

Submission to the Queensland Productivity Commission

AgForce welcomes the opportunity to provide this initial submission to the Queensland Productivity Commission's inquiry into the impact of the Australian Government's 2025 Environment Protection Reforms on Queensland. AgForce is concerned that late amendments to the *Environment Protection and Biodiversity Conservation Act (EPBC Act)* reform package were introduced without adequate consultation, regulatory impact assessment or practical testing, despite their significant implications for Queensland farmers, agricultural productivity, environmental stewardship and Australia's future food and fibre production. AgForce looks forward to continuing to work with the Commission through this inquiry process.

1. Environmental outcomes

Queensland's agricultural landscapes are among the most productive and ecologically significant in Australia. In these regions, environmental health and agricultural productivity are mutually reinforcing. Producers depend on functioning ecosystems to sustain grazing, cropping and horticulture, just as healthy landscapes depend on active, informed management delivered daily by farmers.

The Impact of amendments to the "Continuing Use" Provision

- AgForce considers that the narrowing to the *EPBC Act* continuing use exemption are the most significant practical issues arising from the 2025 reforms for Queensland landholders, agricultural businesses and environmental management.
- Two amendments are likely to have material consequences for routine land management and producer confidence:
 1. the removal of the continuing use exemption where vegetation has not been cleared for more than 15 years; and
 2. the exclusion of clearing within 50 metres of a watercourse, wetland or drainage line in the Great Barrier Reef (GBR) catchment.
- The drafting refers broadly to "vegetation" without distinguishing between native vegetation, invasive native regrowth, non-native vegetation or vegetation that is contributing to poor landscape condition. This lack of distinction creates a material risk of unintended regulatory consequences, including constraints on activities that are necessary to maintain groundcover, manage woody thickening, reduce sediment loss and protect productive and environmental values.
- In practical terms, these changes substantially narrow the circumstances in which routine, cyclical and remedial land management can proceed without additional Commonwealth assessment or referral.
- This creates uncertainty for producers, increases compliance risk and may discourage activities that are essential to maintaining landscape function. The resulting policy risk is that reforms intended to improve environmental outcomes may instead reduce active management, increase fuel loads, worsen regrowth pressure, contribute to erosion and sediment runoff, and undermine the resilience of agricultural landscapes.
- There remains no clear definition of 'continuous use' as it relates to other agricultural activities. For example, diverse agricultural businesses will improve pasture, undertake opportunistic cropping and other land management improvements where the activity may not have occurred for many years but is encouraged by federally funded agricultural initiative. It remains unclear if this also needs to be done within a 15 year timeline to remain exempt from the self-assessment and referral process.

The science supporting the amendments is contested

- The amendments to the continuing use exemption raise significant concerns because they were not included in the original *Environment Protection Reform Bill 2025* and were therefore not subject to the same level of public scrutiny, regulatory impact assessment or stakeholder testing as other elements of the reform package.
- The amendments were introduced during Senate negotiations. As a result, there was no accompanying explanatory material setting out the scientific rationale, policy objective or expected practical consequences of the amendments for agricultural landholders. Stakeholders were not afforded a meaningful opportunity to assess the proposed requirements, provide evidence or test their workability through the exposure draft consultation process.
- AgForce has previously raised these concerns in its Supplementary submission to the Environment and Communications Legislation Committee inquiry at Attachment 2.
- In that submission, AgForce outlined the risks associated with applying a national ecological maturity threshold of 15 years since the last clearing event, irrespective of bioregion, climate, vegetation class, productivity, structural development rates or species assemblages.

Adverse ecological outcomes from EPBC Act Reforms

Perverse sedimentation and bare ground outcomes from management constraints

- Regulatory uncertainty that discourages active land management risks poorer environmental outcomes, particularly under climate variability and drought conditions¹ as per Appendix 1 – *Case Study: The implications for QLD Agriculture, Reef Outcomes and On-Ground Land Management*.
- EPBC-driven constraints on vegetation and land management can unintentionally entrench monoculture systems, increasing erosion and sediment runoff where producers are unable to implement diversified, rotational or restorative land-use practices that are better suited to local conditions.

Ecological decline from “locked-up” country in highly modified landscapes

- Restrictive EPBC overlays can prevent active management in landscapes that are already heavily altered, leading to declining pasture condition, woody thickening, fuel load accumulation and reduced ecosystem function, rather than delivering improved environmental outcomes.
- Active, continuous land management, including grazing, vegetation control, fire management and water stewardship, remains essential to maintaining landscape function in highly variable northern systems.

Invasive and native species proliferation from regulatory delay in GBR catchment

- EPBC processes can delay or discourage timely control of invasive plants and animals, including aggressive native regrowth and non-declared weeds, increasing long-term environmental damage, reducing productivity and raising management costs for compliant landholders. This is also in direct conflict with state-based biosecurity requirements.
- Where regulatory uncertainty or referral risk discourages intervention, invasive species expand, management costs escalate and ecological outcomes deteriorate (see Appendix 1).

Intensification and “continuing use” interpretation

- Current interpretations that lock land to historic carrying capacity or treat adaptive improvement as a new impact risk discouraging investment in better land management practices.

¹ Available at: <https://www.nespmarinecoastal.edu.au/publication/supporting-regional-planning-in-northern-australia-a-scoping-study/>

- Improved ground cover, soil health and water stewardship support increased carrying capacity, increasing emissions efficiency, financial resilience and environmental outcomes.
- Treating intensification or improved land management as a fresh impact shifts the system away from regional planning and toward reactive, project-by-project conflict², directly in conflict with Queensland 30 billion by 2030 goal and the Developing Northern Australia Agenda.

Regulatory conflict undermining agricultural stewardship

- Current EPBC interpretations are in direct conflict with Queensland statutory settings governing animal welfare, workplace safety, sustainable production and carbon initiatives, placing producers in situations where compliance with one obligation risks breaching another.
- The absence of an agriculture-specific referral pathway, combined with significant cost, delay and legal exposure, creates a de facto prohibition on timely land management, despite works remaining lawful under Queensland legislation.
- By capturing positive land improvement alongside adverse impacts and overlaying state-regulated activities with federal triggers, the framework suppresses adaptive stewardship, discourages investment and weakens environmental and production outcomes.

Case Study: Lantana control, regulatory uncertainty and environmental decline

The current Matters of National Environmental Significance (MNES) self-assessment and referral framework can discourage active weed management, even where intervention would improve environmental condition. This case study shows how assessment cost and regulatory uncertainty can result in invasive weeds remaining unmanaged, with negative consequences for productivity, biodiversity, fire risk and landscape function.

A Queensland grazing property contains six Category X regrowth patches ranging from one to 20 hectares. After engaging an environmental scientist, one eight-hectare patch was considered unlikely to contain MNES, but a detailed assessment was still quoted at approximately \$16,000 before any weed control works could begin.

The patch had previously been cleared and used for grazing and forestry. It is now approximately 80 per cent covered by dense lantana thickets, with substantial dead timber. Completing control would require about \$15,000 to \$20,000 in machinery hire and a further \$5,000 to \$6,000 in follow-up herbicide treatment.

The landholder is prepared to invest around \$25,000 in direct control costs because the work would restore grazing utility, improve access and reduce weed pressure. However, adding a \$16,000 assessment cost materially changes the investment decision and diverts capital away from the on-ground work needed to remove the infestation.

If the works do not proceed, the patch is likely to remain a lantana thicket. Lantana is a Weed of National Significance (WoNS) and, if left unmanaged, can suppress native groundcover and pasture species, restrict regeneration, increase fuel loads, limit follow-up control and provide refuge for pest animals.

This demonstrates a perverse outcome: a framework intended to protect the environment may discourage the intervention needed to restore landscape condition. Weed control, particularly for WoNS such as lantana, should be recognised as routine, environmentally beneficial land management where undertaken in accordance with state biosecurity, vegetation and land management requirements.

² Dale *et al.* 2019. Implementing Recommendations from the Interim Report of the Environmental Protection and Biodiversity Conservation Act (EPBC).

2. Economic and regulatory impacts

A Government regulatory impact assessment has not been undertaken

- The Commonwealth implemented one of the most significant environmental regulatory reforms affecting Australian agriculture without undertaking a comprehensive Regulatory Impact Statement (RIS) or equivalent assessment of cumulative impacts on productivity, regional economies or agricultural businesses, nor proper consultation.
- No comprehensive modelling has been undertaken to quantify cumulative impacts on regional employment, food security, investment confidence, agricultural productivity, supply chains or long-term farm profitability.
 - At a recent Senate Estimates hearing, the Department confirmed that the changes were not subject to a RIS because they were subject of a Parliamentary negotiation process, and there was no plan to have a post-implementation review for the specific changes on the continuing use provision³.
 - Post Implementation reviews are required for proposals that have substantial impacts and completed in five years of implementation for proposals likely to have a significant impact⁴. The EPBC Act will be reviewed in five years.
- The reforms commenced while key implementation components, including National Environmental Standards, guidance material, decision-support tools, mapping validation processes and bilateral agreements, remained incomplete and still remain incomplete.
- Queensland agriculture operates under one of Australia's most mature vegetation, planning, biosecurity, animal welfare and natural resource management frameworks and interaction with state legislation has not been clarified (80% of the state is regulated remnant vegetation Cat B).
- Although AgForce will continue to call on the Commonwealth Government to undertake a comprehensive RIS, the Queensland Productivity Commission is uniquely placed to quantify the economic and productivity implications of the reforms on Queensland agriculture.

EPBC Reform Impacts on Queensland Agriculture

- The EPBC continues to regulate agriculture through a project-based “significant impact” framework despite agriculture operating as a continuous, adaptive and cyclical use rather than a discrete development activity.
- The statutory ‘continuing use’ provisions have been significantly narrowed through the introduction of the 15-year rule and the Great Barrier Reef waterway amendments fundamentally changing how existing lawful agricultural land uses are recognised.
- It now requires many routine agricultural activities to be reassessed as potential new actions despite occurring within existing lawful agricultural enterprises.
- There remains no legislated validity period for self-assessments, creating uncertainty regarding repeat activities undertaken within the same production system.
- There also remains no statutory safe harbour for producers acting reasonably and in good faith using available guidance where Government subsequently reaches a different conclusion.
- Approximately 14% of the Great Barrier Reef catchment and nearly 630,000 hectares of dense Category X vegetation over 15 years of age is captured.
- AgForce has undertaken an assessment of the impact of these amendments outlined below and in Appendix 2 and 3.

³ Located at: [Environment and Communications Legislation Committee](#)

⁴ Located at: [2025-26 Post-implementation Reviews: Required](#)

EPBC REFORM IMPACTS ON QLD AGRICULTURE



15-YEAR RULE

629,768 ha
Category X land captured

\$3.29B
in permanent
reduction of QLD
farmland value



Misaligned with QLD
bioregional ecological
timeframes

GBR AMENDMENTS

1,122,484 ha
Category X land
captured

4,328,141 ha
TOTAL land captured
Nearly 10 x more than Cat R



\$5.87B
in permanent reduction of QLD
farmland value

CONTINUOUS USE INTERPRETATION



32 MILLION ha
of Cat X land requires
assessment for land use change



• DEVELOPMENT STALLS in the
north without "continuous use"
certainty



• Static carrying capacity DOES NOT
reflect sustainable intensification



• UNACCEPTABLE RISK for long
term carbon projects

MNES BURDEN



MNES triggered irrespective of impact size

50-70 hrs.
Self assessment



\$35K

per enterprise per year

\$139K

per referral



18-Mnths Regulator decision



PRODUCTION + ANIMAL WELFARE + ENVIRONMENTAL + SAFETY IMPACTS



\$3.5B

cost on QLD agriculture

**CURRENT EPBC SETTINGS WEAKEN ENVIRONMENTAL OUTCOMES FOR QLD.
DEFEND PMAV INTEGRITY TO ENABLE CONFIDENT, LONG-TERM
AND SUSTAINABLE LAND MANAGEMENT.**

*MNES: Matters of National Environmental Significance

Impact on bank finance

- The 2025 reforms are likely to affect the availability, cost and terms of finance for land-based agricultural businesses by changing how lenders assess both asset value and debt serviceability.
- For agricultural lending, land value is closely linked to the long-term productive return a property can generate. Where EPBC continuing use restrictions or uncertainty about future land management reduce the usable productive area, valuers and lenders will discount the property's assessed value or treat it as a higher-risk asset.
- This matters because financiers commonly apply a loan-to-value ratio of around 50 to 70 per cent, depending on risk appetite and realisable sale value. Any uncertainty affecting land utility, saleability or productive capacity can therefore reduce borrowing capacity.
- Debt serviceability is also affected. Farm businesses rely on access to productive land and the ability to undertake timely regrowth management, revegetation control, infrastructure works and other routine practices. Restrictions, delay or legal uncertainty can reduce projected production, profitability and cashflow.
- Lenders are likely to account for these risks by discounting long-term production assumptions, reducing assessed serviceability, lowering available debt and, in some cases, applying higher lending margins.
- The combined effect is that regulatory uncertainty may constrain investment, succession planning, business expansion and resilience-building across Queensland agriculture.

