please discuss

5. If you agree with recommendation 3, sign the notice at Attachment C (which will be published if you make the recommended decision).

Signed / Not signed

6. If you agree with recommendation 3, sign the letters to Environmental Justice Australia (the requestor), the designated proponent, and relevant Ministers at Attachment D.

Signed / Not signed

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Signature of delegate:



Date: 1 April 2026

Comments:

PURPOSE OF THIS BRIEF

1. On 8 July 2022, Ms Hollie Kerwin of Environmental Justice Australia (EJA), on behalf of the Environment Council of Central Queensland Inc (ECCQ), sent a letter, with supporting documents (Attachments B1 to B7), requesting reconsideration under section 78A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) of the controlled action decision of 18 July 2019 for Winchester South Mine Site and Access Road. Subsequent to the original request, on 11 August 2022, EJA sent a supplementary letter referring to further substantial new information, relevant to the request, that had been previously published on 8 July 2022 (Attachments B8 to B9).

2. This brief recommends that you confirm the controlled action decision of 18 July 2019.

BACKGROUND

Referral decision

3. On 14 May 2019, the department received a valid referral from Whitehaven WS Pty Ltd (the proponent) to construct, operate and decommission an open-cut coal mine, rail spur and access road located approximately 30km south-east of Moranbah, Queensland (the proposed action) (Attachment A1).

4. On 18 July 2019, a delegate (the original referral delegate) of the then minister for the Environment (the then minister) determined under section 75 of the EPBC Act that the proposed action was a controlled action and sections 18, 18A, 24D and 24E are the controlling provisions (the original referral decision). The referral decision notice is at Attachment A2.

RECONSIDERATION REQUEST

5. On 8 July 2022, EJA submitted a reconsideration request (Attachments B1 to B7) on the basis of the availability of substantial new information (subsection 78(1)(a) of the EPBC Act) (the reconsideration request). On the same day, EJA also submitted reconsideration requests for 18 other coal and gas projects that had been determined to be controlled actions.

6. On 11 August 2022, EJA sent a supplementary letter referring to further substantial new information, which it stated was relevant to this request and to the other 18 requests, that had been published since 8 July 2022 (Attachments B8 to B9).

7. In the reconsideration request, EJA stated that its request was made on the basis of substantial new information about the impacts the proposed action will have or is likely to have on matters of

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national environmental significance, including a number of matters of national environmental significance not listed in the original referral decision. EJA stated that the information provided with the reconsideration request demonstrated that the proposed action will or is likely to have significant physical effects on a number of matters of national environmental significance because of the greenhouse gas emissions associated with the proposed action. EJA requested that the then minister revoke the original referral decision and substitute a new decision under subsection 75(1) of the EPBC Act, listing all matters of national environmental significance that it had identified as affected by climate change as controlling provisions.

8. EJA estimated the greenhouse gas emissions associated with the extraction and combustion of the coal from the proposed action. It contended that, if the proposed action goes ahead, there is a real (as opposed to remote) chance that these greenhouse gas emissions will result in physical effects of climate change (fire, ocean heatwaves and acidification, drought, rainfall extremes and flooding) and the proposed action will have, or is likely to have, a significant impact on a number of matters of national environmental significance.

9. EJA analysed documents that referred to climate change and its effects on matters of national environmental significance (Attachments B5 to B7) with reference to certain reports on climate change by authoritative national and international organisations (Attachments B1 to B2). EJA outlined its methodology and collated its findings in Annexure 2 of its reconsideration request (Attachment B4). Some of the key findings are:

    a. The *Working Group I contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (IPCC), *Climate Change 2021: The Physical Science Basis* (IPCC AR6 WGI), establishes unequivocally that human actions have caused a global temperature increase.

    b. The frequency, severity and duration of extreme fire weather conditions have increased in southern and eastern Australia. Extreme fire weather in 2019-20 was at least 30% more likely than a century ago due to climate change (*Working Group II to the IPCC's Sixth Assessment Report, Climate Change 2022: Impacts, Adaptation and Vulnerability* (IPCC AR6 WGII)).

    c. Rising sea surface temperatures have exacerbated marine heatwaves, notably near Western Australia in 2011, the Great Barrier Reef in 2016, 2017 and 2020, and the Tasman Sea in 2015-16, 2017-18 and 2018-19 (IPCC AR6 WGII).

    d. The oceans around Australia are acidifying — the average pH of surface waters has decreased since the 1880s by about 0.1, representing an over 30% increase in acidity. These changes have led to a reduction in coral calcification and growth rates on the Great Barrier Reef (IPCC AR6 WGII; *State of the Climate 2020*, Commonwealth Scientific and Industrial Research Organisation and Bureau of Meteorology,).

    e. Climate change will result in more drought in southern and eastern Australia (IPCC AR6 WGII).

    f. Extreme rainfall intensity in northern Australia has been increasing (IPCC AR6 WGII).

    g. Governments plan to produce more than twice the amount of fossil fuels in 2030 than would be consistent with limiting warming to 1.5°C (*The Production Gap: 2021 Report*, United Nations Environment Programme (included at Attachment B2).

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h. All global modelled pathways that limit warming to 1.5°C with no or limited overshoot, and those that limit warming to 2°C, involve rapid and deep and in most cases immediate greenhouse gas emission reductions in all sectors (*Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (IPCC AR6 WGIII, included at Attachment B2), Summary for Policy Makers).

i. As part of further climate change, more extreme fire weather in southern and eastern Australia can be expected (high confidence) (IPCC AR6 WGII).

j. In southern Australia, some forest ecosystems (alpine ash, snowgum woodland, pencil pine and northern jarrah) are projected to transition to a new state or collapse due to hotter and drier conditions with more fires (IPCC AR6 WGII).

k. Future ocean warming, coupled with periodic extreme heat events, is projected to lead to the continued loss of ecosystem services and ecological functions (high confidence) (IPCC AR6 WGII).

10. The reconsideration request stated that, in order to demonstrate the likely significant impacts of climate change on matters of national environmental significance, EJA reviewed and analysed authoritative sources of information relevant to the protection of matters of national environmental significance. The material included conservation advices, listing advices, management plans, information from the department's species profile and threats database (SPRAT), Ecological Character Descriptions for Ramsar Wetlands, World Heritage State Party Reports, International Union for the Conservation of Nature (IUCN) Conservation Outlook Assessments for World Heritage Properties, management plans for National Heritage places, Commonwealth marine environment report cards and bioregional plans – referred to by EJA as source material.

11. EJA subjected this source material to a code-driven, text-mining process that identified statements that appear to acknowledge the impacts of climate change. The code was prepared by Dr Isaac Peterson. A subsequent search was performed to identify statements on the impacts of fire, which EJA stated was a specific focus because of the directness of its impacts on matters of national environmental significance and because of its particular significance for the Australian environment. The outcome of the text-mining process was reviewed by EJA reviewers to confirm each search result was relevant, in the sense of conveying the idea that a value, property or other aspects of a matter of national environmental significance is, will be, or will potentially be vulnerable to or impacted by climate change or the physical effects of climate change. The review process was also used to enable EJA to identify any gaps, incoherence or formatting errors in the results produced by the code.

12. EJA's findings from its text-mining process were that climate change is likely to impact the following matters of national environmental significance:

a. the World Heritage Values of declared World Heritage Properties

b. the National Heritage values of National Heritage places

c. the ecological character of declared Ramsar wetlands

d. listed threatened species in the critically endangered category

e. listed threatened species in the endangered category

f. listed threatened species in the vulnerable category

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g. listed threatened ecological communities in the critically endangered category

h. listed threatened ecological communities in the endangered category

i. listed threatened species (other than a species included in the extinct category or a conservation dependent species) and listed threatened ecological communities (other than an ecological community in the vulnerable category)

j. listed migratory species

k. the environment in a Commonwealth marine area (containing listed marine species)

l. the environment in the Great Barrier Reef Marine Park.

13. EJA's findings included that climate change decreases habitat availability by increasing fragmentation, changes species distribution, facilitates the spread of invasive species, increases erosion rates, and decreases water quality. EJA's conclusions about the impact of climate change on matters of national environmental significance from this process are discussed further under the protected matters heading below.

14. EJA sought from Professor Lesley Hughes, a Distinguished Professor of Biology and Interim Executive Dean at Faculty of Science and Engineering at Macquarie University, an independent expert opinion on the analysis and conclusions in the reconsideration request (Attachment B2). Professor Hughes' opinion is that the material used by EJA and EJA's analysis of that material supports the following propositions:

a. There is a real (as opposed to a remote) chance that a consequence of continued emission of greenhouse gas emissions into the atmosphere — including through the combustion of coal and / or gas — will be an increase in the regularity, scope and intensity of climate hazards (such as fire, heat extremes, marine heatwaves and ocean acidification, heavy precipitation and flooding, and drought).

b. There is a real (as opposed to a remote) chance that those events (or one or more of them) will adversely affect the following matters of national environmental significance:

i. the World Heritage Values of declared World Heritage Properties

ii. the National Heritage values of National Heritage places

iii. the ecological character of declared Ramsar wetlands

iv. listed threatened species in the critically endangered category

v. listed threatened species in the endangered category

vi. listed threatened species in the vulnerable category

vii. listed threatened ecological communities in the critically endangered category

viii. listed threatened ecological communities in the endangered category

ix. listed threatened species (other than a species included in the extinct category or a conservation dependent species) and listed threatened ecological communities (other than an ecological community in the vulnerable category)

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x. listed migratory species

xi. the environment in a Commonwealth marine area (containing listed marine species)

xii. the environment in the Great Barrier Reef Marine Park.

15. EJA also sought from Professor David Karoly, an honorary professor in the School of Geography, Earth and Atmospheric Sciences at the University of Melbourne, an expert report on the analysis and conclusions on the climate system and the physical impacts of climate change in the reconsideration request (Attachment B2). Professor Karoly's opinion is that the material used by EJA and EJA's analysis of that material supports the following propositions:

a. There is an approximately linear relationship between anthropogenic CO_2 emissions and global temperature, such that every tonne of CO_2 emissions adds to global warming. Reaching net zero anthropogenic CO_2 emissions is a requirement to stabilise human-induced global temperature at any level.

b. Limiting human-induced global warming requires deep reductions in CO_2 and other greenhouse gas emissions (compared to historical and present rates) in the coming decades. The modelled pathways for limiting global warming necessitate drastic cuts to the use of fossil fuels and require a substantial amount of fossil fuels to remain unburned.

c. Human-induced climate change will cause unavoidable increases in multiple climate hazards in Australia, including fire, heat extremes, marine heatwaves and acidification, heavy precipitation and flooding and drought. These physical effects become larger in direct relation to increased global warming.

d. There is a real (as opposed to a remote) chance that a consequence of continued emission of greenhouse gas emissions into the atmosphere — including through the combustion of coal and / or gas — will be an increase in the regularity, scope and intensity of climate hazards (such as fire, heat extremes, marine heatwaves and ocean acidification, heavy precipitation and flooding, and drought).

e. There is a real (as opposed to a remote) chance that those events (or one or more of them) will adversely affect the following matters of national environmental significance:

i. the World Heritage Values of declared World Heritage Properties

ii. the National Heritage values of National Heritage places

iii. the ecological character of declared Ramsar wetlands

iv. listed threatened species in the critically endangered category

v. listed threatened species in the endangered category

vi. listed threatened species in the vulnerable category

vii. listed threatened ecological communities in the critically endangered category

viii. listed threatened ecological communities in the endangered category

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ix. listed threatened species (other than a species included in the extinct category or a conservation dependent species) and listed threatened ecological communities (other than an ecological community in the vulnerable category)

x. listed migratory species

xi. the environment in a Commonwealth marine area (containing listed marine species)

xii. the environment in the Great Barrier Reef Marine Park.

16. Professor Karoly also considered that additional material is likely to strengthen the analysis in Annexure 2 of the reconsideration request (Attachment B4). Professor Karoly stated that:

a. One of the key risks provided in IPCC AR6 WGII, *Fact Sheet – Australasia: Climate Change Impacts and Risk* is the 'Inability of institutions and governance systems to manage climate risks (high confidence)', which is of particular relevance to this case.

b. There is an additional climate hazard – sea level rise and extreme sea level and storm surge events – that is, increasing in frequency and intensity due to climate change along all Australian coasts. Coastal inundation associated with this climate hazard is likely to have major impacts on coastal ecosystems and coastal wetlands.

c. The *State of the Environment 2021 Report* (SOE 2021) (which had not been published at the time Professor Karoly provided his report) was likely to supplement the material in Annexure 1 and Annexure 2, but was unlikely to change any of the propositions.

17. The department has also considered the *Sixth Assessment Report Synthesis Report: Climate Change 2023* (IPCC AR6 Synthesis Report) released by the IPCC on 20 March 2023. This report synthesises the findings from the IPCC's earlier reports on climate science, impacts and adaptation, and mitigation of climate change, including in relation to the contribution of greenhouse gas emissions from fossil fuel infrastructure (Attachment M).

