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Queensland Productivity Commission inquiry: Impact of the Australian Government's 2025 environment protection reforms on Queensland – NRM Regions Queensland's submission

Executive Summary

NRM Regions Queensland (NRMQ) welcomes the opportunity to provide this submission to the Queensland Productivity Commission inquiry into the impact of the Australian Government's 2025 environment protection reforms on Queensland. We support the objectives of the reforms and see this as an opportunity to constructively support implementation in Queensland.

Our regional Natural Resource Management (NRM) organisations deliver practical, place-based projects that are designed to improve environmental condition, strengthen landscape resilience and promote sustainable agriculture practices. Our projects include work to restore habitat and protected threatened species, improve water quality flowing to the Great Barrier Reef and other waterways, improve land condition, manage fire and invasive species.

We have practical implementation concerns about how the reforms may affect NRM projects. Changes to the lawful continuation of land use exemption, the interaction with self-assessment requirements, and the lack of clear recognition for remedial, cultural and proactive land-management activities is creating legal uncertainty, delays and additional costs for projects that are intended to deliver positive environmental outcomes.

The changes are also impacting our key delivery partners – landholders, who are risk adverse when close to the compliance line. The reforms will result in an even more conservative approach to assessing the risk associated with taking part in NRM and practice change projects.

NRM Regions Queensland and our members are committed to working constructively with the Australian Government, the Queensland Government and the new federal Environmental Protection Agency to ensure the reforms are implemented in a way that achieves their environmental objectives while supporting good land management practices. The reforms will be most effective if they provide clear, practical and legally certain pathways for low-risk NRM, restoration, cultural fire and land-condition improvement activities.

This submission outlines the changes most relevant to the Queensland NRM sector, explains the practical implications for regional delivery, provides case studies demonstrating how the reforms are already affecting projects, and makes recommendations to address these issues.





Our recommendations are:

1. NRM Regions Queensland (NRM Regions) work with DCCEE to expressly recognise NRM and remedial activities in legislation and implementation materials, with a clear low-risk or exempt pathway for activities that improve land condition and deliver net environmental benefit.
2. NRM Regions work with DCCEE on options to secure legal certainty on interpretation of the legislation relating to our projects through statutory instruments or other binding mechanisms.
3. DCCEE develop simplified, activity-specific self-assessment materials and templates matched to the actual risk of the activity.
4. DCCEE provide dedicated training and engagement sessions for NRM staff and landholders on interpretation and implementation of the reforms.
5. DCCEE and the EPA provide tailored transition support for current federally funded NRM projects, including clear written advice on how project data will be used, protected and separated from compliance functions, and update implementation materials to publicise how data is sourced for compliance functions.
6. DCCEE and the Queensland Government resolve State–Federal misalignment, recognise Queensland’s vegetation-management framework to remove duplication for low-risk land management activities.
7. DCCEE define, protect and incentivise Traditional Owner led cool burning practices and activities.
8. The design and implementation of the new restoration and compensation contributions framework strongly consider the role of regional NRM organisations in achieving landscape-scale nature positive outcomes.

1. About the NRM sector

NRM Regions Queensland (NRM Regions) operates as the peak body for the 12 regional NRM organisations located across Queensland. These are community-based organisations, funded primarily from State and Federal Governments to deliver place-based projects across Queensland.

Regional NRM organisations work in partnership with Traditional Owners, local governments, the agricultural sector, Landcare, water utilities and the community. This diverse State-wide team of approximately 480 staff working out of 29 rural and regional locations includes scientists, GIS practitioners, engineers and support staff, all of whom are experts in research, monitoring, engagement and project management.

Types of projects we deliver

Regional NRM organisations deliver place-based programs across all Queensland regions – from coastal Great Barrier Reef catchments to Brigalow and Mulga Lands, from Cape York to western rangelands and inland catchments.





Our projects seek to improve the condition and function of natural assets that our economy depends on. By improving land condition, water quality flowing to the Great Barrier Reef and other major waterways, and building ecological resilience, in partnership with landholders, Traditional Owners, local government and community we deliver:

- **Sustainable agriculture, soil health and grazing land management**
Projects that support landholders to improve grazing practices, soil condition, ground cover, erosion control, land condition and productivity.
- **Waterway, riparian and wetland restoration**
Projects that stabilise streambanks, restore riparian vegetation, improve wetland condition, reduce sediment and nutrient runoff, and protect aquatic ecosystems.
- **Threatened species, habitat and landscape restoration**
Projects that protect, restore or reconnect habitat for threatened species and ecological communities, including koalas, turtles, migratory species, while improving habitat connectivity, supporting native vegetation recovery and repairing priority ecosystems across landscapes.
- **Coastal, marine and island ecosystem protection**
Projects that protect coastal wetlands, shorelines, beaches, marine turtle nesting areas, seagrass, coastal vegetation and island ecosystems.
- **Natural disaster preparedness and recovery**
Projects that support cultural fire, cool burning, wildfire risk reduction, fuel management, disaster preparedness and landscape-scale resilience to climate change and extreme weather.
- **Biosecurity, weed and feral animal control**
Projects that manage invasive weeds, feral pigs, foxes and other pest animals to reduce pressure on native species, wetlands, waterways and agricultural production systems.
- **Community engagement, extension and capacity building**
Projects that work with landholders, Traditional Owners, Landcare groups, local governments, industry and communities to build skills, support practice change and enable locally-led natural resource management.
- **Regional planning, monitoring, data and decision support**
Projects that develop regional NRM plans, map natural assets and threats, monitor outcomes, share data, support investment prioritisation and inform adaptive management.