Compliance framework and legal risks for producers

- The legal risks sits not with undertaking the activity itself, but with whether a producer's assessment is ultimately accepted by the regulator.
- Self-assessments, consultant reports and ecological advice do not currently provide legal immunity if the regulator subsequently determines a significant impact has occurred.
- Where Government reaches a different conclusion, producers may remain exposed to compliance action, remediation requirements, environmental offsets, restrictions on future land use, civil penalties and where applicable, criminal enforcement provisions.
- Compliance powers have commenced while implementation guidance and practical interpretation continue to evolve, creating uncertainty regarding the practical application of the reforms.
- There are currently over 30 active compliances case relating to activities undertaken by Queensland stakeholder prior to December 1 2025. Majority of these cases relate to continuous use, and or intent to abandon. This remains poorly defined for producers.

Regulatory Interaction

- Queensland producers remain legally required to comply simultaneously with Commonwealth legislation and existing State legislation governing vegetation management planning, biosecurity, animal welfare, water management and environmental protection.
- Existing Queensland approvals, a State certified Property Maps of Assessable Vegetation (PMAV), vegetation mapping and development approvals do not provide certainty under Commonwealth assessment pathways.
- The interaction between Commonwealth requirements and existing State obligations has not been clarified nor comprehensively tested for routine agricultural production systems.
- Producers may therefore face competing statutory obligations where timely action is required to meet animal welfare, biosecurity or emergency management responsibilities while also considering Commonwealth environmental requirements.

Matters of National Environmental Significance (MNES)

- Current departmental guidance indicates existing cropping in the Great Barrier Reef or >15 years generally presents limited MNES risk where no additional impacts occur; however, there is currently no legislative guarantee that future interpretation, mapping or policy settings won't change.

- Producers have expressed concern regarding the absence of clear legislative protections against future reinterpretation or retrospective compliance investigations where guidance subsequently changes.
- MNES are assessed independently of existing State vegetation classifications, requiring producers to undertake a separate Commonwealth assessment regardless of existing State approvals in many circumstances.
- The Protected Matters Search Tool remains intentionally precautionary, transferring the burden onto producers to show the broadly mapped MNES are not on property.

Interpretation Uncertainty

- Key concepts underpinning the reforms remain subject to ongoing interpretation through guidance rather than settled legislative definition.
- Current interpretation extends beyond land clearing and has the potential to capture productivity improvements, infrastructure development, enterprise diversification and routine changes within existing agricultural businesses.
- While current departmental guidance provides some examples for particular industries, producers have limited certainty regarding how future interpretations, compliance decisions or regulatory precedent may evolve.
- For example:
 - **Continuing use:** Determines whether an activity is recognised as an existing lawful agricultural use or treated as a new action under the EPBC Act (*e.g. regrowth management, fodder harvesting*). Recent amendments through the 15-year rule and Great Barrier Reef provisions have narrowed this exemption, reducing regulatory certainty for many existing agricultural enterprises.
 - **Intensification:** Determines whether improving the productivity of an existing agricultural enterprise may constitute a new action (*e.g. carrying capacity, pasture improvement*). Without clear legislative limits, routine productivity improvements may attract additional Commonwealth assessment.
 - **Expansion:** Determines when an existing agricultural enterprise extends beyond its recognised footprint or operation (*e.g. new paddocks, infrastructure*). The current threshold remains unclear, creating uncertainty around normal business growth and investment.
 - **Land use change:** Determines whether changes within an agricultural enterprise are treated as ongoing production or a new land use (*e.g. grazing to cropping, horticulture*). Without clear definitions, routine transitions between agricultural production systems may become subject to Commonwealth assessment.
- Collectively, these four concepts can trigger EPBC referrals on 'continuous use' agricultural and have the potential to affect all agricultural sectors in different ways.

National Environmental Standards

- As per Part 19B of the EPBC Act, National Environmental Standards must be applied in making certain decisions under Act. For other decisions, where National Environmental Standards do not need to be applied, a decision maker can still choose to apply them.
- The Commonwealth has released four draft National Environmental Standards for public consultation: the National Environmental Standard for Matters of National Environmental Significance, the National Environmental Standard for Offsets, the National Environmental Standard for Data and Information, and the National Environmental Standard for Community Engagement.
- AgForce does not consider the draft Standards, in their current form, to be workable for agriculture. They apply a project-based regulatory model to an industry that operates through continuous, cyclical and adaptive land management across large and highly variable landscapes.
- In reviewing the current draft Standards, it highlights the need for an agriculture-specific pathway that recognises routine land management as fundamentally different from finite, one-off development activities.

- The cumulative effect of undefined thresholds, broad MNES mapping, expanded data and information requirements, onerous community engagement obligations, and legal uncertainty would impose a disproportionate compliance burden on family-owned and regional agricultural businesses.
- These settings risk diverting capital and labour away from on-ground environmental stewardship, drought preparedness, biosecurity management, erosion control and productivity improvements, and towards administration, consultants and legal advice.
- The National Environmental Standards must be materially amended to include explicit agricultural protections, clear definitions, practical exemptions for routine and low-risk agricultural activities, and fit-for-purpose assessment pathways.
- The Standards, as applied to agriculture, need to be paused or staged until agriculture-specific guidance, worked examples, decision-support tools and alignment with Queensland regulatory frameworks are finalised.
- AgForce's submissions to the Department on the draft Standards are at Attachments 3, 4, 5 and 6.

Impacts will be disproportionately experienced by agriculture and smaller or family-owned businesses

- The impacts of the 2025 reforms will be disproportionately experienced by agriculture, particularly smaller and family-owned businesses, when compared with larger, single-site development proponents.
- Unlike major projects that can absorb specialist compliance, legal and ecological assessment costs as part of a discrete development budget, agricultural businesses undertake continuous, seasonal and cyclical land management across large areas. The same community engagement, data and information, MNES self-assessment and referral expectations are therefore likely to apply repeatedly to routine activities that are essential to production, biosecurity, drought preparedness and environmental stewardship.
- The changes to the continuing use provisions, together with expanded expectations for self-assessment and referral, could affect up to 88,000 farmers across Australia. If even a small proportion of those producers are required to seek advice, prepare self-assessments or make referrals, the regulatory load would represent a substantial increase compared with the 6,253 proposed actions referred to the Minister between commencement of the EPBC Act and 30 June 2019⁵.
- This scale of potential interaction demonstrates that the reforms are not confined to major developments. They risk shifting the EPBC framework into day-to-day agricultural decision-making, placing a disproportionate administrative and financial burden on farm businesses that do not have in-house legal, planning or environmental compliance teams.
- Evidence from early implementation already indicates substantial uncertainty among producers. At the 2026–27 Budget Estimates hearings, the Department advised that, from December 2025 to 25 May 2026, it had received 248 phone calls and 11 emails from farmers (QLD majority) seeking information about assessment requirements and whether they would need to undertake a self-assessment or referral. The Department understands that there had been approximately six pre-referral meetings, with two to three potential referrals expected from those interactions, subject to confirmation⁶.
- In addition to this, AgForce has also fielded over 100 hundred calls from members in addition to holding numerous webinars (recorded) to provided members with more information.

⁵ Available at: [Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999 | Australian National Audit Office \(ANAO\)](#)

⁶ Available at: [Environment and Communications Legislation Committee 2026_05_25.pdf;fileType=application/pdf](#)

- This early level of inquiry, before the National Environmental Standards, guidance materials, mapping validation processes and decision-support tools are finalised, indicates that uncertainty is already affecting producer behaviour.

Impact on productivity and food security

- The reforms extend well beyond direct compliance costs and have the potential to influence investment decisions, land values, business confidence, productivity growth and regional economic activity.
- Delays to routine agricultural activities may reduce carrying capacity, defer infrastructure investment, constrain sustainable intensification and reduce long-term productive capacity.
- Increased compliance requirements redirect business capital from on-ground investment, drought preparedness, environmental stewardship and productivity improvements towards administration, consultants and legal advice.
- Regulatory uncertainty may discourage long-term investment in water infrastructure, fencing, pasture improvement, erosion remediation, biodiversity projects and carbon projects where future regulatory treatment remains uncertain.
- Where routine land management becomes increasingly difficult to undertake, there is potential for unintended consequences affecting biodiversity outcomes, invasive species management, drought resilience, animal welfare and landscape condition.
- These broader economic, environmental and social impacts have not yet been comprehensively quantified.

Quantified impacts are important for the Productivity Commission inquiry

AgForce is collecting case studies with quantified impacts on agricultural businesses. Some of the Impacts are outlined below:

Direct financial impacts

- Direct compliance costs (*consultants, ecologists, legal advice, referrals*).
- Administrative burden (*staff time, record keeping, self-assessments*).
- Capital expenditure delayed or cancelled (*water, fencing, infrastructure, land improvements*).
- Reduced productivity (*carrying capacity, crop yields, operational efficiency*).
- Reduced farm income (*production losses, delayed operations, missed seasonal opportunities*).
- Asset value impacts (*land value, bank valuations, borrowing capacity*).
- Environmental offset and remediation costs.
- Business opportunity costs (*diversification, carbon, natural capital, expansion*).
- Ongoing compliance costs (*monitoring, repeat assessments, reporting*).
- Regional economic impacts (*contractors, local businesses, employment, supply chains*).

Productivity impacts

- Reduced carrying capacity (*stocking rates, pasture utilisation*).
- Delayed productivity improvements (*pasture, water, genetics*).
- Reduced operational flexibility (*seasonal decisions, drought response*).
- Lost production (*cropping, fodder, livestock*).
- Reduced business efficiency (*time diverted to compliance*).

Operational impacts

- Activities delayed or cancelled (*fodder harvesting, regrowth management, infrastructure*).
- Additional administration (*self-assessments, mapping, record keeping*).
- Increased reliance on consultants or ecological surveys.
- Difficulty interpreting Commonwealth requirements.
- Uncertainty affecting day-to-day management decisions.

Environmental stewardship impacts

- Delayed weed or pest management.
- Delayed erosion remediation.
- Reduced ability to manage woody thickening or regrowth.
- Delayed biodiversity or restoration projects.
- Legal risk or administrative/financial impact preventing routine activities.
- Environmental outcomes affected by inability to actively manage landscapes.

Regional and community impacts

- Reduced contractor or local business expenditure.
- Delayed machinery or equipment purchases.
- Reduced regional employment or contracting opportunities.
- Impacts on processing, transport or agricultural supply chains.
- Impacts on family succession or business continuity.

Animal welfare and biosecurity impacts

- Delays to activities required to maintain livestock welfare.
- Constraints on emergency infrastructure or drought response.
- Biosecurity risks arising from delayed land management.
- Conflicting obligations between Commonwealth environmental requirements and State animal welfare or biosecurity legislation.

Investment and business confidence

- Projects placed on hold due to regulatory uncertainty.
- Reduced confidence to invest in long-term improvements.
- Carbon, natural capital or diversification projects delayed.
- Lending or finance affected by future regulatory uncertainty.
- Short and long term affect of State GPD and investment confidence.

Social impacts

- Increased stress associated with ongoing regulatory uncertainty.
- Time diverted from family or business management.
- Mental health impacts arising from compliance uncertainty.
- Impacts on succession planning or future business viability.

AgForce will continue to provide more detailed case studies to commission on the examples provided above.

