PUBLIC SUBMISSION

Submission to the
Queensland Productivity Commission Inquiry into the
Impact of the Australian Government's 2025 Environment Protection Reforms on Queensland

Submitted by:

A Queensland small family primary producer

Grain-Beef Cattle Farming — ANZSIC Code 0145

Submission Due: 13 July 2026

Executive Summary

This submission is made by a small family primary production enterprise **(Enterprise)** operating a Grain-Beef Cattle Farming business (ANZSIC 0145) in Queensland.

The Enterprise has been directly, immediately and severely affected by the amendments to section 43B of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) which received Royal Assent on 1 December 2025 and commenced on 2 December 2025. These impacts arise because the exemption in section 43B no longer applies to clearing of vegetation from land if the land has not been cleared for a period of at least 15 years.

Six months prior to the reforms, the Enterprise settled on a substantial parcel of land purchased specifically because of its 100% Category X vegetation classification secured by a Property Map of Assessable Vegetation (**PMAV**) under the *Vegetation Management Act 1999* (Qld) (**VM Act**). The effect of the PMAV is to map the land as non-remnant or cleared, meaning it does not require state approvals to clear or manage native vegetation on the land. A premium was paid above competing bids on the strength of that PMAV status, and bank finance was approved on a projected three-year development plan for grazing and cropping expressly permitted by that state framework. However, while the parcel has been continually used for agricultural purposes for almost 100 years, parts of the land which contained Brigalow species had not been cleared in the last 15 years. Development commenced on 18 November 2025 and was ceased on 2 December 2025 when the reforms took effect and the 15-year rule was introduced.

The consequence has been catastrophic and immediate. Approximately 70% of the parcel is now practically unusable for the intended purpose, because of the disproportionate costs and risk that would be involved in seeking approval under the EPBC Act for the intended use of the land. The Enterprise faces quoted assessment and referral costs in the order of $80,000 for an initial self-assessment report from a qualified ecological consultant to confirm if referral is required, and in the order of $150,000 for the ecological consultant to prepare a full referral that would meet the requirements of the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**). Legal costs of approximately $14,000 have already expensed to date in seeking advice on how the reforms apply. Moving through the approval process would involve significantly more expert and legal costs. There is a high likelihood that referral will not be approved without unaffordable environmental offsets. Seeking an approval is therefore not a viable option. Livestock has been forcibly sold. Bank loan serviceability and equity are severely compromised and 7+ months forced pause on development of the affected land parcel.

The reforms have generated three systemic problems for Queensland agriculture that this submission urges the Commission to address:

1. The blanket 15-year regrowth trigger in new section 43B(2B) commenced without transition, compensation, or grandfathering for landholders who acquired land in good-faith reliance on the state-based PMAV framework.
2. The interpretation adopted by DCCEEW of 'lawful continuation of a use' in section 43B as requiring uninterrupted cyclical use is operationally incompatible with Australian agriculture, which must adapt continuously to drought, flood, fire and market conditions.
3. The self-assessment framework is not, in practice, a self-assessment framework. Threatened Ecological Community (**TEC**) determinations require qualified ecological assessment; costs of at least

$80,000 to $150,000 per parcel to obtain these assessments are unviable for family enterprises operating on agricultural margins.

A timely intervention

According to publicly available information from AgForce Queensland (March 2026), Commonwealth-Queensland bilateral negotiations commenced in March 2026 and were targeted for finalisation in November 2026. Submissions to this Inquiry close 13 July 2026. Recommendations from this Inquiry that require Commonwealth-State agreement must be prioritised to be reflected in the incoming Bilateral Agreement.

Priority recommendations

- Recognition of PMAV Category X land in the Commonwealth-Queensland Bilateral Agreement (currently under negotiation), with express exclusion from section 43B(2B) of the EPBC Act for land carrying a valid PMAV at commencement of the reforms. Alternatively, Queensland Government works with the Commonwealth Government to develop bioregional plans or strategic assessments to approve actions on PMAV Category X land.
- A transitional relief pathway for landholders who purchased or financed land between 2 December 2022 and 2 December 2025 in demonstrable reliance on PMAV status
- Recognition of ANZSIC codes, and that Australian Land Use and Management Classification (ALUM) land use codes 2.1.0, 3.2.0 and 3.3.1 operate interchangeably within ANZSIC Code 0145 (Grain-Beef Cattle Farming) without triggering 'change of land use' assessment.
- Adoption of a list of routine agricultural activities that do not require EPBC Act self-assessment or referral, consistent with the position advanced by AgForce Queensland.
- DCCEEW guidance be amended to recognise that variation in the timing, intensity or method of a cyclical agricultural use — in response to drought, flood, fire, market conditions or biosecurity events — does not constitute 'interruption in cycles' for the purposes of the section 43B continuation-of-use test.
- Develop a true and robust self-assessment framework that guides landholders through the self-assessment process, along with clear and concise SPRAT and Conservation Advices that removes ambiguity of interpretation from the process.
- A statewide stocktake of ANZSIC and ALUM land-use mapping recorded on title to give purchasers due-diligence certainty on the development potential of land at the point of transfer.