2. The EPBC Act reforms –changes and consultation to date

The EPBC Act reforms are designed to achieve three objectives: stronger environmental protection and restoration, more efficient and robust project approvals, and greater accountability and transparency in environmental decision-making. They implement key recommendations of the 2020 Samuel Review by introducing national environmental standards, new approval tests (including unacceptable impact and net gain), and clearer assessment pathways. The reforms also create new institutions like the Environment Protection Australia and Environment Information Australia which commenced operations on 1 July 2026.





The reforms are key to Australia's international reporting under the Convention on Biological Diversity. A significant motivation for the reforms is to clarify and strengthen the Australian Government's role in achieving national biodiversity outcomes, consistent with obligations under the CBD and the emerging "nature positive" agenda.

2.1 What the reforms changed for NRM activities

This section summarises the key aspects of the reforms. More detailed analysis is provided in Appendix 1.

The continuous land use exemption (in effect now). Section 43B has historically allowed a lawful continuation of an existing use of land to proceed without approval. The reforms narrowed what is exempt by the two new subsections:

How section 43B was narrowed

New s43B(2A) — Great Barrier Reef catchment: the exemption no longer applies where the action involves clearing vegetation within 50 metres of a watercourse, wetland or drainage line in a catchment area of the Great Barrier Reef Marine Park.

New s43B(2B) — 15-year rule: the exemption no longer applies where the land has not been cleared of vegetation for at least 15 years (unless the action is a forestry operation).

Unchanged: the exemption still does not cover any enlargement, expansion or intensification of use, or a change that substantially increases impact.

This change means more activities will fall to self-assessment. The narrowing of the exemption results in proponents needing to self-assess whether the activity is likely to have a significant impact on a protected matter and, if it does, the need to refer it for formal assessment and approval. The significant impact guideline and the Protected Matters Search Tool (PMST) remain the same.

In [guidance material](#) the department has advised that clearing includes removing native or non-native vegetation from land, including woody vegetation (trees and shrubs) and non-woody groundcover like grasses. The inclusion of grasses is inconsistent with the Queensland Vegetation Management Act framework (which only covers woody vegetation) which will cause confusion for landholders.

For example, cultural burning could be interpreted as "clearing of vegetation from land", so a planned burn on land not burnt for 15 years, or within 50m of a Reef-catchment drainage line would not be exempt. If this is the interpretation, the landholder or NRM would need to self-assess using the PMST, interpret the results to identify if any protected matter is in the area for the planned burn, assess whether the planned burn is likely to have a significant impact on the protected matter and keep records. If they conclude that it is a significant impact, they will need to refer the activity for assessment and approval to the EPA.

New approval tests will sit above the old significant impact assessment framework (these sections have not yet commenced). If a referral proceeds to approval, three additional gateways will apply: consistency with national environmental standards (s136A), an unacceptable impacts test (s136B, s527F), and a net gain test for residual significant impacts



(s136C, ss527J–K). This layered decision-making framework is based on subjective and undefined terms adding complexity to assessment and approvals. Without supporting implementation guidelines and procedures these changes are likely to result in project delays or failure due to stifled uptake.

National Environmental Standards are being made now. These binding standards will become key to decision-making and will shape how NRM projects that have a significant impact on an MNES must be designed, justified and consulted. The MNES Standard (closed 29 May 2026), Environmental Offsets Standard (closed 9 June 2026) and the Data and Information Standard and the Community Engagement Standard (closed on 7 July 2026) are not yet finalised creating uncertainty to how the framework will be implemented.

Other structural changes. Queensland has no bilateral or accreditation arrangement, so projects here cannot avoid a separate Commonwealth approval through a state pathway. The Queensland Productivity Commission’s process is an excellent opportunity to ensure a bilateral agreement of accredited framework works for the NRM sector in Queensland.

2.2 Consultation to date

Consultation on the EPBC Act reforms has been running in one form or another for about six years, starting with the independent Samuel Review initiated in 2019 and reported in October 2020. The Albanese Government then released its *Nature Positive Plan* in December 2022 and began multi-stage consultations through 2023 on new “nature positive” laws, including exposure drafts and policy papers on assessment and approvals, offsets, climate and data.

Draft primary legislation for major EPBC amendments and for establishing the new National Environmental Protection Agency (EPA) and Environment Information Australia was circulated and debated in 2024–25, with further public submissions to parliamentary inquiries and stakeholder processes through late 2025. After the main reform Bills passed Parliament on 28 November 2025, consultation shifted to the supporting regulations and standards, with the current subordinate-legislation and standards consultations (for example, MNES, offsets, data and engagement standards) running into mid-2026.