18. EJA's supplementary letter dated 11 August 2022 (Attachment B8) referred to SOE 2021 (Attachment B9) as additional information to support its request of 8 July 2022. In that supplementary letter, EJA highlighted the following from SOE 2021 as key findings relevant to the reconsideration requests:

a. Warming of the Australian climate, and associated changes in the climate system, are driven by increased concentrations of greenhouse gases in the atmosphere. Changes to the climate are inevitable, based on greenhouse gases that have already been emitted, but further changes in the second half of the 21st century will depend on the level of future global emissions.

b. The intensity and frequency of extreme weather-related events – including heatwaves, droughts, bushfires and floods – are changing. Ongoing increases in land and sea temperatures across Australia driven by climate change have coincided with multiple extreme weather events, devastating impacts on many of Australia's unique natural ecosystems and caused the death of many individuals of many species.

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c. Pressures on Australian biodiversity have not improved since the *2016 State of the Environment Report* (SOE 2016), and outcomes for species and ecosystems are generally poor. Multiple pressures are interacting to amplify threats to biodiversity, and abrupt changes in ecological systems that are occurring. In particular, climate change and associated extreme events, compounded by other pressures, have had a major impact on biodiversity over the past 5 years, with consequences likely to be evident for many years to come. Many species and ecosystems will require their status to be assessed or reassessed in the coming years, and urgent recovery actions will be needed to avert extinction.

d. Climate change (affecting water temperature, salinity, acidification, circulation and ocean nutrients) remains one of the pressures with the highest impact on the Australian marine environment. Substantial and widespread degradation of Australia's marine environmental values is expected if the pressures identified in SOE 2021 are not addressed.

19. The department has also considered SOE 2021 and identified additional relevant themes:

a. Climate change is seen as one of the most significant threats to the Outstanding Universal Value of World Heritage Properties globally. Identified climate change-related impacts to Australian World Heritage Properties in the last 5 years include: bushfires which cause loss of vegetation and other landscape impacts, mass coral bleaching events, significant seagrass dieback and marine ecosystem changes, increased drying, vegetation community decline, increased habitat reduction, changes to saltwater and freshwater wetlands, increased wetness and more waterway sedimentation due to intense wet events after drought.

b. A 2016 national review of National Heritage Places (Wildlife Heritage & Marine Division 2017) found that 67% of National Heritage Places experienced climate change pressures.

c. The *Great Barrier Reef Marine Park Authority Outlook Report* (2019) identified the main threat to the Great Barrier Reef as climate change. Marine heatwaves have been associated with coral bleaching on the Great Barrier Reef in successive years, resulting in impaired recruitment and recovery of reefs. Before 2016, only 2 mass coral bleaching events had occurred in the Great Barrier Reef. Following the bleaching event of 2016, there were further mass bleaching events in 2017 and 2020. Projections reported by the IPCC indicate that coral reefs are expected to decline globally by a further 70-90% (relative to 2015) at 1.5°C global warming, and by more than 99% at 2°C global warming.

d. Threats to migratory seabirds include the redistribution of their prey in response to climate change and the southwards movement of some species due to climate change.

e. Ramsar wetlands are vulnerable to further hydrological changes and drying under future climate change scenarios. Drought conditions, in conjunction with increased consumptive water use, result in a decrease in flows into wetlands and reduction in inundation. The *2019 Aerial Survey of Wetland Birds in Eastern Australia* (Porter et al. 2019) found that the wetland area index was the lowest since surveys began in 1983.

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20. On 29 August 2023, EJA noted (Attachment B12) with respect to two of its other reconsideration requests that it had provided pre-final-publication versions of the IPCC AR6 WGII and IPCC AR6 WGIII (Attachment B10) and that final consolidated versions of those reports (Attachment B11) have since been released. EJA advised that there were no material differences between the versions, only that the pre-final-publication version was 'subject to error correction'. The department considers that as well as the pre-final-publication versions of IPCC AR6 WGII and IPCC AR6 WGIII, the final consolidated versions of those reports are part of the reconsideration request, and as such the department has considered both versions of the reports in preparing this brief.

21. On 4 October 2023, EJA sent a letter (Attachment B13) to the then minister regarding Annexure III of IPCC AR6 WGII Report (*Annex III: Scenarios and Modelling Methods*). EJA said it had become apparent that this document was not successfully uploaded to the link through which Annexure 1 to the reconsideration request was provided to the then minister on 8 July 2022. EJA then provided the document (Attachment B14) via email on 6 October 2023. The department considers that this document is part of the reconsideration request and has reviewed it in preparing this brief.

22. On 29 April 2024, EJA sent a letter to the then minister with enclosed material (Attachments B15 to B18) to further support the position set out in the reconsideration requests of the remaining 11 coal and gas projects. The enclosed material included:

    a. the *2023 IEA's Net Zero Roadmap: A Global Pathway to keep the 1.5°C Goal in Reach* (Attachment B16). This report includes data and analysis that maps out a pathway for the global energy sector to achieve net zero CO_2 emissions by 2050 and play its part in achieving the 1.5°C goal;

    b. the International Energy Agency (IEA) *World Energy Outlook 2023* (Attachment B17). The report revises its 2022 projections in its stated policies scenario on the direction of the energy economy, based on the actual state in different sectors, countries and regions; and

    c. an expert report by Ms Rachel Wilson, dated 26 April 2024 (Attachment B18). This report provides an opinion from an economist with expertise in the electricity and fossil fuels markets and modelling, that supports the substitution submission made in the reconsideration requests. The department notes Ms Wilson's opinions include that 'one cannot know with a level of certainty or confidence that any particular forecast will be correct to 2050, as to either coal or gas markets, and that similarly it is "unknowable" what will be the effect or removal of a particular supply or coal or gas from the coal or gas markets'.

23. EJA noted in its letter that it had already provided to the then minister with 2022 versions of the IEA reports in Annexure 1 of the reconsideration request (Attachment B2), and as an Attachment to EJA's response to invitation to comment (Attachment K4). The department has considered both the newer and older versions of the IEA reports in preparing this brief. The department notes that it had not previously received the expert report by Ms Rachel Wilson, and it considers that this document is supplementary information to the reconsideration request and has reviewed it in preparing this brief.

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24. The department has also considered a research article published on 13 October 2025, which discusses the quantification of global climate impacts of individual fossil fuel projects[1]. It is the department's view that this article aligns with other methods of quantifying and managing greenhouse gas emissions which are considered throughout this brief.

Validity of Request

25. On 3 November 2022, a delegate of the then minister determined, based on the information then available, that the reconsideration request met the requirements of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations) and was therefore a valid request (see validity brief at Attachment E).

Submissions

26. Under section 78B of the EPBC Act, public comment on the reconsideration request was invited for 15 business days from 3 to 24 November 2022, and comments were also sought from the proponent and relevant state and Commonwealth Ministers.

Commonwealth Ministers

27. On 3 November 2022, in accordance with subsection 78B(4) of the EPBC Act, the following Commonwealth Ministers were informed of the reconsideration request and invited to give the department, within 15 business days, information about whether a matter referred to in any of subsections 78(1)(a) to (ca) of the EPBC Act was applicable in relation to the proposed action:

    a. Minister for Indigenous Australians, the Hon Linda Burney MP
    b. Minister for Agriculture, Fisheries and Forestry, Senator the Hon Murray Watt
    c. Minister for Climate Change and Energy, the Hon Chris Bowen MP
    d. Minister for Industry and Science, the Hon Ed Husic MP
    e. Minister for Resources and Minister for Northern Australia, the Hon Madeleine King MP

28. On 24 November 2022, a representative of the National Indigenous Australians Agency responded on behalf of the Minister for Indigenous Australians and noted they had no comment on the reconsideration request.

29. On 24 November 2022, a representative of the Department of Agriculture, Fisheries and Forestry responded on behalf of the Minister for Agriculture, Fisheries and Forestry and noted that they had no comment on the reconsideration request.

30. On 28 November 2022, a representative of the Department of Climate Change, Energy, the Environment and Water responded on behalf of the Minister for Climate Change and Energy and noted they had no comment on the reconsideration request.

[1] Abram, N.J. et al. 2025. Quantifying the regional to global climate impacts of individual fossil fuel projects to inform decision-making. *npj Climate Action*: 4, 92. https://doi.org/10.1038/s44168-025-00296-5

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31. On 9 December 2022, the Minister for Industry and Science responded that he had no comment on the reconsideration request.

32. On 13 December 2022, a representative of the Department of Industry, Science and Resources (DISR) responded on behalf of the Minister for Resources and Minister for Northern Australia and noted (also referring to the other projects subject to EJA's reconsideration request of 8 July 2022):

    a. DISR supports the sustainable development of all resource projects where they are conducted in compliance with relevant environmental protection legislation. The support of DISR for the original assessment of projects was subject to the proponent obtaining the relevant environmental approvals, required by State and Commonwealth agencies. New information provided in the reconsideration requests does not alter the original conditional support of DISR toward the reconsidered projects.

33. All Commonwealth Ministers' responses are at Attachment F.

State Ministers

34. On 3 November 2022, in accordance with subsection 78B(5) of the EPBC Act, Mr Chris Loveday, as delegate for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef, was informed of the reconsideration request and invited to give, within 15 business days, comment on whether a matter referred to in any of subsections 78(1)(a) to (ca) of the EPBC Act was applicable in relation to the proposed action, and any other information they considered relevant to the reconsideration.

35. On 28 November 2022, Mr Loveday responded, noting he considered that, as the referral decision is made by the Commonwealth Environment Minister under the EPBC Act, the reconsideration decision is the minister's alone, and he had no further comments to provide (Attachment G).

Public comments – department's public portal

36. As required under subsection 78B(6) of the EPBC Act, the reconsideration request was published on the department's public internet portal on 3 November 2022. Public comments on whether a matter referred to in any of subsections 78(1)(a) to (ca) was applicable in relation to the action were invited for 15 business days, from 3 November 2022 to 24 November 2022.

37. The department received 847 comments (Attachments K1 to K2) through its public portal.

38. On the public portal, members of the public were invited to answer the five prompts set out in Table 1 below.

Table 1: Public comment questions and response options

Question Number	Question	Response Options
1	Do you consider there is substantial new information available about the impacts the action has, will have or is likely to have on a matter protected under Part 3* of the	Yes / No or Blank

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	Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)?	
2	Provide reasons for your answer and / or any comments below.	Text Comment or Blank
3	Do you consider there has been a substantial change in circumstance that was not foreseen at the time of the first referral decision and that relates to the impacts the action has, or will have or is likely to have on a matter protected under Part 3* of the EPBC Act?	Yes / No or Blank
4	Provide reasons for your answer and / or any comments below.	Text Comment or Blank
5	If applicable, provide any other comments on whether you consider there are reasons to revoke the first referral decision and substitute a new decision. This may include any other comments on whether a matter referred to in any of subsections 78(1)(a) to (ca) of the EPBC Act applies in relation to the action. *(The current version of the EPBC Act can be accessed through the department's website).	Text Comment or Blank

39. The department has reviewed all submissions received through the public portal and the matters raised in them are summarised below under the relevant questions. In making your decision, you must consider the public submissions provided in response to the invitation to comment at Attachments K1 to K2.

Question 1: Do you consider there is substantial new information available about the impacts the action has, will have or is likely to have on a matter protected under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)?

40. The department received the following responses in relation to Question 1:

- Yes – 793 responses
- No – 5 responses
- Blank – 49 responses

Question 2: Provide reasons for your answer and / or any comments below.

41. The department received the following responses in relation to Question 2:

- Comment – 797 responses
- Blank – 50 responses

42. The department notes that the public comments raised similar issues to public comments the department received in relation to other reconsiderations requests made by EJA. Respondents who answered 'Yes' in response to Question 1 made comments summarised as follows:

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a. The reconsideration request includes information that is new and substantial because it did not exist when the first decision was made or was not before the decision maker when the first decision was made.

b. Information about the climate change fuelled 2019-20 bushfires and the impacts on species, communities and other protected areas was not available when the first decision was made.

c. The reconsideration request includes recent, factual and scientific information about climate change from documents such as IPCC reports and the SOE 2021.

d. The project will increase greenhouse gas emissions which will accelerate climate change and extreme weather events such as floods and droughts.

e. The reconsideration request includes information that details the climate impacts of the proposal on matters of national environmental significance.

f. Re-assessment of the proposed action must take into account the precautionary principle.

g. The government's newly legislated emissions targets mean that the impacts of this mine should be re-assessed.

h. The project should not proceed.

i. The proposed action will affect culturally significant places for Indigenous people.

j. Undertaking the proposed action would contravene international agreements and conventions, be morally irresponsible, and would lessen Australia's international reputation.

k. Australia should move away from fossil fuels to ensure resource sustainability, social and economic stability, and to safeguard the planet for future generations.

l. The approval of the proposed action would be inconsistent with scientific advice and would result in global warming [exceeding 1.5°C in global temperature] with catastrophic results, some of which are irreversible.

43. The respondents who answered 'No' in response to Question 1:

a. There was no new evidence presented in the reconsideration request, as all information existed when the first decision was made.

b. Concern for the approval of fossil fuel projects due to impacts to the environment and overall global warming.

c. The proposed action is incompatible with the global net zero targets of 2050.

d. Fossil fuel projects to be replaced by renewable energy projects.

Question 3: Do you consider there has been a substantial change in circumstance that was not foreseen at the time of the first referral decision and that relates to the impacts the action has, or will have or is likely to have on a matter protected under Part 3 of the EPBC Act?

44. The department received the following responses in relation to Question 3:

- Yes – 110 responses

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- No – 591 responses
- Blank – 146 responses

Question 4: Provide reasons for your answer and / or any comments below.

