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The Queensland Productivity Commission
PO Box 12078
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Via email: enquiry@qpc.qld.gov.au

Dear Sir/Madam

Submission – Impact of the Australian Government’s 2025 environment protection reforms on Queensland

Thank you for the opportunity to comment on the ‘Impact of the Australian Government’s 2025 environment protection reforms on Queensland’. As you are aware, the Queensland Port Association (QPA) is the peak industry body representing all Queensland port authorities: Port of Brisbane, Gladstone Ports Corporation, North Queensland Bulk Ports, Port of Townsville and Ports North.

The QPA supports both strong environmental outcomes and efficient approval processes however, Queensland is currently experiencing a transitional implementation gap where the reforms have increased duplication and regulatory burden while the enabling State reforms and accreditation arrangements remain under development. The QPA considers accelerated Commonwealth-State alignment and transitional arrangements are critical if the intended productivity benefits of the reforms are to be realised.

The most significant concern is the interaction between the proposed National Environmental Standards and existing Queensland approval processes. The new National Environmental Standards for assessment represent new assessment requirements that would require the bilateral agreement between Queensland and the Commonwealth to be renegotiated. Until such time that happens, any project that is called in under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) subject to an Environmental Impact Statement (EIS) would not be able to undertake a single EIS process for State and Federal approvals but instead would be required to run two processes. While it is highly likely this will be progressed quickly, these things still take time so there is a risk and it would create a lot of additional regulatory burden.

Please see **Table 1** which provides detailed feedback from the QPA on the impacts of the Australian Government’s 2025 environmental protection reforms for Queensland Ports.

Please contact Katrine Woodrow, QPA Policy Advisor at [REDACTED] if you require anything further.

Yours sincerely,

[REDACTED]
Richard Stevenson
Deputy Chair
Queensland Ports Association

TABLE 1 – QPA Submission (July 2026) to The Queensland Productivity Commission on the ‘Impact of the Australian Government’s 2025 environment protection reforms on Queensland’

Feedback Topic / Focus Areas	QPA Comments
<u>ENVIRONMENTAL OUTCOMES</u> The Commission is seeking information on the <u>likely</u> impact of the 2025 reforms on environmental outcomes in Queensland.	The QPA is supportive of the reforms because they have the potential of resulting in both improved environmental outcomes and a more efficient approvals process. The issue identified by ports is not the environmental objective itself, but the risk that environmental benefits are delayed or diluted where implementation occurs ahead of supporting accreditation arrangements, guidance and practical delivery mechanisms. 1) Ports support both strong environmental outcomes and more efficient approvals <i>Strong environmental outcomes and efficient infrastructure delivery should not be competing objectives.</i> - Queensland ports support the intent of the 2025 EPBC reforms, including strong environmental protection, improved transparency and the objective of achieving a more efficient "single touch" assessment and approvals framework. - This aligns with broader Queensland Government and Transport portfolio objectives to improve productivity, reduce unnecessary regulatory burden and facilitate timely delivery of strategic infrastructure needed to support trade, regional growth and supply chains. - Ports, however, are seeking consideration to ensure environmental regulation is effective, proportionate, predictable and avoids duplication across jurisdictions. 2) QPA's support for the development of departmental plans, management frameworks and the underlying science that informs decision-making. This aligns with the principle of ensuring decisions are supported by robust scientific evidence and are consistent with species management and regional management plans. 3) The legislative amendments of the EPBC rely heavily on the new regulatory standards being prepared by DCCEEW. There is the potential for large positive impacts of the reforms; however, its success depends on how these standards are written, and initial indications suggest that they won't be as successful as hoped. 4) The reforms are currently creating a transition gap rather than the intended streamlining <i>Port acknowledge and support the intended destination for "single touch" approvals. However, the reality is often "double touch" regulation at the moment and for extended foreseeable future.</i> - The Commonwealth reforms were passed end 2025 and progressively implemented through to 1 December 2026. - Queensland's supporting reforms, particularly environmental offsets reform and accreditation arrangements (to enable 'single-touch'), are still under development. - As a result, Queensland is currently operating in a transition period where Commonwealth requirements have changed, but State integration mechanisms have not yet been finalised. 5) Bilateral agreements are critical to achieving productivity outcomes - The Productivity Commission's Terms of Reference specifically identify bilateral agreements as a key mechanism to reduce duplication and improve certainty. - Queensland's future bilateral arrangements remain dependent on accreditation of Queensland's environmental offsets framework against the new federal requirements, which Ports consider does not appear to be a certainty, nor by Dec 26 target.
<u>ECONOMIC AND REGULATORY IMPACTS</u> The Commission is seeking information on the <u>likely</u> impact of the 2025 reforms on economic outcomes (including regulatory burden) in Queensland.	6) Without transitional arrangements there is a significant risk that: - duplication persists; - assessment timeframes increase; - investment decisions are delayed; and - delivery of critical port and freight infrastructure becomes more difficult and costly.