The original Samuel’s review was certified as a regulatory impact assessment and the [addendum](#) to that certification sought to estimate the impacts from the 2025 reform package.

NRMRQ and our members have been involved over the years, including specific representations made through our national peak body, NRM Regions Australia.

The impact assessment addendum did not cover the amendments to the continued land use exemption, nor the practicalities of conducting self-assessments because of the changes. NRMRQ acknowledges the efforts made by DCCEEW to meet with the sector and explain the policy intent and application of the reforms. However, the lack of consultation and impact analysis on this aspect of the reform is leading to implementation challenges and legal uncertainties for the NRM sector in Queensland.



3. How the reforms impact our work

3.1 Blunt instrument applied to ongoing land management practices does not recognise NRM remedial and cultural activities

Although the EPBC Act has been in force since 1999, it is built around development-style actions assessed once, with remediation or offsets where there is a significant impact to protected matters. It is not designed for activities that are cyclical and non-permanent.

Our work may have short-term disturbance (on-ground impact) but clear long-term net benefit, for example from thinning, clearing invasive natives, controlling regrowth, or ripping compacted soil before re-seeding. The pre-reform lawful continuation of use exemption worked for our projects.

Nowhere in the current framework are NRM, remedial or cultural land-management activities named as exempt or low-risk. Assurances to that effect have only been verbal to date, with the only operative exemption remaining in the narrowed s43B continuing land use.

Under the new 43B exemption, the initial disturbance (on-ground impacts) can be read as “clearing vegetation from land” triggering self-assessment, while the long-term landscape benefit and net environmental gain is not weighed or prioritised.

Our projects by design seek to achieve the reforms’ objectives – net gain environmental outcomes but may require assessment due to their 'intensification' nature. For example, healthier grazing systems via rehydration work, installation of watering points and fencing into smaller paddocks to increase pasture health and even pasture utilisation could be interpreted as “intensification”.

While restoration and land management activities may include actions that constitute clearing or intensification, the long-term benefits of these projects will deliver a net-benefit to the protected matters. The legislation should proactively create legal certainty for these projects to go ahead.

3.2 Legal uncertainty, liability and cost

The most immediate harm is the legal uncertainty caused by the wording in 43B and the layered decision tests when assessment is required. The effect is that NRM activities that improve land condition and resilience now carries more legal risk than inaction, working against both productivity and long-term environmental outcomes. This is the direct opposite of the reform’s objectives – to protect the environment and provide certainty to business on what is expected, allowed and prohibited.

Legal interpretation is difficult for both proponents and regulators, driving up the cost of legal and ecological advice. If a self-assessment is later found to be wrong, projects may face enforcement action, certain delays, the need for retrospective approval and significant reputational damage to the regional NRM organisation involved.

This uncertainty works both ways. The newly established EPA will be required to interpret and apply the unclear sections to secure compliance.





The extra assessment layers will slow project planning and delivery, and projects touching sensitive species, habitats or Reef catchments may attract heightened scrutiny. Verbal assurances and guidance fact sheets are not a substitute for written legal certainty.

3.3 The self-assessment burden is not proportionate to risk and not understood by regulated community

While the significant-impact guideline itself is unchanged, the practical burden of demonstrating that an activity will not have a significant impact is substantial. The [Self-assessment before making a referral under the EPBC Act - DCCEE](#) guidance material is complex and requires ecological expertise to follow with confidence.

The new s43B(2A) exclusion applies to clearing vegetation from land within 50-metre from a Reef Catchment drainage-line. Graziers managing regrowth will now need to understand if a protected matter is located on the land to be cleared, and whether the magnitude of clearing that matter constitutes a “significant impact”.

Our key delivery partners are landholders who are unlikely to be able to complete these self-assessments unaided. They trust the advice from regional NRM organisation extension officers and will be looking to us to re-assure them of compliance under the EPBC Act. We do not have the role, capacity nor capability to provide legal advice to landholders and our function is not one of a government compliance. As such, our role will be to refer landholders to the EPA for any regulatory or compliance advice.

Our sector has always conducted compliance checks as due-diligence, and our staff have the qualification and expertise to conduct self-assessment for our projects, but we are not always resourced to do so. The change to the exemption is likely to see more of our projects requiring self-assessment, increasing our workload and desktop time.

In addition to the reform changes, we have experienced a lack of accuracy of the current Protected Matters Search tool and lack of clarity in guidance material. The increased projects needing self-assessment will still in many cases require a discussion with DCCEE to determine whether a referral is required.

In addition to updating implementation materials, having the regulated community understand the requirements that apply to them is crucial for successful reform implementation. While DCCEE has acknowledged the need to improve guidance material and the self-assessment process, we are not aware of planned community awareness, outreach or extension support to help landholders and NRM organisations understand the practical implications of the reforms.

The confusion and uncertainty are creating real impacts to our work. For example, Healthy Land & Water has worked closely with Queensland Government VegHub officers to support landholder awareness of State vegetation management legislation through Property Management Planning workshops, Fire Management Planning workshops and land management field days. Upcoming planned vegetation management field days have been postponed because of the uncertainty created by the reforms and the need for clearer guidance, ideally supported by direct DCCEE involvement.





