



REGULATORY
INTELLIGENCE
LAB

UNDERSTANDING REGULATORY SYSTEMS
AS ARCHITECTURES OF AUTHORITY

Inquiry into the Impact of Environment Protection Reforms

SUBMISSION TO THE QUEENSLAND PRODUCTIVITY COMMISSION

23 JUNE 2026



Copyright and licence

© Michael McGuinness, 2026.

Published by the Regulatory Intelligence Lab.



This publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence. You may use, share and adapt this publication in accordance with the licence terms, provided the copyright notice is retained and Michael McGuinness and the Regulatory Intelligence Lab are attributed as the source.

Some content may be subject to different licence terms as indicated. For more information, visit: <https://creativecommons.org/licenses/by/4.0/>

Disclaimer

The information in this submission is provided for general research, policy analysis and public-interest discussion purposes only. It is not legal, financial, regulatory or professional advice.

While reasonable care has been taken in preparing this submission, the author and the Regulatory Intelligence Lab make no representations or warranties about the accuracy, completeness or suitability of the information for any particular purpose. Readers are responsible for how they use or rely on the information.

Suggested citation

McGuinness, M. (2026). *Inquiry into the Impact of Environment Protection Reforms*. Regulatory Intelligence Lab.

Key Points

- The EPBC reforms are a redesign of regulatory architecture, not only environmental law reform. Their productivity effects will depend on how authority, interpretation, capability and implementation practice change across the Commonwealth and Queensland system.
- The reforms create a more Commonwealth-centred architecture through National Environmental Standards, a federal Environment Protection Agency, new assessment pathways and interpretive instruments.
- Queensland's mature environmental system does not map cleanly onto this new architecture. This creates risks of duplicated assessment, unclear decision rights, inconsistent expectations and increased inter-agency negotiation.
- The main productivity risks are structural misalignment, increased information burden, capability bottlenecks, interpretive divergence, transition uncertainty and Regulatory Dark Matter.
- Queensland is particularly exposed because of its reef governance obligations, resources and energy project pipeline, regional assessment footprint, Coordinator-General machinery, agricultural land management systems and reliance on bilateral arrangements.
- Regulatory Dark Matter, including tacit norms, legacy routines, risk postures, informal decision rights and unwritten expectations, will strongly influence how the reforms operate in practice.
- Queensland should respond through a system-level implementation strategy that aligns authority structures, redesigns bilateral arrangements, builds capability, clarifies assessment pathways, issues Queensland-specific guidance and coordinates closely with the federal EPA.
- The first 90 days should focus on a Queensland and Commonwealth alignment taskforce, interim transition guidance, bilateral redesign, capability uplift, Queensland-specific interpretive aids and a Regulatory Dark Matter diagnostic.
- If Queensland manages the interface deliberately, it can reduce friction, maintain regulatory performance and support investment certainty. If it does not, it risks becoming a national bottleneck in the transition to the new EPBC regime.

Executive Summary

Australia is entering a significant period of environmental regulatory redesign. The Commonwealth's EPBC reforms introduce a new national architecture built around National Environmental Standards, a federal Environment Protection Agency, new assessment pathways and a rulings framework. Although often described in terms of environmental ambition, their most consequential effects are structural: they alter how authority flows, how decisions are interpreted, and how Commonwealth and State systems interact.

For Queensland, the key question is how these reforms change the regulatory system, what productivity impacts arise from those changes, and what the State should do to minimise friction and maximise certainty. Queensland has a mature and capable environmental system, but the new Commonwealth architecture does not map cleanly onto it. The result is a new operating environment that will affect regulatory performance, investment certainty and project timelines.

The reforms introduce four major structural elements: binding National Environmental Standards, a stronger Commonwealth EPA, redesigned assessment pathways and rulings or interpretive instruments that will shape how Standards are applied in practice.^[1]^[2] Together, these elements create a more Commonwealth-centred architecture that Queensland must now interface with.

However, the reforms do not automatically change the informal system that governs day-to-day regulatory behaviour: tacit norms, legacy routines, unwritten expectations, internal risk postures and practical decision rights.^[3] This layer, referred to in this submission as Regulatory Dark Matter, is where much real-world regulatory behaviour occurs and where formal reforms often lose traction.^[4]

Queensland's experience of the reforms will be shaped by three structural challenges: misalignment between Commonwealth and State authority structures; interpretive divergence between Queensland's established assessment culture and the Commonwealth EPA's emerging norms; and capability and sequencing pressure as new analytical requirements arrive before all Standards, rulings and guidance are settled.^[5]^[6]

These challenges generate productivity impacts. Dual authority structures increase negotiation and rework. Standards-driven assessments raise information and analytical burdens. Specialist capability gaps create bottlenecks. Interpretive divergence produces inconsistent expectations and unpredictable outcomes. Transition uncertainty slows decisions while subordinate instruments, rulings and guidance are still developing. Regulatory Dark Matter can amplify each of these effects as legacy routines and risk-averse behaviours persist during transition.

Queensland can minimise friction and maximise certainty by adopting a system-level implementation strategy. This should align authority architecture, build a Queensland-specific implementation model, strengthen capability and capacity, increase transparency and predictability, and manage the informal system that ultimately determines regulatory outcomes.

Priority actions include clarifying decision rights across jurisdictions, redesigning bilateral agreements around the new architecture, developing shared interpretive frameworks for Standards, mapping assessment pathways, establishing structured coordination with the federal EPA, uplifting specialist capability, issuing Queensland-specific guidance and conducting a Regulatory Dark Matter diagnostic.

The submission's central finding is that the productivity impacts of the EPBC reforms will arise less from environmental ambition than from implementation architecture. Queensland's outcomes will depend on how effectively it aligns its own system with the new Commonwealth architecture, manages interpretive divergence, builds capability and addresses the informal practices that shape day-to-day regulatory behaviour.

The following recommendations translate this system-level analysis into practical actions Queensland can take to minimise friction, maintain regulatory performance and support a predictable environment for investment and development.

