

7 July 2026

Environment Protection Reform Act 2025

Attention: The Hon Murray Watt MP

Minister for the Environment and Water

Via the Department of Climate Change, Energy, the Environment and Water (DCCEEW)

RE: Submission on the Draft National Environmental Standard for Community Engagement

Foreword

AgForce welcomes the opportunity to provide feedback on the draft *National Environmental Standard for Community Engagement*. AgForce does not support the application of the proposed Standard to agriculture.

Recent amendments to the continuing use provision will bring a range of routine farm activities into scope for Commonwealth consideration. Activities such as regrowth management, firebreak maintenance, cool burns, fencing, and weed and pest control will now require self-assessment and referral. The current draft *Agriculture Guide* does not identify many 'low risk' farming activities that do not require a self-assessment or referral.

The practical consequence is that a substantial number of producers across Australia could potentially be captured by the referral framework. In turn, the *National Environmental Standard for Community Engagement* could be applied to routine agricultural activities undertaken on land already in production. This would be a disproportionate and unreasonable outcome.

The consultation model contemplated by the Standard appears more suited to major, finite development proposals than to routine, cyclical, adaptive and ongoing agricultural land management. Farmers producing food and fibre on existing production land should not be required to undertake an extensive and resource-intensive public engagement process to continue ordinary operations.

These concerns are consistent with AgForce's broader submissions on the National Environmental Standards for Matters of National Environmental Significance, Offsets and Data and Information, and the Tranche 2 Regulations. Across these reform streams, the central issue remains the same: agriculture requires a fit-for-purpose agricultural pathway co-designed with industry that reflects producers managing dynamic, cyclical and highly variable production systems across landscapes that are already governed by Queensland state environmental laws.

The following recommendations are made in relation to this National Environmental Standard.

1. The proposed Standard is not appropriate for agricultural activities
2. The current public consultation process of publishing referrals for 10-day public comment should be reviewed for agriculture
3. The Standard disadvantages agriculture by undermining access to streamlined assessment pathways
4. There must be greater clarity regarding when the Standard applies
5. Agriculture requires a distinct, fit-for-purpose pathway.

Recommendations in more detail

1. The proposed Standard is not appropriate for agricultural activities

AgForce does not support applying the proposed *National Environmental Standard for Community Engagement* to agriculture.

As drafted, the Standard establishes detailed and legally enforceable engagement requirements for the Australian public. While meaningful participation is appropriate for some proposals, this model is not appropriate for agricultural activities, that are cyclical and adaptive, such as pasture improvement.

The requirements to prepare an engagement plan, undertake two-way dialogue, publish detailed proposal information, consider public feedback and demonstrate inclusive engagement may be suitable for major development proposals, but they are not practical or proportionate for farming operations.

The policy document states that the Standard responds to the Samuel Review findings that public participation under the EPBC Act has been limited, late in the process and insufficiently transparent. In particular,

- *There were limited opportunities for the public to substantively engage in and contribute to decision-making and raise concerns until late in the process.*
- *Consultation processes do not provide opportunities for the public to raise concerns about the potential social and economic implications of a proposal.*
- *Information collected and incorporated into decision-making processes is not transparently communicated to the public. This is eroding public trust and driving legal review to discover information.*
- *It is not clear to the public how decisions explicitly contribute to environmental outcomes.*

The review recommended that community participation in decision-making processes be improved, including through the National Environmental Standards and making both the information used and reasons for decisions transparent.

A comprehensive two-way engagement process with the broader public is not appropriate for agriculture.

This is particularly concerning where farmers are being encouraged to self-assess or refer actions to manage legal uncertainty and avoid significant penalties. Requiring a separate, resource-intensive engagement process would create an unreasonable compliance burden.

It would increase costs and delays, expose farming families to unnecessary public scrutiny, and create risks to privacy, biosecurity and operational security for land management and production practices.

Practices such as pasture improvement, regrowth management, pest management and fuel load management are often essential to productivity, landscape condition and environmental outcomes, but may be misunderstood or contested if placed into a broad public consultation process.

AgForce considers it is not appropriate for farmers to undertake this level of public engagement. The Standard should therefore not apply to agricultural activities.

2. The current public consultation process of publishing referrals for 10-day public comment should be reviewed for agriculture

Under the current referral process, proposed actions are published on the EPBC Act Public Portal and opened for public comment for a mandatory 10 business-day period. Public comments are invited on whether the proposed action should be determined to be a controlled action. During this period, members of the public may access published referral material and provide comments through the portal. While the Department may withhold some supporting information on privacy or security grounds, the publication of referral material nevertheless places detailed information about the proposed action into a public forum.