3. LAND MANAGEMENT

Agricultural practices that improve the environment may not be implemented

- Although the EPBC Act reforms are meant to increase environmental protection, there are several potential unintended consequences and risks.
- Restrictive EPBC overlays can prevent active management in landscapes that are already heavily altered, leading to declining pasture condition, woody thickening, fuel load accumulation and reduced ecosystem function, rather than delivering improved environmental outcomes.
- Active, continuous land management, including grazing, vegetation control, fire management and water stewardship, remains essential to maintaining landscape function in highly variable northern systems.
- The tighter definition of 'continuing agricultural use' will discourage routine management of regrowth. Producers are expected to self-assess whether each non-exempt activity may have a significant impact on MNES, including activities that are routine, low-risk and cyclical in nature. This self-assessment and referral process will discourage active land management and risks poorer environmental outcomes, particularly under climate variability and drought conditions.

- While the reforms aim to maximise tree canopy cover, preventing the active management of regrowth and fodder harvesting can paradoxically lead to ecosystem degradation and severe landscape vulnerabilities.
- Agriculture practices that are routine includes:
 - Continual activities (e.g. grazing management, critical water and fence infrastructure)
 - Cyclical activities (e.g. fodder harvesting, regrowth management).

Natural Disasters – Bushfire prevention and safety may be at risk

- Fire preparedness is essential for landscape protection, biodiversity conservation and farm safety. Placement must be flexible and responsive to terrain, fuel loads and operational needs. Strategic fire management is also recognised under the Northern Australia Development Agenda as essential for safeguarding agricultural productivity and community safety in northern regions.
- Fire management at a local and state level may dictate wider fire breaks where imminent risk to lives, critical infrastructure and biodiversity where fire appliance resources are not available to due to distance of conditions.
- Effective fire management is critical to protecting agricultural productivity, environmental assets, and regional communities. Current legislation does not adequately reflect the need for local decision-making across vastly different Queensland bioregions.
- Additional EPBC Act restrictions on fire mitigation would impose significant economic burdens on both landowners and the State, increasing fire risk rather than reducing it.

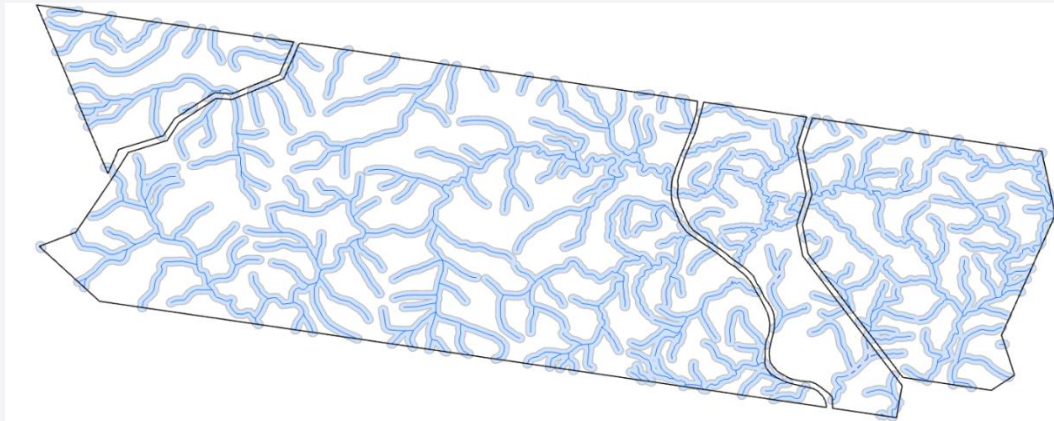
Natural Disasters – Flood mitigation and remediation may be at risk

- Routine drainage, levee and flood-mitigation maintenance are essential agricultural land management activities. If these practices are delayed or abandoned because of EPBC uncertainty, flood behaviour on individual properties and across the broader catchment can change materially.
- Unmanaged vegetation within the 50-metre buffer can thicken along creek banks, drainage lines and overland flow paths. Dense trees, shrubs and groundcover may restrict channel capacity, impede stormwater movement, increase debris loading and reduce the ability of drainage systems to move floodwater efficiently during high-rainfall events.
- The Commonwealth has not demonstrated how the 2025 amendments will interact with real-world flood and cyclone events, emergency remediation or routine flood-mitigation works.

Farming and watercourse requirements are impractical

- The 50-metre watercourse, wetland and drainage-line amendments have significant practical implications for agricultural land management in the Great Barrier Reef catchment. Watercourses and drainage features are extensive across agricultural properties, including ephemeral systems that may only carry water intermittently but are nevertheless captured by the amendments.
- Figures 1 illustrates the scale of watercourse mapping on a grazing property and the additional land area affected once a 50-metre buffer is applied. The example demonstrates that the amendments can capture large areas of productive land and routine management corridors, even where the environmental risk of the proposed activity is low.
- In practice, producers may be required either to avoid these areas, which is often impractical, or undertake costly self-assessment and referral processes before carrying out routine activities.

Figure 1: EPBC Act GBR Watercourses on a 3,231 hectare grazing property in the Great Barrier Reef using current EPA instructions with the 50 metre buffer



- The total area of the 50 metre buffer for this farm is 1,401 hectares when the current directions from the EPA mapping instructions are overlaid.
- This represents nearly half of the property which no longer has the continuous use exemption.
- This makes continuous paddock maintenance and management of a farming business extremely arduous to the point that the producer would have to treat any potential activities no longer being exempt with GPS mapping technology overlaid.
- This capture is due to the EPA utilising the definition of Drainage Feature rather than drainage line. This picks up stream order 0 drainage features and captures 10x the Category R mapped area.
- EPA have highlighted, any error in mapping need to be directed to the Queensland Government to correct for landholders. Producers have to individually petition this where drainage features lead to on farm dams and other man-made features that are not a risk to the Great Barrier Reef.

First Nations interactions not clear with National Environment Standard not finalised

- The National Environment Standard for First Nations Engagement has not been released for consultation. AgForce will provide further feedback to the Commission once this has been released for comment.
- AgForce understand that currently, First Nations engagement is required for EPBC referrals. As the current interpretation of the farmers guide would result in many routine agricultural activities being captured within the EPBC Referral process, AgForce recommends that this consultation is adding further unwarranted administrative and financial burden on producers seeking to maintain farm operations.

4. ENVIRONMENTAL OFFSETS

- Queensland's grazing, cane, cropping and mixed-farming systems operate across some of the productive land in Australia, and any shift that incentivises or directs environmental offsets onto high-value agricultural land risks undermining food and fibre production, regional economies and established land use planning.
- Offsets and restoration must complement, rather compete with, productive agriculture.

- Without clear safeguards, productive land may be targeted due to its scale, accessibility or tenure security, even where more suitable restoration opportunities exist on public land, degraded land or within existing conservation estates.
- Offset placement and restoration programs must be developed with Queensland agencies and industry to avoid unintended regional impacts on food and fibre production and feral pest management to mitigate negative environmental outcomes.
- Where offsets are required to address genuine residual impacts from non-agricultural sectors, agriculture may participate as a delivery partner only where arrangements are fair, practical, voluntary and commercially workable.
- Further information on the current weaknesses of the Commonwealth's proposed offset policy is outlined in the Attachment – *National Environmental Standards: Offsets Exposure Draft*.

5. AGFORCE REQUESTS OF QUEENSLAND STATE GOVERNMENT

Embed Agriculture as a core partner in the Bilateral process

- Ensure AgForce is embedded early and meaningfully throughout the design, negotiation and implementation of the EPBC bilateral, including policy intent, drafting and interpretation, to ensure the framework is grounded in the realities of continuous agricultural land use.
- Ongoing agricultural input is critical to achieving a bilateral that is workable, investable and deliverable, while supporting Queensland's economic, regional and environmental objectives.

Retain and enhance planning certainty for Agricultural land

- Ensure the certainty conveyed by PMAVs and QLD planning instruments is fully retained and strengthened under bilateral arrangement.
- Queensland has an opportunity to enhance planning protections for grazing land, recognising its strategic role in food production and land stewardship in a manner comparable to existing protections for priority cropping land.
- Land-use certainty is what turns environmental ambition into investable, deliverable outcomes.

Anchor the Bilateral in Queensland's Planning and Vegetation Management frameworks

- Position the *Planning Act 2016* as the overarching framework for equivalence with the EPBC reforms, recognising that it operates as the umbrella legislation through which QLD delivers integrated land-use planning and environmental outcomes. This includes formal recognition and defence of the environmental and vegetation management outcomes delivered through QLD's established legislative framework (see Appendix 4), 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 Acts collectively deliver enforceable, outcomes-based environmental protections tailored to QLD's bio-regional conditions. The bilateral must lock in their primacy and effectiveness, not reopen settled frameworks through federal overlay or reinterpretation.

Align Great Barrier Reef watercourse provisions with Queensland's regulatory intent

- Ensure the bilateral adopts a fit-for-purpose definition of watercourses and drainage lines that reflects Queensland's established Reef regulatory framework and does not rely on the broader interpretation of "drainage features" currently being applied under the EPBC Act.
- Reject the application of Commonwealth mapping that captures ephemeral drainage features, artificial drainage infrastructure and other low-risk landscape features where they do not present a material risk to Great Barrier Reef water quality.

- Ensure Commonwealth implementation recognises Queensland's existing Category R framework and associated regional science, consultation and mapping, rather than expanding regulation to approximately 4.3 million hectares through broader drainage feature interpretation.
- Provide a practical mechanism for landholders to correct mapping inaccuracies and demonstrate where drainage features pose no sediment delivery risk to the Great Barrier Reef, including internal drainage systems, farm dams and other artificial drainage infrastructure.

Exempt Routine Agricultural Activities from MNES Self-Assessment and Referral

- Critical agricultural activities essential to food security, animal welfare and land stewardship must be exempt from EPBC referral and MNES assessment where they are already regulated under Queensland law (see Appendix 5).
- Ensure Federal settings recognise agriculture as a continuous production system and avoid development-style approval pathways that undermine essential land management.

Use the Bilateral to modernise “continuous use” settings for sustainable agricultural growth

- QLD's production systems depend on the ability to rotate, diversify and sustainably intensify land use over time and climatic conditions. These adaptive practices strengthen both economic performance and environmental resilience.
- Continuous use interpretations must reflect this reality and avoid reclassifying normal agricultural adaptation as development subject to referral or fixed timelines (see Appendix 6).

Ensure Bioregional Plans recognise Queensland's productive landscapes

- Ensure the bilateral prevents Bioregional Plans from overriding Queensland's established land-use planning, PMAVs and vegetation management frameworks or creating de facto "go" and "no-go" zones for agricultural development.
- Require Bioregional Plans to recognise agriculture as a legitimate, ongoing land use by incorporating land capability, agricultural productivity, existing land use and regional economic importance alongside environmental values.
- Ensure productive agricultural landscapes, including the Brigalow Belt and other key food and fibre production regions, are explicitly recognised to avoid unintended constraints on sustainable agricultural development.
- Require bioregional planning to utilise Queensland's existing vegetation mapping, land-use datasets and regional ecological knowledge so planning reflects how agricultural landscapes are actively managed, rather than relying solely on broad-scale ecological classifications such as IBRA.

CONCLUSION

The 2025 EPBC Act reforms represent one of the most significant changes to the regulatory environment for Queensland agriculture in decades. While intended to strengthen environmental protection, the reforms have introduced substantial uncertainty for routine agricultural land management without a comprehensive assessment of their cumulative impacts on productivity, regional economies, food security or environmental stewardship.

Queensland agriculture already operates within one of Australia's most comprehensive environmental and vegetation management frameworks. The challenge is therefore not whether environmental outcomes should be achieved, but how they can be achieved through a regulatory system that recognises agriculture as a continuous, adaptive land use rather than a series of discrete development projects.

AgForce considers the Queensland Productivity Commission uniquely placed to provide an independent assessment of the economic, productivity and regulatory impacts of these reforms on Queensland. Such analysis will be critical in informing Queensland's position during bilateral negotiations with the Commonwealth and ensuring future implementation supports both environmental objectives and the State's agricultural growth ambitions.