Our experience shows that introducing legislation and focusing on compliance, without adequate resourcing for clear guidance material, practical tools and extension or capacity-building support, is likely to create further confusion, additional costs and perverse environmental outcomes.

3.4 Confusion with current federally funded projects

Some of our projects are delivering Australian Government priorities for environmental and sustainability outcomes at our regional scale under the Regional Delivery Partners tender. In these instances, we are resourced to improve outcomes for MNES, including assessing the extent and condition of MNES to confirm eligibility for public-private partnerships in practice change works.

To do this work we collect landholder data which is provided to DCCEE under contract T&C's. Landholders are likely to be concerned that data, provided for project participation may be used for compliance purposes in the future. This has the potential to cause tension and erode the trust we have carefully built over the years which underpin much of our delivery for government and may see currently funded projects fail due to landholder distrust.

3.5 Conflict with Queensland law, and no State pathway

A gap analysis against the Queensland Development Codes shows areas of conflict. Under Queensland's Vegetation Management Act (VMA) landholders may clear for purposes such as fencing (for example, up to five metres each side) across the property's mapped vegetation categories.

This also applies to fire breaks under the VMA, which has [clear guidance](#) distinguishing fire breaks from narrower fire access lines. The EPBC Act does not cleanly define these categories, leaving practitioners unsure what is permissible. Under s43B, maintaining fire breaks and fire access lines can be characterised as "isolating or fragmenting habitat," because their purpose is to create a gap. Where fire breaks have not been created or haven't been maintained for 15 years, their creation or maintenance could trigger a self-assessment. The legal uncertainty will dis-incentivise this proactive fire prevention practice.

The Commonwealth framework does not recognise those State allowances, and because Queensland has no bilateral or accreditation arrangement, there is no State pathway to resolve the duplication. Landholders are caught between two systems that do not agree.

The inquiry is an opportunity to recognise Queensland's Vegetation Management Act as an accredited framework for the purpose of s43B and streamline requirements for landholders.





4. Case studies – how the reforms are impacting us now

4.1 Burnett Mary Regional Group's (BMRG) Cool Burn Squad (cultural and cool burning)

BMRG is the regional NRM organisation for the Burnett Mary region and one of the 12 regional NRM organisations across Queensland. BMRG delivers place-based programs that improve land condition, water quality flowing to the Great Barrier Reef, and biodiversity, in partnership with landholders, Traditional Owners, local government and community.

Through the Queensland Government funded Natural Resource Management Extension Program (NRMEP), BMRG operates a **Cool Burn Squad** — a team of experienced Indigenous fire practitioners, several with up to 30 years of on-country experience. Their practice is to take the path of least resistance: working around habitat trees, scar trees, culturally significant features and larger trees, with the explicit intent of leaving the land healthier. Their fire breaks and fire access lines are deliberately narrow — in the order of 6 to 12 metres, sized so a slasher can pass — and are a recognised tool for reducing catastrophic bushfire risk. This is precisely the kind of proactive, culturally informed, low-impact work that good environmental policy should encourage.

The amended s43B does not specifically exempt fire management activities, including those undertaken by traditional owners over thousands of years, from approval under Part 9 of the EPBC Act. Instead, the section uses undefined terms such as “clearing of vegetation”. The 15-year rule compounds this: where an area has not been burnt or cleared for 15 years, a planned cool burn can fall outside the s43B exemption and trigger self-assessment.

The BMRG Cool Burn Squad are highly experienced fire practitioners, not degree-qualified ecologists — yet under the current framework, shielding the landholder from risk effectively requires written ecological justification that does not reflect the low-impact way the work is carried out.

The ambiguity caused by the drafting will require BMRG to seek legal advice on interpretation of s43B and self-assess whether any activity undertaken by the Cool Burn Squad is likely to have a significant impact on a protected matter. If it does, referral and approval will be required. This will cause time delays and expenses not budgeted by the NRMEP project.

The Department's updated guidance on [fire management](#) does not remove the legal uncertainty for proactive, planned burning — its language is reassuring in tone but has no legal effect. While we acknowledge the effort made by DCCEE to update guidance material, they do not provide the legal certainty BMRG requires to ensure they meet their cultural and legal obligations.

4.2 Southern Queensland Landscapes (SQL) rehydration project

Southern Qld Landscapes (SQL) delivers rehydration works (low profile contour and spreader banks) across its region, including under the Department's *Protecting Threatened Ecological Communities (TECs) of Coolibah – Black Box and Poplar Box Grassy Woodlands in southern Queensland areas of the Brigalow Belt* work order, a \$2 million, 2025–2028 investment through the Natural Heritage Trust's Panel of Regional Delivery Partners program. Both listed





communities occur on the same grey, self-mulching floodplain clays that rehydration works are designed to treat.

The technique uses graded, low-profile banks to slow and spread overland flood flow, allowing water to infiltrate, silt and nutrients to deposit, and ground cover and pasture to re-establish on bare, eroded or scalded floodplain land. Landholders elsewhere describe dramatic results: the works can “*turn low production country into high production country long term*” (SQL technical case study, Quilpie grazing property).