Table of Contents

Key Points.....	1
Executive Summary	2
1. Introduction.....	6
2. Response to the Commission’s Terms of Reference.....	7
3. Understanding the EPBC Reforms as a System Change.....	8
3.1 The New Commonwealth Architecture	9
3.2 What the Reforms ‘Do Not’ Change.....	9
3.3 Why This Matters for Queensland.....	10
3.4 What Happens if Queensland Does Nothing.....	10
4. How the Reforms Change the Regulatory System.....	11
4.1 Authority Architecture Shifts	11
4.2 Increased Information and Analytical Requirements.....	12
4.3 Temporal Sequencing Risks	12
4.4 Emergence of New Interpretive Cultures	13
4.5 Interaction with the Informal System.....	14
4.6 Summary: A Reconfigured System	14
5. Productivity Impacts Arising from These Changes	15
5.1 System Friction from Misaligned Authority Structures	15
5.2 Increased Administrative and Compliance Burden	15
5.3 Capability Constraints and Bottlenecks	16
5.4 Interpretive Divergence and Decision Uncertainty.....	16
5.5 Temporal Misalignment and Transition Costs	17
5.6 Interaction with the Informal System (Regulatory Dark Matter)	17
6. Practical Queensland Examples of Productivity Impact.....	18
6.1 Cost-Shifting to Queensland	18
6.2 Agriculture, Land Management and Land Value Impacts	18
6.3 Summary: Productivity Impacts Are System-Generated	19
7. Investment Uncertainty and Economic Impacts	20
8. The Missing Layer: Regulatory Dark Matter	21
8.1 What Regulatory Dark Matter Is	21
8.2 Why Dark Matter Determines Productivity	21
8.3 How the EPBC Reforms Interact with Dark Matter	22

8.4	Regulatory Dark Matter Diagnostic: Queensland Indicators.....	22
8.5	Implications for Queensland.....	23
8.6	Summary: Dark Matter Is the Determinant of Real-World Outcomes	23
9.	Queensland-Specific Environmental Regulatory Census	24
9.1	Commonwealth-Specific 7-Layer Environmental Regulatory Census.....	26
9.2	Commonwealth environmental authority architecture profile (high-level).....	28
9.3	Misalignment and friction hotspots (indicative).....	28
10.	How the Commonwealth Architecture Interacts with Queensland’s System Under the EPBC Reforms	28
10.1	Where Friction Will Occur: The Five Highest-Risk Interfaces Between Commonwealth and Queensland Systems.....	29
10.2	Jurisdictional Comparison	30
11.	What Queensland Should Do to Minimise Friction and Maximise Certainty	34
11.1	Queensland’s First 90 Days: Priority Actions.....	34
11.2	Align Authority Architecture with the New Commonwealth System.....	34
11.3	Build a Queensland-Specific Implementation Architecture	35
11.4	Address Capability Gaps and Build System Capacity	36
11.5	Increase Transparency and Predictability for Proponents.....	36
11.6	Map and Manage Queensland’s Regulatory Dark Matter	37
11.7	Summary: A System-Level Response to a System-Level Reform	37
12.	Findings	38
12.1	Consolidated Recommendations.....	39
13.	Conclusion	39
	Notes	41

Figures

Figure 1. System pathway through which EPBC reform architecture generates productivity impacts in Queensland.....	7
---	---

Tables

Table 1. Mapping the Queensland Productivity Commission’s areas of interest to this submission. ...	8
Table 2. EPBC reform sequencing and Queensland productivity risks.	13
Table 3. Queensland environmental regulatory architecture under the seven-layer model.....	25
Table 4. Commonwealth environmental regulatory architecture under the seven-layer model.....	27
Table 5. Comparative snapshot of Queensland’s exposure to the EPBC reforms relative to other Australian jurisdictions.	31

1. Introduction

Queensland is entering a period of significant regulatory transition. The Commonwealth's Environment Protection and Biodiversity Conservation (EPBC) reforms introduce a new national architecture for environmental regulation, including National Environmental Standards, a federal Environment Protection Agency, new assessment pathways, and a rulings framework that will shape how decisions are made in practice. These reforms represent the most substantial redesign of Australia's environmental regulatory system in two decades.

This inquiry is therefore not simply about environmental policy. It is about regulatory system performance: how authority shifts, how implementation conditions change, and how these structural changes will affect Queensland's productivity, investment environment, and capacity to deliver timely, predictable regulatory decisions.

The Regulatory Intelligence Lab approaches this inquiry from a systems perspective. Our work focuses on regulatory architecture, authority mapping, and the informal implementation dynamics that determine how reforms operate once they leave the page. This informal layer is referred to in this submission as "Regulatory Dark Matter". From this perspective, the key question is clear:

How do the EPBC reforms alter the structure and functioning of the regulatory system, what productivity impacts arise from those changes, and what should Queensland do to minimise friction and maximise certainty?

This submission argues that the most significant impacts of the reforms will not arise from the environmental ambition they contain, but from the system architecture through which they are implemented. Productivity outcomes will be shaped by:

- How authority is redistributed between the Commonwealth and Queensland
- How new Standards and pathways interact with existing State systems
- How capability constraints and interpretive divergence create bottlenecks
- How the informal system, including norms, routines and tacit decision rights, adapts to or resists change

Queensland has an opportunity to respond strategically. By aligning its authority architecture, addressing capability gaps, and designing a coherent implementation model, the state can reduce system friction, increase regulatory certainty, and support both environmental outcomes and economic productivity.

This submission provides a structured analysis of the system changes introduced by the EPBC reforms, their productivity implications, and the actions Queensland should take to ensure a smooth, predictable, and efficient regulatory environment.