45. The department received the following responses in relation to Question 4:

    - Comment – 546 responses
    - Blank – 301 responses

46. The department notes that the public comments raised similar issues to public comments the department received in relation to other reconsiderations requests made by EJA. Respondents who answered 'Yes' to Question 3 made comments summarised as follows:

    a. The condition of the environment is further worsening and being degraded because of climate change.

    b. There is a need to consider cumulative impacts of coal and gas projects and greenhouse gas emissions.

    c. There is a new government with different policies and commitments in relation to climate change.

    d. There has been an increase in extreme weather events impacting communities and the environment.

    e. The Final Report of the Independent Review of the *Environment Protection and Biodiversity Act 1999* (Samuel Review) highlighted the substantial decrease in effectiveness of the EPBC Act regarding climate change.

    f. There has been a significant increase in scientific knowledge and public understanding regarding consequences of environmental harm.

    g. The rapid and accelerating change in climate has led to climate emergency and environmental tipping points.

47. Respondents who answered 'No' for Question 3 made comments summarised as follows:

    a. not applicable (NA);

    b. The reconsideration requester is not relying on this argument for their legal intervention.

    c. The reconsideration request provided substantial new information.

    d. Climate science has been known for a long time and has been ignored.

    e. The environmental impacts from climate change were foreseeable.

    f. The circumstances are much the same as they were when the project was first assessed.

    g. There has not been a change is circumstances, however, there has been a change in acknowledgement of the circumstances documented by scientists and experienced by the population.

Question 5: If applicable, provide any other comments on whether you consider there are reasons to revoke the first referral decision and substitute a new decision. This may include any other comments

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on whether a matter referred to in any of subsections 78(1)(a) to (ca) of the EPBC Act applies in relation to the action.

48. The department received the following responses in relation to Question 5:

- Comment – 676 responses
- Blank – 171 responses

49. The majority of the responses made comments similar to those in Questions 2 and 4, and raised similar issues to public comments received in relation to other reconsideration requests made by EJA, and also raised the following issues:

a. Global warming must be limited to 1.5°C.

b. Climate change will impact future generations.

c. Climate change is having impacts on people's physical and mental health.

d. Climate change has economic and social impacts, including impacts to food security.

e. Concern about climate change impacts on the Great Barrier Reef, Ningaloo Reef and other protected areas, biodiversity and plant and animal species.

f. There should be no new gas or coal projects.

g. The Samuel Review outlines that cumulative impacts and future challenges like climate change are not effectively considered under the EPBC Act.

h. The need to take responsibility for the emissions of our exported fossil fuels that are burned overseas and contribute to global climate change.

i. Global contributions to climate change impacts other countries, such as our Pacific neighbours.

j. Concerns about impacts on Aboriginal and Torres Strait land and heritage.

k. Humanity must be considered before economic profits.

l. There is a lack of support and funding for Australian environmental research.

m. The capacity for the Australian environment and its people to recover from climate change effects is diminishing.

n. Support for renewable energy and decarbonising our economy, no more 'business as usual'.

o. 'Every emission counts' – feelings of shame / guilt / stress about Australia's role in accelerating climate change.

p. Scope 3 emissions need to be included in assessment and reporting.

q. Approving this project is incompatible with goals to achieve net-zero emissions.

Other public comments received

50. The department notes that three additional public submissions relating to EJA's 18 reconsideration requests (prior to the public comment period, EJA advised that it suspended its reconsideration request for a project that was subject to a proposed refusal decision) were submitted through the online portal for another project (EPBC 2022/09393) which was open for comment on a referral. The

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submissions were made during the public comment period for EJA's 18 reconsideration requests and are included at Attachment K5.

Public comments – made directly to the then minister

51. In addition to the above public comments, members of the public also wrote directly to the then minister regarding the proposed action, or generally concerning EJA's 19 reconsideration requests. These comments were provided outside of the department's formal public comment process. The then minister received 43 direct submissions concerning the proposed action (Attachment K3). Of these submissions, three did not agree with the premise of the reconsideration request, noting, in summary:

    a. The EPBC Act is not the appropriate legislative instrument to regulate carbon emissions.

    b. There is no proof that fossil fuels are linked to climate change.

52. The remaining 40 direct submissions either supported the reconsideration request and / or considered the proposed action should not proceed. The submissions made comments similar to those discussed in paragraphs 42, 46 and 49.

53. EJA (on behalf of the ECCQ) also made a submission to the then minister on 24 November 2022 (Attachment K4) on the 18 reconsideration requests. The submission referred to the IEA *World Energy Outlook 2022* which provides an update to the IEA's *Net Zero by 2050 – A Roadmap for the Global Energy Sector Emissions by 2050* (NZE 21). In particular, EJA noted that the update to the NZE 21 confirms previous scenarios presented by the IEA and IPCC, being that deep reductions are required in coal and gas markets to meet temperatures below 1.5°C, and those markets do not require the approval of long lead-time gas projects or any new coal mines or coal mine extensions. It also noted that the update to the NZE 21 confirms that:

    a. If the proposed action (or any of the other proposed projects, being the proposed action and the other projects also subject to EJA's reconsideration request of 8 July 2022) is assumed to be approved and exist, then, at minimum, emissions resulting from the extraction of coal and gas from the proposed action would result in reaching a minimum temperature which is above 1.5°C. Less harmful scenarios cannot occur in a future with any of the proposed projects.

    b. In order to achieve the updated NZE 21 scenario, total energy supply of coal has already peaked, and total energy supply of natural gas will peak by 2030. In light of this, the demand for the coal or gas that would be extracted pursuant to each of the proposed projects (being the proposed action and the other projects also subject to EJA's reconsideration request of 8 July 2022) is not fixed and it cannot be said that the impacts will necessarily be the same in a future without the proposed project as they would be in a future with it.

    c. There are many scenarios (and other technically feasible scenarios which have been validated by IPCC AR6 WGIII) which cannot be achieved with input assumptions equivalent to the projected future supply of coal or gas entailed by the 18 proposed projects.

54. The department has considered all submissions received, including those sent to the then minister outside of the formal public comment process in preparing this brief (Attachment K3).

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The department recommends that you also consider the submissions received outside of the formal public comment process.

Proponent's submission on the reconsideration request

55. On 3 November 2022, in accordance with subsection 78B(2) of the EPBC Act, the proponent was invited to comment on the reconsideration request.

56. On 24 November 2022, the proponent provided its response to the invitation to comment (Attachment H).

57. Submissions on the reconsideration request were prepared by Ashurst on behalf of Whitehaven WS Pty Ltd stating the following:

    a. The reconsideration request does not comply with subsection 78A(2)(c) of the EPBC Act and reg 4AA.01(3) of the EPBC regulations).

    b. Throughout the reconsideration request provided by EJA, they ignore that the word 'impact' is defined in section 527E of the EPBC Act or misapplies the defined term whenever it is used in other provisions of the EPBC Act or the EPBC regulations.

    c. In the alternative, even if the reconsideration request did comply with subsection 78A(2)(c) of the EPBC Act and reg 4AA.01(3), the revocation and substitution of the referral decision is not warranted by the availability of that information because the proposed action is not likely to have a significant 'impact' on any additional matters protected by the provisions of Part 3 of the EPBC Act.

58. The following justifications were provided for these statements, including:

    a. The reconsideration request does not contain new information that demonstrates that a change in the potential 'impacts' of the proposed action is likely to happen with a high degree of certainty.

    b. The events and circumstances, the increased risk of which is predicted to be brought about by climate change, are not 'impacts' of the proposed action within the meaning of the EPBC Act because the proposed action is not a 'substantial cause' of those events and circumstances as required by subsection 527E(1)(b) of the EPBC Act.

    c. In other words, the Scope 3 emissions of the proposed action do not qualify as an 'indirect consequence' of the proposed action and consequently are not 'impacts' of the proposed action.

    d. The impact of proposed greenhouse gas emissions of the proposed action, which are confined to Scope 1 and 2 emissions only, as opposed to total global atmospheric greenhouse gas concentrations, are not likely to have a significant 'impact' on matters protected by Part 3 of the EPBC Act.

    e. There is no error in the identification of listed threatened species and communities (sections 18 and 18A) and a water resource (sections 24D and 24E) as controlling provisions in the decision notice.

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Request for further information on greenhouse gas emissions from the proponent

59. On 10 November 2022, the department sent the proponent a request for further information on the greenhouse gas emissions associated with the proposed action (Attachment I). The following information was requested:

    a. Scope 1, 2, and 3 emissions associated with the proposed action

    b. emissions management

    c. consumers of end-product extracted as part of the proposed action.

60. The request sought that greenhouse gas emissions estimates should be aggregated in million tonnes (megatonnes) carbon dioxide equivalent ($MtCO_2$-e) and defined greenhouse gas by reference to section 7A of the *National Greenhouse and Energy Reporting Act 2007* (Cth) (NGER Act). It also defined Scope 1, 2 and 3 greenhouse gas emissions by reference to the department's *National Greenhouse Accounts Factors Workbook*,[2] which categorises emissions as follows:

    a. Scope 1 – direct emissions which are produced from sources within the boundary of an organisation and as a result of that organisation's activities (e.g. fugitive emissions from a coal extraction at a mine)

    b. Scope 2 – indirect emissions which occur outside of the boundary of an organisation from the generation of electricity that is consumed by the organisation

    c. Scope 3 – indirect emissions, other than electricity, which occur outside of the boundary of an organisation as a result of actions by the organisation (e.g. the burning of the product coal from the proposed action by a third party to make steel or generate electricity)

Response to Question 1: Scope 1, 2, and 3 emissions associated with the proposed action

61. On 24 November 2022, the proponent responded to the department's request about the projected emissions associated with the proposed action. The department reviewed the information provided and sought clarification on the proponent's response. The proponent submitted further information on 11 October 2023 in a consolidated response with their initial 2022 response (Attachment J1). Subsequently, the proponent reassessed their emissions contributions, producing an updated Greenhouse Gas Management and Abatement Plan which includes new Scope 1 and 2 figures (Attachment J2). This brief considers the proponent's consolidated response to the request of 11 October 2023 and the updated plan of July 2025.

62. The proponent identified the activities resulting in Scope 1, 2 and 3 greenhouse gas emissions associated with the proposed action. Mitigated Scope 1 emissions from the proposed action are expected to occur through the combustion of diesel (43%), the release of fugitive emissions (50%), land and vegetation clearing (6%) and blasting (1%). Scope 2 emissions from the proposed action come from electricity consumption. The proponent has committed to offsetting all Scope 2 emissions by purchasing carbon neutral electricity from a third-party electricity provider under Climate Active to meet its energy requirements. The Scope 3 emissions derive from the combustion of saleable

[2] Available at https://www.dcceew.gov.au/climate-change/publications/national-greenhouse-accounts-factors.

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product coal by third parties. Scope 3 emissions (Attachment J1) are estimated to be 569 $MtCO_2$-e over the life of the project.

63. The proponent quantified the total and average annual estimated Scope 1, 2 and 3 greenhouse gas emissions associated with the proposed action, within and outside Australia, as set out in Table 2 below. The department calculated, based on these figures, that:

    a. Scope 1 emissions account for approximately 2.6% of the total emissions from the proposed action.

    b. Scope 2 emissions represent approximately 0.2% of the proposed action's total projected emissions.

    c. the majority of the emissions associated with the proposed action are Scope 3 (approximately 97%).

Table 2: Proponent's estimate of greenhouse gas emissions associated with the proposed action ($MtCO_2$-e)

	Scope 1	**Scope 2**	**Scope 3**		**Total (Scope 1, 2 and 3)**	
	Australia		Australia	Overseas	Australia	Globally (includes Aust.)
Annual average	0.488	0.043	0.11	18.85	0.64	19.5
Total	16	0	3.3	565.4	19.3	585

64. The proponent also advised that the proposed action's total average annual emissions (Scope 1, 2, and 3) within Australia represent 0.13% of Australia's estimated annual national emissions from the Paris Agreement inventory for the 2020 reporting year, which was the latest year with reported data available at the time. The department notes that 2023 data is now available and estimates, based on the latest reported data, that the proposed action's total average annual emissions (Scope 1, 2, and 3) within Australia represent 0.14% of Australia's estimated annual national emissions.

65. Further, the proponent advised the proposed action's total average annual emissions (Scope 1, 2 and 3) within Australia and outside Australia combined represent 0.041% of global emissions (measured in CO_2-e) in 2019, which was the latest year with reported data available at the time. The department notes that 2022 data is now available and based on the latest reported data the department estimates that the proposed action's total average annual emissions (Scope 1, 2 and 3) within Australia and outside Australia combined represent 0.039%.

66. The department notes that the proponent's estimate over the life of the proposed action (585 $MtCO_2$-e) is higher than the estimate of 547.38 $MtCO_2$-e provided by EJA in their initial letter to the department. The department is satisfied with the explanations of the figures provided by the proponent.

Response to Question 2: Emissions Management

67. The proponent also advised the Department of the measures that are proposed to avoid, reduce and monitor emissions associated with the proposed action, including:

    a. measures to promote the efficient use of diesel, including regular maintenance and monitoring of equipment, optimisation of diesel through logistical analysis and planning, and implementation of high-efficiency motors

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b. tracking and reporting of diesel, electricity usage and greenhouse gas emissions via the Annual Energy Audit through the National Greenhouse and Energy Reporting Scheme (NGER Scheme)

c. continued commitment to abiding by the Australian Government's Safeguard Mechanism

d. fully abating estimated Scope 2 greenhouse gas emissions through purchasing carbon neutral electricity for the project

e. limiting incidental emissions from the project by limiting vegetation clearance, maximising opportunities for local businesses to provide goods and services, monitoring and reducing waste in accordance with the waste management plan and encouraging the use of shared transportation.

