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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 Environment Protection and Biodiversity Conservation Amendment (2026 Measures No. 1) Regulations

Foreword

AgForce Queensland has engaged extensively throughout the EPBC reform process and has provided detailed submissions on the broader reform package, including the draft National Environmental Standards, environmental offsets framework and associated implementation measures. While AgForce continues to hold significant concerns regarding aspects of the broader reforms and their implications for agricultural productivity, food security, property rights and regional communities, this submission focuses specifically on the proposed Environment Protection and Biodiversity Conservation Amendment (2026 Measures No. 1) Regulations.

AgForce supports elements of the Regulations that seek to improve regulatory certainty, establish implementation pathways and reduce duplication between jurisdictions. However, we do not support the proposed acceleration of key commencement dates under the Environment Protection and Biodiversity Conservation Amendment (2026 Measures No.1) Regulations from 1 December 2026 to 1 July 2026. This action is premature, unjustified and contrary to good regulatory practice. The Commonwealth is proposing to accelerate implementation of one of the most significant environmental regulatory reforms affecting Australian agriculture without completing the fundamental prerequisites required to understand, assess and implement the changes.

At the time of this consultation:

- No Regulatory Impact Statement or equivalent economic assessment has been completed on the Reforms.
- No comprehensive compliance cost analysis has been undertaken for farmers, regional communities or agricultural supply chains.
- The National Environmental Standards remain incomplete and have not been assessed as an integrated package.
- The draft National Environmental Standards still fail to adequately recognise the cyclical and adaptive nature of agricultural production systems.
- Bilateral agreements with the states have not been negotiated or settled or scoped.
- Key guidance material, decision-support tools, mapping validation processes and implementation frameworks remain incomplete.
- No comprehensive communication or awareness program has been undertaken to ensure farmers understand their obligations under the new framework.
- No meaningful stress-testing has been conducted to understand the practical consequences of the reforms on environmental outcomes, food security, productivity, regional economies or farm business viability.

Proceeding with accelerated commencement before these foundational elements are complete creates unacceptable regulatory uncertainty, implementation and enforcement risk. **AgForce therefore calls for an immediate and comprehensive Impact Analysis**, consistent with standard government policy requirements, before any commencement dates are brought forward.

Agriculture, Productivity and Regional Australia

The gross value of Australian agricultural production is forecast to reach \$98.3 billion in 2026–27¹. Queensland producers alone manage approximately 55 million hectares of land and are responsible for producing food and fibre, supporting regional communities and maintaining environmental values across a significant proportion of Australia's landscape.

Agriculture is not a discrete development activity. It is a dynamic, cyclical and ongoing land use that operates across large and complex landscapes influenced by seasonal conditions, climate variability, markets, biosecurity risks and natural ecological processes. Regulatory frameworks that fail to recognise these realities risk creating unintended consequences for both agricultural production and environmental management.

These reforms are also being introduced at a time when agricultural businesses are facing increasing economic pressure. ABARES Agricultural Commodities Report for the June quarter 2026 states:

Farmers' terms of trade to remain pressured' - with the Middle East conflict continue to place pressure on the agriculture sector through higher input costs and weaken farm profitability over the forecast period².

The impact of the EPBC Act reforms is already being felt across the agricultural sector. Significant uncertainty remains regarding legal obligations, referral requirements and compliance expectations, while farmers are being encouraged to undertake costly self-assessments using datasets and guidance that remain incomplete. AgForce estimates the self-assessment burden is estimated at ~50-1,000 hours per enterprise annually and modelled compliance cost of \$174,000 per business³. Critically, these assessments do not provide legal certainty. The result is growing decision paralysis, with producers delaying investments and routine land management activities due to fear of inadvertent non-compliance, even where those activities are likely to be lawful.

The debate is not about whether environmental outcomes are good, it is about the regulatory unfeasibility and the economic strain this is putting on Australian agriculture. The current prescribed approach will break the system and lead to unintended consequences for the environment, food security, productivity and regional communities.

This process is also at odds with the Government's agenda on Productivity:

A strong, trusted and future-ready regulatory framework for food and fibre production, trade and biosecurity is central to Australia's productivity growth⁴.