This process must be reconsidered considering the potential scale of agricultural referrals arising from the EPBC Act changes. With routine agricultural activities being brought within the referral framework, a very large number of farming businesses could be required to consider referral, creating a material increase in the volume of matters exposed to public comment. This would represent a substantial shift from the historic operation of the EPBC Act, under which 6,253 proposed actions had been referred from commencement of the Act to 30 June 2019¹.

AgForce is concerned that encouraging producers to refer routine agricultural practices—of which are cyclical, adaptive and undertaken on land already in production—to obtain legal certainty would, under the current process, unnecessarily expose ordinary farm management decisions to public consultation. This is materially different from a finite development proposal.

Publication of routine agricultural referrals may also increase the risk of farming families being subject to public scrutiny, misinformation, social media attention or targeted campaigning. This is neither proportionate nor justified.

The current public consultation process for agricultural referrals should be reviewed, in direct consultation with industry.

For agricultural developments that already trigger Queensland planning approval processes, such as the establishment of a feedlot, additional Commonwealth public consultation requirements may duplicate existing consultation obligations and create unnecessary regulatory overlap.

3. The Standard disadvantages agriculture by undermining access to streamlined assessment pathways

The proposed Standard may disadvantage agriculture in relation to assessment timing and pathway eligibility.

The policy document indicates that where a proposal is determined to be a controlled action, and the required engagement has not occurred in accordance with the Standard, the action may not be eligible for a streamlined assessment pathway. Instead, it may be required to proceed under another assessment pathway, such as an Environmental Impact Statement or

¹ Located at: [Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999](#) | Australian National Audit Office (ANAO)

Preliminary Documentation process, to enable public engagement during the assessment stage.

This creates a practical problem for agriculture. If producers do not undertake the proposed engagement process before referral – which is the likely outcome in most farming contexts – they may be excluded from streamlined pathways and directed into more complex, time-consuming, and costly assessment processes.

That outcome would operate as a structural disadvantage for agriculture. It would effectively penalise producers for not undertaking a consultation model that is poorly suited to farming activities in the first place.

Agricultural producers should not lose access to streamlined assessment pathways merely because they have not undertaken a pre-referral community engagement process.

This is also not consistent with the current draft Farmers Guide (*Agriculture and EPBC Act Guide to the Environment Protection and Biodiversity Conservation Act*) that states:

If you submit good quality information prepared by a suitably qualified expert (such as an ecologist), the department is likely to proceed with a more streamlined assessment approach, which reduces time and cost.

4. There must be greater clarity regarding when the Standard applies

The proposed framework does not provide sufficient clarity about the circumstances in which the Standard applies, which creates more confusion.

The policy document states that the Standard is intended to apply to actions seeking approval or endorsement under the EPBC Act that have been determined to have a significant impact on a protected matter. However, Attachment B - *Application of the CE Standard* - appears to contemplate use of the Standard across earlier stages, including scoping, planning, referral, and assessment.

This creates uncertainty. The scoping, planning, and referral stages occur before any formal determination has been made that an action will have a significant impact on a protected matter. Yet the policy document suggests that proponents may be expected to engage with the community during those earlier stages, including in support of referral documentation or access to a streamlined assessment pathway.

If that is the intended policy position, it should be stated clearly and consulted on directly. If it is not the intended position, the policy document should be amended to avoid creating confusion for proponents, decision-makers, and stakeholders.

The EPBC Act allows regulations to prescribe additional decisions to which the Standard, or parts of the Standard, may apply. This creates an open-ended risk of expanded application over time without sufficient certainty for affected industries which is also a major concern, particularly with a non-regression principle applying.

Any extension of the Standard's application should be clearly defined in legislation or regulations and should be subject to targeted consultation before implementation. Farmers

must have certainty about when the Standard applies, what is required of them, and how compliance obligations will interact with referral and assessment processes.

5. Agriculture requires a distinct, fit-for-purpose pathway

More broadly, AgForce reiterates that agriculture requires a distinct and fit-for-purpose pathway within the environmental reform framework.

Agricultural production systems differ fundamentally from major project development. Farming involves ongoing and cyclical land management, seasonal variability, biosecurity obligations, and the need to make time-sensitive operational decisions. A regulatory model designed around discrete project milestones, extended consultation processes, and front-loaded procedural requirements is not readily transferable to that context.

Without a tailored agricultural pathway, the reforms risk producing perverse outcomes, including reduced operational flexibility, increased compliance uncertainty, delayed land management responses, and disincentives to undertake practices that may deliver both production and environmental benefits.

Conclusion

AgForce does not support the application of the draft *National Environmental Standard for Community Engagement* to agricultural. While AgForce recognises the importance of transparent and meaningful public participation in appropriate circumstances, the proposed Standard is not fit-for-purpose for agriculture.