Response to Question 3: Consumers of end-product

68. As noted above, the proponent predicted that the majority of the emissions associated with the proposed action are Scope 3 emissions from the combustion of product coal by third parties. The proponent provided information about the customer countries / jurisdictions in Table 3 below. The response notes that, due to the project being a proposed greenfield development currently in the planning and assessment phases, it does not have existing customers for the product coal, so an estimate of product destinations has been provided instead based on Whitehaven's existing coal market.

Table 3: Potential product destinations

Country
Japan
South Korea
Vietnam
India
Taiwan
China

69. The department notes that, apart from Taiwan, each customer country is a party to the Paris Agreement.

70. The department notes that countries to which the coal is exported have announced or adopted domestic laws and policies to achieve their targets to reduce their greenhouse gas emissions as set out in their nationally determined contributions (NDCs – being emissions reduction commitments), set out in Table 4 below.

Table 4: The NDCs of each consumer country party to the Paris Agreement

Country / Jurisdiction	**NDC**
Japan	Reduce greenhouse gas emissions by 46% by 2030 from 2013 levels. Net zero commitment by 2050.

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South Korea (ROK)	Reduce greenhouse gas emissions by 40% by 2030 from 2018 levels. Net zero commitment by 2050.
Vietnam	Unconditional target (with domestic resources) of reducing greenhouse gas emissions by 15.8% by 2030 compared to business as usual projection. Conditional target (with international support) of reducing greenhouse gas emissions by 43.5% by 2030 compared to business as usual projection. Vietnam's National Climate Change Strategy also sets a target of net zero emissions by 2050 although its NDC contributions are to 2030.
India	Reduce greenhouse gas emissions by 45% per unit of Gross Domestic Product (GDP) by 2030 from 2005 levels. Net zero commitment by 2070.
China	Reduce greenhouse gas emissions by 7 to 10% from 2020 levels by 2035. Net zero commitment by 2060.

71. The department notes that Taiwan's Intended NDC (enforced under its Greenhouse Gas Reduction and Management Act) is comparable to those of countries who are signatories to the Paris Agreement and includes:

    a. reducing greenhouse gas emissions by 50% by 2050 from 2005 levels

    b. 20% of energy to come from renewable sources and 50% from low carbon natural gas by 2025

    c. investment in green technology and improve energy efficiency.

International coal initiatives

72. There are several international voluntary initiatives concerning the phase out of unabated coal power generation. These include the Powering Past Coal Alliance, which commits members to phase out existing unabated coal power generation, and the No New Coal Coalition, which commits parties to not build any new or additional coal power projects.

International momentum behind the transition away from fossil fuels

73. The Global Stocktake, agreed at 28th Conference of the Parties (COP28) to the United Nations Framework Convention on Climate Change (UNFCCC), saw parties agree to transition away from fossil fuels in energy systems. This is the first time all parties to the Paris Agreement have acknowledged the need to transition away from fossil fuels under the UNFCCC.

74. The Global Stocktake decision also called on parties to the Paris Agreement to triple renewable energy capacity globally and doubling the global average annual rate of energy efficiency improvements by 2030, and to accelerate efforts towards the phase-down of unabated coal power.

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a. Over 120 countries, including Australia, also signed the Global Pledge on Renewables and Energy Efficiency, which commits them to work together to triple the world's installed renewable energy generation capacity to at least 11,000 gigawatts (GW) by 2030 and collectively to double the global average annual rate of energy efficiency improvements from around 2% to over 4% every year until 2030.

b. Of the 5 export destinations in Table 4, Japan and South Korea joined the Pledge.

Regional Action

75. The Asia-Pacific Energy Cooperation has set two energy goals through its Energy Working Group:

a. to improve energy intensity by at least 45% by 2035 compared to 2005 levels

b. to double the share of modern renewables in the energy mix by 2030, relative to the numbers from 2010.

76. The Association of Southeast Asian Nations (ASEAN), while not having an emissions reduction target, does have the:

a. *ASEAN Strategy for Carbon Neutrality*, which includes eight strategies to deliver the carbon-neutral journey

b. *ASEAN Plan of Action of Energy Cooperation,* which sets aspirational targets of 23% share of Renewable Energy in total primary energy supply, and 35% share of renewable energy in ASEAN installed power capacity by 2025.

77. The European Council and Parliament reached a provisional agreement on a new EU Regulation to reduce energy sector methane emissions in Europe and in global supply chains in November 2023.

a. The regulation will oblige the fossil gas, oil and coal industry to properly measure, monitor, report and verify their methane emissions according to the highest monitoring standards, and take action to reduce them.

b. The agreement now requires formal adoption by both the European Parliament and the Council. Once this process is completed, the new legislation will be published in the Official Journal of the Union and enter into force.

78. In 2023 the Asia Zero Emissions Community (AZEC) was launched by 11 partner countries to advance decarbonisation in Asia towards the goal of carbon neutrality while achieving economic growth and energy security. During the launch, the then Japanese Prime Minister Kishida said the community would 'create a huge new decarbonisation market in Asia.' Through the AZEC countries apply for Japanese funding for energy projects. Most approved projects have been fossil fuel-based technologies such as LNG, ammonia co-firing with coal plants and carbon capture and storage.

Japanese policies that may reduce demand for Australian coal

79. There are no explicit statements from the Japanese government that they plan to completely phase out coal in their domestic energy system. However, Japan has clearly signalled a plan to reduce coal use in favour of renewable alternatives in their *Outline of Strategic Energy Plan* (OSEP).

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a. The OSEP involves reducing LNG for energy generation from 37% in 2019 to 20% in 2030, with concurrent increases in the adoption of nuclear and renewable energy for electricity generation.

b. Japan's Prime Minister at the time, Kishida told COP28 delegates that 'In line with its pathway to net-zero, Japan will end new construction of domestic unabated coal power plants, while securing a stable energy supply.' Comment was also made by Japan's Chief Cabinet Secretary that 'Japan's policy is to reduce the ratio of coal-fired thermal power generation while introducing renewable energy to the maximum extent possible, and to steadily phase out inefficient coal-fired power generation by 2030…. And replace coal-fired power generation with zero-carbon alternatives such as hydrogen, ammonia, Carbon Capture and Storage (CCUS) and other resources.'

80. Similarly, in their First NDC (22 October 2021) they explained that to meet their goal of net-zero by 2050, 'Japan will put forward all possible efforts in all areas including by thorough energy efficiency measures, maximum introduction of renewable energy, as well as decarbonization of public sectors and local communities.'

81. There are several policies in place that will reduce the use of coal. In December 2022, the Japanese government announced Japan's Green Transformation (GX) Strategy to drive economic growth and development through emissions mitigation. The GX Strategy is economy wide, covering the energy, transport, built environment, industry and finance sectors. The GX Strategy targets in the energy and industry sectors that will likely impact demand for Australian coal include:

a. to reach 36 to 38% of renewable energy in the country's power mix by 2030

b. to install 10 GW of offshore wind power and 104 to 118 GW solar power by 2030

c. to restart nuclear power and aim for 20 to 22% of country's power mix by 2030

d. to establish successful cases of ammonia / hydrogen co-firing by 2024, so as to support development of supply chain starting 2025, and to achieve lowered costs by 2030

e. to expand supply of green steel to 10 megatonnes (Mt) by 2030

f. to cut 30% of CO_2 emission in steel industry from 2013 levels by 2030.

82. To assist in meeting these targets, the Japanese government has committed 20 trillion yen (about 140 billion US dollars(USD)) of government funding to the GX Strategy to realise, within the next ten years, a combined total investment of 150 trillion yen in green transformation, from both the public and private sectors. Some of this funding has so far been allocated to:

a. support for hydrogen, investment in hard to abate sectors, energy efficiency, next generation renewable energy technologies, start-ups and small and medium-size enterprises (SMEs) in green transformation sectors (13 trillion yen in total)

b. tax credits to support the production of green steel

c. subsidy scheme to cover the cost gap between low-carbon hydrogen (and its derivatives) and fossil equivalents.

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83. In addition, an emissions trading scheme will be implemented in phases from 2026 for sectors with high emissions; and from 2028, a Carbon Levy targeting fossil fuel importers such as power, oil and gas companies, will be introduced with a gradual increase to incentivise GX investments to reduce reliance on fossil fuels.

Korean (Republic of Korea, ROK) policies that may reduce demand for Australian coal

84. The largest source of the ROK's annual greenhouse gas emissions is electricity and heat production (53%). Coal has traditionally been the largest energy source for electricity production in ROK (33%), followed closely by natural gas and nuclear power.

85. In the ROK's Enhanced Update of its First NDC (23 December 2021) they explained that 'aged coal power plants will be shut down or shift their fuels from coal to liquified natural gas (LNG)' to meet their 2030 targets.

86. The ROK's *11th Basic Energy Plan for Electricity Supply and Demand*, released in 2025, has set a target to reduce the share of coal-derived electricity.

87. The ROK plans that the proportion of carbon-free power generation, which is based on nuclear power and renewable energy, is designed to increase from 39.1% in 2023 to 53.0% in 2030 and 70.7% in 2038.

88. Investment in renewables is focussed on solar, offshore and onshore wind. In 2021, the *Framework Act on Carbon Neutrality and Green Growth for Coping with Climate Crisis* was passed to strengthen policy measures to reduce greenhouse gas emissions using green technology and green industry.

89. Behind the electricity sector, the ROK's iron and steel sector are next most reliant on coal. The South Korean Ministry of Trade, Industry and Energy (MOTIE's) *Steel Industry Development Strategy for Transition to Low-Carbon Steel* includes financial incentives to support the sector's transition to low emissions production (i.e. by phasing out coal-intensive blast furnaces). In November 2025, ROK pledged to fully phase out coal power by the end of the next decade, with all 62 coal-fired plants set to close by 2024 [3]

Chinese policies that may reduce demand for Australian coal

90. In China's Enhanced Update of its First NDC (28 October 2021) they explained that:

    a. 'China will stringently curb coal-powered projects, set strict limitation on the increase in coal consumption over the 14th five year plan (FYP) period and to phase it down in the 15th FYP period. The large scale development of wind and solar power will be accelerated, hydro power in accordance with local condition will be developed, nuclear power will be advanced in an ordered manner with the premise of ensured safety, and peaking power including energy storage and gas-powered electricity will be stepped up rapidly.'

[3] South Korea to phase out coal, ramp up renewables, in new blow to Australian exporters: https://reneweconomy.com.au/south-korea-to-phase-out-coal-ramp-up-renewables-in-new-blow-to-australian-exporters/

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b. In Hong Kong 'in the energy sector, coal is gradually replaced by natural gas for electricity generation.'

c. In Macao 'the proportion of electricity generated using natural gas increased form 30.9% in 2008 to 72.6% in 2019' and they have introduced 'natural gas buses and electric taxis'.

91. Ahead of COP30 in 2025, China released its *Annual Report on China's Policies and Actions to Address Climate Change (2025)*, outlining progress toward its carbon peaking and neutrality goals. By 2024, the share of non-fossil energy in China's total energy consumption rose to 19.8%, while coal consumption declined to 53.2%, down from 67.4% in 2013. China also expanded its national carbon market and strengthened climate adaptation measures under the *National Climate Change Adaptation Strategy 2035*.[4]

92. China is rapidly scaling up electricity storage capacity. This has the potential to significantly reduce China's reliance on coal- and gas-fired power plants to meet peaks in electricity demand and to facilitate the integration of larger amounts of variable wind and solar power into the grid.[5]

93. China has made significant investments in renewable energies, including almost two-thirds of global wind and solar projects under construction in recent years.[6]

International framework for addressing climate change

94. The international climate treaties – the Paris Agreement, adopted on 12 December 2015 and the UNFCCC, adopted on 9 May 1992 – are the primary multilateral mechanisms governing the international response to climate change.

95. The Paris Agreement entered into force on 4 November 2016. There are 198 parties to the UNFCCC, of which 194 are parties to the Paris Agreement, including Australia. The Paris Agreement "aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:

a. Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;".

96. Under the Paris Agreement, all parties must prepare, communicate and maintain successive NDCs and pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions. Under the Paris Agreement, emissions that occur within a party's jurisdiction are accounted for within that party's national greenhouse gas inventory. Emissions associated with the

[4] China's Policies and Actions for Addressing Climate Change 2025 Annual Report: P020251105496730575050.pdf

[5] Analysis: Clean energy was top driver of China's economic growth in 2023 - Carbon Brief: https://www.carbonbrief.org/analysis-clean-energy-was-top-driver-of-chinas-economic-growth-in-2023/#:~:text=China's%20%24890bn%20investment%20in,%25%20year-on-year.

[6] China building two-thirds of world's wind and solar projects | China | The Guardian
https://www.theguardian.com/world/article/2024/jul/11/china-building-twice-as-much-wind-and-solar-power-as-rest-of-world-report

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combustion of exported Australian coal are accounted for in the national greenhouse gas inventories of the importing countries.

97. In Australia, emissions reduction targets and national climate mitigation policies are the responsibility of the Minister for Climate Change and Energy, the Hon Chris Bowen MP.