The outcome of new, useable pasture on land that previously carried little or no grazing value is the crux of the EPBC exposure. Section 43B(3) excludes from the continuing-use exemption any “enlargement, expansion or intensification of use,” or a change in activities that substantially increases impact. Rehydration works, by design, create productive grazing capacity where none existed, which may itself place the activity outside the exemption, independent of whether the 15-year or Great Barrier Reef catchment exclusions apply, and regardless of the works’ clear net environmental benefit to listed TECs.

SQL currently has projects mid-delivery under this program that may now require self-assessment on this basis. Current [DCCCEW guidance](#) confirms activities involving expansion or intensification of land use “have never been exempt” but provides no specific guidance addressing rehydration or ground-cover restoration works, leaving delivery partners and landholders without clarity mid-project. See [SQL’s Coolibah–Black Box and Poplar Box Grassy Woodlands project](#).

4.3 Healthy Land & Water’s (HL&W) Climate Smart Agriculture Innovation & Partnership project

Healthy Land & Water (HL&W)’s Climate Smart Agriculture Innovation & Partnership project applies a systems-based approach to agricultural management that values holistic, integrated, climate-smart solutions that deliver lasting environmental, social, and economic benefits. It will help local agricultural communities understand and participate in sustainable farming practices, creating enduring benefits for both the environment and the agricultural sector.

The project includes 20 on-farm demonstration sites climate-smart grazing management practices at scale. Some of these were still being assessed and allocated when the EPBC Act changes came into play.

As these demonstration sites include activities such as fencing and new firebreaks, HL&W reviewed which projects would need to conduct a self-assessment as to advise landholders. Due to the nature of the projects works (e.g. virtual fencing projects) there were no significant delays because of the reforms.

There was a number of project sites that were completed prior to the December changes that would have required a self-assessment had they been initiated after the changes.





5. Recommendations

The following table provides a summary of the issues identified in Section 3, the outcome we are seeking for each issue and NRMQR's recommendation.

Table 1 – Issues, outcomes and recommendations

Issue identified in Section 3	Outcome we are seeking	Our recommendation
3.1 NRM projects are designed to deliver long-term environmental benefits but may have short-term on-ground disturbance, (thinning, controlling regrowth, clearing for fire breaks, or ripping compacted soil before re-seeding) will now trigger self-assessment. Risk: Project delays and/or reduced landholder participation.	NRM projects that repair, restore and improve landscapes are formally recognised as having net environmental gain. NRM projects can proceed with confidence. Landholders trust projects meet legislative standards.	Recommendation 1: NRMQR work with DCCEEW to expressly recognise NRM and remedial activities in legislation and implementation materials, with a clear low-risk or exempt pathway for activities that improve land condition and deliver net environmental benefit. (Long term solution)
3.2 The amended section 43B and layered decision tests create legal uncertainty. Verbal assurances and fact sheets are not a substitute for written legal certainty. Risk: Legal and scientific costs, delayed delivery, enforcement exposure and reputational damage for regional NRM organisations.	Current and future NRM projects have legal certainty to proceed.	Recommendation 2: NRMQR work with DCCEEW on options to secure legal certainty on interpretation of the legislation relating to our projects through statutory instruments or other binding mechanisms. (Short term solution in lieu of Rec 1)
3.3 More projects are likely to require desktop assessment and direct discussion with DCCEEW. The self-assessment process is complex. The Protected Matters Search Tool is not always accurate and guidance material lacks clarity. There has been no dedicated training on interpretation of the new provisions.	Landholders and NRM staff can understand and apply requirements consistently. Self-assessment effort is proportionate to risk. The need for legal or specialist ecological advice applies only to high-risk activities.	Recommendation 3: DCCEEW develop simplified, activity-specific self-assessment materials and templates matched to the actual risk of the activity. Recommendation 4: DCCEEW provide ongoing and dedicated training and engagement sessions for NRM staff and landholders





Issue identified in Section 3	Outcome we are seeking	Our recommendation
Risk: Increased staff workload, inconsistent advice to landholders, delayed on-ground works and reduced confidence in project participation.		on interpretation and implementation of the reforms.
3.4 Some current Australian Government-funded NRM projects require us to collect and provide landholder data to DCCEE, with current contract settings allowing broader use or disclosure. Risk: Landholder distrust on privacy, withdrawal from current projects and damage to long-standing regional relationships.	Current projects can continue delivery with landholder confidence. We can provide clarity to landholders on how their data will be used. Landholders continue to participate in our projects. Our relationships with regional communities are not compromised.	Recommendation 5: DCCEE and the EPA provide tailored transition support for current federally funded NRM projects, including clear written advice on how project data will be used, protected and separated from compliance functions, and update implementation materials to publicise how data is sourced for compliance functions.
3.6 Misalignment with Queensland vegetation-management laws and Queensland Development Codes. No bilateral or accredited State pathway to resolve duplication for activities such as fencing, fire breaks and fire access lines. Risk: Landholders face duplication, uncertainty and disincentives to undertake low-risk land management, including fire prevention works.	Landholders are not caught between inconsistent State and Commonwealth systems. Proactive fire prevention and land management are incentivised. Queensland has a clear accredited pathway for low-risk activities.	Recommendation 6: DCCEE and the Queensland Government resolve State–Federal misalignment, recognise Queensland’s vegetation-management framework to remove duplication for low-risk land management activities.