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	7) Success is dependent on how the standards are written: - The efficiency and streamlining of assessments under EPBC and creating certainty for industry as foreshadowed by the reforms will depend in large part on how effective these standards are written. If the first two standards are indicative, our view is that they are not providing additional certainty and, if anything, are a subtle increase in the scope and powers of DCCEEW under the Act as outlined in the content of our submissions. 8) Increased Compliance and Enforcement - The establishment of a strengthened Federal environmental regulator is expected to introduce a greater focus on compliance, monitoring and enforcement activities. For proponents, this is likely to result in increased auditing, reporting and record-keeping obligations, requiring more robust internal governance and compliance assurance processes. This is already being seen in auditing of projects that has not previously been done in the past. 9) Potential Benefits - A positive aspect of the reforms is the potential expansion of environmental offset mechanisms, including greater flexibility to utilise financial offsets where direct offsets are difficult to achieve. However, these benefits may be offset by higher offset multipliers, additional environmental obligations and increased project costs. Overall, the reforms may simplify some aspects of project delivery while increasing the financial cost of environmental approvals.
<u>LAND MANAGEMENT</u> The Commission is seeking information on the <u>likely</u> positive and negative impacts of the 2025 reforms on land and risk management practices in Queensland, including any interactions with existing Queensland legislation or approvals (such as under the Vegetation Management Act 2009 (Qld) and Planning Act 2016 (Qld)).	10) First Nation Engagement - Upcoming standards on First Nation's engagement (to replace the interim EPBC engagement guideline for First Nations people) need to be very carefully considered by industry and State Governments who are proponents for development as it may create significant implementation challenges for marine infrastructure projects. In many marine areas there is limited certainty around representation for sea country interests and differing Commonwealth and State engagement frameworks may introduce duplication, additional cost and approval uncertainty. Greater alignment between Commonwealth and Queensland processes will be important. - For our ports industry - noting that most marine projects are occurring over water where there is not a determined native title claim - identifying who speaks for sea country and engaging can be problematic, time consuming and expensive given that most if not all RNTBCs and Traditional Owner groups now require payment for participation in any meeting or engagement and frequently involve their lawyers and consultants in such meetings (at cost). This includes requirements for engagements to occur as a pre-requisite to any referral under EPBC (before the Project is even declared to be a controlled action or not) which is operating outside the requirements of the State government process for identification of Aboriginal Parties under the Aboriginal Cultural Heritage Act 2003.
<u>ENVIRONMENTAL OFFSETS</u> The EPBC Act has allowed for environmental offsets to be included in conditions of approval since 2000 (The Senate 2014, p. 7). However, their application has evolved over time (Department of the Environment 2014, p. 2). The 2025 reforms introduced changes associated with governance and compliance frameworks. They also introduced new options to utilise offsets, including through market mechanisms and making restoration contribution payments to meet offset obligations. The Commission is seeking information on the impact of these changes.	11) The new "net gain" requirement represents a major system change <i>The primary mechanism intended to remove duplication has not yet become operational – QPA support the policy direction, but, for Queensland, implementation of net gain will require considerable regulatory and market development before promised streamlining benefits ("single-touch") will be realised.</i> - The reforms fundamentally shift Queensland offsets policy from impact compensation towards demonstrable "net gain" outcomes. QPA supports the objective of improving environmental outcomes. However, achieving net gain requires significant reform of existing State offset frameworks, delivery models, accounting methodologies and accreditation processes. - Queensland is currently undertaking a comprehensive review of its Environmental Offsets Framework, reflecting that substantial reform is required. Until Queensland's framework is upgraded and accredited, the streamlined assessment model remains largely unavailable. - The reforms introduce a stronger emphasis on achieving environmental "net gain" outcomes that extend beyond traditional offset requirements. Through the bilateral agreement, this would be pushed down to the State level as well, at least for EISs. This will drive the need for projects to be accompanied by rehabilitation activities and other initiatives that go beyond just offsets. 12) Port projects frequently trigger both State and Commonwealth assessment pathways - Most marine infrastructure projects, due primarily to their inherent location rather than scale or intensity, interact simultaneously with: - Matters of State Environmental Significance (MSES); and - Matters of National Environmental Significance (MNES).