98. Under Article 4 of the Paris Agreement, Parties 'aim to reach global peaking of greenhouse gas emissions as soon as possible, recognising that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.'

99. The Australian Government has committed to reduce national greenhouse gas emissions, track progress towards those commitments, and report annually on Australia's greenhouse gas emissions. Australia submitted its first NDC to the UNFCCC in 2015. In September 2025, Australia submitted an updated NDC committing to reduce net emissions by 62 to 70% below 2005 levels by 2035.

100. On 12 December 2023, the Australian Government agreed to the Parties' first Global Stocktake under the Paris Agreement. Paragraph 28 of the Global Stocktake report 'calls on Parties to contribute to the following global efforts, in a nationally determined manner, taking into account the Paris Agreement and their different national circumstances, pathways and approaches:

    a. tripling renewable energy capacity globally and doubling the global average annual rate of energy efficiency improvements by 2030

    b. accelerating efforts towards the phase-down of unabated coal power

    c. accelerating efforts globally towards net zero emission energy systems, utilizing zero- and low-carbon fuels well before or by around mid-century

    d. transitioning away from fossil fuels in energy systems, in a just, orderly and equitable manner, accelerating action in this critical decade, so as to achieve net zero by 2050 in keeping with the science

    e. accelerating zero- and low-emission technologies, including, inter alia, renewables, nuclear, abatement and removal technologies such as carbon capture and utilization and storage, particularly in hard-to-abate sectors, and low-carbon hydrogen production

    f. accelerating and substantially reducing non-carbon-dioxide emissions globally, including in particular methane emissions by 2030

    g. accelerating the reduction of emissions from road transport on a range of pathways, including through development of infrastructure and rapid deployment of zero and low-emission vehicles

    h. phasing out inefficient fossil fuel subsidies that do not address energy poverty or just transitions, as soon as possible'.

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Domestic Measures

101. The *Climate Change Act 2022* (Cth) enshrines Australia's emissions reduction targets in legislation – 62 to 70% below 2005 levels by 2035 and net zero emissions by 2050.

102. These targets are supported by a suite of measures, including:

a. the Australian Government's commitment to 82% renewable electricity by 2030, a national target to ensure a timely transition away from reliance on increasingly unreliable and uneconomic ageing coal generation to a more reliable system with lower cost and emissions

b. a Capacity Investment Scheme, to encourage new investment in renewable energy by underwriting 23 GW renewable generation and 9GW clean dispatchable capacity

c. the National Reconstruction Fund, which will provide up to $3 billion for renewable and low emissions technology investment

d. the decarbonisation of existing industries and creation of new clean energy industries through the $1.9 billion Powering the Regions Fund

e. the National Energy Transformation Partnership to coordinate action by the Commonwealth states and territories to achieve net zero emissions in the electricity system by 2050 and reach 82% renewable electricity by 2030

f. $20 billion investment to upgrade the electricity grid to manage more renewable energy through the Rewiring the Nation program

g. introducing climate reporting standards for financial institutions and large publicly listed companies

h. $224.3 million investment in new community batteries across Australia to support the grid and maximise the benefits of Australia's rooftop solar installations, through the Community Batteries for Household Solar program

i. $102.2 million for the Community Solar Banks program to establish solar banks around Australia, providing access to solar for around 25,000 households who are unable to install rooftop solar

j. $83.8 million to develop and deploy microgrid technology across First Nations communities

k. Australia's first *National Electric Vehicle Strategy*

l. The *Future Gas Strategy* that maps the Australian Government's plan for how gas will support the Australian economy's transition to net zero

m. reforms to the Safeguard Mechanism

n. *National Hydrogen Strategy*.

Future Gas Strategy

103. In May 2024, the Federal Government released the *Future Gas Strategy* which maps the plan for how gas will support the transition to net zero. The objectives of the strategy are to:

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a. support decarbonisation of the Australia economy

b. safeguard energy security and affordability

c. entrench Australia's reputation as an attractive trade and investment destination

d. help our trade partners on their own paths to net zero.

104. The strategy outlines the role that gas will have in helping both Australian and international economies transition to global net zero. The long-term role of gas-powered generation is to provide firming and peaking support as the grid becomes increasingly powered by renewable energy.

105. Additionally, the strategy outlines that LNG will continue to play a significant role in reducing the carbon intensity of the region's energy mix, particularly by replacing more emission intensive fuels like coal, while supporting energy security and stability.

106. Importantly, the strategy specifies that the current emissions from the extraction and production of gas must reduce for Australia to reach net zero by 2050.

Safeguard Mechanism

107. The Safeguard Mechanism requires Australia's largest greenhouse gas emitters to keep their net emissions below emissions limits (baselines). The Safeguard Mechanism applies to facilities that have direct (Scope 1) emissions of more than 100,000 tCO_2-e in a financial year.

108. The reformed Safeguard Mechanism commenced on 1 July 2023 and requires facility baselines to decline each year, reducing net emissions in line with Australia's climate targets. The reforms introduced a requirement that information on Scope 1 emissions provided in the course of EPBC assessment must be reported to the Climate Change Authority, the Minister for Climate Change and the Secretary of the relevant department, on approval of the action if the action is likely to result in:

a. a new designated facility (that is, a facility the operation of which will result in a total amount of covered emissions of greenhouse gases during a financial year with a carbon dioxide equivalence exceeding 100,000 tCO_2-e or more)

b. an increase in the emissions of a facility which is already covered by the Safeguard Mechanism.

109. The proponent advised in its response to the request that its facility, which is the subject of the proposed action, will be covered by the Safeguard Mechanism.

Coal markets

110. The IEA has been publishing coal market reports every December since 2011. *Coal 2025,* released in December 2025 (Attachment M), provides an analysis of recent trends in coal demand, supply and trade, as well as forecasts to 2030. Key findings of *Coal 2025* include the following:

a. In 2024, global coal demand reached 8.81 billion tonnes (gigatonnes, Gt) and is projected to rise to 8.85 Gt in 2025, setting a new record.

b. Global coal demand growth has slowed significantly, with a 0.5% increase in 2025, and is expected to plateau before gradually declining by about 3% by 2030.

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c. China's coal demand remained stable in 2025, while India recorded a decline due to strong monsoon-driven hydropower output.

d. Global coal production is projected to remain near its 2024 peak of 9.1 Gt in 2025, before trending down to 8.64 Gt by 2030.

e. Australia's production fell in 2025 due to weaker prices and logistics constraints, but it remains a leading exporter, particularly of metallurgical coal. India is expected to see the highest output growth through 2030.

f. International coal trade, which hit a record high in 2024, is expected to fall by approximately 5% in 2025 to 1.47 Gt.

g. Coal prices have dropped sharply from the highs of 2022, Russia remains the most affected, with widespread losses reported.

Statutory framework for reconsideration decisions

111. Under subsection 78C(1) of the EPBC Act, as soon as practicable after the end of the time within which information or comments may be given under section 78B in relation to a request under section 78A to reconsider a decision about an action, you must:

a. reconsider the decision; and

b. either:

i. confirm the decision; or

ii. revoke the decision in accordance with subsection 78(1), and substitute a new decision for it (the reconsideration decision).

112. Under subsection 78(1) of the EPBC Act, you may revoke a decision made under subsection 75(1) about an action and substitute a new decision under that section for the first decision, but only if one of the circumstances in subsections 78(1)(a) to (ca) applies.

113. EJA's reconsideration request was made on the basis of subsection 78(1)(a). Under that provision, you may revoke a decision and substitute a new decision if you are satisfied that the revocation and substitution is warranted by the availability of substantial new information about the impacts that the action has or will have or is likely to have on a matter protected by a provision of Part 3 (protected matter) (subsection 78(1)(a)).

114. The department noted that subsection 78(1)(aa) contained another ground for reconsideration which appeared potentially applicable having regard to the information in EJA's request and provided through the section 78B consultation process. Under subsection 78(1)(aa), you may revoke a decision and substitute a new decision if you are satisfied that the revocation and substitution is warranted by a substantial change in circumstances that was not foreseen at the time of the first decision has occurred that relates to the impacts that the action has or will have or is likely to have on a protected matter.

115. Under section 75 of the EPBC Act, you are required to decide whether the action that is the subject of the referred proposal is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision, you must consider all adverse impacts the action has, will have, or is likely to have, on the matter(s) protected by a provision (or provisions) of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the protected matters.

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116. Section 391 provides that you must take account of the precautionary principle in making a decision under section 75, to the extent you can do so consistently with the other provisions of the EPBC Act. While a reconsideration decision is not a decision listed in section 391 as a decision where the precautionary principle must be taken into account, subsection 78C(1) requires you to reconsider a section 75 decision, and a section 75 decision is listed in section 391.

RECOMMENDED DECISION

Protected Matters

117. The reconsideration request of 8 July 2022 says that there is substantial new information about the impacts that the proposed action has or will have, or is likely to have, on various matters protected by Part 3 of the EPBC Act and that this warrants the revocation and substitution of the original referral decision. The department's consideration of the reconsideration request and corresponding recommendation is set out below, with respect to each of the protected matters specified in the request:

a. the World Heritage Values of declared World Heritage Properties (sections 12 and 15A)

b. the National Heritage values of National Heritage places (sections 15B and 15C)

c. the ecological character of declared Ramsar wetlands (sections 16 and 17B)

d. listed threatened species in the critically endangered category (subsection 18(2))

e. listed threatened species in the endangered category (subsection 18(3))

f. listed threatened species in the vulnerable category (subsection 18(4))

g. listed threatened ecological communities in the critically endangered category (subsection 18(5))

h. listed threatened ecological communities in the endangered category (subsection 18(6))

i. listed threatened species and listed threatened ecological communities (section 18A)

j. listed migratory species (sections 20 and 20A)

k. the environment in Commonwealth marine areas (subsections 23(2), 24A(3), (4)) (containing listed marine species)

l. the environment in the Great Barrier Reef Marine Park (subsections 24B(2), 24C(5), (7)).

118. The department has also considered whether any of the grounds at subsections 78(1)(aa) to (d) may be the basis for a decision to reconsider the original referral decision. It has determined they would not be, for the following reasons:

a. The requirements for the grounds at subsections 78(1)(b) to (ca) are not met because the original referral decision was a controlled action decision, and those grounds only

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apply where the original referral decision was that the action was 'not a controlled action'.

b. The requirement for the ground at subsection 78(1)(d) is not met because the reconsideration request was not made under section 79.

c. The requirements for the ground at subsection 78(1)(aa) are not met because, for the reasons set out with respect to the ground at subsection 78(1)(a), below, the department considers that, having regard to the information provided by EJA and through the section 78B consultation process, there has not been a substantial change in circumstances that relates to the impacts of the action.

World Heritage Values of declared World Heritage Properties (sections 12 and 15A)

Referral information

119. The original referral decision does not include this controlling provision given the distance of the proposed action from the nearest World Heritage Property, which is the Great Barrier Reef World Heritage Area. The delegate considered it unlikely that the proposed action would have a significant impact on the World Heritage Values of declared World Heritage Properties given the nature and scale of the proposed action, its potential impacts, and its distance from declared World Heritage Properties.

120. Climate-related evidence was not considered by the delegate in relation to this protected matter. No consideration was given to potential climate change flow-on effects of greenhouse gas emissions, or greenhouse gas emissions, as impacts on protected matters from the proposed action.

Substantial new information about the impacts of the proposed action

121. In the reconsideration request, EJA identified over 470 documents that it considers demonstrate the likely significant impacts of climate change on matters protected under this controlling provision. These publicly available documents include World Heritage nominations, management plans for World Heritage Properties and the IUCN World Heritage Outlook.

122. The department considers that this information is substantial new information as:

a. much of the information contained in the reconsideration request was not before the delegate and so is considered new information; and

b. the information is of substance and is not trivial or inconsequential, and demonstrates that climate change has various effects on this protected matter.

123. The information in the reconsideration request identifies 17 of the 20 Australian declared World Heritage Properties as likely to be impacted by climate change (Attachment B4):

a. Budj Bim Cultural Landscape

b. Fossil Mammal Sites

c. Gondwana Rainforests of Australia

d. Great Barrier Reef

e. Greater Blue Mountains

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f. Heard and MacDonald Islands

g. K'gari (Fraser Island)

h. Kakadu

i. Lord Howe Island

j. Macquarie Island

k. Ningaloo Coast

l. Purnululu National Park

m. Shark Bay

n. Tasmanian Wilderness

o. Uluru Kata-Tjuta National Park

p. Wet Tropics of Queensland

q. Willandra Lakes Region

124. The information in the reconsideration request identifies that climate change and its flow-on effects are affecting or will affect the ecology of the identified declared World Heritage Properties. Based on the information provided, the extent of the effects appears to vary between the properties, reflecting their unique natural environments. In summary, World Heritage Properties containing ecosystems and / or species with low temperature range tolerances (e.g. alpine and coastal environments) are more susceptible to climate change. In general, climate change reduces the resilience of ecosystems due to the increased risks from a range of factors including:

a. altered (or reduced) abundance and distribution of species critical (and / or unique) to the ecological integrity of the property

b. altered hydrological flows causing increasing incursions of saltwater into freshwater (and the reverse) damaging important feeding and breeding habitat

c. invasive / pest species gaining a greater foothold

d. extreme temperature events causing heat stress to susceptible plants and animals (e.g. the Spectacled Flying Fox *Pteropus conspicillatus*)

e. altered or inappropriate fire regimes associated with temperature extremes.