Contents

1. About the Submitter

The submitter is a small family-owned primary production enterprise operating in the agricultural sector in Queensland. The Enterprise operates under:

- **ANZSIC Code:** 0145 — Grain-Beef Cattle Farming; and
- **ALUM Land Use Classification Codes:**
  - 2.1.0 (Dryland Grazing Native Vegetation);
  - 3.2.0 (Grazing Modified Pastures); and
  - 3.3.1 (Cropping Cereals).

The Enterprise's holdings comprise adjoining parcels of land of which were placed under Property Map of Assessable Vegetation (**PMAV**) agreements with the Queensland Government in June 2006 following on-farm assessment by a State-recognised representative. The vast majority of the vegetation on these parcels was classified Category X, on the understanding — reasonably held on the basis of the state framework and its treatment by valuers, banks, conveyancing solicitors and real estate agents — that the Enterprise could manage this land within its ANZSIC 0145 enterprise scope for the perpetuity of the PMAVs.

A further parcel, purchased in mid-2025 and the subject of this submission's case study, was acquired specifically because its 100% Category X PMAV status made it suitable for development into grazing and cropping to expand the Enterprise. That parcel has been in continuous agricultural use for approximately a century, since it was first alienated from the State.

2. Case Study — The Direct Impact of the 2025 Reforms

The Commission has invited case studies to illustrate the practical operation of the 2025 reforms. The circumstances set out below are provided as a real, current, quantified illustration of how the reforms have operated at the farm gate for a landholder with no prior operational interaction with the EPBC Act.

2.1 Acquisition and finance (mid-2025)

In mid-2025 — six months prior to the reforms and commencement of the amendment to section 43B — the Enterprise settled on the subject parcel of land for a purchase price over two million dollars. A premium was paid above a competing bid by a neighbouring landholder. The premium was justified on the basis that:

- The parcel carried a valid PMAV recording 100% Category X vegetation status under the VM Act, which under the state framework permitted the Enterprise to clear the vegetation for development into Grain-Beef Cattle Farming.
- The parcel adjoined existing parcels within the Enterprise, delivering logistical and financial economies of scale in day-to-day farm management.
- The parcel has been in continuous agricultural use for approximately a century.

Bank finance covering the purchase price and stamp duty was approved on the following conditions:

- Three years of budgeted financials on the parcel's projected production capacity, including the proposed clearing and development for grazing and cropping enabled by its Category X classification.
- An independent valuation confirming the purchase price by reference to comparable sales in the area, in which the valuer expressed reference to VM Act vegetation categories and PMAV status.

The bank, the valuer, the conveyancing solicitor and the purchaser all conducted their respective assessments by reference to the state framework. No search or advice at any point in the acquisition process identified the EPBC Act — or section 43B — as a matter that might affect the parcel's development potential or land value.

2.2 Commencement of development (November 2025)

The Enterprise engaged a second bulldozer and planned the clearing of regrowth vegetation for the December-January school holiday period. Small-scale preparatory works commenced on 18 November 2025 and were progressively scaled up. On 2 December 2025 — the day the amendments to section 43B commenced — all works were ceased.

2.3 Post-reform position

On analysis of the reforms and DCCEEW guidance, the Enterprise has determined that:

- Almost the entire parcel is affected by new section 43B(2B), which removes the continuation-of-use exemption for land clearing where vegetation has not been cleared for at least 15 years. Regrowth on the parcel is over 15 years old.
- Even if the regrowth was younger than 15 years, DCCEEW guidance indicates that in order to qualify as a 'lawful continuation of a use' for section 43B, there can be no 'intensification' of the activity as it was occurring prior to the commencement of the EPBC Act. DCCEEW guidance appears to treat a shift from 2.1.0 (Dryland Grazing Native Vegetation) to 3.2.0 (Grazing Modified Pastures) or 3.3.1 (Cropping

Cereals) as a 'change of land use' requiring assessment, despite these being the standard ALUM codes within ANZSIC 0145.