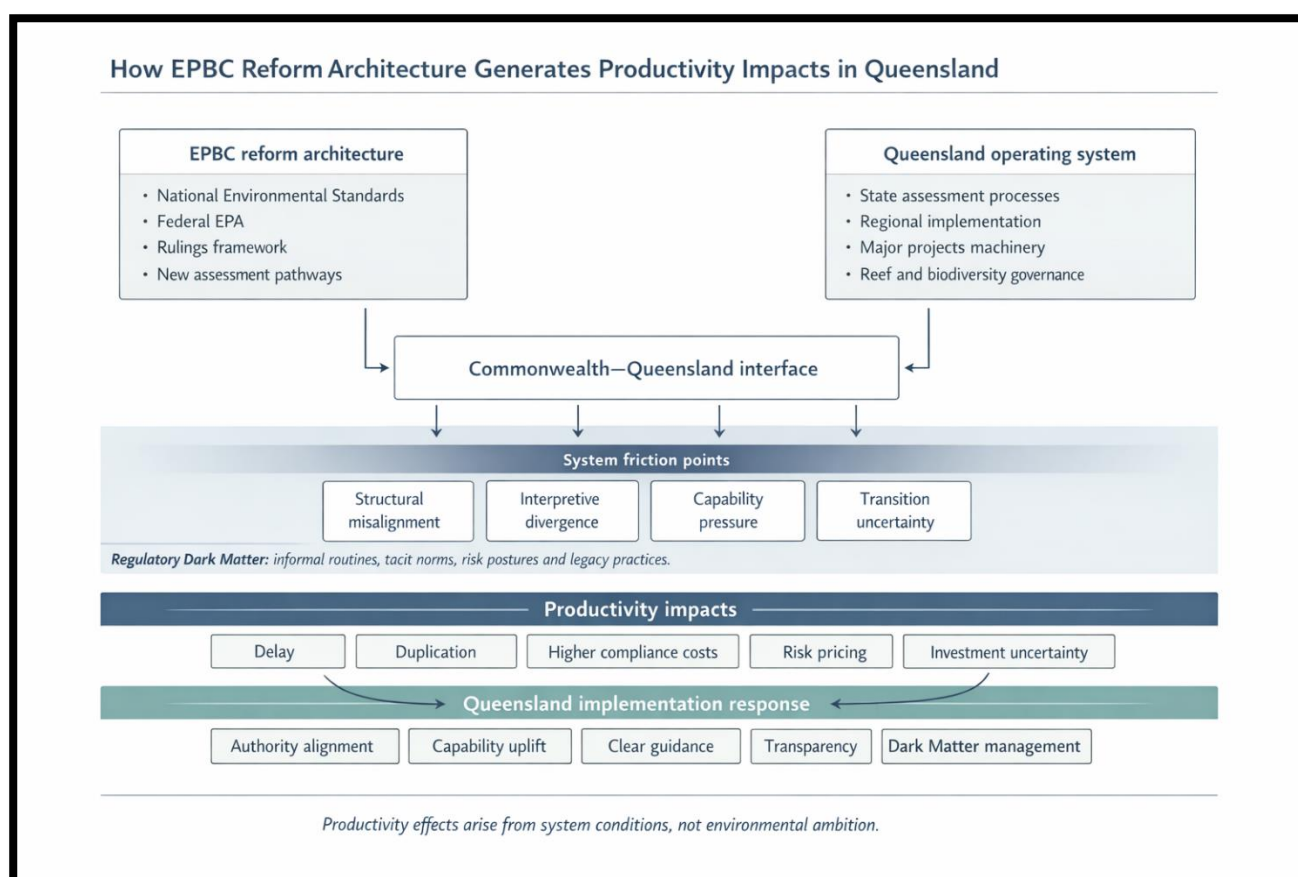


Figure 1. System pathway through which EPBC reform architecture generates productivity impacts in Queensland.

Figure 1 summarises the submission’s core systems argument. The EPBC reforms introduce a new Commonwealth-centred regulatory architecture, while Queensland continues to operate through an established State assessment system, regional implementation network, major projects machinery, and reef governance arrangements. Productivity impacts arise at the interface between these systems, where formal authority changes interact with existing operational practice, capability constraints, and transition uncertainty. The figure should be read as a roadmap for the submission, with the analysis that follows examining each stage of the pathway: the formal reform architecture, the Commonwealth–Queensland interface, the friction drivers that generate regulatory burden and uncertainty, and the implementation responses available to Queensland.

2. Response to the Commission’s Terms of Reference

This submission responds directly to the Queensland Productivity Commission’s inquiry into how the 2025 EPBC reforms affect Queensland in practice, particularly regarding regulatory burden, economic impacts, implementation risks, and operational arrangements. It also addresses the Commission’s interest in options to reduce unnecessary regulatory burden and improve regulatory efficiency.^[7] This framing is consistent with Australian Government impact analysis guidance, which requires policy makers to identify regulatory costs, distributional effects, implementation risks and net benefits before regulatory change is adopted or implemented.^[8]

Table 1 maps the Commission’s areas of interest to the structure of this submission. It shows that the analysis is not confined to legal reform design, but addresses the practical regulatory, economic and implementation issues that will determine how the reforms affect Queensland in practice.

Table 1. Mapping the Queensland Productivity Commission’s areas of interest to this submission.

QPC area of interest	How this submission responds
Regulatory burden	Identifies additional evidence requirements, duplicated assessment steps, expanded monitoring obligations and informal process friction that increase regulatory transaction costs.
Economic impacts	Explains how uncertainty, risk pricing, delayed final investment decisions and longer approval pathways affect productivity, regional development and project delivery.
Implementation risks	Analyses structural misalignment, interpretive divergence, capability constraints, transition uncertainty and Regulatory Dark Matter as the principal implementation risks.
Operational arrangements	Recommends redesigned bilateral agreements, joint interpretive forums, shared case management, clearer decision rights and Queensland-specific guidance.
Major projects and approval timelines	Examines the interface between the Commonwealth architecture and Queensland’s Coordinator-General, resources, energy, infrastructure and housing pathways.
Agriculture, land value and land management	Identifies land-clearing uncertainty, cumulative impact expectations, offsets, routine land management constraints and uncertainty affecting investment in agricultural productivity.
Cost-shifting to Queensland	Identifies areas where Commonwealth reform may require additional Queensland capability, data systems, regional implementation, compliance monitoring and bilateral reporting effort.

The table demonstrates that each major inquiry theme is addressed through a systems lens. Regulatory burden, economic impact, and implementation risk are treated as interconnected effects of authority design, capability, intergovernmental coordination, and informal regulatory practice.

The submission therefore does not treat the reforms as purely legal or environmental policy changes. It treats them as a productivity-relevant redesign of the regulatory system that will affect how Queensland businesses, landholders, proponents, regulators and regional communities experience environmental decision-making.

3. Understanding the EPBC Reforms as a System Change

The EPBC reforms are more than amendments to environmental law. They redesign how environmental authority is organised, exercised and interpreted across Australia’s multi-layered governance system.

For Queensland, the practical effects will depend on the system conditions the reforms create: how authority flows, how Standards are operationalised, how Commonwealth and State systems interact, and how informal practice adapts.

This section outlines the key system-level changes introduced by the reforms.

3.1 The New Commonwealth Architecture

The reforms introduce four major structural elements that reshape the national regulatory system:

National Environmental Standards

These Standards sit at the apex of the new architecture. They establish binding, outcomes-focused requirements that all assessment pathways – Commonwealth, State, bilateral, or accredited – must satisfy. They function as a top-level constraint on decision-making, effectively redefining the criteria against which environmental impacts are judged.

Federal Environment Protection Agency (EPA)

The new EPA introduces a centralised Commonwealth authority with expanded powers in assessment, compliance, and enforcement. This shifts the balance of authority upward, creating a stronger federal presence in areas previously dominated by State-level operational practice.

New Assessment Pathways

The reforms create differentiated pathways, including fast-track routes, standardised processes, and new accreditation mechanisms. These pathways alter the flow of authority, determining who assesses what, under which conditions, and with what level of Commonwealth oversight.

Rulings and Interpretive Frameworks

The introduction of rulings, binding interpretive instruments, creates a new mechanism for shaping how Standards are applied in practice. This adds a dynamic, evolving layer of interpretation that will influence both Commonwealth and State decision-making.

Together, these elements constitute a new Commonwealth-centric architecture that Queensland must now interface with.