5.1 Additional Recommendations

In addition to the recommendations above, the following opportunities should also be explored:

Recommendation 7:

DCCEEW define, protect and incentivise Traditional Owner led cool burning practices and activities.

Indigenous-led fire management practices in Australia are based on thousands of years of continuous cultural burning and landscape care, far beyond any 15-year regulatory threshold for “clearing” or land-use change in s43B. Government-backed cultural fire initiatives explicitly link cultural burning to the National Agreement on Closing the Gap, highlight that supporting Indigenous-led fire is not just an environmental measure but a key mechanism for improving wellbeing, strengthening cultural authority, and honouring shared decision-making over land and waters

Traditional Owner led cool burning and proactive fire management are designed to reduce catastrophic bushfire risk, protect habitat trees and culturally significant features, and leave landscapes healthier over time. Creating a dedicated category, exemption or statutory guideline would help prevent low-risk cultural and cool burning activities from being delayed or discouraged by uncertainty, unnecessary self-assessment, legal costs or the need for ecological advice that does not reflect how this work is carried out on country.

It would also reduce the risk that landholders and NRM organisations avoid proactive fire management, increasing fuel loads and the likelihood of more severe wildfire impacts on protected matters, cultural values and regional communities.

This is an opportunity to give practical effect to the reform objective of supporting stronger environmental protection while recognising low-impact, place-based land management.

Recommendation 8:

The design of the restoration and compensation contributions framework strongly consider the role of regional NRM organisations in achieving landscape-scale natural positive outcomes.

This is an opportunity to ensure restoration and compensation contributions are directed toward strategic, catchment-scale priorities that deliver measurable net gain for the affected protected matter, rather than being scattered across isolated offset sites.

Regional NRM organisations are well placed to help identify, plan and deliver these investments because we already conduct strategic planning (Regional NRM Plans) and work across landscapes with landholders, Traditional Owners, local governments and community partners.

Using the regional NRM plans and network would help prevent fragmented or poorly targeted restoration, duplication of effort, weak ecological equivalence, and missed opportunities to align contributions with long-term monitoring and practical on-ground delivery at the landscape scale.





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6. Conclusion

The Qld NRM sector (through NRMQR) shares the objective of protecting Australia's most significant natural values and supports the EPBC Act reform's intent. The way forward is to promote and expedite proactive, on-ground sustainable land management and restoration works — cultural and cool burning, fire management, restoration and land-condition improvement, in partnership with landholders.

Landholders are risk adverse when they feel close to the compliance line. There is real risk that the reforms will result in an even more conservative approach to participating in NRM projects and/or practice changes aimed at improving sustainable environmental and production outcomes.

With targeted changes to increase legal certainty and promote net positive projects the reforms can protect MNES and support productive, resilient landscapes at the same time. We look forward to engaging with you through the inquiry process.

Yours sincerely,



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NRM Regions Queensland





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Queensland's regional NRM organisations recognise First Nations people as the Traditional Owners of Country. We pay respects to Elders; past, present and emerging.



Appendix 1 – Analysis of reforms on the NRM sector

This submission has been prepared based on our understanding of the EPBC Act reforms outlined below

The EPBC Act reforms reshapes how decisions are made. The core tools are national environmental standards, new approval tests, and regional planning and offset mechanisms, all applied through Ministerial (or state accredited framework) discretion.

(a) Triggers centred on “significant impact”

Before the reform: The EPBC Act required assessment and approval for actions that were likely to have a significant impact on a protected matter / MNES (e.g. World Heritage values, Ramsar wetlands, listed threatened species and communities, listed migratory species, the marine environment, etc). The key decision was whether an action was a controlled action, based on that significant impact test.

After the reform: That trigger remains - the EPBC pathway still turns on whether an action is likely to have a significant impact on a protected matter and therefore is a controlled action. The significant impact guideline and protected matters search tool remains the same.

<https://epbcpbpublicportal.environment.gov.au/guides-resources/>

NRM implication: For NRM sector activities the practical question remains: will the proposed agricultural or restoration activity have a likely significant impact on a protected matter?

(b) New approval tests – consistency, unacceptable impacts and net gain

Before the reform: Approval decisions were governed mainly by s136: the Minister had to consider matters including impacts on protected matters and economic and social factors and take account of ecologically sustainable development. Decisions turned heavily on the undefined concept of “significant impact” and broad discretion in how competing considerations were weighed.

After the reform: Three additional approval tests now overlay the old framework:

- **Consistency with national environmental standards (s136A)**
The Minister must not approve an action unless satisfied that, taking into account any conditions, the approval is consistent with any prescribed national environmental standards.
- **Unacceptable impacts test (s136B, s527F)**
The Minister must not approve an action unless satisfied that, taking into account any conditions, it will not have an unacceptable impact on a Part 3 matter that is a controlling provision for the action. “Unacceptable impacts” are defined in a detailed new table in s527F, mostly by reference to significant impacts that seriously impair the viability of a species or ecological community, or cause serious damage to critical, irreplaceable habitat.