The agricultural context is materially different from large, finite development proposals. Farming is an ongoing, cyclical and adaptive land use that requires producers to make time-sensitive decisions in response to seasonal conditions, biosecurity risks, animal welfare requirements, fire management, weed and pest control, productivity needs and environmental stewardship obligations. A community engagement model designed around major project development should not be applied to ordinary farm management.

As drafted, the Standard risks imposing disproportionate compliance burdens on farmers, increasing costs and delays, creating uncertainty about referral and assessment pathways, and exposing routine agricultural activities to unnecessary public scrutiny. For farming families, publication of detailed operational information may also raise legitimate concerns about privacy, biosecurity, operational security, misinformation and targeted campaigning.

AgForce recommends that agriculture should be excluded from broad community engagement requirements under the Standard. Where agricultural developments already trigger Queensland planning approval processes, such as the establishment of a feedlot, additional Commonwealth consultation requirements will also duplicate existing obligations and create unnecessary regulatory overlap.

The amendments to the Act will require a substantial increase in self-assessments and referrals. It is not appropriate that these referrals for routine farm practices on land already in agriculture production be scrutinized by the public for reasons stated above.

AgForce is also particularly concerned that failure to undertake pre-referral engagement in accordance with the Standard may affect access to streamlined assessment pathways. This

would be a perverse outcome for agriculture. Producers should not be penalised, or directed into more complex and costly assessment processes, because they have not undertaken a consultation model that is poorly suited to farming operations in the first place.

The proposed framework also requires greater clarity as currently it contradicts itself. The policy material suggests that the Standard applies once an action has been determined to have a significant impact on a matter of national environmental significance. However, the document also contemplates engagement across earlier stages, including scoping, planning, referral and assessment. This uncertainty should be resolved before the Standard is finalised so that producers, decision-makers and stakeholders understand when the Standard applies and what is required.

Consistent with AgForce's broader submissions on the National Environmental Standards and related reform processes, agriculture requires a distinct, fit-for-purpose pathway within the environmental reform framework. That pathway must recognise the unique characteristics of agricultural production systems and avoid imposing procedural requirements that are disproportionate, duplicative or impractical in a farming context.

In summary AgForce reiterates the concerns with the current draft National Standard for Community Engagement:

- Proposes a community consultation process that is not going to be undertaken by farmers due to the size and complexity, and direct engagement with members of the Australian public;
- There does not need to be a public consultation process for agriculture, including for routine agricultural practices on land that is already in production, such as pasture improvement.
 - o For larger agricultural developments such as feedlots, they would be subject to a consultation process through the Queensland planning development process and creates duplication;
- With an increase of referrals for routine agricultural practices there should not be the current level of public scrutiny and this needs to be reviewed;
- Not undertaking the proposed extensive public consultation process cuts off access to a streamlined assessment process which is not 'fair' and not suitable to agriculture where activities need to be undertaken rapidly in response to seasonal conditions, biosecurity or where adaption is required;
- The Standard currently contradicts itself on when it is meant to be applied causing costly confusion;
- Agriculture requires a distinct fit-for-purpose pathway to enable productivity and environmental outcomes.

AgForce re-enforces that the proposed reforms, and particularly the National Environmental Standards, must be materially amended to include explicit agricultural protections, workable exemptions, clear definitions, and fit-for-purpose implementation pathways. Without these changes, the framework risks imposing significant and lasting harm on Queensland agriculture, regional communities, and Australia's future food and fibre security.

AgForce therefore calls for an immediate pause to the progression and implementation of the community engagement standard until:

- The full suite of National Environmental Standards is released and assessed holistically;
- A full Regulatory Impact Statement is complete;
- Genuine agricultural exemptions are embedded;
- Duplication with state frameworks is removed; and
- A fit-for-purpose agricultural pathway is co-designed with industry.

If the Commonwealth proceeds without addressing the regulatory burden and unnecessary public exposure of farming activities, AgForce considers there to be a serious risk of widespread economic impairment to Queensland agriculture, declining regional investment confidence, perverse environmental outcomes and the erosion of agricultural production rights across the state. There could also be unnecessary and regrettable negative impacts to families through the public consultation process by anti-farming activism creating anxiety and potential harm to people that cannot be reversed.

About AgForce

AgForce is the peak representative organisation for Queensland's cane, cattle, grain and sheep, wool and goat producers. Together, these industries generated \$11.2 billion in on-farm value in 2022–23 and form the foundation of Queensland's regional economy. AgForce represents more than 6,000 farmers, individuals and agribusinesses whose operations collectively manage approximately 55 million hectares, accounting for one-third of the state's land area.

Queensland producers supply high-quality food and fibre to domestic and international markets, support the economic and social fabric of rural and remote communities and provide essential stewardship of the state's natural resources. As the leading voice for Queensland's agricultural sector, AgForce works to ensure the long-term growth, viability, competitiveness and profitability of these industries.