3.2 What the Reforms ‘Do Not’ Change

While the reforms reshape the formal system, they do not directly alter the informal system that governs how regulation is implemented day-to-day. This includes:

- Tacit decision-rights
- Legacy routines and assessment habits
- Risk postures within agencies
- Unwritten expectations and internal norms
- Inter-agency coordination practices
- Consultant-driven templates and heuristics

This informal layer, the Regulatory Dark Matter, is where many day-to-day regulatory choices are made. It is also where formal reforms can lose traction if routines, expectations and risk postures do not shift with the new architecture.

The EPBC reforms assume that new Standards and institutions will automatically translate into new behaviours. Experience across regulatory domains shows this assumption is rarely correct.

3.3 Why This Matters for Queensland

Queensland operates a mature, technically capable environmental assessment system with established processes, specialist expertise, and well-developed internal routines, including under the Environmental Protection Act 1994, Planning Act 2016, Vegetation Management Act 1999 and State Development and Public Works Organisation Act 1971.^[9] The EPBC reforms introduce a new Commonwealth architecture that does not map cleanly onto Queensland's existing structures.

This creates three system-level challenges:

Structural Misalignment

The new Commonwealth authority architecture sits *alongside* – not *within* – Queensland's system. Without deliberate alignment, this produces overlapping decision-rights, unclear accountability, and duplicated effort.

Interpretive Divergence

Queensland's assessment culture has evolved over decades. The Commonwealth's new Standards and rulings will introduce a parallel interpretive culture. Divergence between the two will create uncertainty for proponents and inconsistency in decision-making.

Capability and Sequencing Pressures

The reforms increase analytical and information requirements at a time when specialist capability is unevenly distributed across jurisdictions. Queensland will face pressure to adapt before subordinate instruments, guidance, and rulings are fully developed.

In short, the reforms change the system's architecture, not just its rules. Queensland's productivity outcomes will depend on how effectively it aligns its own system with this new architecture.

3.4 What Happens if Queensland Does Nothing

If Queensland does not actively align its system with the new Commonwealth architecture, several system-level consequences are likely.

Dual authority structures become permanent

Queensland will be forced to operate under two overlapping systems, its own assessment machinery and the new Commonwealth Standards, rulings and EPA oversight. This creates duplicated effort, unclear decision rights, and increased inter-agency negotiation.

Interpretive divergence hardens into systemic inconsistency

Queensland's established assessment culture will continue to evolve separately from the Commonwealth EPA's emerging interpretive norms. Divergence will produce inconsistent expectations, rework, and unpredictable outcomes for proponents.

Capability bottlenecks intensify

The reforms increase analytical and modelling requirements. Without targeted uplift, Queensland's regional capability gaps will widen, slowing assessments and increasing reliance on consultants.

Transition uncertainty becomes a multi-year drag on investment

If Queensland does not define clear transition rules, proponents will face uncertainty about which regime applies, how Standards will be interpreted, and when Commonwealth rulings will take effect. Investors respond to uncertainty by delaying decisions or shifting capital elsewhere.

Regulatory Dark Matter drifts in the wrong direction

In periods of uncertainty, informal norms tend to become more conservative. This risk-tightening slows assessments, increases documentation demands, and amplifies friction.

Queensland loses influence over the national architecture

If Queensland does not proactively shape bilateral agreements, interpretive frameworks, and joint governance arrangements, the Commonwealth's architecture will default to a model that reflects federal priorities rather than Queensland's operational realities.

Together, these effects create a system that is slower, less predictable, and more costly, not because of environmental ambition, but because of misalignment.

4. How the Reforms Change the Regulatory System

The EPBC reforms reconfigure the structure, flow and distribution of regulatory authority. They introduce new top-level constraints, interpretive mechanisms and Commonwealth decision-rights that will affect productivity, certainty and implementation risk.

This section outlines the key structural shifts.

4.1 Authority Architecture Shifts

The most consequential change introduced by the reforms is the redistribution of authority between the Commonwealth and the States.

Upward shift in decision-rights

The creation of National Environmental Standards and a federal EPA moves key decision-rights upward into the Commonwealth domain. This reduces the autonomy of State systems and introduces a new layer of oversight that Queensland must now navigate.

Parallel authority structures

Rather than replacing State systems, the reforms create parallel structures. Queensland's assessment system continues to operate, but now under a Commonwealth-defined Standards regime and subject to Commonwealth rulings. This dual structure increases the complexity of authority flows.

New interpretive hierarchy

Rulings and Standards create a hierarchy in which Commonwealth interpretations can override or constrain State practice. This shifts the centre of interpretive gravity away from Queensland agencies and toward the Commonwealth.

The result is a re-tiered authority architecture that Queensland must align with to avoid duplication, drift, and inconsistent decision-making.

4.2 Increased Information and Analytical Requirements

The reforms significantly expand the information burden on both regulators and proponents.

Standards-driven assessments

National Environmental Standards require more detailed, outcomes-focused evidence. This increases the analytical load on assessment teams and the documentation burden on proponents.

Expanded monitoring and reporting

New monitoring obligations and compliance expectations require additional data collection, analysis, and verification — particularly for high-risk or high-impact projects.

Higher expectations for modelling and impact analysis

The reforms implicitly raise the bar for ecological modelling, cumulative impact assessment, and mitigation planning. This creates capability pressure in specialist domains.

These requirements increase the transaction costs of regulatory engagement and amplify the consequences of capability gaps.

4.3 Temporal Sequencing Risks

The reforms introduce a structural timing problem: the legislative framework is in place, but the instruments that make it operational are not.^[10]

Incomplete Standards and guidance

Many Standards, rulings frameworks, and guidance documents are still under development. This creates a period of uncertainty in which proponents and regulators must make decisions without clear expectations.

Investment cycles misaligned with reform sequencing

Major projects have long lead times. Investment decisions are being made now, while key elements of the new system remain undefined. This increases risk-pricing and delays.

Transition arrangements are unclear

The shift from the current EPBC regime to the new architecture lacks a fully articulated transition model. This creates ambiguity about which rules apply when, and to which projects.

Temporal misalignment can become a significant source of productivity loss because uncertainty encourages conservative decision-making and slows project progression. Table 2 sets out the sequencing risk created by staged commencement of the reforms and the timing mismatch between legislative change, institutional readiness, guidance development and Queensland's operational implementation needs.

Table 2. EPBC reform sequencing and Queensland productivity risks.