- The EPBC Act Protected Matters Report indicates the entire parcel is within the range of the *Brigalow (Acacia harpophylla dominant and co-dominant)* threatened ecological community, listed as Endangered under the EPBC Act since 4 April 2001. Expert advice is required to determine if the vegetation meets the Brigalow Conservation Advice. If it does, full referral is highly likely to be required. Seeking approval to conduct the regrowth management would be an unreasonably costly exercise and would not be viable for the Enterprise.

2.4 Financial impact (indicative)

The following table sets out the indicative financial impact of the reforms on the Enterprise. Exact figures are provided in Confidential Annexure A.

Item	Indicative amount / impact
Purchase price (mid-2025) (subject to bank finance)	Over two million dollars
Premium paid above competing bid	Low six-figure amount
Proportion of parcel now practically unusable for intended purpose	≈ 70%
Quoted cost of ecology self-assessment	≈ \$80,000
Quoted cost to prepare full EPBC referral (if triggered)	≈ \$150,000+
Legal fees incurred to date	≈ \$14,000 (ongoing)
Period of operational uncertainty to date	December 2025 – July 2026 (7+ months)
Livestock	Forced sale due to loss of usable grazing area

The bank has lent millions of dollars against a valuation whose fundamental assumptions — PMAV Category X status and projected development income — have been retrospectively displaced by federal law. The Enterprise is exposed to a serviceability shortfall and equity impairment that is a direct, quantifiable consequence of the reforms.

2.5 Broader systemic exposure

The Enterprise's circumstances are not unique. Property valuations across Queensland reference PMAV status. Bank lending books reference those valuations. Real estate agents market properties on their PMAV status. Purchasers pay premiums for Category X land. Every one of these actors is exposed to write-downs where reliance was placed on PMAV Category X land with regrowth over 15 years old. The Commission is invited to consider that the direct effect on this landholder is a case study in the systemic effect on Queensland's agricultural loan book.

3. Regulatory Burden and Compliance Impacts

This section responds to the Terms of Reference scope item on regulatory burden and compliance impacts.

3.1 Pre-reform position: no direct interaction with the EPBC Act

Prior to the EPBC Act 2025 reforms, the Enterprise was not — and understood itself not required to be — interacting directly with the EPBC Act. The Enterprise's holdings were covered by PMAV agreements executed with the Queensland Government in June 2006. The Enterprise understood these PMAVs to be effective in perpetuity.

The Enterprise was not aware of section 43B of the EPBC Act as an operative constraint. This lack of awareness reflected — and was reinforced by — the entire chain of professional advisors and market participants who transact in Queensland farmland, none of whom raised the EPBC Act as a matter affecting the Enterprise's holdings at any point prior to the commencement of the reforms. The Enterprise understands that this is likely because it was assumed that section 43B applied, because the land had been in continuous agricultural use for almost a century without any reference to the EPBC Act.

3.2 Post-reform position: severe and immediate complexity

The Enterprise has now been compelled to navigate complex Commonwealth legislation, regulation, draft standards and departmental guidance that is not embedded in the practical operation of Queensland agriculture. Two distinct interpretive problems have emerged:

3.2.1 The section 43B(2B) 15-year regrowth trigger

The 2 December 2025 amendments narrowed section 43B so that the continuation-of-use exemption no longer applies where the land has not been cleared for at least 15 years. On the Enterprise's parcel — carrying a 100% Category X PMAV that under state law permitted clearing without approval — this has meant that the management of vegetation on its land overnight became the subject of the EPBC Act. This displaces the state-based classification entirely for the parcel.

DCCEEW's expressed reason for the 15-year trigger is that 'clearing vegetation older than 15 years wouldn't qualify for exemption. The time gap shows that land use hasn't been continuous'.[1] DCCEEW's guidance further advises that a 'lawful continuation of a use of land' exists where the use has been occurring without interruption, and if the use is cyclical, has no breaks in cycles since 16 July 2000.

This is a fundamental misunderstanding of the reality of Australian agricultural uses. There can be many reasons why vegetation may not have been cleared in over 15 years, and this does not necessarily mean that the agricultural use has ceased. In Queensland, where land is categorised by a PMAV as Category X, there is no requirement to clear vegetation within 15 years to maintain the Category X status. Regrowth management is conducted as required, which may extend beyond 15 years.