A change in how this is all meant to be implemented by farmers remains a necessity.

¹ Located at: [ABARES Agricultural Commodities Report](#)

² Located at: [ABARES Agricultural Commodities Report](#)

³ AgForce Queensland. *Submission to the Draft National Environmental Standard for Matters of National Environmental Significance (MNES)*, provided to the Department of Climate Change, Energy, the Environment and Water (DCCEEW), 2026.

⁴ Located at: [34649.pdf](#)

Specifically, this submission sets out AgForce's practical recommendations on the draft Environment Protection and Biodiversity Conservation Act (EPBC) *Regulation measures 1*. It calls for genuine agricultural representation, a measured implementation timetable, and regulatory settings leading to environmental outcomes, while also supporting productive agriculture, food security and the long-term viability of regional Australia.

This submission needs to be considered alongside the other submissions provided by AgForce.

Consultation paper 1 – A smooth transition to the National EPA

Recommendation: *The Statement of Expectations for the CEO (or similar mechanism) should make clear that farmers are key managers of Australia's landscape and producers should be represented on the Advisory Group.*

Reasons

- The National Environmental Protection Agency (EPA) commences on 1 July 2026. At this time the CEO is yet to be appointed, and a Statement of Expectations to be provided by the Minister.
- The agricultural industry is working with the Department to try to ensure agriculture activities are understood in the environmental reforms, and this must continue as responsibilities move to the National EPA.
- The CEO of the National EPA is to establish an Advisory Group with appointments that have the relevant skills, expertise and Indigenous cultural knowledge. This must include skills and expertise from Australia's agriculture industry.

Recommendation: *AgForce does not support the proposed acceleration of the National EPA compliance powers, increased penalties and audit arrangements from 1 December 2026 to 1 July 2026. Nor should these provisions commence until the broader reform package, supporting guidance, education and awareness activities, implementation framework, decision making tools and impact assessments are sufficiently complete to provide farmers with practical certainty regarding their obligations, compliance requirements and regulatory risk.*

Reasons

1. Incomplete implementation framework

- Bringing commencement forward to 1 July 2026 would increase uncertainty as key standards, guidance and data remains under development.
- Agricultural stakeholders require clear and settled information to understand how routine activities and existing operations will be treated under the new environmental law, and if an activity on their farm will potentially have a significant impact on a Matter of National Significance (MNES) and require a self-assessment and/or referral for formal assessment.
- The cyclical nature, seasonal realities and practical realities of farming have not yet been recognised in the key draft standards, as outlined in AgForce's Submissions to the Draft *National Environment Standard for Matters of National Environmental Significance*.
- If enforcement begins before that framework is complete, current beneficial activities that restore, maintain and improve environmental values will be jeopardised, and farmers will be required to interpret uncertain obligations with legal risk.

- This would not provide an appropriate foundation for the implementation of a significant new environmental regulatory framework and risks undermining farmer confidence, participation and support at a critical stage of the reform process.

2. Disproportionate compliance and penalty risk

- Earlier commencement would expose farmers to materially higher penalties before the new system is fully understood and supported by settled guidance.
- Those penalty settings are significant and may result in disproportionate consequences for inadvertent non-compliance.
 - The current maximum civil penalty is 5,000 penalty unites (equivalent to \$1,650,000) for an individual and 50,000 for a body corporate (equivalent to \$16,500,000) but penalties could be higher based on the value of benefit derived from the breach, or the size of the business.
 - Criminal penalties have also been increased.
- Farmers need a fair opportunity to understand their obligations before stronger penalties apply.
 - Although the message to farmers is that most activities on agriculture land do not need be self-assessed or referred for formal assessment, this is contradictory to what farmers are hearing via the Department of Climate Change, Energy, the Environment and Water's contact centre.
- There should also be an investigation into the data and information used for assessments as there has been inaccurate mapping identified, for example, the mapping of man-made drainage and other wrongly mapped lines part of the new Reef Catchment Clearing Restrictions.