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	- This means proponents currently almost always are requiring separate duplicated assessment, offset and approval processes under both jurisdictions. Example A relatively modest regional port project such as berth extension, wharf upgrade, breakwater improvement, or maintenance or capital dredging activity may simultaneously affect: - marine plants / fisheries habitat (State matters); - listed migratory species (Federal matters); - Great Barrier Reef World Heritage values; and/or - Commonwealth marine areas. - Prior to bilateral agreement and full drafting and implementation of reformed offset arrangements, there currently result in multiple assessment processes for substantially the same environmental impact, affecting routine trade-enabling infrastructure, not just major EIS-scale projects. 13) Recent changes have expanded the number of projects entering Commonwealth assessment pathways <i>More projects are being captured while the promised “single-touch” streamlining mechanisms remain unavailable.</i> - The Commonwealth reforms have already enacted the removal of certain historical exemptions, including clearing provisions associated with land within 50 metres of watercourses, wetlands or drainage lines in Great Barrier Reef catchments, narrowing the scope of activities that may proceed without Commonwealth involvement. - While QPA remain supportive of enhanced environmental protection outcomes, this disjointed delivery consequently has resulted in more projects entering the Commonwealth assessment system at the same time Queensland and Commonwealth frameworks are still being aligned. 14) Marine offsets present one of the most significant implementation risks <i>Marine offsets represent a critical implementation challenge that will require targeted policy attention and may take a protracted length of time to finalise to efficient implementation. Consistent with recent QPA submissions to DETSI:</i> - Marine offsets are substantially more difficult to secure and deliver than terrestrial offsets. Key challenges include: a) limited ability to secure marine tenure; b) high scientific uncertainty; c) limited restoration opportunities; d) highly mobile marine species; e) marine park and fisheries constraints; and f) lack of mature marine offset markets. - Moving to a net gain framework will increase complexity, with Queensland already having been grappling with these challenges. While the target remains practical, scalable marine offset delivery models, QPA consider it is likely that this will be an extended process with limited potential to be realised by Dec 25 EPBC accreditation targets. - It is highly desirable to remove the requirements for a separate assessment, approval, compliance and offset process for future port project under the EPBC Act if the MNES requirements can be effectively delivered by the State through an accreditation scheme. However, it remains to be seen if this is a realistic policy outcome and whether the Federal Government would ever cede/delegate its powers to the State in the way outlined in the reforms. It is unclear if it is the intent of the current State Government to adopt this route or the process that would be involved including any consultation with industry. - Provisions in the reforms around regional-scale planning to proactively identify and address MNES at larger spatial scales is potentially beneficial but it remains to be seen what this planning process looks like, how it would be initiated and what role industry would play in preparation of such plans. The success of such planning is to identify multi use outcomes (e.g. both go and no-go areas for future development) – not just seeking to use the EPBC planning provisions to enforce a blanket prohibition for future development in MNES area (e.g. in World Heritage Areas, Ramsar Areas and similar).

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OPPORTUNITIES TO IMPROVE OUTCOMES The Commission is seeking information on any opportunities to improve outcomes that better support and inform both Queensland Government policy priorities and ongoing engagement with the Australian Government.	15) Transitional arrangements are urgently needed - Remaining EPBC reforms, including implementation of National Environmental Standards, are scheduled to commence on or before 1 December 2026. Queensland is simultaneously redesigning its offsets framework to meet the same requirements. During these interim and redesign periods, industry is currently facing real-world substantial uncertainty regarding, unless effective transitional arrangements can be considered: - assessment pathways; - offset requirements; - accreditation arrangements; and - future bilateral implementation. 16) DCCEEW noted that, where the relevant science is lacking, this responsibility falls to the proponent. The QPA believes that government has an important role in developing and maintaining the strategic plans, guidance and scientific foundations needed to support informed decision-making. We support ongoing investment in these frameworks and monitoring programs, as they provide proponents with greater certainty and enable project planning and assessment to be aligned with the best available science. With this in place monitoring undertaken by proponents can make a valuable contribution to the broader evidence base and improve scientific understanding over time. However, it is unreasonable to expect proponents to align with management plans, strategic directions or scientific frameworks that have not yet been developed. Clear government-led planning and guidance are essential to achieving consistent, efficient and scientifically robust outcomes.