This 'continuous use' test, with a 15-year limit, is operationally incompatible with the reality of Australian agriculture:

[1] Agricultural action exemptions - DCCEEW

- Drought, flood, fire, market conditions and biosecurity events routinely interrupt the cyclical pattern of grazing, cropping and pasture management.
- Adaptive management is expressly promoted under Commonwealth policy including the Climate-Smart Agriculture Strategy, the National Soil Strategy and the Reef 2050 Plan, each of which supports rotational and rest-based approaches that are, by design, non-uniform in cycle.
- A 'no interruption in cycles' test punishes the very responsiveness to landscape condition that Commonwealth agricultural, climate and water-quality policy actively promote.

3.2.2 Interpretation of intensifications in land use

Further, DCCEEW guidance appears to treat the change from a grazing to a cropping use as an intensification or expansion of activities, which represents a change in use no longer protected by section 43B. The consequence for the Enterprise is that even the ALUM codes within its own ANZSIC 0145 enterprise (2.1.0, 3.2.0 and 3.3.1) are treated by the DCCEEW guidance as separate 'uses' whose interchangeable operation may constitute a 'change of land use' triggering assessment. This is a fundamental misunderstanding of how mixed grain-beef farming enterprises operate: rotation between grazing native pasture, grazing modified pasture and cereal cropping is the normal, cyclical practice of the ANZSIC 0145 enterprise, not a change of use.

3.3 The self-assessment framework is not, in practice, self-assessable

The DCCEEW decision framework directs landholders to self-assess whether their action may have a significant impact on a MNES. In the Enterprise's case, however:

- The Protected Matters Search Tool identifies the entire parcel as within the range of the Brigalow (Acacia harpophylla dominant and co-dominant) TEC, listed as Endangered under the EPBC Act since 4 April 2001.
- The Conservation Advice for the Brigalow ecological community sets thresholds and requirements for identification, patch condition and buffer areas that necessitate qualified ecological survey to apply reliably.
- The consequence is that 'self-assessment' in this context requires engagement of a suitably qualified ecological consultant. Quoted cost: approximately $80,000.

There is therefore a contradiction at the heart of the framework. Self-assessment is the department's preferred pathway to avoid overwhelming the referral system, but the department's own conservation advices require standards of assessment that can only be met by paid external experts. The practical outcome is that self-assessment is effectively outsourced assessment, and the cost is borne entirely by the landholder without any concession or offset.

The submitter’s experience engaging ecological consultants has further demonstrated the uncertainty built into the current process. Consultants have differed materially in how they interpret and apply the SPRAT profile and Conservation Advice thresholds for identifying, assessing patch condition and determining whether Brigalow ecological community is present. Those differences can determine whether an action is assessed as likely to have a significant impact on a MNES and therefore subject to the EPBC Act. The compliance risk of an incorrect outcome remains entirely with the landholder.

3.4 Legal exposure of self-assessment

A landholder who self-assesses and proceeds without referral is exposed to civil and criminal penalties under the EPBC Act if the assessment is later found to be incorrect. The Reform Act has strengthened these penalties and given the new National Environmental Protection Agency (NEPA) expanded audit and stop-work powers. For a small family enterprise, an incorrect self-assessment can be an extinction-level event. In practice, the risk-appropriate course is referral — but as stated above, that comes with costs in the realm of ~$150,000+.

3.5 Quantified compliance cost impact on the Enterprise

Referral costs of $150,000+ (plus significantly greater costs if approval is required) equate to several years of net agricultural production on the parcel. Agriculture does not have the return-on-investment profile of the mining, gas, renewables or housing sectors. Agriculture requires ongoing, adaptive land management: recurring EPBC assessment cost for routine land-management activities is not a viable cost structure for the sector.

4. Economic and Productivity Impacts

This section responds to the Terms of Reference scope items on economic and productivity impacts, including the distribution of impacts across different types of proponents and the implications for business viability.

4.1 Immediate effect on business viability

The direct effect of the reforms on the Enterprise is to reduce the useful area of the subject parcel by approximately 70%. The Enterprise's ability to service the bank loan approved on the basis of a projected three-year development plan is materially impaired. The equity position with the lender is materially reduced. Livestock has been forcibly sold in response.

These effects are not the result of any change of behaviour by the Enterprise, any breach of law, any deterioration in land condition, or any change in agricultural markets. They are the direct effect of a federal law change that occurred six months after the Enterprise had irrevocably committed to the purchase. The change happened overnight with no consultation.