Does the information relate to the impacts that the proposed action has or will have, or is likely to have, on the World Heritage Values of a declared World Heritage Property?

125. The information in the reconsideration request shows that climate change is having or will have adverse effects on the flora, fauna and ecosystems of the identified World Heritage Properties. This will, in turn, have adverse effects on the World Heritage Values of those properties. Whether the information relates to adverse impacts of the proposed action on this protected matter is discussed below.

126. In accordance with the statutory test described at paragraph 113 above, to be satisfied under subsection 78(1)(a) of the EPBC Act that revocation and substitution of the original referral decision is warranted by the availability of substantial new information, you must be satisfied that the

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information is about the impacts the proposed action has or will have, or is likely to have, on one or more of the relevant protected matters.

Statutory test

127. Section 527E of the EPBC Act defines 'impact' for the purposes of the EPBC Act. An event or circumstance is an impact of a proposed action if:

a. the event or circumstance is a direct consequence of the action (subsection 527E(1)(a)), or

b. for an event or circumstance that is an indirect consequence of the action – subject to subsection 527E(2), the action is a substantial cause of that event or circumstance (subsection 527E(1)(b)).

128. Subsection 527E(2) provides for the purposes of subsection (1)(b) that if:

(a) a person (the primary person) takes an action (the primary action); and

(b) as a consequence of the primary action, another person (the secondary person) takes another action (the secondary action); and

(c) the secondary action is not taken at the direction or request of the primary person; and

(d) an event or circumstance is a consequence of the secondary action;

then that event or circumstance is an impact of the primary action only if:

(e) the primary action facilitates, to a major extent, the secondary action; and

(f) the secondary action is:

(i) within the contemplation of the primary person; or

(ii) a reasonably foreseeable consequence of the primary action; and

(g) the event or circumstance is:

(i) within the contemplation of the primary person; or

(ii) a reasonably foreseeable consequence of the secondary action.

129. The department considers that the reconsideration request contains information which demonstrates in a general sense that climate change from anthropogenic sources of greenhouse gas emissions has and / or will have physical effects on protected matters.

130. To the extent the information may be relevant to the physical effects of climate change caused by the proposed action, the reconsideration request contains information about emissions resulting from the combustion by third parties of the coal to be extracted in the proposed action. Having regard to the information provided by EJA and through the section 78B consultation process, the physical effects of climate change on the World Heritage Values of declared World Heritage Properties (which the request is about) are, if anything, indirect consequences of the proposed

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action: they are events or circumstances that are removed in time and distance from the taking of the action, which is the extraction of coal.

131. Therefore, for the information in the reconsideration request to be about the impacts of the proposed action under section 527E of the EPBC Act, it must show that the proposed action is a substantial cause of the physical effects of climate change on the World Heritage Values of a declared World Heritage Property.

Applying the statutory test

132. The department considers that the proposed action is not a substantial cause of the stated physical effects of climate change on the World Heritage Values of declared World Heritage Properties. Therefore, the information is not about impacts the proposed action has or will have, or is likely to have, on the World Heritage Values of declared World Heritage Properties. As explained below, this is because:

a. The information does not demonstrate that the proposed action will cause any net increase in global greenhouse gas emissions and global average temperature (and so, any of the stated physical effects of climate change on the World Heritage Values of declared World Heritage Properties). Whether this will happen is subject to multiple variables; and

b. Even if that were demonstrated, any contribution from the proposed action to global greenhouse gas emissions would be very small. It is therefore not possible to say that the proposed action will be a substantial cause of the stated physical effects of climate change on the World Heritage Values of declared World Heritage Properties.

Will the proposed action cause a net increase in greenhouse gas emissions and global average temperature?

133. The likely contribution of the proposed action's emissions towards a net increase in global greenhouse gas emissions and global average temperature is subject to a number of variables. Therefore, it is reasonably open to you not to be satisfied that the proposed action will be a cause of the stated physical effects of climate change on the World Heritage Values of declared World Heritage Properties.

134. One variable is whether any emissions generated by the combustion of the coal from the proposed action will be offset, mitigated or abated. The countries or jurisdictions where the prospective buyers of the coal are expected to combust the coal may at any time implement new policies or regulations regarding emissions within their borders.

135. As set out at paragraphs 70 to 71 and Table 4 above, the countries where it is anticipated that the coal from the proposed action will be consumed – Japan, South Korea, Vietnam, India and China (apart from Taiwan) – each have respective NDCs under the Paris Agreement to reduce national emissions and adapt to the impacts of climate change. Under the Paris Agreement (referred to at paragraphs 94 to 100 above), each Party must submit an NDC every five years. These NDCs are required to reflect increased ambition over time. Parties may also submit new or updated NDCs at any time. The emissions generated by combusting coal (including coal from the proposed action) would be counted as Scope 1 emissions in the country where combustion occurred and may be

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subject to mitigation actions or offsetting. These emissions may also qualify as the indirect Scope 3 emissions of the source country (in this case, Australia).

136. Further, as set out at paragraph 100 above, a Global Stocktake has been agreed to by Parties under the Paris Agreement, which includes a call to transition away from fossil fuels in energy systems to achieve net zero by 2050. As set out at paragraphs 72 to 78, there are international and regional initiatives including the Powering Past Coal Alliance, Global Pledge on Renewables and Energy Efficiency and ASEAN Plan of Action on Energy Cooperation, which are directed at encouraging a transition from coal powered energy to renewable energy.

137. Taiwan is not a member of the United Nations and is excluded from the UNFCCC. Domestically, however, it has an Intended NDC that includes a 2030 target and has committed to net zero emissions by 2050.[7]

138. The level of global greenhouse gas emissions from the proposed action will also likely be subject to the emissions reduction policies of power companies, and any changes to the efficiency of their power plants. The department has noted examples of changes to the emissions reduction policies of certain companies. For example:

    a. power companies in Japan have committed to being carbon-neutral by 2050 including phasing out inefficient power plants.[89]

    b. In addition to the initiatives mentioned above, the department notes that ongoing research is being undertaken to reduce greenhouse gas emissions from steel production. [1011] However, the department notes that there are no international greenhouse gas reduction initiatives for steel production, similar to greenhouse gas reduction initiatives for power generation.

139. More broadly, if the proposed action does not proceed, this will not necessarily affect the level of greenhouse gas emissions worldwide or the extent to which the World Heritage Values of declared World Heritage Properties will be impacted by the physical effects of climate change stated in the request. That will be subject to a range of other factors, including the level of emissions from sources other than the proposed action.

140. These factors make it very difficult to estimate the likely net increase (if any) in global greenhouse gas emissions from the proposed action's emissions and, by extension, the extent of any net increase in global average temperature and the extent to which the World Heritage Values of declared World Heritage Properties will be impacted by the stated physical effects of climate change.

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[7] https://www.epa.gov.tw/eng/E7D9D16EE194DEEA

[8] JERA Zero CO2 Emissions 2050 | Our Company | JERA

[9] J-POWER BLUE MISSION 2050 | J-POWER (jpower.co.jp)

[10] https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/report-reduction-of-ghg-emissions-in-steel-industries.pdf

[11] https://www.iea.org/energy-system/industry/steel

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141. It is also likely that, if the proposed action does not proceed, the prospective buyers will purchase an equivalent amount of coal from a supplier other than the proponent, which would result in at least an equivalent amount of greenhouse gas emissions when combusted, when compared with the amount estimated for the proposed action.

142. Further, the IEA *Coal 2025* report notes that while coal demand continues to fall in advanced economies such as the European Union and the United States, this decline is offset by growth in emerging and developing economies including India, ASEAN countries and China. The department considers it is reasonable to assume that should the proposed action not proceed, the market would respond through an increase in supply elsewhere, in circumstances where there is still anticipated demand for the coal from the proposed action. The department notes that both thermal and coking coal will be extracted under the proposed action and that there are no current viable alternatives at scale to meet global demand for steel. The department recommends that you conclude that you are not satisfied that the proposed action is likely to result in a net increase to greenhouse gas emissions or affect the extent to which the World Heritage Values of declared World Heritage Properties will be impacted by the stated physical effects of climate change.

143. EJA submitted that it is not possible for you to be satisfied that the same or a worse impact will necessarily occur in scenarios without the proposed project. EJA stated that:

> 'It is not open to you to rationally be satisfied that the same or worse impact will necessarily occur in scenarios without the Proposed Project. That is because, the best feasible future scenarios (in terms of total future emissions before the achievement of net zero greenhouse gas emissions, and consequent level of warming) cannot eventuate if the Proposed Project is to exist…
>
> 'This can be explained by a simple hypothetical. If a coal miner refers a proposed coal mine to the minister, by which it proposes to extract and sell 10 Mtpa [megatonnes per annum] of thermal coal on the seaborne thermal coal market, every year from 2030 to 2050, the minister must, in making the section 75 decision, assume that coal mine will exist. The minimum likely significant impacts from the accumulated greenhouse gas emissions, including those from that coal mine, are the minimum impacts from a total temperature increase of total future emissions in a world in which: (a) there is a coal market out to 2050; (b) within that coal market, there is a seaborne thermal coal market out to 2050; (c) within that thermal seaborne coal market out to 2050, there is sufficient demand for seaborne thermal coal such that all of the coal from the proposed coal mine is burned, together with all of the more desirable coal on the seaborne thermal coal market from 2030 to 2050 (with desirability determined by the market, primarily by reference to quality, cost and price). By contrast, if the existence of that mine is not assumed, there are feasible scenarios available where there is no coal market out to 2050, no seaborne thermal coal market, or a smaller seaborne thermal coal market out to 2050. As demonstrated by [IPCC] WGIII AR6, there is a large range of better feasible scenarios (in terms of lowest temperature increase) which are simply not available if one assumes the existence of the coal mine with 10 Mtpa on the seaborne thermal coal market out to 2050.
>
> 'The same analysis is available for the Proposed Project. It could be precisely modelled for the Proposed Project, but detailed modelling is not necessary to demonstrate it as a matter of logic.
>
> It follows that it would be irrational to conclude that the likely significant impacts will necessarily be the same with or without the Proposed Project.'

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144. The reconsideration request also stated that, in all feasible scenarios in which the proposed action is carried out, there will very likely be physical effects of climate change on World Heritage Properties, and, conversely, that feasible scenarios with lesser increases in those effects are available in a future without the proposed action.

145. The department considers that EJA's analysis at paragraphs 143 to 144 above does not address the relevant statutory question, which requires you to consider, in light of new information, whether the proposed action is a substantial cause of the event or circumstance, as outlined at paragraphs 127 to 131 above.

Even if the proposed action were to cause a net increase in greenhouse gas emissions and global average temperature, would it be a substantial cause of any physical effects of climate change on the World Heritage Values of declared World Heritage Properties?

146. For completeness, the department considers that, even if the information in the reconsideration request demonstrated that the proposed action would result in a net increase in global greenhouse gas emissions and global average temperature, there is no reasonable basis for concluding that the proposed action will be a substantial cause of the physical effects of climate change on the World Heritage Values of declared World Heritage Properties.

147. As outlined at paragraph 65 above, in response to a request by the department for information, the proponent provided information demonstrating that the average total annual greenhouse gas emissions (Scope 1, 2 and 3) from the proposed action represents approximately 19.5 $MtCO_2$-e or 0.041% of global annual emissions (measured in CO_2-e).The proponent used Climate Watch's Historical Greenhouse Gas Emissions 2019 data, the latest data available at the time, as the basis for its calculations, consistent with the department's request for information (Table 2 above and Attachment J1). Since then, the department notes 2022 data has been reported. Based on the latest available data, the department estimates that the proposed action's total average annual emissions (Scope 1, 2 and 3) within Australia and outside Australia combined represent 0.039% of global annual emissions for 2022.

148. Further, the proponent estimated, in response to the same request for information, that total greenhouse gas emissions associated with the proposed action would be approximately 585 $MtCO_2$-e. The department estimates that the likely increase in global temperature that could arise from the proposed action's estimated total greenhouse gas emissions, in a scenario where it could be shown that the proposed action would result in a net increase in global greenhouse gas emissions and global average temperature, is approximately 0.00026°C. The department prepared this estimate assuming a one-for-one relationship between temperature and tonnes of greenhouse gas emissions, based on the information EJA provided about findings by the IPCC Working Group I that the relationship between anthropogenic CO_2 and global temperature has thus far been approximately linear, meaning that each 1,000 gigatons (GT) of cumulative CO_2 emissions contributes to an approximate 0.45°C increase in global temperature.

149. The IEA *Coal 2025* report also noted global coal consumption in 2024 was 8,805 Mt. The proposed action's maximum annual output is 17 megatonnes per annum (Mtpa) and this represents 0.196% of the global coal consumption that was reached for 2022. The department estimates that based on the latest IEA data, the proposed action's maximum annual output represents 0.193% of the global coal consumption. The IEA *Coal 2025* report notes that global coal demand in 2024 will surpass 8.85 Gt for the first time. The figures above reflect recent data regarding coal consumption. The department

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notes that future coal demand cannot be predicted with any certainty and is subject to a wide range of variables.