3. Coercive powers should not commence early

- The expanded audit powers and Environment Protection Orders are significant coercive mechanisms and should not commence early without awareness raising, guidance, safeguards and review processes.
- There are two types of audits an environmental audit and a compliance audit, and the difference between the two needs to be made clear.
- The environmental audit powers in the Act would apply to all approvals, orders, exemptions or any other kind of permission that can be granted under the Act, including those issued under the EPBC Act prior to commencement of the new provisions.
 - It is currently not clear whether this applies to the continuing use exemption under section 43B of the EPBC Act which allows for ongoing, lawful land uses that began before the Act commenced on 16 July 2000.
- For compliance audits the consultation paper states:

*Sections 462-462F introduce a new category of compliance audit to monitor compliance under the EPBC Act. **A compliance audit can be conducted without first being required to provide notice.***

- The above statement requires clarification of meaning. If it signifies that audits are able to be conducted without prior notice to the farmer, this is very concerning. Farmers would have no awareness of this new rule and if an auditor presented themselves at a farmer's property with no notification it will lead to confusion and potential adverse outcomes.

- There are also the other risks involved in auditors entering farms with no notification related to biosecurity, by potentially bringing in unwanted pests, diseases and weeds, and for animal welfare. Farms are also the family or people's home.
- It also needs to be clarified that an audit will be the same as a 'site visit' undertaken by current Departmental staff, and has the same rights for landholders including giving consent to entry (as outlined in the draft document '*Site inspections under the Environment Protection and Conservation Act 1999: What you need to know*').
- It is noted that the National EPA '*will also be responsible for monitoring and auditing the operation of certain declarations, bilateral agreements and bioregional plans under the EPBC Act*'⁵.
- The current subjective nature of definitions, a lack of guiding material, and communication and awareness may mean farmers could face penalties for routine tasks such as maintaining firebreaks, improving fencing or weed control.
- Earlier commencement would also risk undermining trust and confidence in the National EPA if compliance and enforcement activities commence before affected stakeholders have been provided with sufficient clarity regarding their obligations under the new framework.

4. Transparency is required on how information will be managed

- The proposed transparency rules would require publication of decisions such as permit conditions, Environment Protection Orders and audit notices on public registers.
- Without clearer safeguards, there is a risk that commercially sensitive or confidential information may be disclosed, with adverse consequences for farm businesses and landholders.
- Those matters should be consulted on and resolved before commencement.
- This is also applicable to what level of detail is published in a Minister's notice of determination for minor and preparatory works (referred to in Consultation paper 2).

Consultation paper 2 – More certainty for projects and environment protection

Recommendation: *P AgForce does not support the proposed acceleration of Protection Statements and Rulings from 1 December 2026 to 1 July 2026. Nor should these provisions commence until there has been sufficient consultation on their operation, practical guidance has been developed, and agricultural stakeholders have clarity regarding how they will be applied and considered within environmental decision-making processes.*

Reasons

- There has been limited consultation on what constitutes a Protection Statement that can be developed by the Minister, how it would be considered by decision-makers and the process for development.
- A Protection Statement can refer to matters such as whether a particular impact of an action on a species or ecological community is, or is likely to be, a significant impact, as well as restoration priorities.

⁵ Located at: [Environment Protection Reform Bill 2025 \[and related Bills\]](#)

- Greater clarity is needed on what types of actions can be covered and how they would apply to agricultural actions on ground.
- Rulings can be made by the Minister and the CEO of the National EPA and operate as formal opinions on how the law, regulations or standards should be applied in certain circumstances.
 - It is not clear on what type of Rulings would be made and how these will influence future decisions, particular in agriculture where landscapes and farming practices evolve. It is noted that decision-makers must generally act consistently with any Rules and if they do not, publish the reasons for not doing so.
- Protection Statements and Rulings also introduce another set of legal documents that farmers have to understand and apply in making decisions in their businesses, which takes time and money.
- It is noted that Protection Statements and Rulings must be considered by decision-makers in relation to making bilateral and accredited agreements and bioregional plans.