This submission represents the first stage of AgForce's evidence to the Inquiry. We will continue to provide additional producer case studies, quantified economic analysis and practical examples as they become available throughout the Inquiry.

AgForce remains committed to working constructively with both the Queensland and Commonwealth Governments to develop practical, science-based solutions that improve environmental outcomes while maintaining agricultural productivity, investment confidence, regional employment and Queensland's long-term food and fibre security.

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.

FURTHER ATTACHMENTS

1. AgForce Submission to the Senate Standing Committee on Environment and Communications on the Environment Protection Reform Bill 2025 and six related Bills (No. 75)
2. AgForce Submission to the Senate Standing Committee on Environment and Communications on the Environment Protection Reform Bill 2025 and six related Bills (No. 75.1)
3. AgForce Submission to the National Environmental Standard: Matters of National Environmental Significance (MNES) Exposure Draft
4. AgForce Submission on the National Environmental Standards: Offsets Exposure Draft
5. AgForce Submission on the Draft National Environmental Standard for Data and Information
6. AgForce Submission on the Draft National Environmental Standard for Community Engagement
7. AgForce Submission Environment Protection Biodiversity Conservation Amendment (2026 Measures No. 1) Regulations

APPENDICES

Appendix 1. EPBC Act 2025 – Section 116A

Case Study: The implications for Queensland Agriculture, Reef Outcomes and On-Ground Land Management

The current interpretation of section 116A of the EPBC Act adopts the Queensland Water Act 2000 definition of a watercourse, capturing not only mapped watercourses but also drainage features, overland flow paths and unmapped ephemeral channels. When combined with the amendment to section 43B, this interpretation applies a 50-metre vegetation restriction on either side of all such features, regardless of scale, function, or environmental risk.

This approach goes well beyond existing Queensland and Reef regulatory frameworks, including Reef Protection Regulations and Category R settings, and does not recognise exemptions that have been actively negotiated and embedded within Queensland land management regimes.

Critically, the drafting refers only to “vegetation” without distinguishing what is a healthy landscape, nor distinguishing between native and non-native vegetation, resulting in unintended regulatory consequences that undermine both environmental outcomes and agricultural productivity.

Remedial Contour Banks and Sediment Reduction

Queensland producers routinely install, maintain and remediate contour banks and associated drainage works as part of best-practice land management to reduce sediment loss, slow overland flow and protect soil structure. These activities are fundamental to achieving Reef water-quality objectives and underpin participation in Reef credit and sediment-reduction programs.

Under the current interpretation of section 116A, producers are unable to remove, manage or relocate vegetation within 50 metres of any defined drainage feature. This restriction applies equally to non-native vegetation, vegetation that has established on engineered banks, and vegetation that actively interferes with sediment-control structures. For contour bank remediation, as earthworks is required, some of the remaining trees may be impacted by this and hence the activity would be captured by the self-assessment and referral process.

As a result, routine and environmentally beneficial remedial works are either delayed or abandoned due to the self-assessment and referral burden now attached to these activities. This creates a perverse outcome whereby actions specifically designed to reduce sedimentation and improve Reef outcomes cannot be undertaken, despite being low-risk and well understood.

On-ground assessments indicate that untreated gully systems can export hundreds of thousands of tonnes of sediment over decades, while contouring, flow-spreading and wetland re-establishment can rapidly arrest losses and begin rebuilding soil profiles within years. Effective sediment control requires active land management, not regulatory settings that treat remediation as environmental harm rather than environmental benefit. Please see a photographic example of this below and Table 1 below talking to the base costs and processes currently incurred. It should be noted that over multiple kilometres, hundreds of thousands of tonnes.

Table 1: Indicative costs of Contour Bank remediation for landholders intended to prevent sedimentation through gully remediation & contouring excluding DCCEE Fees.

Item	Indicative Value	Implication
Cost of remediation works	~\$3,000 per km	Achievable at scale
Cost of EPBC ecological assessment	~\$30,000–\$100,000 per activity	Often exceeds works
Reef credit equivalence	~1 credit per ~0.5 tonne soil retained	Credits diverted to approvals, not works
Net outcome under current settings	Works not undertaken	Sediment loss continues

Environmental Considerations and Regulatory Misalignment

The current drafting implicitly assumes that the presence of vegetation, including trees, universally reduces sedimentation. This assumption is not supported by on-ground evidence.

Non-native vegetation can obstruct engineered flows and exacerbate erosion. Native monoculture regrowth, in some contexts, can increase runoff concentration, suppress groundcover diversity and contribute to erosion through allelopathic effects.

Environmental outcomes are determined by function, not simply by vegetation presence. A regulatory framework that equates “trees” with positive sediment outcomes risks locking in poorer environmental performance.

Key Implications

As currently interpreted, section 116A as part of the amended section 43B:

- prevents routine and remedial land-management activities from being undertaken,
- impose self-assessment and referral burdens on low-risk, high-benefit works,
- override or ignore established Queensland exemptions,
- capture unmapped drainage features far beyond Reef regulatory settings, and
- risk increasing, rather than reducing, sediment impacts to the Reef.

To achieve both environmental and productivity objectives, the EPBC framework must:

- explicitly recognise remedial and maintenance activities as environmentally beneficial and exempt them from self-assessment and referral requirements,
- revert to excluding unmapped drainage lines from Commonwealth definitions where they exceed Reef and state regulatory intent,
- formally recognise existing Queensland exemptions that have been actively negotiated and implemented, and

- clarify that vegetation controls apply to native vegetation, with regulatory discretion that reflects real sediment outcomes rather than blanket assumptions.

Erosion gullies from dense regrowth within GBR catchment.





Appendix 2. Financial And Land Impact Calculations Reasoning

Background

This appendix provides an indicative, order-of-magnitude assessment of potential land value exposure associated with recent amendments to the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* as they affect land, predominately category X land under Property Maps of Assessable Vegetation (PMAVs) in Queensland. It is intended to support policy, finance and risk discussions by illustrating the potential scale of impact under a defined set of assumptions. It is not a valuation and should not be relied upon as such.

Australia's national environmental law reforms were enacted through the *Environment Protection Reform Act 2025 and related Acts*. The reform package passed Parliament on 28 November 2025 and received Royal Assent on 1 December 2025.

For agricultural land management in Queensland, a key implication has been the narrowing of the EPBC Act's "continuous use" exemption in section 43B. The "continuous use" exemptions no longer apply to managing vegetation on land that has not been cleared in the last 15 years (with a stated forestry exception). This timeline does not talk directly to the age of vegetation but rather the last clearing event (mechanical, chemical or fire based) and captures immense areas of Category X (Unregulated Vegetation) land in Queensland. Over 629,768⁷ hectares of locked in Category X land has dense vegetation over 15 years of age. An unknown amount of Category X land has sparse vegetation over 15 years of age.

The Commonwealth also amended section 43B settings remove the exemption for clearing vegetation within 50 metres of a watercourse, wetland or drainage line within Great Barrier Reef catchments (Section 116) adopting the adopted the *Queensland Water Act 2000* definition of watercourses and drainage lines. This captures unmapped drainage lines and nearly 10 times the area captured by Category R (Regrowth Watercourse) as per Table 1 below. Furthermore, the definition for vegetation does not differentiate between native vegetation, invasive native vegetation or non-native vegetation.

Table 1. The relevant areas under each of the Regulated vegetation Management Categories captured by the addition of Section 116 of the EPBC Act reforms.

Regulated Vegetation Management Category	Area (Ha)
A	13,153
B	2,843,393
C	99,976
R	458,924
X	1,122,484
Total	4,532,480⁸

Note 1: This is generated from the spatial data from the Watercourse and drainage feature Lotplan analysis was intersected with the current version (v7.19) of the Regulated Vegetation Management Map (RVMM).

Note 2: All of the Category X area in this table is on a PMAV.

Note 3: Approximately 200,000ha in this table occurs on road reserves.

⁷ As per correspondence on 6/02/26 from Peter Lazzarini, Director, Vegetation Policy & Regulatory Strategy, QLD DNRMMRRD.

⁸ As per correspondence on 6/02/26 from Peter Lazzarini, Director, Vegetation Policy & Regulatory Strategy, QLD DNRMMRRD.

Category X land covers over 32 million hectares of land in Queensland as per Table 2 below. Of the 32 million hectares, 24 million⁹ hectares of Category X country are locked in, whereby they do not revert to High Value Regrowth (Category C) after 15 years.

Table 2. The relevant areas under each of the Regulated Vegetation Management Categories in Queensland and proportion of total area.

Regulated Vegetation Management Category	Area (ha)	Percentage of Total
A	218,707.99	0.13%
B	138,245,149.28	79.27%
C	1,151,319.93	0.66%
R	499,043.84	0.29%
X	32,642,867.74	18.72%
Locked in Category R	~24,000,000	13.76%
Water	1,638,926.92	0.94%
Total	174,396,015.70¹⁰	100.00%

Inputs and assumptions

- Category X land captured by EPBC Act section 116—related interpretations (Great Barrier Reef interaction): 1,122,484 hectares
- Category X land exceeding the 15-year threshold (as it relates to the amended section 43B continuous use settings): 629,768 hectares

Indicative land value benchmark:

- An average benchmark of \$6,975 per hectare¹¹ is applied for scenario purposes only.
- This is a broad indicative assumption and does not reflect property-specific conditions, however it reflects the average price for land suitable for beef production in northern Australia in 2024 as per ABARES.

Valuation sensitivity assumption:

- Where Category X land is materially constrained in practice (and therefore functions more like Category B or Category C land), the effective land value may fall to approximately 25 to 33 per cent of its unconstrained Category X value.
- This is equivalent to an indicative diminution of 66 to 75 per cent¹².

Methodology

Gross indicative land value is calculated by multiplying the relevant land area (hectares) by the benchmark value per hectare. Indicative value diminution is calculated by applying the assumed reduction range (66 to 75 per cent) to the gross indicative value. Indicative residual value is calculated by applying the remaining value proportion (25 to 33 per cent) to the gross indicative value.

Results

Category X land captured by EPBC Act section 116

⁹ As per insights on 9/01/26 from Peter Lazzarini, Director, Vegetation Policy & Regulatory Strategy, Qld DNRMMRRD.

¹⁰ Accessed 30/12/2025 based on data dated from the 1/12/2025. Accessed at:
<https://www.data.qld.gov.au/dataset/vegetation-management-act-series>

¹¹ Based on the ABARES Farmland Price indicator for Beef in Northern Australia based on price per Hectare (\$) in 2024. Available at: <https://www.agriculture.gov.au/abares/data/farmland-price-indicator>

¹² Based on correspondence dated 9/2/2026 from John Moore, Queensland Land Valuation Expert.

- Applying \$6,975 per hectare to 1,122,484 hectares produces a gross indicative land value of approximately \$7.83 billion.
- Indicative value diminution (66–75 per cent): \$5.17 to \$5.87 billion
- Indicative residual value (25–33 per cent): \$1.96 to \$2.58 billion

Category X land exceeding the 15-year threshold (amended s 43B settings)

- Applying \$6,975 per hectare to 629,768 hectares produces a gross indicative land value of approximately \$4.39 billion.
- Indicative value diminution (66–75 per cent): \$2.90 to \$3.29 billion
- Indicative residual value (25–33 per cent): \$1.10 to \$1.45 billion

EPBC Self-assessment and Referral Costs

- The associated costs for EPBC Self-Assessment and referral costs are calculated as per Appendix 2.

Interpretation of results

These figures illustrate the potential scale of land value exposure under a scenario in which the amended EPBC Act settings constrain the ability to manage regrowth and maintain grass-to-tree ratios consistent with historical practice. Where those constraints reduce carrying capacity, limit enterprise flexibility, or increase regulatory delay and cost, they can affect future income potential, land performance, and in turn the asset and finance settings that rely on that productive capacity.

Appendix 3. Financial Implications Case Studies

Case Study: Routine Agricultural Infrastructure and Self-Assessment Burden

A producer has purchased an additional grazing property under a rolling term lease (Native Title not extinguished). The property is predominantly Category X under Queensland legislation, with some mapped regrowth, a mapped watercourse and a known cultural heritage site. The producer proposes to construct a 5 km internal laneway fence to improve stock management, animal welfare and operational efficiency. This is routine agricultural infrastructure through grasslands. Under current Commonwealth guidance, the producer is advised this activity requires an EPBC self-assessment.

