

Department of Climate Change, Energy, the Environment and Water

Submitted via the Consultation Hub: <https://consult.dcceew.gov.au/natl-environmental-standards-mnes>

30 January 2026

Submission on the draft MNES Standards Policy Paper and legislative instrument.

Environmental Advocacy in Central Queensland (**EnvA**) appreciates the opportunity to make a submission on the draft Matters of National Environmental Significance (**MNES**) Standard Policy Paper and the exposure draft of the *National Environmental Standard (Matters of National Environmental Significance) 2025*.

About Environmental Advocacy in Central Queensland

EnvA is a Central Queensland community organisation committed to ensuring that all land use is sustainable and does not significantly impact on the environment. We are particularly concerned about the environmental impacts caused by new and expanding coal mining and coal seam gas projects in Central Queensland – particularly habitat loss, impacts on water quality and the significant production of greenhouse gas emissions which are contributing to accelerated adverse climate change impacts on communities and the environment.

The latest State of the Environment Report¹ makes it clear that *‘the state and trend of the environment of Australia is poor and deteriorating because of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction.’* The MNES Standard is a critical instrument in ensuring that:

- there is no further decline of our environment, and
- that there is a shift to a significantly high level of protection of MNES.

This quantum shift is essential given the increasing demand for land development, and the increasing frequency and severity of adverse weather events impacting on most of the MNES.

General comments

The Independent Review of the EPBC Act (**The Samuel Review**)² strongly identified the need for strong, clear, enforceable and outcomes-based standards for the protection of MNES. EnvA considers that the current draft policy content and the associated legislative instrument do not achieve the certainty required for proponents or decision-makers to clearly identify projects with unacceptable impacts on MNES.

¹ [DCCEEW \(2021\) Australia: State of the Environment](#)

² [Professor Graeme Samuel AC \(2020\). Independent Review of the EPBC Act – final report](#)



EnvA recommends that:

- the wording is strengthened and further definitions are provided to remove discretionary loopholes and provide greater clarity in both the policy and the legislative instrument,
- the cumulative impacts on MNES is supported by stronger policy and incorporated into the legislative instrument,
- there are provisions to ensure that the national environmental standards (**NES**) apply to all projects that will have an impact on MNES,
- the discretionary powers of the decision-maker are significantly reduced to provide clarity that MNES will be consistently managed across all projects, and
- reduce the availability of the use of offsets to mitigate impacts on MNES, noting that this could be addressed in the Offset NES policy and legislative instrument.

Further detail to support these recommendations is provided in our key concerns below.

Strengthened wording

The draft legislative instrument currently contains terminology inferring a ‘choice’ rather than clarity of requirements to assist proponents, the public and the decision-maker to achieve the objectives of EPBC clarity reforms.

For example, the Principles include words including “appropriately consider”, “should”, “if possible” and “appropriate”. These are terminologies that do not provide certainty for either proponents or the decision-maker and should be replaced with actual requirements.

Clarity and consistency must be associated with improved guidance on what is required from the proponent to meet the NES.

Strengthened definitions

The objectives for protected matters such as threatened species, ecological communities and migratory species state that “critical habitat of [MNES] where the habitat is irreplaceable and necessary for a threatened species to remain viable in the wild, is protected, conserved and restored to support the survival and recovery of the threatened species”. However, critical habitat is not identified or defined in the policy, legislative instrument, or in most approved recovery plans.

The lack of definition leaves a huge gap in discretionary powers to determine if any single project will have unacceptable impacts on critical habitat for any MNES. This does not improve the clarity for strong, clear and outcome-based outcomes that the Samuel Report recommended.

Cumulative impacts

The draft policy notes that compounding impacts on MNES are already considered in the EPBC Act. The intent of Principle 2 requires that the cumulative impacts are considered and given ‘regard’ in decision-making, with a preference for this to be considered at a landscape scale.

As currently drafted, the policy and legislative instrument do not provide any guidance on how cumulative impacts must be addressed and hence does not meet the strong and clear, outcome-based determination.

EnvA is deeply concerned about the cumulative impacts of land clearing and climate change associated with the expansion and continuation of coal mining in Central Queensland. EnvA has

reviewed numerous coal projects in the region, many of which affect the same threatened species and ecosystems.

Several species, including the koala and greater glider, have experienced significant population declines and have recently been reclassified from vulnerable to endangered in Queensland. Without clear guidance for assessment, it is likely that we will continue to see a decline in the conservation status of threatened species and ecosystems, and the deterioration of the health of other protected matters. Proposals will be continued to be assessed on a project-by project manner without the clarity and consistency recommended in the Samuel Review.

“Many small slices of the cake will still eventually result in no cake.”

Discretionary Powers

The current drafting of the policy and legislative instrument must require compliance with the NES, not just that decision-makers “have regard to” it. Weak wording risks inconsistent application and undermines the purpose of the standard. This does not improve the clarity for proponents or decision-makers in the assessment of projects – it only retains the current assessment processes. The NES must be clear and enforceable.

Offsets

The mitigation hierarchy is outlined in Principle 1. Again, the wording provides a ‘choice’ rather than clarity of requirements as noted in the strengthened wording section above.

Of concern, paragraph 3 states that “where significant impacts to protected matters cannot be avoided, the impact should be mitigated through a demonstrated process of identifying and implementing measures to reduce significant impacts on protected matters.” EnvA considers that the project should be refused unless the Minister determines that it is in the nation’s best interests.

EnvA holds serious concerns about the general ineffectiveness of biodiversity offsets in Australia. Since the Queensland Environmental Offsets Policy was introduced in 2014, biodiversity indicators—including vegetation extent and condition, and populations of threatened species—have continued to decline.

Even the Federal Environment Minister acknowledged in 2023, “We know the current offset arrangements are broken and making nature worse.”

Given the cumulative ecological losses, poor precedent for long-term offset success, and lack of confidence in offset effectiveness, EnvA recommends that they must be identified only as an opportunity for projects that are determined to be critical to Australia’s defence, security, strategic interests, or international obligations.

Further comments on this will be addressed in our submission on the draft *National Environmental Standard (Environmental Offsets) 2025* documentation.

EnvA urges the Government to strengthen this NES by:

- Ensuring the standard is outcomes-based, clear and enforceable,
- Includes clear and robust obligations for applying the mitigation hierarchy,
- Requiring a robust assessment of cumulative impacts,
- Requiring decision-makers to comply with the standard, not merely “have regard to” it, and
- Defining terminology including critical habitat and unacceptable impacts.

Strong national standards are essential to protect nature, provide certainty, and rebuild trust in Australia's environmental decision-making. Meeting the recommendations outlined in the Samuel Report are essential to provide the clarity that is required for proponents, the community and the decision-maker.

Thank you again for the opportunity to comment on the draft MNES Standards Policy Paper and legislative instrument.

Kind regards

A handwritten signature in blue ink, appearing to read 'Coral', with a stylized flourish at the end.

Dr Coral Rowston
Director
Environmental Advocacy in Central Queensland Inc.