Reform stage	Timing	Queensland productivity risk
Immediate commencement	From passage in late 2025	Early uncertainty, transitional ambiguity, tightened land-clearing rules and preparation for new National Environmental Standards.
Tranche 1	20 February 2026	New information-sharing, expert advice and process requirements increase the need for internal guidance and staff readiness.
Tranche 2	1 July 2026	Commencement of the National Environmental Protection Agency and Environment Information Australia creates new institutional interfaces for Queensland agencies.
Remaining reforms	By 1 December 2026	Standards, rulings, bilateral redesign and operational guidance continue to develop while proponents and regulators are already making decisions. ^[11]

The sequencing profile shows why transition management is central to productivity. Queensland will need to make operational decisions while Commonwealth instruments, bilateral settings and guidance materials are still maturing, increasing the risk of conservative interpretation, duplication and delay unless interim guidance and clear escalation arrangements are in place.

4.4 Emergence of New Interpretive Cultures

Regulatory systems are shaped as much by interpretive practice as by formal rules. The EPBC reforms introduce new interpretive mechanisms that will evolve differently across jurisdictions.

Commonwealth interpretive culture

The federal EPA will develop its own risk posture, precedents, and interpretive habits. These will be shaped by national priorities, legal risk, and internal culture.

Queensland interpretive culture

Queensland's assessment culture is well-established, with its own norms, routines, and expectations. These will not automatically align with Commonwealth interpretations.

Divergence as a structural risk

Without deliberate alignment, the two cultures will diverge. This creates:

- inconsistent application of Standards
- unpredictable assessment outcomes
- increased negotiation between agencies
- higher compliance costs for proponents

Interpretive divergence is one of the most significant, and least recognised, sources of system friction.

4.5 Interaction with the Informal System

The reforms change the formal system, but the informal system of tacit norms, routines and practical decision-rights will not change automatically.

This creates a structural tension:

- The formal system is redesigned.
- The informal system is not.

This mismatch produces:

- drift between formal intent and actual practice
- inconsistent implementation across regions
- bottlenecks where informal routines resist change
- uncertainty for proponents navigating both systems

Queensland's implementation task is therefore to align practice as well as policy.

4.6 Summary: A Reconfigured System

The EPBC reforms change the regulatory system by:

- shifting authority upward
- increasing information and analytical requirements
- introducing temporal uncertainty
- creating new interpretive hierarchies
- interacting unpredictably with the informal system

These structural changes are the primary drivers of productivity impacts, not the environmental ambition of the reforms themselves.

5. Productivity Impacts Arising from These Changes

The productivity impacts of the EPBC reforms arise from the system conditions they create: authority flows, interpretive expectations, information burdens, capability constraints and transition settings. These conditions directly affect project timelines, regulatory certainty and investment behaviour.

5.1 System Friction from Misaligned Authority Structures

The introduction of National Environmental Standards, a federal EPA, and new Commonwealth pathways creates a dual-layer authority structure. Queensland's existing system continues to operate, but now under a Commonwealth-defined framework that does not map cleanly onto State processes.

This misalignment generates friction through:

- Overlapping decision-rights – proponents may need to satisfy both Commonwealth and State expectations, even when pathways are nominally streamlined.
- Ambiguous accountability – when decisions rely on both jurisdictions, responsibility for delays or inconsistencies becomes unclear.
- Increased inter-agency negotiation – more time is spent reconciling interpretations, aligning expectations, and resolving conflicts between systems.

These frictions slow assessments, increase administrative effort, and reduce predictability. All of these are productivity impacts.

5.2 Increased Administrative and Compliance Burden

The reforms raise the information and analytical requirements for environmental assessments. This has direct productivity implications for both proponents and regulators.^[12]

For proponents

- More detailed impact modelling
- Expanded baseline data requirements
- Additional documentation to demonstrate compliance with Standards
- Higher costs for specialist consultants

For regulators

- More complex assessment tasks
- Increased volume of material to review
- Greater reliance on specialist expertise
- Additional reporting and monitoring obligations

The cumulative effect is a higher transaction cost for progressing projects through the system. The Australian Government's Regulatory Burden Measurement Framework reinforces the need to quantify these costs for businesses, community organisations and individuals when regulatory changes impose additional compliance or administrative effort.^[13]

5.3 Capability Constraints and Bottlenecks

Capability is unevenly distributed across the system. The reforms increase demand for:

- ecological modelling
- cumulative impact assessment
- species-specific expertise
- environmental economics
- compliance monitoring
- legal interpretation of Standards and rulings

Where capability is scarce, bottlenecks form. These bottlenecks:

- extend assessment timelines
- increase reliance on external consultants
- create regional disparities in decision speed
- reduce the system's ability to absorb increased workload

Capability constraints are one of the most significant, and least visible, drivers of productivity loss. Infrastructure Australia's 2025 market capacity work indicates that Australia's major public infrastructure pipeline is expanding while delivery capacity remains constrained, including through significant workforce shortages and regional delivery pressures.^[14]

5.4 Interpretive Divergence and Decision Uncertainty

The reforms introduce new interpretive mechanisms (Standards, rulings, EPA guidance) that will evolve differently across jurisdictions. Without deliberate alignment, Queensland and the Commonwealth will develop divergent interpretive cultures.

This divergence creates:

- inconsistent application of Standards
- unpredictable assessment outcomes
- increased negotiation between agencies
- higher risk-pricing by proponents
- more appeals, reviews, and rework

Uncertainty is itself a productivity cost. When proponents cannot reliably predict regulatory expectations, they delay investment, redesign projects, or adopt conservative assumptions that increase cost.

5.5 Temporal Misalignment and Transition Costs

The reforms create a period in which:

- legislation is in place
- Standards are incomplete
- guidance is evolving
- rulings are not yet established
- bilateral agreements are under negotiation

This temporal misalignment produces:

- uncertainty about which rules apply
- inconsistent advice from agencies
- delays in project planning
- increased risk-pricing by investors
- reluctance to commit capital until clarity emerges

Transition periods can generate high productivity costs when rules, guidance and institutional responsibilities are still settling. OECD regulatory policy guidance similarly emphasises that regulatory frameworks should be adaptive, efficient, proportionate and supported by implementation feedback loops, rather than relying on static “set and forget” rule design.^[15]

5.6 Interaction with the Informal System (Regulatory Dark Matter)

The informal system, including norms, routines, and tacit decision-rights, does not automatically adjust to new formal structures. When the formal and informal systems diverge, productivity declines.

Examples include:

- legacy routines persisting despite new Standards
- inconsistent interpretation across regional offices
- informal escalation pathways that bypass formal processes
- risk-averse behaviour during periods of uncertainty
- increased internal review and second-guessing

These informal dynamics can become a major source of delay unless Queensland manages them deliberately during transition.