150. In considering the amounts outlined above, the department notes that the IPCC has estimated that total warming from greenhouse gas emissions to date is approximately 1.09°C. In view of the amounts outlined at paragraphs 147 to 149 above, the department considers that the amount of coal to be combusted from the proposed action, and any possible increase in net global greenhouse gas emissions and global average temperature that would result from combusting this amount of coal, are very small. It is open to you to conclude that the proposed action is not a 'substantial' cause of the physical effects of climate change on World Heritage Properties.

151. The reconsideration request asserts that 'there is an approximately linear relationship between cumulative anthropogenic CO_2 emissions and global temperature, such that every tonne of CO_2 emissions adds to global warming', and the department accepts this. However, for the reasons discussed above, the department does not accept that the contribution this action makes to emissions will be a 'substantial cause' of the physical effects of climate change on the World Heritage Values of declared World Heritage Properties.

Policy Statement on 'Indirect consequences' of an action

152. The reconsideration request cites the following excerpt from the department's *Policy Statement on 'Indirect consequences' of an action: Section 527E of the EPBC Act* (the indirect consequences policy statement). In the indirect consequences policy statement, this excerpt appears under the heading: 'is the impact too remote from the action?':

> '…an impact that evidence strongly suggests might manifest itself many years later, or occurs at a substantial geographic distance from the location of the original action, may still be an indirect consequence that is substantial enough to be considered an impact.'

153. For the reasons set out above, the department is not satisfied that there is any relevant impact.

Conclusion

154. For the reasons at paragraphs 121 to 153 above, the information in the reconsideration request and the information provided in the department's consultation on the request do not demonstrate that the proposed action will cause a net increase in global greenhouse gas emissions and global average temperature (and, therefore, the relevant physical effects of climate change on the World Heritage Values of declared World Heritage Properties). The difficulty in estimating the likely contribution (if any) of the proposed action to the relevant physical effects of climate change on the World Heritage Values of declared World Heritage Properties is one reason that the department recommends you find that the proposed action is not a substantial cause of those effects.

155. Further, even if it could be shown that the emissions from the project would result in an increase in net global greenhouse gas emissions and global average temperature, the contribution of the proposed action would be very small. It is open to you to conclude that the 'substantial cause' requirement for an indirect impact under subsection 527E(2) of the EPBC Act is not satisfied.

156. As such, the department recommends you determine that the new information is not about the impacts the proposed action has, will have or is likely to have on the World Heritage Values of declared World Heritage Properties.

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National Heritage values of National Heritage places (sections 15 and 15C)

Referral information

157. The original referral decision does not include this controlling provision given the distance of the project site from the Great Barrier Reef Marine National Heritage Area (the nearest National Heritage place). The delegate considered it unlikely the proposed action would have a significant impact on National Heritage places.

158. Climate-related evidence was not considered by the delegate in relation to this protected matter. As noted above, no consideration was given to potential climate change flow-on effects of greenhouse gas emissions, or greenhouse gas emissions, as impacts on protected matters from the proposed action.

Substantial new information about the impacts of the proposed action

159. EJA identified over 230 documents that it considers demonstrate the likely significant effects of climate change on matters protected under this controlling provision. These publicly available documents include information in the Australian Heritage database and management plans for National Heritage places.

160. The department considers this information is substantial new information as:

a. much of the information contained in the reconsideration request was not before the delegate and so is considered new information; and

b. the information is of substance and is not trivial or inconsequential, and demonstrates that climate change has various effects on this protected matter.

161. The information in the reconsideration request related to 19 National Heritage places (Attachment B4):

a. Australian Alps National Parks and Reserves

b. Dampier Archipelago

c. Elizabeth Springs

d. Glass House Mountains National Landscape

e. Grampians Greater Gariwerd National Park

f. Ku-ring-gai Chase National Park

g. Kurnell Peninsula Headland

h. Lesueur National Park

i. Porongurup National Park

j. Recherche Bay (NE Peninsula) Area

k. Stirling Range National Park

l. Warrumbungle National Park

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m. Witjira-Dalhousie Springs National Park

n. K'gari (Fraser Island)

o. Great Barrier Reef

p. Greater Blue Mountains

q. Macquarie Island

r. Uluru-Kata Tjuta National Park

s. Wet Tropics of Queensland.

162. The last six places listed above are also declared World Heritage Properties. In respect of those six places EJA relied on the information it provided for the World Heritage Properties. The discussion below therefore relates to the information EJA provided in relation to the 13 National Heritage places that are not also World Heritage Properties.

163. Broadly, the information presented by EJA about the effects of climate change on National Heritage places showed there are effects on biodiversity in these places due to changing population size and distribution of species, the modification of species composition, and alteration of the geographical extent of habitats and ecosystems. Climate change is likely to exacerbate many existing threats to the ecological integrity of National Heritage places such as:

a. decreasing and changing water flows

b. fire weather

c. invasive species

d. habitat fragmentation and the loss of key habitat such as hollow bearing trees.

Does the information relate to the impacts that the proposed action has or will have, or is likely to have, on the National Heritage values of a National Heritage place?

164. The information in the reconsideration request identified that climate change is having or will have adverse effects on the flora, fauna and ecosystems of the identified National Heritage places. This will in turn have adverse effects on the National Heritage values of those places.

165. For the same reasons as those set out at paragraphs 129 to 130 above in relation to the World Heritage Values of declared World Heritage Properties, having regard to the information provided by EJA and through the section 78B consultation process, flow-on climate change effects would be indirect consequences of the proposed action on the National Heritage values of the identified National Heritage places for the purposes of the EPBC Act.

166. For the same reasons as those set out at paragraphs 127 to 153 above in relation to the World Heritage Values of declared World Heritage Properties, the department considers that the proposed action is not a substantial cause of the stated physical effects of climate change on the National Heritage values of the identified National Heritage places.

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Conclusion

167. As such, the department recommends you determine that the new information is not about the impacts the proposed action has, will have or is likely to have on the National Heritage values of a National Heritage place.

Ecological character of declared Ramsar wetlands (sections 16 and 17B)

Referral information

168. The original referral decision does not include this controlling provision because the proposed action does not occur within or adjacent to any Ramsar listed wetland of international importance. The delegate considered it unlikely that the proposed action would have a significant impact on the ecological character of a declared Ramsar wetland.

169. Climate-related evidence was not considered by the delegate in relation to this protected matter. As noted above, no consideration was given to potential climate change flow-on effects of greenhouse gas emissions, or greenhouse gas emissions, as impacts on protected matters from the proposed action.

Substantial new information about the impacts of the proposed action

170. EJA has identified over 50 documents that it considers demonstrate the likely significant impacts of climate change on matters protected under this controlling provision. These publicly available documents include the ecological character descriptions for Ramsar sites.

171. The department considers that this information is substantial new information as:

    a. much of the information contained in the reconsideration request was not before the delegate and so is considered new information; and

    b. the information is of substance and is not trivial or inconsequential, and demonstrates that climate change has various effects on this protected matter.

172. The information in the reconsideration request identified 51 of Australia's 53 Ramsar wetlands as likely to be affected by climate change (Attachment B4). The effects of climate change identified in the information relate predominantly to changes associated with altered water balance, including:

    a. rising sea levels that increase the incursion of salt water into estuary waters and freshwater wetland habitat, affecting the freshwater biota within the wetlands

    b. increased intensity of tidal storm surges, increasing foreshore shoreline erosion and inundation processes

    c. altered rainfall patterns, affecting water quality, ground water recharge and vegetation

    d. longer drier periods, increasing evaporation which affect salinity and groundwater levels.

173. The information in the reconsideration request also shows that climate change exacerbates existing pressures on Ramsar wetlands from water resource developments, invasive species and drought.

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Does the information relate to the impacts that the proposed action has or will have, or is likely to have, on the ecological character of declared Ramsar wetlands?

174. The ecological character of a Ramsar wetland is the combination of the ecosystem components, processes and benefits / services that characterise the wetland at a given point in time. The information in the reconsideration request states that climate change is altering the water balance of Ramsar wetlands which in turn is having adverse effects on the ecological character of declared Ramsar wetlands.

175. For the same reasons as those set out at paragraphs 129 to 130 above in relation to the World Heritage Values of declared World Heritage Properties, having regard to the information provided by EJA and through the section 78B consultation process, flow-on climate change effects are indirect consequences of the proposed action on the ecological character of declared Ramsar wetlands for the purposes of the EPBC Act.

176. For the same reasons as those set out at paragraphs 131 to 153 above in relation to the World Heritage Values of declared World Heritage Properties, the department considers that the proposed action is not a substantial cause of the stated physical effects of climate change on the ecological character of declared Ramsar wetlands.

Conclusion

177. As such, the department recommends you determine that the new information is not about the impacts the proposed action has, will have or is likely to have on the ecological character of Ramsar wetlands.

Listed threatened species and ecological communities (sections 18 and 18A)

Referral information

178. The original referral decision includes controlling provisions under sections 18 and 18A because the delegate considered it likely the proposed action would result in significant impacts to 21 listed threatened species and two ecological communities due to habitat clearing.

179. Climate-related evidence was not considered by the delegate in relation to this protected matter. As noted above, no consideration was given to potential climate change flow-on effects of greenhouse gas emissions, or greenhouse gas emissions, as impacts on protected matters from the proposed action.

Substantial new information about the impacts of the proposed action

180. EJA has identified over 2,000 documents that it considers demonstrate the likely significant impacts of climate change on matters protected under these controlling provisions. These publicly available documents include conservation advices and listing advices for individual species and the IUCN Red List assessments. EJA divided its information for these provisions into three groups – listed fauna, listed flora and listed ecological communities (Attachment B5). The department's consideration of this information is thus grouped in the same way below.

181. The department considers this information is substantial new information as:

a. some of the information contained in the reconsideration request was not before the delegate and so is considered new information; and

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b. the information is of substance and is not trivial or inconsequential, and demonstrates that climate change has various effects on this protected matter.

Listed threatened fauna

182. EJA considers that 366 listed faunal species are likely to be affected by climate change (Attachment B4). The information in the reconsideration request identified that climate change is likely to increase the frequency and severity of droughts, floods, and bushfire due to increased temperature and altered rainfall patterns. These weather events will affect the availability and distribution of breeding and foraging habitats for listed faunal species. For example, reduced waterflows can result in the loss of streamside vegetation and floods and bushfires impact on the water quality of aquatic environments. The effects of climate change are more pronounced for fauna with restricted area of occupancy and low-density populations at those sites.

183. The information in the reconsideration request also identified other sources of physical pressures on listed faunal species such as water extraction, feral predation, feral herbivores, introduced pests and developments (e.g. roads and agriculture).

Listed threatened flora

184. EJA considers that 1,048 listed flora species are likely to be affected by climate change (Attachment B4). The information in the reconsideration request identified that climate change will cause Australia's climate to get hotter and drier, resulting in the potential for increased drought and climate-induced bushfires of increased intensity and frequency. This change in climate will affect the habitat suitability of listed flora species – particularly those which occur in small, fragmented populations with specific habitat requirements (e.g. moisture content) or in a highly restricted geographic range (e.g. alpine regions). In addition, the effects of extreme rainfall flood events associated with climate change may affect listed floral species, for example, by leading to the erosion of swampy floodplain habitat and causing physical damage to listed flora.

185. The information in the reconsideration request also identified other pressures on listed flora species, such as habitat fragmentation, encroachment from developments, introduced pests and diseases, and human recreational activities (e.g. bushwalking, camping and abseiling).

Listed ecological communities

186. EJA considers that 74 listed threatened ecological communities are likely to be affected by climate change (Attachment B4). The information in the reconsideration request identified that climate change poses a serious long-term threat to terrestrial, coastal, and aquatic ecosystems that are listed threatened ecological communities. Wetlands, swamps, moist open forest, and rainforests will be under greater stress from a drier climate. Coastal ecological communities will be impacted by rising sea levels.

187. The information in the reconsideration request also noted that climate change not only directly threatens the species within ecological communities that cannot adapt, but it is also likely to exacerbate existing threats including:

a. loss of habitat

b. altered hydrological regimes

c. altered fire regimes

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d. spread of invasive species and disease

e. tree decline due to prolonged drought and heat stress

f. human activities.

Does the information relate to the impacts that the proposed action has or will have, or is likely to have, on listed threatened species and ecological communities?

188. The information in the reconsideration request identified that climate change is having, or will have, adverse effects on the habitats of listed threatened species and the composition of listed threatened ecological communities.

189. For the same reasons as those set out at paragraphs 129 to 130 above in relation to the World Heritage Values of declared World Heritage Properties, having regard to the information provided by EJA and through the section 78B consultation process, flow-on climate change effects are indirect consequences of the proposed action on listed threatened species and ecological communities for the purposes of the EPBC Act.

190. For the same reasons as those set out at paragraphs 131 to 153 above in relation to the World Heritage Values of declared World Heritage Properties, the department considers that the proposed action is not a substantial cause of the stated physical effects of climate change on listed threatened species and ecological communities.

Conclusion

191. As such, the department recommends you determine that the new information is not about the impacts the proposed action has, will have or is likely to have on listed threatened species and ecological communities.

192. The department also notes that because the original referral decision specified sections 18 and 18A as controlling provisions, impacts on listed threatened species and ecological communities will be assessed for the purposes of the decision whether or not to approve the proposed action. The further information provided by EJA would not warrant the revocation and substitution of the original decision in relation to the identified controlling provisions, including the controlling provisions under sections 18 and 18A.