Actions the producer is required to take

To comply, the producer must independently interpret multiple Commonwealth tools and datasets and form a legal judgement on environmental impact, including:

- Locate and review current guidance on the DCCEEW website.
- Download and interpret the relevant PMST MNES Report.
- Generate and analyse historical satellite imagery (Queensland Globe / Google Earth Pro) to determine whether any regrowth in the project area exceeds the 15-year threshold.
- Cross-reference MNES information with the Atlas of Living Australia to identify potential presence of listed species.
- Interpret spatial data to assess proximity to protected matters and mapped watercourses.
- Determine whether the activity may have a 'significant impact' on all of the protected matter identified and how this impact will be managed.
- Form and document a judgement that the activity will not have a 'significant impact'.
- Photograph the site before and after works.
- Compile, retain and store records to demonstrate compliance for undisclosed time period¹³.

Table 1: The administrative and financial impacts of self-assessments of routine agricultural activities.

Impact measure	Single routine activity	5 activities per year	10 activities per year
Owner time diverted to EPBC compliance	50 hrs	250 hrs	500 hrs
Replacement labour required (Head Stockman)	50 hrs	250 hrs	500 hrs
Total productive labour hours diverted	100 hrs	500 hrs	1,000 hrs
Replacement labour cost (only)	\$1,757 ¹⁴	\$8,787	\$17,575
Minimum direct financial cost (Owner impact + direct financial cost)	\$3,514	\$17,570	\$35,140
Excluded impacts	Contract risk, lost revenue, potential animal welfare risk	Compounding	Compounding

At a minimum, routine EPBC self-assessment requirements may divert 500–1,000 hours of productive labour per enterprise per year before any on-ground works can commence, and without accounting for the use of external consultants. This represents a material and ongoing cost imposed on normal farming operations, not exceptional development activity. These steps must currently be completed

¹³ Available at: <https://www.dcceew.gov.au/environment/epbc/advice/self-assessments>

¹⁴ The remuneration for the Head Stockman is calculated at FLH7, Pastoral Award of a conservative \$35.15 per hour as per guidance http://awards.fairwork.gov.au/MA000035.html#_Toc201238102

without a consolidated, agriculture-specific self-assessment framework, thresholds or publicly available worked agricultural examples.

Case Study: Routine Fodder Harvesting and the EPBC Referral Burden

A medium-sized family-owned grazing business operates in a semi-arid region where mulga and other fodder trees are a critical component of drought resilience and animal welfare. The business has long undertaken fodder harvesting as part of its established land-management system, with vegetation allowed to regenerate.

During a severe dry period, the enterprise proposes to undertake strip harvesting of mulga for fodder, involving pushing strips of trees so that they are knocked down but capable of regrowth. This activity is cyclical, undertaken periodically in response to seasonal and drought conditions, and forms part of the business's ongoing land use. Under recent implementation guidance provided by DCCEEW, this method is considered higher risk because it "looks and functions like land clearing", notwithstanding the regenerative intent and practice.

Actions the Producer is required to take

To proceed lawfully, in addition to the regional permit for fodder harvesting, the producer is required to undertake a full EPBC referral process, including:

- Preparation of detailed project mapping and spatial analysis.
- Compilation of recent data and surveys (less than five years old)¹⁵.
- Commissioning of ecological assessments to identify habitat values and MNES impacts.
- Community engagement documentation.
- Generation of a Protected Matters Search Tool (PMST) report¹⁶
- Preparation of referral documentation addressing the significant impact criteria.
- Lodgement of a formal EPBC referral and engagement through the Commonwealth assessment process.
- Potential re-iterations of the documents and engagement to finalise process with DCCEEW.

Financial and operational impact

The estimate in Table 2 below does not include additional ecological surveys, First Nations engagement, mapping and spatial analysis, legal/planning advice, owner time, staff time, opportunity cost, delays, livestock welfare risk or lost productivity. It is also unclear the how long the EPBC approval for Fodder Harvesting will be valid for. Current advice indicates the referral and assessment process may take up to 18 months, during which time the activity cannot proceed. Depending on the outcome, there is a risk that the producer may need to establish an Offset¹⁷ area as part of the Mulga Harvesting which represents an additional ongoing cost to the producer.

Whilst AgForce recognises the current referral process will change as part of the MNES Standard Consultation, it still includes the same base requirements with no indication on the revised costs except that there will need to be a cost recovery mechanism¹⁸ Even at the lower end, the family-owned business faces direct minimum upfront costs over \$79,000, with exposure to significantly higher costs depending on assessment pathway and information requests. Combined with an 18-month indicative referral timeframe, these requirements materially constrain drought response, fodder access and operational flexibility.

¹⁵ Available at: <https://www.dcceew.gov.au/environment/epbc/advice/surveys-and-data>

¹⁶ Available at: <https://www.dcceew.gov.au/environment/epbc/advice/referral-applications-and-proposals>

¹⁷ Available at: <https://www.dcceew.gov.au/environment/epbc/approvals/offsets/guidance/advanced-environmental-offsets>

¹⁸ Available at: <https://consult.dcceew.gov.au/natl-environmental-standards-mnes>

As a family-owned enterprise classified as medium-sized under Australian Taxation Office definitions, the business is not eligible for EPBC fee exemptions or waivers, notwithstanding that its operations are spread across multiple properties and ownership entities. Where similar fodder-harvesting activities are required across other properties within the business, the same referral and assessment costs may be incurred repeatedly, resulting in a compounding financial burden for routine drought resilience activities.

Table 2: Direct Financial Costs –for EPBC Referral for Routine Fodder Harvesting

Cost component	Description	Cost (AUD)
Base Project Referral Cost	Initial Review form DCCEEW	\$6,577
Commonwealth assessment fee – referral information	Assessment based on referral information	\$8,964
Commonwealth assessment fee – preliminary documentation	Assessment on preliminary documentation	\$8,010
Commonwealth assessment fee – PER / EIS	Public Environment Report or Environmental Impact Statement	\$25,583 ¹⁹
Ecological assessment – Flora and Fauna Assessments	Baseline ecological and habitat assessment	\$30,000 - \$100,000 ²⁰
Total (approximate)		\$79,134 – \$149,134

Case Study: Cumulative Cost of MNES Referral and Self-Assessment Requirements on Australian Agriculture

The current DCCEEW proposed interpretation of Matter of National Environmental Significance (MNES) self-assessment and referral requirements will impose a cataclysmic economic burden on routine agricultural production, materially altering the cost structure of food and fibre production in Australia. These costs arise from additional Commonwealth regulatory requirements applied to routine, ongoing agricultural activities undertaken to maintain food supply, land stewardship and production resilience.

The estimated number of producers is estimated to be 19,000 based on 13,000²¹ from QFF and 6000 from AgForce. This is very conservative compared to the 41,000 Farm businesses reported in 2018/2019²² Queensland had a cumulative gross value of primary industries production at approximately \$27.27 billion per year in 2024/25²³.

¹⁹ All DCCEEW quoted fees are available at: https://www.dcceew.gov.au/environment/epbc/advice/fees-exemptions-waivers#toc_0

²⁰ Productivity Commission, *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments* (Melbourne, 2011). Available at: <https://assets.pc.gov.au/inquiries/completed/regulation-benchmarking-planning/report/planning-volume1.pdf>

²¹ Available at: <https://www.qff.org.au/our-members>

²² Available at: <https://www.publications.qld.gov.au/ckan-publications-attachmentsprod/resources/0e8e2b36-a33d-47a5-bc1d-c30cbd672e76/qld-agtrends-2020-21.pdf?ETag=958f2c5bde68e48ab129c780b45e3a50>

²³ Available at: <https://www.dpi.qld.gov.au/news-media/campaigns/data-farm/primary-industries>

Table 1: The estimated Cost Profile of fully complying with current MNES requirements for an agricultural business over 12 months.

Cost component	Basis	Cost(AUD)
EPBC referral (upper bound)	Commonwealth assessment fees + ecological assessment	\$149,134 ²⁴
Ongoing MNES self-assessment and management	~1,000 hours per year	\$35,140 ²⁵
Indicative ongoing regulatory cost per business	Referral + annual compliance	~\$184,000

Note: The cost estimate presented above reflects only the direct and quantifiable regulatory costs associated with EPBC referral and MNES self-assessment requirements. It does not account for additional costs and risks, including but not limited to: further ecological surveys; First Nations engagement processes; mapping and spatial analysis; legal and planning advice; owner and staff time; opportunity cost; project delays; livestock welfare risk; or lost productivity resulting from deferred or constrained management actions.

Assumptions for self-assessment: approximately 10 routine agricultural activities per year with at least one referral valid only for the same activity and/or same area; no offset costs included.

This cost reflects regulatory obligations applied to routine food production activities, not new development or environmental harm. While referrals may be activity- or area-specific, the structure of the framework results in ongoing and repeatable costs where activities occur across properties or production systems.

Aggregate Sector Impact

Applying an ongoing cost of ~\$184,000 per business across ~19,000 agricultural producers results in a cumulative burden of approximately: ~\$3.5 billion per year imposed on Queensland agriculture.

Relative to total primary industries production of ~\$27.27 billion, this represents in excess of 10% of the state output, more than the difference required to meet the QLD state 30 billion by 2030 goal²⁶.

These costs are generated by short-term regulatory triggers applied to routine agricultural activities, without sufficient weighting of holistic natural capital contributions, long-term productivity, stewardship and food security outcomes. At this scale, the burden cannot be absorbed at the farm level and will be embedded throughout supply chains, with direct implications for food affordability, food sovereignty and regional economic resilience.

²⁴ As per Appendix 3, Table 2 of this document.

²⁵ As per Appendix 3, Table 1 of this document.

²⁶ Available at: <https://www.dpi.qld.gov.au/news-media/campaigns/prosper2050/deliver/action>

Appendix 4. Fast-tracked Regulatory Updates to the QLD Vegetation Management Act 1999 in Response to EPBC Reforms

Key Issues

For Queensland's vegetation management framework to fulfil its purpose, targeted amendments to the VMA and its regulations are required. While the VMA provides a comprehensive, science-based system designed to protect environmental values and support sustainable land use, the operation of the EPBC Act can effectively override Queensland approvals. This creates uncertainty, additional cost and delays, and risks undermining lawful land-use opportunities that landowners relied upon in good faith — particularly in relation to PMAVs.

Without a strong Queensland Government position, there is a real risk that the VMA framework, particularly in regards to PMAVs, will lose its practical value as a certainty mechanism, despite landowners acting in good faith and full compliance with Queensland legislation. Commonwealth referral processes delay, restrict or prohibit activities that were factored into property purchase price, business viability and succession planning. This interaction creates a real risk that landowners lose access to lawful opportunities they reasonably relied upon, resulting in loss of opportunity, stranded assets and reduced property value.

Detailed Background

Queensland's commitment to grow agricultural production to \$30 billion by 2030 depends on regulatory certainty that supports long-term investment and sustainable land use. Queensland already has a comprehensive, science-based vegetation management framework under the *Vegetation Management Act 1999* (Qld) that protects environmental values while enabling productivity and regional economic growth. However, the operation of the EPBC Act increasingly overrides or duplicates lawful Queensland approvals, creating uncertainty, additional cost and, in some cases, removing land-use opportunities that landowners reasonably relied upon when investing in properties. Without a strong Queensland Government position, key certainty mechanisms, particularly Property Maps of Assessable Vegetation (PMAVs), risk being undermined, leading to stranded assets, reduced property values and diminished investment confidence. This directly threatens agricultural productivity, regional resilience and the State's ability to achieve its \$30 billion growth target.

Property Maps of Assessable Vegetation (PMAVs) and Category X

AgForce calls on the Premier to maintain and actively defend Queensland's PMAV system, particularly, Category X mapping whether that is 'locked-in' or not, to ensure lawful land-use rights under Queensland law are not undermined by the operation of the EPBC Act.

Landowners make substantial, long-term investments based on the certainty provided by PMAVs. Any weakening of the State's commitment to honour PMAV agreements creates uncertainty around land tenure, threatens property values, undermines business viability, and destabilises regional economies. This uncertainty directly conflicts with the State's ambition to grow agriculture to \$30 billion by 2030.