4.2 Systemic effect on land values and lending

Property valuations of Queensland farmland routinely reference PMAV status, and the two most recent independent valuations obtained by the Enterprise have quoted price-per-acre on that basis. The market implications of the reforms are therefore not limited to landholders currently mid-development:

- Farmland values across Queensland have increased over the past 20 years in part on the basis of PMAV Category X status and the ability to develop such land within the state framework.
- Lending institutions have advanced credit on the basis of valuations reflecting those values.
- Where a landholder's Category X land carries regrowth over 15 years old, the section 43B(2B) reforms have materially reduced the developable area of the land — and, correspondingly, its underlying value.
- The likely effect is a broad-based revaluation of Queensland agricultural land, with corresponding equity impairment on outstanding loans and reduced capacity to service debt.

This is not a hypothetical concern. It is a book-value consequence flowing directly from the operation of the new provisions on land held under a state framework that had been treated as authoritative by the market for two decades.

4.4 Disproportionate impact on small and family Enterprises

The Terms of Reference expressly ask the Commission to consider whether impacts will be disproportionately experienced by smaller or family-owned businesses and specific industry attributes. In the submitter's respectful submission, they will be, for the following reasons:

- Compliance cost is largely fixed per parcel. A ~$80,000+ self-assessment or ~$150,000+ referral cost is proportionately far more burdensome for a family enterprise generating agricultural margins on a small landholding than for a corporate resource proponent capitalising costs over a large project.
- Legal, ecological and administrative capacity is typically not held in-house on family enterprises. Each of these must be procured externally at market rates.

- Small enterprises have limited ability to spread compliance cost across multiple parcels or to absorb an unproductive year of assessment delay.
- Landholders who financed acquisitions prior to 2 December 2025 in reliance on projected development income are the most acutely exposed cohort, and family enterprises are heavily represented in that cohort.
- Landholders who operate grazing enterprises in particular are required to interact on a more frequent basis with the EPBC Act due to the majority of their agricultural landscape being represented by woody and non-woody vegetation — this then disproportionately affects them over sole cropping enterprises. This is evidenced in DCCEEWs 'Agricultural action exemptions' which references 'most activities on developed agricultural land don't need to be referred for assessment. Their environmental impacts are low and below the thresholds set by environment law.'

4.5 Effect on investment and productivity

The reforms and their associated interpretive uncertainty are likely to have a chilling effect on investment in Queensland agriculture:

- Purchasers cannot conduct meaningful due diligence on development potential until the interaction of section 43B(2B), the DCCEEW 'no interruption' test and the applicable Conservation Advices has been resolved through practical application.
- Financiers cannot reliably lend against projected productive capacity where that capacity is contingent on assessments of federal law that lending institutions do not themselves conduct.
- Existing landholders cannot make investment decisions with confidence where routine adaptive land management may itself trigger a 'change of use' assessment and the need to obtain EPBC Act approvals.

The flow-on effect will be felt at the level of regional economies dependent on strong agricultural output, at the level of national food and fibre security, and at the level of export income.

4.6 Comparative treatment of the resource sector

The disproportionate effect of the reforms on the agricultural industry is worsened by the differential treatment between how the reforms treat agriculture and the resource sector.

The Reform Act retained protections and exemptions for the resource sector. For example, the 'prior authorisation' exemption in section 43A was not amended. The Enterprise understands that the resource sector relies heavily on this exemption, which states that the EPBC Act does not apply to an action that was approved under State laws before the commencement of the EPBC Act. Despite criticism, this exemption was retained. This means that major resource projects are often entirely exempt from the EPBC Act, even where approvals for the project have not been acted on since they were granted and there has been no development since the start of the EPBC Act. These developers can clear vegetation which has not been cleared in the last 15 years, even where their state approvals contain no conditions which regulate that clearing.

On the other hand, agricultural operators who have in good faith relied on PMAV categorisation and have continually used the land in line with that categorisation were, without warning or consultation, prevented from doing so overnight. Because the PMAV system was introduced post-2000, DCCEEW will not recognise it as a prior authorisation for the purpose of section 43A.

Resource-sector proponents were afforded specific transitional protections and consultation, while family agricultural landholders — who were also engaged in lawful continuation of a longstanding use — were not. This is a distributive outcome the Commission is invited to weigh in its assessment.

5. Land and Risk Management Implications

This section responds to the Terms of Reference scope items on the effect of the reforms on the practical ability of landholders to manage land, and on unintended consequences for community safety, infrastructure resilience and operational risk.