6. Practical Queensland Examples of Productivity Impact

The productivity effects described above can be seen through practical Queensland scenarios. A resources or energy project may satisfy Queensland assessment expectations but then face additional Commonwealth interpretation of National Environmental Standards, requiring further modelling, revised offsets or additional cumulative impact analysis. A housing or infrastructure project may be delayed where a listed species, threatened ecological community or offset obligation triggers Commonwealth referral in parallel with State and local processes. An agricultural landholder may defer land management, expansion or productivity investment because the interaction between vegetation management, MNES thresholds, offsets and cumulative impact expectations is unclear. A regional assessment team may also be required to apply new Commonwealth expectations before guidance, templates and internal capability have fully caught up.^[16]

These examples illustrate that productivity impacts arise through everyday regulatory interactions: requests for further information, inconsistent evidentiary expectations, duplicated assessment steps, uncertain offsets, delayed escalation and conservative internal review. They also show why Queensland's response should focus on implementation architecture rather than solely on legislative interpretation.

6.1 Cost-Shifting to Queensland

A further productivity issue is the risk that Commonwealth reforms shift implementation costs to Queensland. Even where formal decision-making remains Commonwealth-led, Queensland agencies may be required to provide additional assessment support, regional intelligence, compliance monitoring, data, technical advice and bilateral reporting. These costs may not appear as direct Commonwealth regulatory costs, but they are real system costs borne by State agencies, proponents and regional communities.^[17] Queensland Audit Office material reinforces the importance of independent assurance, implementation oversight and public-sector performance visibility when government entities absorb additional responsibilities or delivery risks.^[18] In practice, this cost-shift manifests in several predictable areas:

The Commission should therefore treat cost-shifting as a core inquiry issue. A reform that appears efficient at the Commonwealth level may still reduce productivity if it transfers implementation effort to Queensland without funding, capability or clear operating protocols.

6.2 Agriculture, Land Management and Land Value Impacts

The reforms also have specific implications for agriculture, land management and land value. For landholders, uncertainty about land-clearing rules, MNES thresholds, environmental offsets and cumulative impact expectations can affect routine land management decisions as well as longer-term investment in productivity improvements. Where obligations are unclear or perceived as open-ended, landholders may delay development, avoid vegetation management activities, reduce investment in infrastructure, or discount the productive value of land subject to potential Commonwealth constraints.^[19]

Queensland's regional and agricultural context makes this issue particularly important. Environmental regulation must recognise the operational realities of managing land across drought, flood, fire, weeds, pest animals and biosecurity pressures. A regulatory design that is precise in Canberra but difficult to apply in regional Queensland will increase uncertainty, reduce compliance confidence and weaken both productivity and environmental outcomes.

Queensland should therefore develop practical landholder-facing guidance that explains how the new Commonwealth requirements interact with State vegetation management, agricultural development, offsets, routine land management and regional compliance expectations. This guidance should be plain-language, scenario-based and regionally tested before finalisation.

Illustrative Queensland Example: Renewable Energy Project

A proponent seeks approval for a large-scale renewable energy project in regional Queensland. Under Queensland's existing system, the project proceeds through a well-understood pathway with established expectations for ecological surveys, offsets, and cumulative impact analysis.

Under the new EPBC architecture, the Commonwealth EPA applies a different interpretive lens. Its emerging rulings emphasise cumulative landscape-scale impacts and require modelling that Queensland's regional teams have not historically used. The Commonwealth requests additional modelling iterations, while Queensland's assessment team considers the existing evidence sufficient.

The result is a three-way negotiation between the proponent, Queensland, and the Commonwealth. Each iteration adds time, cost, and uncertainty. None of the delays arise from environmental ambition, they arise from interpretive divergence, capability asymmetry, and unclear decision rights.

This is the type of friction Queensland can avoid through deliberate alignment.

This example illustrates how productivity impacts can arise even when both jurisdictions are pursuing legitimate regulatory objectives. The friction is generated by unclear decision rights, differing evidentiary expectations, and uneven capabilities, rather than by the environmental standard itself.

6.3 Summary: Productivity Impacts Are System-Generated

Taken together, these examples show that the productivity impacts of the EPBC reforms are generated by system conditions: how authority is distributed, how evidence requirements accumulate, how capability is deployed, how transition uncertainty is managed, and how informal practices shape day-to-day decision-making. For Queensland, the practical response is therefore not simply to interpret the new rules, but to design an implementation environment that reduces duplication, clarifies expectations and supports consistent decisions across agencies and regions.

7. Investment Uncertainty and Economic Impacts

Productivity impacts extend beyond regulatory processes into the broader economy. Uncertainty about:

- the content of Standards
- the behaviour of the federal EPA
- the alignment of State and Commonwealth systems
- the timing of subordinate instruments
- the consistency of decision-making

Together these factors all influence investment decisions.

Investors respond to uncertainty by:

- delaying final investment decisions
- increasing contingency allowances
- reducing project scope
- shifting capital to jurisdictions with clearer regulatory pathways

These behaviours have direct implications for Queensland's economic productivity and regional development.

The EPBC reforms generate productivity impacts through:

- structural misalignment
- increased information burden
- capability bottlenecks
- interpretive divergence
- temporal uncertainty
- informal system resistance

These impacts arise from system architecture, not environmental ambition. Addressing them requires system-level solutions.

8. The Missing Layer: Regulatory Dark Matter

The EPBC reforms redesign the formal architecture of environmental regulation, but they do not directly address the informal system that determines how regulation operates in practice. This informal system, including tacit norms, routines, decision-rights and interpretive habits embedded within agencies, is referred to in this submission as Regulatory Dark Matter.

Regulatory Dark Matter is not visible in legislation, organisational charts or formal process maps. Yet it shapes assessment behaviour, evidentiary expectations, escalation choices and the speed and consistency of decisions.

Understanding and managing this layer is essential if Queensland is to minimise friction and maximise certainty under the new EPBC architecture.

8.1 What Regulatory Dark Matter Is

Regulatory Dark Matter consists of the informal, tacit, and often undocumented elements of the regulatory system^[20], including:

- Interpretive norms – How assessors read evidence, apply Standards, and weigh risk.
- Legacy routines – Established habits and internal processes that persist regardless of formal change.
- Tacit decision-rights – Who actually makes decisions, who influences them, and how escalation works in practice.
- Cultural risk postures – Whether agencies default to precaution, permissiveness, or procedural defensiveness.
- Informal coordination mechanisms – How agencies communicate, negotiate, and resolve uncertainty outside formal channels.
- Unwritten expectations – The implicit rules that shape what “good enough” looks like in assessments.

These elements are rarely documented, but they are the primary determinants of regulatory behaviour.

8.2 Why Dark Matter Determines Productivity

Productivity in regulatory systems is not driven by the number of rules, but by the behavioural patterns that emerge when people interpret and apply those rules. Dark Matter shapes:

Assessment speed

Informal routines determine how quickly information is processed, how decisions are escalated, and how risk is weighed.

Interpretive norms, not formal Standards alone, determine whether similar projects receive similar treatment.