Maintaining PMAV integrity provides:

- regulatory certainty and investment confidence,
- continuity of agricultural production,
- protection of Queensland's GDP, food supply and regional employment, and
- assurance that vegetation is managed lawfully and sustainably under State law.

AgForce seeks the following amendments to ensure PMAVs continue to operate as intended and are

not displaced by Commonwealth regulation.

Key amendments sought:

- If an application to apply/amend a PMAV is rejected landholders have a right of recourse (as was the case under the previous LNP Government).
- High value regrowth (Category C) be restored to Category X status, as was the case under the previous LNP Government.
- Removal of the 15 year rolling term so that all land that has previously been cleared should be Category X, unless there are areas that are 70% of the original height and 30% of the original canopy, which was the original test to determine a remnant ecosystem prior to the last change in the vegetation management laws.

In regards to the above point, the landholder needs to be afforded the right to appeal any areas that they believe should remain as Category X. The onus of proof should fall on the Government instead of the landholder. Landholders should be encouraged to complete or modify their PMAVS where they believe there are inaccuracies.

Fodder Harvesting

Mulga ecosystems are a critical drought-mitigation resource that supports livestock production during prolonged dry periods. The Managing Fodder Harvesting Accepted Development Vegetation Clearing Code ('Fodder Harvesting Code') provides a regulated, science-based framework that enables sustainable mulga management while protecting environmental values.

Retention of this Code is essential to:

- maintain drought resilience,
- prevent landscape degradation,
- sustain regional productivity, and
- reduce reliance on externally sourced feed.

If lawful mulga harvesting undertaken in accordance with Queensland's Code is restricted or overridden by the EPBC Act, producers will face significantly higher operating costs, increased pressure on drought-affected supply chains, and reduced competitiveness, outcomes that directly undermine the State's \$30 billion growth objective.

AgForce therefore supports the continued operation of the Fodder Harvesting Code as a Queensland-specific environmental and drought-management tool and submits that activities undertaken lawfully under the Code should be recognised and not duplicated or overridden by Commonwealth regulation.

Key amendments sought:

- Reinstate the 50m; 50m (harvested:retained) ratio (from 50m:75m) to enable practical rotations; including re-harvesting the retained strip after 10 years.
- Retain the current 500ha notification process for fodder harvesting.
- Permit a 10-year rotation allowing up to 50% harvest in areas not harvested in the previous decade.
- Retain both strip harvesting and selective harvesting methods.
- Maintain selective harvesting provisions as currently legislated.
- Allow remnant trees to remain harvestable under the Code.
- Legislate an extreme drought fodder regeneration mechanism, allowing additional harvesting where drought exceeds five years in a ten-year period.

Encroachment Code and Accepted Development Code

Woody thickening and encroachment reduce pasture productivity and compromise ecosystem health across many Queensland bioregions when left unmanaged. Many landowners face practical difficulties managing these ecosystems due to complex or heterogeneous regional ecosystem (RE) labelling, where parts of a polygon may be regulated differently or not listed under the Encroachment or Accepted Development Codes, leaving producers unable to sustainably manage thickened/encroached landscapes. This is already causing contradicting obligations under Queensland's Reef Regulations as it is often impossible for landowners to comply with both pieces of legislation.

The interaction with the EPBC Act further exacerbates this issue, with referrals required based on vegetation age rather than ecological outcome, imposing significant cost and delay. These barriers increase production costs, reduce drought resilience, and negatively impact Queensland's agricultural output and GDP.

AgForce maintains that the Encroachment and Thinning Codes must remain Queensland's primary tools for managing woody thickening, delivering both biodiversity protection and economic viability. Key amendments sought:

- Separation of mixed RE polygons to allow management where one RE is regulated and another is not.
- Introduce historical baseline mapping using aerial imagery to provide clear restoration benchmarks and compliance certainty.
- In line with the Reef Regulations, allow for stick raking and planting of improved pastures to facilitate run-off reduction and increase profitability.

Economic Development Project Framework for Additional Dryland and Irrigated Cropping

Development of land for cultivation underpins drought resilience, faster recovery after dry periods, and improved fodder security. However, current frameworks disproportionately favour large corporate operators, with costs prohibitive for family-run and small-to-medium producers.

Further EPBC Act intervention would:

- prevent agricultural expansion,
- increase costs,
- reduce drought resilience, and
- threaten food availability and Queensland's contribution to State GDP.

These outcomes are incompatible with the Government's \$30 billion agricultural growth target. Key amendments sought:

- Reintroduce high value agriculture as a legitimate purpose for clearing, including irrigated high value agriculture.
- Allow improved pastures and staged development (up to 5,000ha/year) with early government certification.
- Streamline application processes to reduce costs for smaller producers.
- Modify the Agricultural Efficiency Development Code to allow greater cropping development.

Fire Management

Effective fire management is critical to protecting agricultural productivity, environmental assets, and regional communities. Current legislation does not adequately reflect the need for local decision-making across vastly different Queensland bioregions.

Additional EPBC Act restrictions on fire mitigation would impose significant economic burdens on both landowners and the State, increasing fire risk rather than reducing it.

Key amendments sought:

- Support coordinated fire planning and fuel-reduction burning within defined fire districts.
- Align legislative requirements for fire infrastructure such as firebreaks.
- Secure authority for local Rural Fire Brigades to manage fuel reduction and firefighting responses.
- Replace the “one-size-fits-all” approach to fire management with bioregion-specific standards reflecting vegetation type, height, and fire intensity.
- Amend firebreak definitions within the VMA and Planning Act as previously discussed and endorsed by Minister Dale Last.

Area Management Plans (AMPs)

Area Management Plans are a practical and effective tool for controlling woody weeds, restoring pastures, and supporting sustainable land management. However, many existing AMPs have expired, leaving landowners without workable options. To optimise land-condition and ecological objectives, reinstating Area Management Plans (AMP) provides a pathway for improved woody vegetation management with an opportunity to add additional tools to address non-woody invasive species (e.g. Calotrope).

Accordingly, AgForce requests that new AMPs under the current VMA are approved and put into effect by the Chief Executive so that practical and effective land management can continue.

Key amendments sought:

- Targeting of invasive native weeds as well as non-native weeds.
- Allow self-assessable mechanical clearing.
- Allow ploughing of the area for the immediate propagation of seed to ensure the effectiveness of the activity.
- Permit replanting of improved pastures following clearing.
- Online system for landowners to report.

Appendix 5. Routine agricultural actions that should not require EPBC self-assessment or referral

The current EPBC self-assessment framework does not provide sufficient practical clarity for agricultural land managers and has created widespread uncertainty around routine activities that are fundamental to established, cyclical farming systems. In the absence of clear, operational guidance, producers across Queensland are pausing or ceasing routine land management at a critical time of year, exposing businesses, landscapes and communities to unnecessary risk. This situation is untenable and requires immediate clarification to ensure the reforms function as intended on the ground.

To address this gap, AgForce is proactively setting out clear interpretation of routine, **insignificant impact** agricultural activities that should proceed without EPBC self-assessment or referral.

Producers cannot reasonably be expected to interpret multiple Commonwealth instruments, draft standards and technical guidance in real time to determine whether essential works remain permissible. Nor will the level of detail within the current federal legislation be sufficient to guide routine farm activities.

Practical certainty must be restored through safe harbour that recognises and allows Queensland's existing vegetation, planning and land-use legislation (including PMAVs) as the operative framework guiding what activities may proceed during the transition period.

At a minimum, the Commonwealth must recognise and be guided by the detailed, on-ground Queensland vegetation, planning and land-management frameworks referenced within this document that producers already operate under as responsible environmental stewards. These state-based systems reflect decades of scientific input, compliance experience and practical application across Australia's diverse agricultural landscapes.

A clear and explicit positive list of routine, insignificant impact agricultural activities is therefore essential to the interim. This is especially pertinent while the *National Standards* and bilateral arrangements operational realities are finalised. These activities align with existing State and existing Commonwealth policy settings, including the *Northern Australia Development Agenda* and the *Future Drought Fund*, which actively promote improved regional infrastructure, water efficiency, grazing management, fire preparedness and drought resilience. Ensuring the nine mentioned practices do not trigger EPBC self-assessment or referral maintains consistency across portfolios and supports both environmental outcomes and agricultural productivity.

The activities include (but should not be limited to):

1. Minor construction, repair and maintenance of small-scale farm infrastructure within existing agricultural footprints.
2. Installation, replacement and minor realignment of fencing for grazing management, exclusion and fire preparedness.
3. Installation, replacement and realignment of polypipe and on-farm water-delivery infrastructure.
4. Construction, maintenance and renewal of firebreaks and fire-risk management infrastructure.
5. Maintenance, upgrading and limited new works for internal roads, tracks and property access.
6. Fodder harvesting and fodder-tree management undertaken in accordance with state-based vegetation codes.

7. Mechanical, chemical and biological control of invasive and declared weed species.
8. Routine grazing and pasture management, including rotational grazing, stocking adjustments and paddock rest.
9. Stewardship, groundcover protection and erosion-control works within existing agricultural systems.

Producers have a deeply embedded relationship with their landscapes. They are long-term custodians whose livelihoods depend on maintaining healthy soils, stable groundcover, functioning ecosystems and productive country. Overly complex regulatory settings can undermine rather than strengthen environmental outcomes²⁷. Routine works that sustain land condition or reduce risk should be supported, not discouraged, by the EPBC regulatory framework.

Restoring operational certainty for producers while upholding environmental objectives

1. Farm infrastructure: minor construction, repairs and operational structures

Accepted and exempt activity (no EPBC referral required):

The construction, repair, replacement or maintenance of small-scale farm infrastructure, including haysheds, machinery sheds, feed storage and equipment shelters, where works occur within an existing agricultural footprint.

Reasoning:

These structures support essential operational, storage and livestock-management functions and do not represent land-use change or intensification and are already controlled by State²⁸ or Local Council provisions.

2. Fencing installation, replacement and new alignments

Accepted and exempt activity (no EPBC referral required):

The construction, repair, replacement or minor realignment of fencing, including new fence lines, where activities occur:

- Up to 5 metres²⁹ on either side of an existing internal fence line;
- Up to 5 metres³⁰ on either side of a new/replacement internal fence line;
- Up to 10 metres³¹ on the landholder's side of an existing boundary fence line;
- Up to 10 metres³² on the landholder's side of a new /replacement boundary fence line.

Reasoning:

Good fencing is integral to managing grazing pressure, rotational grazing systems and exclusion of sensitive areas. Fencing is a linear activity and does not materially increase development footprint. These works also directly support the goals of the Northern Australia Development Agenda, which promotes improved pastoral infrastructure as a driver of sustainable regional development. Fence lines also serve a dual purpose as fire management lines³³, which require different width allowances in different bioregions to ensure fire risk is managed accordingly and should not require approval.

3. Polypipe installation, replacement and new alignments

Accepted and exempt activity (no EPBC referral required):

²⁷ <https://www.dcceew.gov.au/sites/default/files/documents/epbc-act-review-final-report-october-2020.pdf>

²⁸ <https://www.business.qld.gov.au/industries/mining-energy-water/water/industry-infrastructure/dams/queensland>

²⁹ https://www.qld.gov.au/data/assets/pdf_file/0024/552750/infrastructure-clearing-code-guide.pdf

³⁰ As above

³¹ As above

³² As above

³³ https://www.qld.gov.au/data/assets/pdf_file/0026/517940/vegetation-clearing-exemption-list.pdf

The installation, repair or replacement of polypipe or water-delivery infrastructure where works occur:

- **Up to 25 metres³⁴ of an existing line, track or fence, or**
- **Up to 25 metres³⁵ of a new alignment** required for operational efficiency, animal welfare or water distribution.

Reasoning:

Water security requires flexibility in water-line placement. New alignments may be needed due to terrain, supply pressure, or infrastructure upgrades. These works are narrow, low impact, low risk, essential for animal welfare and are consistent with the Commonwealth's Northern Australia Development Agenda focus on expanding reliable water distribution systems.

Polypipe line can represent fire management line within rural settings. These lines are incorporated into existing fencing and infrastructure where possible however, different landscapes require different preparation for polypipe installation.