5.1 Time and attention diverted from stewardship

Agricultural land stewardship is time-sensitive and continuous. It involves flood management and erosion mitigation, weed and pest control, biosecurity, fire preparedness, groundcover management, and adaptive responses to daily climatic and market conditions. The complexity of the 2025 reforms is now consuming landholder time and attention that would otherwise be applied to those stewardship activities. Every hour spent decoding federal legislation is an hour not spent managing the landscape.

5.2 The 'no interruption in cycles' test operates against good stewardship

As set out above, the DCCEEW guidance requiring 'no interruption in cycles' for lawful continuation of use is incompatible with responsive, climate-adaptive land management. AgForce Queensland Farmers Ltd, in its position paper 'Agricultural activities that should be classified as 'continuous use'', has drawn attention to this concern from the perspective of the sector as a whole. Its analysis is endorsed and adopted for the purposes of this submission. In particular:

- Extensive grazing systems shift stocking density and rest periods in response to rainfall and land condition. These shifts reflect better land management, not intensification.
- Pasture rehabilitation, legume incorporation and low-intensity pasture cropping are corrective and restorative activities, not new enterprises.
- Regrowth and encroachment control are ongoing land-management practices whose timing is dictated by rainfall, labour and cash flow — not by an artificial regulatory cycle.
- Rotational, rest-based, cell and time-controlled high-density grazing are recognised globally as tools for restoring soil function, sequestering carbon, and improving groundcover.

A test that treats variation in the timing of these practices as 'interruption in cycles' is a test that penalises the practices Commonwealth policy elsewhere expressly promotes.

5.3 Risk to bushfire and biosecurity management

Producers across Queensland are pausing or ceasing routine land management at a critical time of year because of the uncertainty introduced by the reforms. AgForce Queensland has identified nine categories of routine agricultural activity that should not require EPBC self-assessment or referral, including: firebreak construction, invasive-weed control, fence and polypipe installation within existing footprints, and stewardship works for erosion control. These activities are already regulated by state-based codes with decades of scientific and compliance history.

Delay or cessation of these activities has direct implications for community safety (uncontrolled fuel loads), infrastructure resilience (unmaintained access tracks and firebreaks), operational risk (loss of grazing capacity, animal welfare), and biosecurity (unrestrained spread of weeds of national significance). None of these outcomes serves the purpose of the EPBC Act.

5.4 Interaction with Queensland legislation

The reforms interact directly with the VM Act, the *Planning Act 2016* (Qld) and the *Biosecurity Act 2014* (Qld). Landholders now face the position that activities expressly permitted or required by state law may nonetheless trigger federal assessment obligations. Duplicated approvals, and worse, contradictory positions between state and federal frameworks, will impose administrative cost and legal risk with no additional environmental benefit.

6. Intergovernmental and Administrative Arrangements

This section responds to the Terms of Reference scope items on Commonwealth-State arrangements, and on the transfer of regulatory, administrative or financial responsibilities to the Queensland Government.

6.1 Bilateral Agreement

The Bilateral Agreement between the Commonwealth and Queensland is the practical mechanism by which duplication between federal and state assessment can be minimised. The submitters respectfully submits that the most direct, high-impact reform available to Queensland in its engagement with the Commonwealth is the inclusion of PMAV Category X land under the Bilateral Agreement, with express exclusion from section 43B(2B) or to agree processes which recognise that clearing of PMAV Category X land should treated as .

There are four reasons this is the right pathway:

1. PMAVs are made under state law after on-site assessment by a state-recognised authority. They are, in effect, a state-conducted assessment of the land's vegetation status and development potential under the VM Act framework.
2. PMAVs were originally understood by landholders to have effect in perpetuity. Retrospective displacement of that understanding without transitional protection undermines confidence in state-federal arrangements more generally.
3. The Queensland VM Act is a comprehensive framework with decades of compliance history. It is the appropriate operative instrument for routine vegetation management on Queensland farmland.
4. A PMAV-based carve-out is administratively simple to design and enforce: the PMAV is a document of record on title.

6.2 Bioregional plans or strategic assessments

Alternatively, the Queensland Government should seek to negotiate bioregional plans or strategic assessment under the EPBC Act to recognise that continuations of agricultural uses on PMAV Category X land do not require individual EPBC Act consideration or approval.