Predictability

Tacit expectations shape what proponents must provide, how much evidence is considered sufficient, and how decisions are justified.

Friction

Misaligned informal practices between Commonwealth and State agencies lead to negotiation, rework, and delays.

Capability utilisation

Informal norms determine whether specialist expertise is used efficiently or becomes a bottleneck.

In short: Dark Matter is where productivity is gained or lost.

8.3 How the EPBC Reforms Interact with Dark Matter

The EPBC reforms introduce new Standards, pathways, and institutions, but they do not directly reshape the informal system. This creates a structural tension:

- The formal system changes quickly.
- The informal system changes slowly, selectively, or not at all.

This mismatch produces several predictable effects:

- **Drift between formal intent and actual practice:** assessors continue to use legacy routines even when new Standards require different approaches.
- **Interpretive divergence across jurisdictions:** the Commonwealth EPA and Queensland agencies develop different tacit norms unless alignment is actively managed.
- **Bottlenecks where informal routines resist change:** new information requirements collide with old workflows, slowing assessments.
- **Increased internal review and defensiveness:** during periods of uncertainty, agencies become more risk-averse, leading to more checking, rechecking and escalation.
- **Uneven implementation across regions:** regional offices adapt differently, creating variability in assessment timelines and expectations.

These effects are not failures of policy; they are predictable consequences of unaddressed Dark Matter.

8.4 Regulatory Dark Matter Diagnostic: Queensland Indicators

Queensland can diagnose its Regulatory Dark Matter by examining the following indicators:

- Informal decision rights: Where decisions are made in practice versus where they are made on paper.
- Legacy routines: Assessment habits, templates, and workflows that persist regardless of formal reform.

- Tacit interpretive norms: Unwritten expectations about what constitutes “sufficient” evidence, modelling, or mitigation.
- Regional variability: Differences in thresholds, documentation expectations, and risk posture across regions.
- Consultant-driven heuristics: Standardised consultant templates that shape assessments more than formal guidance.
- Risk-tightening during uncertainty: A tendency for assessors to become more conservative when rules, Standards, or Commonwealth expectations are unclear.
- Informal escalation pathways: Who is actually consulted when decisions are difficult, and how that differs from formal governance.

Mapping these elements would help Queensland identify where formal reform intent may diverge from operational practice.

8.5 Implications for Queensland

Queensland’s ability to minimise friction and maximise certainty under the EPBC reforms depends on how effectively it manages its own Dark Matter. Key implications include:

- **Queensland must map its informal system:** understanding tacit decision-rights, interpretive norms and legacy routines is essential for aligning with the new Commonwealth architecture.
- **Alignment must occur at the level of practice, not just policy:** formal harmonisation is insufficient if assessors interpret Standards differently.
- **Capability uplift must include behavioural and cultural dimensions:** technical training alone will not shift risk postures or informal routines.
- **Queensland must anticipate and manage interpretive divergence:** without deliberate coordination, Commonwealth and State interpretations will drift apart.
- **Transition planning must include informal system change:** reforms will fail if they rely solely on formal instruments to drive behavioural change.

8.6 Summary: Dark Matter Is the Determinant of Real-World Outcomes

The EPBC reforms change the formal architecture of environmental regulation. Productivity outcomes will be determined by the informal architecture, the Regulatory Dark Matter that shapes how decisions are made in practice.

If Queensland does not address this layer, the reforms will generate:

- friction
- delay
- inconsistency
- uncertainty

- capability strain

If Queensland *does* address this layer, it can create:

- faster assessments
- more consistent decisions
- clearer expectations for proponents
- reduced administrative burden
- a more predictable investment environment

Dark Matter is not a peripheral concept. It is a significant implementation risk and a major productivity lever because it shapes how formal reform is translated into day-to-day regulatory practice.

9. Queensland-Specific Environmental Regulatory Census

This census is descriptive rather than enumerative; it provides a structured architecture through which Queensland’s environmental regulatory loci can be mapped if required. It reflects Queensland’s layered governance framework across environmental protection, planning and development assessment, vegetation management, coordinated projects and reef governance.^[21]

The census should be read as a diagnostic map of where EPBC reform pressure will be absorbed inside Queensland’s system. It identifies the formal institutions that will carry legal responsibility, the embedded agencies that will translate environmental requirements into sectoral decisions, the regional and technical communities that will operationalise evidence requirements, and the informal practices that will determine whether the reforms produce consistency or friction in practice.

Table 3 applies the seven-layer regulatory architecture to Queensland’s environmental system. Its purpose is to make visible the different institutional layers through which environmental authority is exercised, including not only formal regulators but also embedded sectoral agencies, regional operational units, professional communities, intergovernmental arrangements and informal practice.

The census shows why Queensland’s implementation task is complex. The State does not operate through a single environmental regulator alone; it relies on a distributed architecture in which environmental decisions are embedded across development, resources, transport, agriculture, regional delivery and reef governance. This distribution increases the number of points where Commonwealth reform architecture can create friction.

This matters for the Commission because productivity risk is distributed across the architecture rather than concentrated in a single approval point. A delay or interpretive mismatch at any layer — for example, between a Commonwealth Standard and a regional assessment routine, or between a bilateral agreement and local implementation capability — can cascade through project design, evidence collection, agency negotiation and investment timing. The table therefore supports the submission’s central recommendation that Queensland should treat implementation as a whole-of-system alignment task, not as a narrow update to environmental approval procedures.

Table 3. Queensland environmental regulatory architecture under the seven-layer model.

Layer	What it includes	Core environmental functions	Key EPBC interaction points	Dark Matter characteristics
1. Primary statutory environmental regulators	DESI; environmental authority and EIS functions under the EP Act; GBRMPA interface ^[22]	Impact assessment, approvals, licensing, enforcement	Primary interface with Standards and federal EPA; high divergence risk	Legacy routines; tacit norms; risk tightening under scrutiny
2. Embedded environmental regulators in ministries	Coordinator-General; Resources; Transport and Main Roads; Agriculture/Fisheries/Forestry; State and local planning functions ^[23]	Sector-specific environmental approvals; vegetation; fisheries; linear infrastructure	Where Commonwealth Standards meet State development priorities	Prioritisation of “state significant” projects; informal escalation pathways
3. Embedded environmental operational units	Regional DESI teams; local government environmental units; NRM/catchment teams	Day-to-day assessment, compliance, inspections	Where national Standards meet local practice; uneven implementation risk	Strong local routines; informal triage; consultant-influenced expectations
4. Environmental professional, technical, accreditation bodies	Certified practitioners; auditors; ecology/planning/engineering bodies; approved persons	Technical assessments; modelling; surveys; offsets	Consultants interpret Standards first; risk of heuristic divergence	Consultant norms become de facto standards; peer-driven expectations
5. Cross-jurisdictional & intergovernmental arrangements	EPBC bilaterals; Reef 2050; Great Barrier Reef intergovernmental arrangements; GBRMPA–Queensland interfaces; basin/coastal frameworks ^[24]	Shared governance; coordinated assessments; biodiversity/water/reef	Bilateral redesign is a structural hinge; misalignment cascades downward	Informal “understandings” about leadership and deference
6. Environmental tribunals & review bodies	Planning & Environment Court; Land Court; internal review mechanisms	Review, interpretation, precedent-setting	Commonwealth rulings + Qld case law = hybrid interpretive space	Internal conservatism shaped by “what will stand up in court”
7. Environmental regulatory Dark Matter	Routines, tacit decision-rights, risk posture, regional variation, consultant loops	Informal implementation layer shaping real-world behaviour	Formal change sits atop existing practice; lag and resistance likely	Primary source of friction, delay, and interpretive divergence