4. Firebreak construction and fire-risk management

Accepted and exempt activity (no EPBC referral required):

The establishment, maintenance or renewal of firebreaks up to 1.5 times the height of the tallest vegetation next to the infrastructure, or 20m, whichever is the wider³⁶, situated as required for asset protection, operational safety, fire access or hazard mitigation or allowed within the corresponding State/Territory planning codes and adjoining legislation. The suggested width is provided to ensure producers can proactively manage this risk and protect the local ecosystem during fire season, otherwise ecosystems could be completely destroyed if a sufficient break was not put in place initially.

Exceptional circumstances:

During a fire event landholders, are able to clear vegetation for a firebreak as necessary to address a real and imminent threat to people, livestock, or infrastructure.

Reasoning:

Fire preparedness is essential for landscape protection, biodiversity conservation and farm safety. Placement must be flexible and responsive to terrain, fuel loads and operational needs. Strategic fire management is also recognised under the Northern Australia Development Agenda as essential for safeguarding agricultural productivity and community safety in northern regions.

Fire management at a local and state level may dictate wider fire breaks where imminent risk to lives, critical infrastructure and biodiversity where fire appliance resources are not available to due to distance of conditions.

5. Roads, tracks and internal access: maintenance, upgrading and limited new works

Accepted and exempt activity (no EPBC referral required):

The maintenance, repair, grading or widening of existing roads and internal tracks³⁷, as

³⁴ As above

³⁵ As above

³⁶ Planning Regulation 2017, Schedule 21; https://www.qld.gov.au/_data/assets/pdf_file/0026/517940/vegetation-clearing-exemption-list.pdf

³⁷ Planning Regulation 2017, Schedule 21; https://www.qld.gov.au/_data/assets/pdf_file/0026/517940/vegetation-clearing-exemption-list.pdf

well as the establishment of new access sections or improvements³⁸, where required for safety, erosion control³⁹⁴⁰ mustering, firefighting or operational efficiency.

Reasoning:

Reliable access is essential for livestock management, emergencies and transport. Works typically occur on or adjacent to disturbed surfaces and do not constitute intensification or a new land use. These upgrades are aligned with the Northern Australia Development Agenda's support for improved logistics, safety and operational access across extensive production regions⁴¹.

6. Fodder harvesting and fodder-tree management

Accepted and exempt activity (no EPBC referral required):

The establishment, maintenance and harvesting of fodder trees and shrubs, including strip-harvesting, lopping, pollarding, pruning and selective removal, where activities are undertaken:

- **in accordance with State or Territory accepted development codes**, including Queensland's *Managing Fodder Harvesting Accepted Development Vegetation Clearing Code*⁴² and bioregional strip-harvesting protocols;
- **within an existing agricultural enterprise**, and
- **for the primary purpose of livestock fodder supply, drought resilience, bushfire recovery or pasture stabilisation.**

Reasoning:

Fodder harvesting is a long-standing, low-impact land-management practice integral to livestock welfare, drought preparedness and maintaining groundcover in fragile pastoral systems. State vegetation frameworks already regulate fodder harvesting at a bioregional scale, using scientifically informed limits on frequency, intensity and spatial pattern of removal.

These codes ensure fodder harvesting:

- maintains habitat structure;
- avoids broadscale clearing;
- preserves soil stability;
- supports landscape resilience.

Federal duplication would add administrative burden without improving environmental outcomes. Recognising fodder harvesting as an exempt activity under the EPBC framework maintains consistency with State-based regulatory design and reflects the essential role these practices play in drought management, sustainable grazing and recovery from climatic events.

Interim and transitional clarity:

Until bilateral negotiations are finalised, it is essential that producers can continue to operate under State-approved fodder harvesting codes. These practices are critical for on-ground productivity and ecological resilience and must not be disrupted during the transition to the reformed national framework.

7. Invasive weed management

Accepted and exempt activity (no EPBC referral required):

Mechanical, chemical or biological control of invasive plant species listed under:

³⁸ Planning Regulation 2017, Schedule 21; https://www.qld.gov.au/_data/assets/pdf_file/0026/517940/vegetation-clearing-exemption-list.pdf

³⁹ <https://www.publications.qld.gov.au/dataset/soil-conservation-guidelines>

⁴⁰ https://www.qld.gov.au/_data/assets/pdf_file/0024/552750/infrastructure-clearing-code-guide.pdf; and

⁴¹ <https://www.infrastructure.gov.au/sites/default/files/documents/nawp-fullreport.pdf>

⁴² https://www.qld.gov.au/_data/assets/pdf_file/0020/552701/managing-fodder-clearing-code.pdf

- Weeds of National Significance (WoNS)⁴³;
- State/Territory Declared or Restricted Invasive Plants under Biosecurity Acts⁴⁴;
- Regionally prohibited or restricted species identified in certified Regional Biosecurity or Pest Management Plans;

when undertaken within existing agricultural areas or within narrow operational corridors required for access, treatment, or follow-up control.

Reasoning:

Invasive weed management is a statutory obligation under every State and Territory Biosecurity Act and is fundamental to maintaining environmental condition, waterway health, groundcover stability and biodiversity resilience⁴⁵. If producers are unable to undertake timely control, listed invasive plants rapidly outcompete native vegetation, increase fuel loads, escalate erosion risk, and reduce habitat quality for MNES species. Most invasive weed treatment occurs in small, targeted patches or narrow linear corridors, and is aimed at protecting and restoring environmental values, not altering land use.

Given the nationally recognised ecological and economic impacts of WoNS and declared species, requiring EPBC self-assessment or referral would undermine both Commonwealth and State biosecurity objectives. Clear exemption is essential to ensure producers can meet their legal obligations, prevent further environmental degradation, and deliver the biodiversity protection outcomes intended by the EPBC framework.

Protecting routine land stewardship from unintended EPBC triggers

The final two points in the Accepted and Exempt Activities from EPBC referral clarify how routine, rehabilitative and stewardship-based activities should be treated under the Environment Protection and Biodiversity Conservation Act. They are not intended to enable a change in land use or an expansion of agricultural footprint, but to provide certainty that improvement and restoration works within existing agricultural systems do not trigger referral requirements.

Producers are seeking clarity as to activities they can or can't complete on farm. It is equally important that rehabilitative actions, improved land management practices and environmental enhancements are expressly recognised as not requiring EPBC referral to facilitate this process. Without this clarification, there is a risk that future interpretations could inadvertently capture activities such as pasture rehabilitation, erosion control or adaptive grazing management, discouraging actions that directly support better ecological outcomes and the objectives of the reform.

8. Routine grazing and pasture management

Accepted and exempt activity (no EPBC referral required):

Routine grazing adjustments, including rotational, fixed stocking rates, cell or time-controlled grazing, stocking rate changes, resting paddocks and supplementary feeding, within established agricultural areas.

Reasoning:

These cyclical activities support groundcover, soil health and pasture function and do not expand agricultural footprint or materially affect MNES. This is discussed further within the 'Clarifying Continuous Use' document.

⁴³ <https://weeds.org.au/weeds-profiles/>

⁴⁴ <https://www.dpi.qld.gov.au/business-priorities/biosecurity/policy-legislation-regulation/biosecurity-act-2014/general-biosecurity-obligation>

⁴⁵ <https://www.agriculture.gov.au/biosecurity-trade/pests-diseases-weeds/pest-animals-and-weeds/established-weeds>

9. Stewardship, groundcover protection and erosion control

Accepted and exempt activity (no EPBC referral required):

Erosion repair, gully stabilisation, sediment control, pasture rehabilitation and groundcover restoration undertaken within existing agricultural areas.

Reasoning:

The Commonwealth framework must not financially penalise or the administrative burden of EPBC referral on producers for complying with state land condition obligations. These works improve environmental condition and reduce risks to soil, water and biodiversity⁴⁶. Regulatory barriers could discourage beneficial land stewardship. This is discussed further within the 'Clarifying Continuous Use' document.

Conclusion

This document represents an initial, practical step in clarifying how the EPBC reforms should operate for agriculture on the ground. It identifies routine, insignificant-impact agricultural activities that must be able to proceed without EPBC self-assessment or referral in order to maintain land condition, manage risk and deliver the environmental outcomes the reforms seek to achieve.

Agriculture is not peripheral to environmental protection, it is central to it. Producers actively manage soil health, groundcover, water quality, fire risk and biodiversity every day across more than half of Australia's land mass. Positive environmental outcomes are inseparable from productive agriculture, and regulatory settings must recognise that reality. Routine works that sustain land condition, prevent degradation and reduce environmental risk should be supported by the framework, not discouraged.

Imposing disproportionate compliance costs, including EPBC self-assessment fees of approximately \$8,000, on routine agricultural activity undermines both productivity and environmental stewardship. Agriculture operates on low margins and through cyclical land management, not permanent land transformation. Treating routine farm management in the same way as extractive or urban development is neither appropriate nor effective.

This list is not exhaustive. It responds to immediate and pressing uncertainty raised by producers and represents the foundation for further clarification as the reforms are implemented. Additional guidance will be required as regional practices, enterprises and land-management scenarios continue to be identified.

AgForce remains committed to working as a constructive partner with Government to ensure the EPBC framework is practical, proportionate and aligned with existing state-based land management systems. Clear, consistent recognition of routine agricultural activity will give producers the certainty they need to continue managing landscapes responsibly while delivering both productivity and environmental outcomes during the transition to the reformed national framework.

⁴⁶ <https://www.greeningaustralia.org.au/projects/rebuilding-eroding-land-2/>

Appendix 6. Agricultural activities that should be classified as “continuous use”

Sections 43A and 43B of the Environment Protection and *Biodiversity Conservation Act 1999* were established to ensure that longstanding, cyclical agricultural practices continue without triggering unnecessary assessment or approval. However, current interpretations under the Reform Act risk classifying normal, seasonal, and environmentally beneficial land-management activities as “not continuous use,” generating confusion, financial implications and administrative burden for producers and potential negative ecological outcomes from the restrictive measures accordingly.

To avoid this outcome, the legislation must clearly distinguish between:

- a) **long-established, cyclical land uses that maintain or improve landscape condition**, and
- b) **genuine intensification or land-use change** such as constructing feedlots and large-scale irrigation projects that are covered through other state-based development approvals.

Most pastoral systems in Queensland and northern Australia do not fall into category (b). In extensive grazing regions, shifts in stocking density, rotational grazing, longer rest periods, or improved water distribution reflect better land management and lower emissions intensity, not intensification. These practices are promoted under the *Climate-Smart Agriculture Strategy*, the *National Soil Strategy*, and water-quality initiatives such as *Reef 2050*, all of which emphasise improved groundcover, soil health, and adaptive grazing systems.

Similarly, pasture improvement, including the introduction of legumes, reseeding and low-intensity pasture cropping, aligns with longstanding recommendations by Queensland Department of Primary Industries⁴⁷ and national strategies to enhance soil fertility, increase nitrogen availability, improve feed quality⁴⁸, and support both livestock and native fauna. These actions maintain the same land use and are integral to restoring and sustaining landscape condition.

In addition, regrowth, woody thickening, and encroachment control must be recognised as ongoing land management. These natural processes occur with or without human intervention. Variation in treatment intervals is driven by rainfall, labour availability, cash flow and land condition, not a cessation of use. Strategic thinning and cyclical regrowth control are essential to maintaining open woodland structure, groundcover stability, reduced sediment export, and soil function. The *Reef 2050 Plan*⁴⁹ and the *National Soil Strategy* both⁵⁰ reference open-structured woodland and groundcover protection as critical elements of landscape health.

The need for clearer, predictable application of the EPBC Act’s continuous-use provisions is underpinned by government-commissioned reviews. The 2018 *Independent Review of Interactions between the EPBC Act* and the agriculture sector found that regulatory complexity and uncertainty in how the Act applies to routine farm practices create barriers for land managers and recommended strategic clarification for the agriculture sector⁵¹.