Adopting a landscape-scale approach aligns with the State's intention through the introduction of the PMAV system. The State-based framework has already assessed and mapped this land, through the PMAV, as non-remnant or cleared. Bioregional plans and strategic assessments are the mechanisms the EPBC Act provides for precisely this purpose. Both operate at a landscape or regional scale and allow a defined class of actions to be assessed once, up front, rather than requiring each landholder to refer and seek approval for the same routine activity.

Applying this framework to the continuation of established agricultural activities on PMAV Category X land would recognise that the relevant impacts have already been considered and mapped under the State system, and would remove the disproportionate cost, delay and uncertainty of case-by-case referral for activities that are routine, low-risk and well understood.

This approach could retain Commonwealth oversight where it is genuinely warranted. Individual approval might be warranted in defined, exceptional circumstances — for example, where the activity would itself require approval under the corresponding State framework. Structuring the streamlined pathway in this way would align the Commonwealth and Queensland regimes rather than duplicate them, give landholders certainty about the activities they may undertake without Commonwealth approval, and allow regulatory attention and resources to be directed to genuinely higher-impact actions.

6.3 Recognition of state accepted development codes

Beyond PMAVs, a range of state accepted development codes under the VM Act and *Planning Act 2016* (Qld) already regulate specific agricultural activities to bioregional standards — notably the Managing Fodder Harvesting Accepted Development Vegetation Clearing Code, the Infrastructure Clearing Code, and the Vegetation Clearing Exemption List. Recognition of these codes under the Bilateral Agreement, or in bioregional plans or strategic assessments, as equivalent to federal approval for the activities they regulate would remove significant duplication without diminishing environmental outcomes.

7. Options and Recommendations

This section responds to the Terms of Reference scope item on practical options to reduce unnecessary regulatory burden and improve efficiency, certainty and proportionality.

7.1 Priority recommendation — Bilateral Agreement inclusion of PMAVs

Recommendation 1

That the Queensland Government, as a matter of immediate priority in its current bilateral negotiations with the Commonwealth, advocate for the inclusion of PMAV Category X land under the Commonwealth-Queensland Bilateral Agreement, with express exclusion of such land from section 43B(2B) of the EPBC Act.

In the alternative, that the Queensland Government work with the Commonwealth on a bioregional plan or strategic assessment to give effect to PMAV Category X status as an approved outcome for vegetation management on affected land.

This is administratively simple to design (the PMAV is already a document of record). It restores income certainty and farm equity to producers disproportionately affected by section 43B(2B); it restores lender confidence in the Queensland agricultural loan book.

7.2 Transitional relief for post-2022 acquisitions

Recommendation 2

That the Queensland Government advocate for a transitional relief pathway under the EPBC Act for landholders who acquired or financed PMAV Category X land between 2 December 2022 and 2 December 2025 in demonstrable good-faith reliance on the state framework, with the pathway to include:

- grandfathering of the vegetation clearing that would have been permitted under the PMAV or
- that the affected PMAVs have a blanket Australian Government '30 by 30 target' applied to the holding to protect & conserve 30% of the land area and therefore provide the remaining 70% for ongoing agricultural use.

The 2025 reforms provide transitional protections for proponents with existing approvals and those already in the referral process at commencement. However, no equivalent protection is available to landholders who purchased land in reliance on a framework that market participants treated as authoritative until 2 December 2025. This gap is one the Queensland Government has both the interest and standing to raise in Commonwealth negotiations.

Landholders who acquired or financed PMAV Category X land in the three years before the section 43B changes commenced are most exposed. This three-year window is a standard agricultural development finance horizon, aligns with bank loan budgeting periods, and is likely to capture landholders who are still within their development cycle.

7.3 ALUM code interchangeability within ANZSIC code enterprises

Recommendation 3

That interchangeable operation of ALUM land-use codes within a single ANZSIC enterprise (for example, codes 2.1.0, 3.2.0 and 3.3.1 within ANZSIC 0145) be expressly recognised in Commonwealth guidance as not constituting a 'change of land use' for the purposes of section 43B.

This clarification would resolve one of the most disruptive interpretive problems introduced by the DCCEEW guidance, without requiring any legislative amendment. It would align the EPBC Act's interpretation of 'use' with the way ABS statistical frameworks and the ALUM classification system already understand mixed farming systems.

7.4 Positive list of routine agricultural activities

Recommendation 4

That the Queensland Government adopt and advocate for the AgForce Queensland positive list of routine agricultural activities that should not require EPBC self-assessment or referral, and that these activities be given effect through a Ministerial ruling under the reformed EPBC Act.