- **Net gain test for residual significant impacts (s136C, ss527J–K)**

Where residual significant impacts remain after avoidance, mitigation and repair (including conditions), the Minister must be satisfied that the approval passes a net gain test. That test is defined through new ss527J–K and implemented through conditions requiring compensation and/or restoration contributions designed to deliver a net gain for the affected matter.

These provisions have not yet commenced.

What this means: The reforms replace “have regard to” style obligations with more explicit decision gateways, but each gateway still depends on whether the Minister (or accredited decision-maker) is satisfied that the relevant test is met. Discretion is not removed; it is channelled into more structured, but still subjective, tests.

NRM implication: For projects these tests will determine whether actions can proceed and on what conditions.

(c) National Environmental Standards as the core decision-making tool

Before the reform: The EPBC Act did not include binding national environmental standards. Approval decisions relied on broad terms, s136 criteria and non-binding instruments (such as policies, recovery plans and conservation advice), with considerable flexibility in how “good outcomes” were interpreted.

After the reform: The EPBC Act empowers the Minister to make, vary and revoke national environmental standards by regulation where the Minister is satisfied they promote the Act’s objects and are consistent with relevant international conventions. Standards must set outcomes and objectives and may set parameters, principles and processes. A statutory “no regression” clause requires the Minister to be satisfied that any variation or revocation does not reduce environmental protection or weaken consultation and data quality.

Where they are at:

- **MNES Standard:** the exposure draft consultation closed on 29 May 2026.
- **Environmental Offsets Standard:** the draft consultation closed 9 June 2026.
- [Data and Information Standard](#): statutory consultation on the exposure draft closed 7 July 2026.
- [Community Engagement Standard](#): statutory consultation on the exposure draft closed 7 July 2026.

How they operate: National environmental standards guide how decisions are made by the Environment Minister and any accredited state or territory decision-maker exercising EPBC functions under a bilateral arrangement. In practice, the Minister **must be satisfied** that approval decisions are consistent with the relevant standards, and in some settings





must consider or have regard to them when making related decisions about accreditation, bioregional planning, protection statements and Ministerial rulings.

What this means: The reforms do not eliminate discretion or necessarily increase decision-making certainty. Rather, they retain a subjective decision-making model, but with additional statutory layers and clearer decision points. Proponents and delivery bodies will need to design projects, offsets and restoration actions so that decision-makers can be satisfied the relevant standards are met and any EPBC Act approval thresholds are addressed.

NRM implication: For the NRM sector, the standards matter less as abstract legal settings and more as filters on how projects are conceived, scoped and justified before an EPBC decision is made. In practice, they will affect:

- Project design when impacting on MNES, because proponents will need to build projects so they can be shown to be consistent with the relevant standards.
- Offset and restoration planning, because the offsets standard will shape what counts as acceptable compensation or restoration contribution.
- Data and monitoring, because the data standard will influence what information is needed to support decisions.
- NRM planning – if wanting to align to bioregional plans and guidance will need to fit within the standards framework.
- Consultation practices, because the community engagement standard will affect how proponents consult landholders, Traditional Owners, local governments, and affected communities before applications are lodged, bioregional plans are developed, and other actions are approved.

(d) Assessment pathways, accreditation, exemptions and national-interest mechanisms

The EPBC reforms reshape the pathways a project may take through the system.

Pathway	Before the reforms	After the reforms	Practical effect
Bilateral and accredited pathways	Commonwealth approval could be avoided where a State, Territory or other accredited process covered the action.	This pathway remains, but the standards for coverage are tighter.	Some projects can still avoid a separate Commonwealth approval, but only if the alternative pathway clearly covers them. Queensland has no bilateral or accreditation.





Pathway	Before the reforms	After the reforms	Practical effect
Exemptions / grandfathering	Some older or ongoing activities could proceed without EPBC approval, including certain forestry, prior-authorised use and continuing land use (clearing).	Exemptions have been narrowed and specifically call out clearing within 50m of a waterway, inc drainage line in Reef Catchments and put a time limit on land clearing to land that has not been cleared in the last 15 years.	More projects will fall outside the exemption and need to be self-assessed.
<u>Self-assessment</u> / referral	If no exemption applied, the proponent had to decide whether the action was likely to be a controlled action.	That remains the default pathway, but the new tests above.	If exemption or alternate coverage is unclear, the project should be self-assessed and possibly referred.
National interest routes	A separate national interest exemption existed for exceptional cases.	National interest proposals and national interest exemptions are separate, discretionary pathways. They are assessed against specific statutory criteria (above).	Will operate case by case, with examples in the materials pointing to matters such as defence, security, strategic interests and Australia's international obligations.

NRM Implications: For the NRM sector, the key effect is that activities relying on legacy land-use exemptions will face closer scrutiny. Section 43B historically protected only a lawful continuation of an existing use, not its expansion, intensification, relocation or material change. The practical result is that projects involving clearing, burning, drainage, or other works that go beyond the historic pattern of use will be more likely to require assessment or approval.