Listed migratory species (sections 20 and 20A)

Referral information

193. The original referral decision does not include this controlling provision because the project area does not harbour important habitat and / or an ecologically significant proportion of any migratory species. The delegate considered it unlikely the proposed action would have a significant impact on migratory species given the nature and scale of the proposed action and its potential impacts.

194. Climate-related evidence was not considered by the delegate in relation to this protected matter. As noted above, no consideration was given to potential climate change flow-on effects of greenhouse gas emissions, or greenhouse gas emissions, as impacts on protected matters from the proposed action.

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Substantial new information about the impacts of the proposed action

195. EJA has identified over 150 documents and information that it considers demonstrate the likely significant impacts of climate change on matters protected under this controlling provision. This publicly available material includes information about individual species from the department's SPRAT and conservation and listing advices.

196. The department considers this information is substantial new information as:

a. some of the information contained in the reconsideration request was not before the delegate and so is considered new information; and

b. the information is of substance and is not trivial or inconsequential, and demonstrates that climate change has various effects on this protected matter.

197. EJA considers 133 listed migratory species are likely to be impacted by climate change (Attachment B4). The information in the reconsideration request identifies relationships between climate change and listed migratory species, for example:

a. migratory waders – global warming and associated changes in sea level are likely to have long-term effects on breeding, staging, and non-breeding grounds

b. cold water marine mammals – increasing ocean temperatures predicted by climate change scenarios could potentially decrease the extent of their occurrence with warmer water extending southwards

c. marine turtles – changing temperatures and weather patterns associated with climate change are likely to have both direct physiological effects on marine turtles as well as indirect effects through impacts on critical habitats.

Does the information relate to the impacts that the proposed action has or will have, or is likely to have, on listed migratory species?

198. The information in the reconsideration request identified that climate change is having, or will have, adverse effects on migratory species.

199. For the same reasons as those set out at paragraphs 129 to 130 above in relation to the World Heritage Values of declared World Heritage Properties, having regard to the information provided by EJA and through the section 78B consultation process, flow-on climate change effects are indirect consequences of the proposed action on listed migratory species for the purposes of the EPBC Act.

200. For the same reasons as those set out at paragraphs 131 to 153 above in relation to the World Heritage Values of declared World Heritage Properties, the department considers that the proposed action is not a substantial cause of the stated physical effects of climate change on listed migratory species.

Conclusion

201. As such, the department recommends you determine that the new information is not about the impacts the proposed action has, will have or is likely to have on listed migratory species.

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Environment in a Commonwealth marine area (sections 23 and 24A)

Referral information

202. The original referral decision does not include this controlling provision given the distance of the project site from the nearest Commonwealth marine area (CMA).

203. Climate-related evidence was not considered by the delegate in relation to this protected matter. As noted above, no consideration was given to potential climate change flow-on effects of greenhouse gas emissions, or greenhouse gas emissions, as impacts on protected matters from the proposed action.

Substantial new information about the impacts of the proposed action

204. EJA has identified over 540 documents that it considers demonstrate the likely significant impacts of climate change on the matter protected under this controlling provision. These publicly available materials include bioregional plans, species group and marine environment report cards and region profiles.

205. The department considers this information is substantial new information as:

a. much of the information contained in the reconsideration request was not before the delegate and so is considered new information; and

b. the information is of substance and is not trivial or inconsequential, and demonstrates that climate change has various effects on this protected matter.

206. EJA considers that the environment in five of the six CMAs and over 390 listed marine species are likely to be impacted by climate change (Attachment B4).

207. The information in the reconsideration request identifies the relationships between climate change related events and the environment in CMAs, for example:

a. increased frequency of storms – may cause habitat modification by altering coastal landscapes, particularly sandy beaches and low-lying islands, resulting in changes to the structure, function, and capacity of coastal ecosystems to deliver ecosystem function

b. sea level rise – may have consequences when combined with increasing cyclone frequency, particularly for habitats associated with inshore dolphins and some breeding seabirds

c. ocean acidification – may have physiological effects on many species and may also cause changes to the composition of ecological community structures dependent on hard substrate environments, which may in turn impact on food sources for higher trophic level species.

208. The information in the reconsideration request identifies that one third of reef building corals face an elevated extinction risk from climate change, and that climate change may thus threaten all sea snakes, which are coral reef specialists. The information in the reconsideration request also indicates that climate change, and associated changes in sea level, are likely to have a long-term impact on the breeding, staging, and non-breeding grounds of migratory shorebirds. In general, species that inhabit

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low-lying areas (e.g. beaches and atolls) will be subject to inundation and loss of habitat, and species that are geographically bounded will be impacted by rising temperatures.

Does the information relate to the impacts that the proposed action has or will have, or is likely to have, on the environment in a Commonwealth marine area?

209. The information in the reconsideration request identified that climate change is, or will have, adverse effects on the environment in a CMA, in particular ecosystems and their constituent parts which in turn impact on the qualities and characteristics of locations and places within a CMA.

210. For the same reasons as those set out at paragraphs 129 to 130 above in relation to the World Heritage Values of declared World Heritage Properties, having regard to the information provided by EJA and through the section 78B consultation process, flow-on climate change effects are indirect consequences of the proposed action on the environment in a CMA for the purposes of the EPBC Act.

211. For the same reasons as those set out at paragraphs 131 to 153 above in relation to the World Heritage Values of declared World Heritage Properties, the department considers that the proposed action is not a substantial cause of the stated physical effects of climate change on the environment in a CMA.

Conclusion

212. As such, the department recommends you determine that the new information is not about the impacts the proposed action has, will have or is likely to have on the environment in a CMA.

Environment in the Great Barrier Reef Marine Park (sections 24B and 24C)

Referral information

213. The original referral decision does not include this controlling provision given the distance of the project site from the Great Barrier Reef Marine Park (GBRMP). The delegate considered that the proposed action was unlikely to have a significant impact on the GBRMP.

214. Climate-related evidence was not considered by the delegate in relation to this protected matter. As noted above, no consideration was given to potential climate change flow-on effects of greenhouse gas emissions, or greenhouse gas emissions, as impacts on protected matters from the proposed action.

Substantial new information about the impacts of the proposed action

215. EJA has identified over 13 documents and information that it considers demonstrate the likely significant impacts of climate change on matters protected under this controlling provision. These publicly available materials include bioregional plans, species group and marine environment report cards and region profiles. The information provided for this controlling provision was the same information as provided for the Great Barrier Reef under the World Heritage controlling provision.

216. The department considers this information is substantial new information as:

a. much of the information contained in the reconsideration request was not before the delegate and so is considered new information; and

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b. the information is of substance and is not trivial or inconsequential, and demonstrates that climate change has various effects on this protected matter.

217. The EJA information identified that climate change is the most serious threat to the environment in the GBRMP and compounds the impacts of other existing threats such as land-based run off, coastal development, and direct use (particularly fishing).

218. For example, climate change reduces the GBRMP's resilience, with thermal extremes causing mass mortality of adult coral and a decline in coral recruitment, as well as mass mortality of fish and invertebrates, in shallow northern reef lagoons in 2016. Small changes in sea levels also increase erosion, which has effects on turtle and seabird nesting beaches and causes land inundation, affecting tidal habitats (e.g. brackish saltmarsh habitats are being displaced by mangroves).

Does the information relate to the impacts that the proposed action has or will have, or is likely to have, on the environment in the Great Barrier Reef Marine Park?

219. The information in the reconsideration request identified that climate change is having, or will have, adverse effects on the environment in the GBRMP, in particular its ecosystems and constituent parts, which can in turn impact on the qualities and characteristics of locations and places with the GBRMP.

220. For the same reasons as those set out at paragraphs 129 to 130 above in relation to the World Heritage Values of declared World Heritage Properties, having regard to the information provided by EJA and through the section 78B consultation process, flow-on climate change effects are indirect consequences of the proposed action on the environment of the GBRMP for the purposes of the EPBC Act.

221. For the same reasons as those set out at paragraphs 131 to 153 above in relation to the World Heritage Values of declared World Heritage Properties, the department considers that the proposed action is not a substantial cause of the stated physical effects of climate change on the environment in the GBRMP.

Conclusion

222. As such, the department recommends you determine that the new information is not about the impacts the proposed action has, will have or is likely to have on the environment in the GBRMP.

OTHER MATTERS FOR DECISION-MAKING

Precautionary principle

223. As a request has been made pursuant to section 78A of the EPBC Act, you are required to reconsider the decision under section 75 (about whether an action is a controlled action and which provisions of Part 3 (if any) are controlling provisions for the action). As noted above, in making a decision under section 75, you are required to take account of the precautionary principle (section 391) to the extent that you can do so consistently with the other provisions of the EPBC Act. The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

224. The department considers that several protected matters considered in this brief are facing threats of serious or irreversible damage. In particular, the information in the reconsideration request

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demonstrates that there is a risk of serious or irreversible harm to several protected matters arising from climate change. Furthermore, in some cases there is uncertainty as to the status of those matters, and / or the scope and nature of the threats facing them. The department considers that the precautionary principle therefore applies to your decision.

225. The department has taken the precautionary principle into account in making its recommendations. Where the action is considered likely to have a significant impact on a protected matter, it has been determined to be a controlling provision (for reasons set out in relation to the original referral decision), requiring further assessment. For all other protected matters, the department is satisfied that the action is not likely to have a significant impact (for reasons set out in relation to the original referral decision, and above in this brief).

226. In relation to the reconsideration request, for the reasons contained in this decision brief, the department considers that it is open to you to be satisfied that the greenhouse gas emissions from the proposed action do not cause 'impacts' on protected matters. If you reach this conclusion, you cannot be satisfied that the revocation and substitution is warranted by substantial new information about the impacts of the proposed action. The department recommends that you find that the revocation and substitution of the original decision is not warranted by the availability of substantial new information about the impacts that the action has or will have, or is likely to have, on protected matters.

Cleared by

s. 22(1)(a)(ii)

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ATTACHMENTS

A.	Original referral decision material **A1.** Signed referral brief dated 18 July 2019 **A2.** Signed referral decision notice dated 18 July 2019 **A3.** Original referral decision briefing package dated 18 July 2019
B.	Request for reconsideration

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	B1. Letter from EJA dated 8 July 2022 **B2.** Annexure 1 **B3.** Sources of Information for Annexure 1 **B4.** Annexure 2 – Analysis of research on climate change and its impacts on Matters of National Environmental Significance under the EPBC Act **B5.** Annexure 2.1 – Spreadsheets of data **B6.** Annexure 2.2 – Sources of data for Annexure 2.1 **B7.** Annexure 2.3 – Fire Impact Maps **B8.** Letter from EJA providing further material dated 11 August 2022 **B9.** State of the Environment Report 2021 **B10.** Pre-final-publication versions of the IPCC AR6 WGII and WGIII Reports **B11.** Final consolidated versions of the IPCC AR6 WGII and WGIII Reports **B12.** Letter from EJA regarding IPCC AR6 WGII and WGIII Reports dated 29 August 2023 **B13.** Letter from EJA regarding Annexure III of the WGII Report (Annex III: Scenarios and Modelling Methods) dated 4 October 2023 **B14.** Annexure III of the WGII Report (Annex III: Scenarios and Modelling Methods) provided by EJA via email on 6 October 2023 **B15.** Letter from EJA providing further material dated 29 April 2024 **B16.** IEA Net Zero Roadmap, 2023 update **B17.** IEA World Energy Outlook, 2023 **B18.** Expert report by Ms. Rachel Wilson, 26 April 2024
C.	Reconsideration decision notice – **FOR SIGNATURE**
D.	Letters – **FOR SIGNATURE** **D1.** Letter to the designated proponent **D2.** Letter to requestor **D3.** Letter to State Minister **D4.** Letter to Minister for Indigenous Australians, Senator the Hon Malarndirri McCarthy **D5.** Letter to Minister for Climate Change and Energy, the Hon Chris Bowen MP

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	D6. Letter to Minister for Resources and Minister for Northern Australia, the Hon Madeleine King MP **D7.** Letter to Minister for Industry and Innovation and Science, Senator the Hon Tim Ayres **D8.** Letter to Minister for Agriculture, Fisheries and Forestry, the Hon Julie Collins MP
E.	Signed validity briefing package dated 3 November 2022
F.	Commonwealth Ministers' responses to invitation to comment: **F1.** Minister for Indigenous Australians, the Hon Linda Burney MP **F2.** Minister for Agriculture, Fisheries and Forestry, Senator the Hon Murray Watt **F3.** Minister for Climate Change and Energy, the Hon Chris Bowen MP **F4.** Minister for Industry and Science, the Hon Ed Husic MP **F5.** Minister for Resources and Minister for Northern Australia, the Hon Madeleine King MP
G.	State Minister response to invitation to comment
H.	Proponent response to invitation to comment
I.	Request for further information (**RFI**) on proposed action's emissions
J.	**J1.** Proponent final response to RFI **J2.** Updated Greenhouse Gas Management and Abatement Plan July 2025.pdf
K.	Public Comments **K1.** Public Portal Comments **K2.** Attachments to Public Portal Comments **K3.** Ministerial Submissions direct to the minister **K4.** Requestor Submission dated 24 November 2022, including attached World Energy Outlook 2022 (Free Data Set) **K5.** Additional Public Portal Comments
L.	IEA Coal Report 2025 (IEA's annual coal market report for 2025)
M.	Synthesis Report of the IPCC Sixth Assessment Report (**AR6**)

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