Recommendation: *AgForce does not support the proposed acceleration of the definition of 'unacceptable impact' from 1 December 2026 to 1 July 2026. Nor should the definition commence until the National Environmental Standards and supporting guidance are finalised as a complete suite of products, and stakeholders have sufficient certainty regarding how the concept will be interpreted and applied in practice.*

- The Samuel review stated that the National Environmental Standards for Matters of National Environmental Significance should be read in conjunction with other National Environmental Standards and existing requirements of the EPBC Act⁶. These Standards have not been finalised.
- It is also noted that the regulations would support the unacceptable impact criteria by using the concept of 'critical habitat'.
 - It should be clarified how this would apply in the landscape and operationally as it could unintentionally expand the regulatory impact on farmers.

Consultation paper 3 – Reducing Duplication

Bilateral Agreements

Recommendation: *Farmers must be involved in drafting the rules for the bilateral agreement to provide clear, practical and regionally informed settings that reflect Queensland's landscapes and production systems. It is noted that the Regulations will schedule early commencement of bilateral negotiations to 1 July 2026 from 1 December 2026.*

- Reducing duplication between the Commonwealth and State system is supported.
- However, the Bilateral Agreement must also provide clarity, protect Queensland's Property Maps of Assessable Vegetation (PMAV) and vegetation management system, protect the 'continuing use provision' and deliver rules that reflect Queensland's landscape and real production systems.
 - This includes recognising agriculture practices that restore, maintain or improve environmental values.
- The bilateral must also anchor Queensland's Planning and Vegetation Management frameworks. Position the *Planning Act 2016* as the overarching framework for equivalence with the EPBC

⁶ Located at: [Independent Review of the EPBC Act – Final Report October 2020](#)

reforms, recognising that it operates as the umbrella legislation through which Queensland delivers integrated land-use planning and environmental outcomes. This includes formal recognition and defence of the environmental and vegetation management outcomes delivered through Queensland's established legislative framework including:

- *Vegetation Management Act 1999; Forestry Act 1959*
- *Water Act 2000; Land Act 1994; Nature Conservation Act 1992*
- *Biosecurity Act 2014; Environmental Protection Act 1994.*
- These Queensland Acts collectively deliver enforceable, outcomes-based environmental protections tailored to Queensland's bio-regional conditions. The bilateral must lock in their primacy and effectiveness, not reopen settled frameworks through federal overlay or reinterpretation.
- The bilateral agreements must also provide the opportunity to investigate the mapping and data that is being used at the federal level as it has been outdated, inconsistent and/or incorrect in cases.
- Rushing these agreements threatens routine land management practices and could impose a multibillion-dollar regulatory burden on the agriculture industry.
- This impacts productivity, food security, regional and national economies and communities.
- Clarification is required regarding the interaction between native forests on Category X land and the EPBC framework in Queensland, including how these areas will be treated in the absence of a Regional Forest Agreement.
- It is also noted that the proposed commencement date for Commonwealth accreditation would also be brought forward to 1 July 2026, alongside the changes to bilateral agreements.

Greenhouse Gas reporting

Recommendations: *It is noted that the Regulations will bring in the threshold of 100,000 tonnes of carbon dioxide equivalent (CO₂-e) per year, which is consistent with the amount specified in the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2025.*

Additional regulatory burden should not be put on industry to report twice, and the commencement date should not be brought forward from 1 July 2026 from 1 December 2026.

Conclusion

AgForce does not support the proposed acceleration of key commencement dates under the Environment Protection and Biodiversity Conservation Amendment (2026 Measures No. 1) Regulations. The reforms are not yet supported by a completed suite of National Environmental Standards, settled bilateral agreements, practical implementation tools, adequate stakeholder education, or a comprehensive assessment of their impacts on agricultural businesses and regional Australia.

Environmental reform should not be measured by the speed at which it is implemented, but by its ability to deliver better outcomes. Accelerating commencement before the framework is complete transfers uncertainty, cost and risk onto farmers without demonstrating corresponding environmental benefits. The recommendations contained in this submission identify the minimum matters that should be addressed before Government considers bringing forward implementation of these reforms.

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.

AgForce Queensland welcomes the opportunity to provide comment on the *Environment Protection and Biodiversity Conservation Amendment (2026 Measures No. 1) Regulation*.