What this means in practice





For NRM work, the practical sequence is now:

- Check whether the activity is covered by a remaining exemption or an approved/credited pathway.
- If not, self-assess whether the action is likely to have a significant impact on a protected matter (using the Protected Matter Search Tool and significant impact guidelines).
- If there is a real possibility of significant impact, refer the project for formal assessment and approval.

(e) Regional-scale tools – bioregional planning and guidance

Before the reform: The Act contained a lightly specified bioregional planning power in section 176, used mainly in marine contexts and rarely as a structured tool for terrestrial approvals or land-use planning.

After the reform: Bioregional guidance plans, which are non-legislative, can map biodiversity, social, economic and heritage values and identify management priorities consistent with relevant standards. Statutory bioregional plans under the new Part 12A can establish zones, specify restricted activities, and set restoration measures. They must also take account of expected climate-change impacts and appropriate adaptation and resilience measures. Fossil fuel actions cannot be designated as priority actions.

NRM implication:

(f) Offsets, compensation and restoration contributions

Before the reform: Offsets were central to EPBC approvals in practice but were governed mainly by policy rather than statute and were criticised for weak ecological equivalence and limited net-gain outcomes.

After reform: Compensation and restoration contributions are embedded in the statutory approval framework. For residual significant impacts, approval conditions may require proponent-delivered compensation and/or financial restoration contributions to fund restoration actions. The framework is intended to deliver net gain, preferably through like-for-like actions in the same bioregion, or alternative restoration actions that benefit the same type of matter where necessary. The Minister must consider whether avoidance, mitigation and repair have been appropriately pursued before relying on compensation or restoration contributions.

NRM implication: These mechanisms could become a major funding source for catchment-scale restoration if contributions are directed toward strategic NRM priorities and delivery partners, rather than being scattered across isolated offset sites.





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Key definitions

Extracts from the significant impact guidelines:

Action' is defined broadly in the EPBC Act and includes: a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things. Actions include, but are not limited to: construction, expansion, alteration or demolition of buildings, structures, infrastructure or facilities; industrial processes; mineral and petroleum resource exploration and extraction; storage or transport of hazardous materials; waste disposal; earthworks; impoundment, extraction and diversion of water; agricultural activities; aquaculture; research activities; vegetation clearance; culling of animals; and dealings with land. Actions encompass site preparation and construction, operation and maintenance, and closure and completion stages of a project, as well as alterations or modifications to existing infrastructure.

MNES:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development

A 'significant impact' is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. You should consider all of these factors when determining whether an action is likely to have a significant impact on matters of national environmental significance.

Pre-amended wording of the exemption:

43B Actions which are lawful continuations of use of land etc.

(1) A person may take an action described in a provision of Part 3 without an approval under Part 9 for the purposes of the provision if the action is a lawful continuation of a use of land, sea or seabed that was occurring immediately before the commencement of this Act.

(2) However, subsection (1) does not apply to an action if:





(a) before the commencement of this Act, the action was authorised by a specific environmental authorisation; and

(b) at the time the action is taken, the specific environmental authorisation continues to be in force.

Note: In that case, section 43A applies instead.

(3) For the purposes of this section, neither of the following is a *continuation* of a use of land, sea or seabed:

(a) an enlargement, expansion or intensification of use;

(b) either:

(i) any change in the location of where the use of the land, sea or seabed is occurring; or

(ii) any change in the nature of the activities comprising the use that results in a substantial increase in the impact of the use on the land, sea or seabed.

The new wording of the exemption:

43B Actions which are lawful continuations of use of land etc.

(1) A person may take an action described in a provision of Part 3 without an approval under Part 9 for the purposes of the provision if the action is a lawful continuation of a use of land, sea or seabed that was occurring immediately before the commencement of this Act.

(2) However, subsection (1) does not apply to an action if:

(a) before the commencement of this Act, the action was authorised by a specific environmental authorisation; and

(b) at the time the action is taken, the specific environmental authorisation continues to be in force.

Note: In that case, section 43A applies instead.

(2A) Subsection (1) also does not apply to an action if:

(a) the action consists of, or involves, clearing vegetation from land; and

(b) the land is within 50 metres of any of the following in a catchment area of the Great Barrier Reef Marine Park:

(i) a watercourse (within the meaning of the *Water Act 2007*);

(ii) a wetland;

(iii) a drainage line.

(2B) Subsection (1) also does not apply to an action if:





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- (a) the action consists of, or involves, clearing vegetation from land; and
- (b) at the time the action is taken, the land has not been cleared of vegetation for a period of at least 15 years; and
- (c) the action is not a forestry operation.

For the purposes of this section, neither of the following is a ***continuation*** of a use of land, sea or seabed:

- (a) an enlargement, expansion or intensification of use;
 - (b) either:
 - (i) any change in the location of where the use of the land, sea or seabed is occurring; or
 - (ii) any change in the nature of the activities comprising the use;
- that results in a substantial increase in the impact of the use on the land, sea or seabed.