For these reasons, the activities outlined in this section must be formally recognised as continuing use, ensuring producers are not required to navigate unnecessary referral processes or incur

⁴⁷ <https://era.dpi.qld.gov.au/id/eprint/8840/1/2022-SEQ-pasture-Web.pdf>

⁴⁸ <https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/sustainable/graze/pasture/manage>

⁴⁹ <https://www.dcceew.gov.au/parks-heritage/great-barrier-reef/protecting/reef-2050-plan>

⁵⁰ <https://www.agriculture.gov.au/sites/default/files/documents/national-soil-strategy.pdf>

⁵¹ <https://www.dcceew.gov.au/sites/default/files/documents/review-interactions-epbc-act-agriculture-final-report.pdf>

significant administrative and financial burdens to undertake practices that deliver public good. If these activities are not deemed continuing use, then the legislation must be amended elsewhere to explicitly permit and support them, consistent with their treatment under other Commonwealth strategies and policy frameworks.

Supporting ecological outcomes through recognition of regrowth and encroachment management as Continuing Use

Australia's native ecosystems are globally unique and support a diversity of species found nowhere else. Protecting these values remains central to the purpose of the EPBC Act, and producers share a strong commitment to maintaining healthy landscapes that support both biodiversity and productive pastoral systems.

However, many of the ecosystems that support *MNES* in Queensland and northern Australia are dynamic, not static. Natural change occurs continuously in landscapes such as Brigalow, Mulga, Desert Uplands and Eucalypt woodlands. Vegetation thickening, woody encroachment and rapid post-rainfall regrowth occur even when producers do not intervene. These processes are now intensified by invasive plants, feral animals and more variable climate patterns, which place additional pressure on already fragile ecological communities.

If the Commonwealth seeks to maintain ecological outcomes such as:

- maintaining open woodland structure necessary for a range of *MNES* species;
- retaining hollow-bearing mature trees while reducing mid-storey overgrowth;
- supporting grass-dominant understories critical for ground-dwelling fauna;
- maintaining stable groundcover to reduce erosion and sediment export;
- preserving landscape resilience in a changing climate.

Then strategic thinning and cyclical regrowth management must be recognised as legitimate continuing use actions and are not a departure from historic land use, they are an essential component of sustaining the very ecological conditions that support *MNES* values.

Australia's environmental and biodiversity outcomes depend on landscapes that are actively managed to maintain habitat structure, ecological function and long-term resilience. Producers play a central role in this, and many of the activities undertaken on grazing country directly support these ecological outcomes.

Ultimately, the reason these activities must be recognised as continuing use to ensure producers are not forced to navigate unnecessary administrative burden, incur referral costs, or face complex Commonwealth approval processes merely to undertake the very landscape-management actions that deliver public good.

Strategic low-risk thinning, cyclical regrowth control, pasture improvement and open-structure maintenance are essential to achieving the environmental outcomes the Government seeks, including habitat protection, soil health, improved deep rooted perennial ground cover which directly lead to improved water quality and reduced sediment loss. These practices should therefore be expressly acknowledged as continuing use under the EPBC framework.

Correcting the misinterpretation of intensification under the EPBC framework

The current draft interpretation of "intensification" risks misclassifying improved land condition, higher carrying capacity, or enhanced grazing efficiency as a shift in land use. This interpretation is inconsistent with both ecological reality and Commonwealth policy settings.

Increased carrying capacity is an environmental success indicator, not a land-use change

Where producers implement improved grazing distribution, strategic rest, water-point optimisation, or better fencing layouts, the landscape responds with higher groundcover and increased carrying capacity. This outcome is considered *sustainable intensification*, defined as increasing productivity while improving environmental condition. Treating this improvement as a trigger for regulatory scrutiny misaligns EPBC interpretation with national agricultural and climate policy.

Grazing systems use stocking rate as an ecological tool

Rotational, rest-based, cell and time-controlled high-density grazing are globally recognised tools for restoring soil function, improving groundcover and enhancing carbon sequestration.

Short-duration, high-density grazing followed by extended rest periods supports:

- groundcover cover and stability;
- carbon sequestration;
- improved soil structure; and
- reduced sediment runoff.

The National Soil Strategy identifies rest-based grazing and improved pasture management as key soil-health measures essential for resilience⁵². The Reef 2050 Plan also recognises improved grazing land management as essential to reducing sediment losses in northern catchments⁵³.

These practices can reduce emissions intensity, enhance biodiversity and support ecosystem recovery, the opposite of what constitutes intensification under the EPBC framework. The legislation must implicitly define intensification to preclude beneficial land management activities.

True intensification requires a change in enterprise or purpose, not an improvement in management.

Activities that genuinely shift the nature, scale, or impact of land use may include:

- constructing a feedlot or confined animal facility;
- constructing industrial or commercial infrastructure unrelated to agricultural production;
- other activities that require state developmental approvals.

These represent legitimate intensification because they fundamentally alter both landscape function and regulatory risk.

In contrast, improving a grazing system within its existing footprint does not change the underlying use. Enhancing land condition, water security, groundcover, or grazing timing is an evolution of continuing use, not the creation of a new land use.

Modified pasture and grazing systems

Australia's pastoral landscapes are inherently fragile and shaped by highly variable climate, native grazing pressures and the impacts of drought, flooding and invasive species. In these systems, maintaining ground cover, improving soil function and health, as well as restoring pasture condition are essential to ecological resilience. Producers undertake targeted rehabilitation and modified pasture management not to intensify land use, but to repair, stabilise and improve country that has been degraded or stressed.

Improving pasture health increases biomass, supports higher nutritional quality for livestock and native species, strengthens nutrient cycling and improves landscape water retention. These outcomes reflect good land stewardship and are directly supported by Commonwealth frameworks

⁵² <https://www.agriculture.gov.au/sites/default/files/documents/national-soil-strategy.pdf>

⁵³ <https://www.dcceew.gov.au/environment/great-barrier-reef/reef-2050>

including the National Soil Strategy⁵⁴, the Climate Smart Agriculture Strategy⁵⁵ and measures contained in the Reef 2050 Plan⁵⁶.

These programs recognise that positive change on the land is both necessary and desirable. Higher biomass, improved groundcover, stronger perennial pasture composition, better soil function and greater nutrient cycling all contribute to ecological resilience. They also directly support food security, emissions reduction and the wellbeing of native species that depend on healthy grassland and woodland ecosystems.

Positive change that restores country, improves pasture composition, increases ground cover or enhances soil health is not a new enterprise. It is responsible management of the same enterprise. For these reasons, modified grazing, pasture rehabilitation, strategic legume incorporation (including perennial legume establishment and associated pruning control), pasture cropping and soil improvement activities must be expressly recognised as continuing use.

To avoid this contradiction, the practices described below must be formally recognised as continuing use. If the Commonwealth chooses not to classify them as such, then the legislative framework must be amended elsewhere to ensure producers can continue undertaking essential rehabilitative and ecosystem-improving actions without triggering EPBC referral.

Pasture improvement and rehabilitation activities

Pasture rehabilitation and the integration of improved species including deep rooted perennial legumes such as stylos into native pasture are longstanding, widely adopted practices used to restore degraded country, enhance soil function and improve landscape resilience. These practices do not represent intensification; they are corrective and restorative measures designed to return land to a healthier, more stable state.

Targeted legume establishment provides natural nitrogen fixation, reducing reliance on synthetic fertilisers, improving feed quality for livestock and native species, and supporting healthier perennial pasture systems. Associated pruning, thinning and management of tree legumes are routine maintenance actions required to sustain pasture condition, prevent shading and maintain groundcover.

These activities must be recognised as continuing use as they:

- restore perennial grass cover and stabilise soil;
- increase biomass and improve nutritional value of forage;
- enhance nutrient cycling and soil carbon function;
- reduce synthetic nitrogen inputs by providing biologically fixed nitrogen;
- rehabilitate areas degraded by drought, native browsing pressure or invasive species;
- maintain or re-establish pasture through reseeding, light cultivation or strategic species replacement;
- involve routine pruning, thinning or row management of leucaena or other legumes.

Pasture improvement is positive change that enhances ecosystem health. Treating these rehabilitative actions as “intensification” would contradict the purpose of continuous use provisions and discourage producers from undertaking the very soil-improving, erosion-reducing and nutrient-

⁵⁴ <https://www.dcceew.gov.au/environment/land/soil/strategy>

⁵⁵ <https://www.agriculture.gov.au/agriculture-land/farm-food-drought/agriculture/climate-smart>

⁵⁶ <https://www.dcceew.gov.au/environment/marine/gbr/long-term-sustainability-plan>

enhancing practices that Commonwealth programs actively support.

Pasture cropping and mixed farming systems

In mixed and transitional landscapes, producers may rotate between grazing and pasture cropping within the same established footprint to improve soil condition, rest perennial grasses, or generate complementary income streams without altering the underlying land use. These transitions support soil structure, increase groundcover, enhance water infiltration and improve overall landscape function.

Pasture cropping and perennial–annual rotations are not new enterprises. They are adaptive management tools that help producers rehabilitate country, diversify risk and strengthen soil health while maintaining a consistent land-use purpose.

These activities must be recognised as continuing use when they:

- maintain the existing production footprint;
- improve soil structure or groundcover through seasonal rest and crop integration;
- utilise low-disturbance sowing techniques that prevent sediment mobilisation;
- support nutrient cycling and soil carbon through periodic cropping–grazing rotations;
- re-establish perennial pasture following cropping without requiring land-use reclassification;
- allow producers to adapt land management to variable climate, rainfall and seasonal conditions;
- incorporate pasture cropping specifically as a rehabilitation mechanism rather than intensification.

Producers managing grassland country should retain the option of pasture cropping where it improves soil condition, groundcover or nutrient cycling and does not result in erosion or sediment movement. These practices enhance ecosystem function, support long-term resilience and maintain the original purpose of the land. They must therefore be classified as continuing use to ensure environmentally beneficial transitions are not discouraged or subjected to unnecessary EPBC referral.

Conclusion

The application of sections 43A and 43B of the *Environment Protection and Biodiversity Conservation Act 1999* will fundamentally shape how environmental outcomes are delivered across Australia's agricultural landscapes. For that framework to function as intended, it must operate in the context of agriculture as the dominant land use and recognise that ecological outcomes are achieved through active, ongoing land management.

Agriculture encompasses more than half of Australia's land mass. Across Queensland and northern Australia, biodiversity outcomes, soil stability, water quality and landscape resilience are not delivered in spite of agricultural activity, but because of it. These outcomes are the result of producers actively managing regrowth, grazing pressure, groundcover, fire risk, erosion and invasive species as part of established, cyclical production systems.

The interpretation set out in this document provides a clear and practical articulation of how continuing use operates on the ground. It reflects how agricultural enterprises function in reality and how ecological outcomes are achieved at scale. The practices described are not new land uses, nor do they represent intensification. They are the evolution and refinement of long-established enterprises responding to climate variability, seasonal conditions and land condition, using management tools that are essential to both productivity and environmental stewardship.

This document is intended to provide certainty and direction for implementation. It clarifies how continuing use should be understood and applied in agricultural systems and establishes a coherent framework that aligns the EPBC Act with existing Commonwealth and state policy settings that actively promote improved land condition, soil health, water quality and biodiversity outcomes.

At the same time, this work represents the first stage of a broader, ongoing process. The scale, diversity and complexity of Queensland's agricultural systems mean that further sector-led guidance will be required to ensure the legislation operates effectively across different bioregions, enterprises and ecological contexts. This is especially relevant for the 15-year time limit for vegetation clearing and ensuring that this aligns with current Commonwealth sustainability initiatives such as the *Climate-Smart Agriculture Program*, *National Soil Strategy*, *Reef 2050*, *Australian Carbon Credit Unit (ACCU) Scheme* and the *Future Drought Fund*. AgForce will continue to develop and provide this guidance to ensure that the intent of the EPBC Act recognises the operational on ground realities and can ensure these outcomes.

Agriculture must be treated as a delivery partner in this reform process. The success of the EPBC framework depends on maintaining, not restricting, the land-management toolkit that producers rely on to optimise ecological outcomes while sustaining food and fibre production. Ongoing engagement, co-design and mutual confidence between government and the agricultural sector are essential to achieving these objectives.

AgForce remains committed to working constructively with government to ensure the EPBC framework functions as intended on the ground, delivering durable environmental outcomes, supporting productive landscapes and providing the certainty producers need to continue managing the land responsibly.