The nine categories identified by AgForce Queensland — small-scale farm infrastructure within existing footprint; fencing installation and realignment; polypipe and water infrastructure; firebreak construction and fire-risk management; roads, tracks and internal access; fodder harvesting under state-accepted codes; invasive weed management; routine grazing and pasture management; and stewardship, groundcover and erosion-control works — are exactly the routine, low-impact, cyclical activities the section 43B exemption was designed to protect. Explicit recognition removes uncertainty at very low administrative cost. For a family enterprise routinely undertaking dozens of such actions per year, the cost of conducting self-assessments each time is prohibitive.

7.5 ANZSIC Code and ALUM land use stocktake on title

Recommendation 5

That the Queensland Government undertake a statewide stocktake of ANZSIC Code and ALUM land-use classification for each rural parcel of land, and require that this classification be recorded on title and transferred on sale, so purchasers can conduct meaningful due diligence on the development potential of the land under both state and federal law.

Had a similar stocktake been in place at the introduction of the EPBC Act in July 2000, the interpretive problems the sector now faces would have been largely avoided. It is not too late to put the framework in place now. It would give effect to the certainty and transparency objectives of the 2025 reforms without further burdening producers.

7.6 Recognition of adaptive cyclical use

Recommendation 6

That DCCEEW guidance be amended to recognise that variation in the timing, intensity or method of a cyclical agricultural use — in response to drought, flood, fire, market conditions or biosecurity events — does not constitute 'interruption in cycles' for the purposes of the section 43B continuation-of-use test.

The current 'no interruption in cycles' test is impractical for landholders operating in Australian conditions. Amending the guidance to recognise adaptive variation in agricultural cycles as an inherent part of good land management would better align the EPBC Act with the Climate-Smart Agriculture Strategy, the National Soil Strategy, the Reef 2050 Plan and the Future Drought Fund.

7.7 Proportionate assessment for family enterprises

Recommendation 7

That a scaled, proportionate assessment and fee pathway be developed for family agricultural enterprises, recognising that the assessment cost profile designed for corporate resource proponents is not viable on agricultural margins.

The current framework treats a small family farm and a multi-billion-dollar resource project as equivalent for the purposes of assessment scope, methodology and cost. That is not proportionate regulation. A scaled pathway — with abbreviated documentation, capped fees, and reliance on state assessment where equivalent — would meaningfully reduce burden without materially compromising environmental outcomes.

7.8 True self-assessment framework with access to decipherable SPRAT & Conservation Advices

Recommendation 8

That a true and robust self-assessment framework is developed that guides landholders through the self-assessment process. Along with clear and concise SPRAT and Conservation Advices that removes ambiguity of interpretation from the process.

The current self-assessment framework is not, in practice, self-assessable. The SPRAT profile and Conservation Advice are not sufficiently clear or accessible to avoid uncertainty, even for qualified ecological experts. A genuine self-assessment framework, supported by clear and concise guidance, would give landholders greater confidence in the process, reduce pressure on DCCEEW's referral system, and lower the regulatory costs and legal exposure associated with self-assessment.

8. Conclusion

The 2025 reforms to the EPBC Act have had immediate, severe and disproportionate consequences for a small family primary production enterprise that acted, in good faith and on professional advice, in reliance on the state framework governing vegetation management on its land. The circumstances set out in this submission are not the result of any change of behaviour by the Enterprise, any breach of law, or any deterioration in land condition. They are the direct consequence of a federal law change made after the Enterprise had irrevocably committed to a purchase, and applied to a parcel of land that has been in continuous agricultural use for approximately a century.

The submitter respectfully asks the Commission to find that:

- The 2025 reforms have imposed regulatory burden and compliance costs of a scale that is not proportionate to the environmental outcomes they seek to achieve, particularly for family enterprises with PMAV Category X land carrying regrowth over 15 years old.
- The reforms have produced systemic risk to the value of Queensland farmland and the associated agricultural loan book, with flow-on effects for regional economies and food and fibre security.
- The DCCEEW interpretation of 'lawful continuation of use' is operationally incompatible with adaptive Australian agriculture and undermines rather than supports Commonwealth agricultural, climate, water-quality and drought policy.
- The Commonwealth-Queensland Bilateral Agreement, currently under negotiation, provides the most direct and effective mechanism for restoring proportionate operation of the EPBC Act in respect of routine Queensland agriculture, and PMAV Category X land in particular should be brought within its scope.

The submitter is available to provide further information or to discuss the circumstances set out in this submission at the Commission's convenience.

9. References and Sources

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