9.1 Commonwealth-Specific 7-Layer Environmental Regulatory Census

The Commonwealth census should be read alongside the Queensland census above. Where the Queensland table shows the distributed State system that must absorb the reforms, this table shows the strengthened Commonwealth architecture that will shape interpretation, oversight and national consistency under the new EPBC regime. The comparison helps identify where authority, capability and informal practice are likely to meet, and where they may misalign.

Table 4 mirrors the Queensland census by mapping the Commonwealth environmental architecture across the same seven layers. This comparison is important because the EPBC reforms do not simply add new rules; they strengthen the Commonwealth side of the architecture that Queensland must now interface with.

This asymmetry matters for the Commission because productivity risk arises when Commonwealth authority expands faster than State implementation systems can adjust. The Commonwealth holds the new Standards, EPA, rulings and national interpretive authority, but it remains dependent on Queensland's assessment pathways, regional delivery units, technical communities and bilateral instruments to make those requirements work in practice. Without deliberate alignment, the reforms may increase formal consistency while shifting costs, delays, and interpretive burdens into Queensland's operational system.

This means the Commonwealth architecture should not be understood as self-executing. Its practical effect in Queensland will depend on how national Standards, rulings and EPA practices are translated through State assessment pathways, regional delivery units, technical communities and bilateral instruments. The table therefore reinforces the need for active interface management: without deliberate alignment, Commonwealth authority may increase consistency at the formal level while creating additional friction at the operational level.

Table 4. Commonwealth environmental regulatory architecture under the seven-layer model.

Layer	What it includes	Core environmental functions	Key EPBC interaction points	Dark Matter characteristics
1. Primary statutory environmental regulators	DCCEEW; Federal EPA; GBRMPA; other Commonwealth statutory environmental bodies	EPBC approvals, compliance, enforcement, Standards, national environmental governance	Architectural core of the reforms: Standards, rulings, EPA practice	Established EPBC culture; legal-risk-driven norms; tacit definitions of “significance” and acceptable conditions
2. Embedded environmental regulators in Commonwealth ministries	Infrastructure/Transport; Defence; Agriculture/Biosecurity; Resources/Industry	Environmental approvals for Commonwealth works; biosecurity; Defence estate management; offshore resources	Where Commonwealth sectoral priorities meet Commonwealth environmental Standards	Prioritisation of strategic projects; tacit internal escalation rules; embedded trade-off assumptions
3. Embedded environmental operational units	DCCEEW/EPA compliance teams; GBRMPA operational units; Defence/Parks Australia on-ground teams	Inspections, monitoring, enforcement, permitting	Translation of Standards and rulings into real-world compliance practice	Local enforcement cultures; informal triage; reliance on State partners
4. Environmental professional, technical, accreditation bodies	Commonwealth-recognised auditors; expert panels; scientific advisory committees; referenced professional bodies	Technical assessments; modelling; expert advice; evidentiary baselines	Standards operationalised through technical communities; consultant-driven interpretation	Informal hierarchies of trusted experts; recurring templates becoming de facto standards
5. Cross-jurisdictional & intergovernmental arrangements	EPBC bilaterals; Reef 2050; GBRMPA–Qld frameworks; basin/coastal arrangements; national monitoring/data collaborations	Shared governance; coordinated assessments; biodiversity, water, reef management	Bilateral redesign is a structural hinge; misalignment cascades into State systems	Informal understandings about leadership and deference; path-dependent COAG-style practices
6. Environmental tribunals & review bodies	AAT (and successors); Federal Court; High Court; internal review mechanisms	Review and interpretation of Commonwealth environmental decisions; precedent-setting	New Standards and rulings create new lines of challenge; early cases shape national risk posture	Internal beliefs about “what will survive review”; conservative internal practice
7. Environmental regulatory Dark Matter (informal system)	Legacy EPBC culture; tacit decision-rights; risk posture; policy–operations gap; inter-jurisdictional habits	Informal implementation layer shaping real-world behaviour	Determines how quickly practice shifts under the new architecture	Thick in EPBC/legal areas; moderate in reform units; high influence on consistency and confidence

9.2 Commonwealth environmental authority architecture profile (high-level)

- Strong central environmental authority (DCCEEW + EPA) with national remit.
- Significant environmental functions embedded in powerful sectoral portfolios (Defence, Infrastructure, Agriculture).
- Heavy reliance on intergovernmental arrangements and State systems for on-ground implementation.
- Dense legal and policy Dark Matter around EPBC, risk, and precedent.
- High leverage over national interpretive culture via Standards, rulings, and guidance.

9.3 Misalignment and friction hotspots (indicative)

- **Commonwealth vs State development priorities:** Sectoral portfolios vs environmental Standards.
- **Bilateral agreements:** Old EPBC-era assumptions vs new architecture.
- **Interpretive culture:** Commonwealth rulings vs State assessment cultures.
- **Transition period:** Legacy EPBC practice vs new Standards/EPA, with incomplete instruments.

10. How the Commonwealth Architecture Interacts with Queensland's System Under the EPBC Reforms

The EPBC reforms introduce a Commonwealth-centred architecture built around National Environmental Standards, a federal EPA and a rulings-based interpretive framework. Queensland enters this system with a mature, regionally distributed environmental regime shaped by State legislation, sectoral regulators and embedded operational practice. Their interaction is structural, not merely additive, and will shape productivity, certainty and implementation risk.^[25]

At the mid-system level, the Commonwealth's architecture intersects with Queensland's embedded regulators, including the Coordinator-General, Resources, Transport, Agriculture and planning/development assessment bodies, whose environmental functions sit inside economic, infrastructure, land-use or sectoral portfolios.^[26] These agencies operate with different priorities, cultures, and tacit norms. The Commonwealth's Standards introduce a new layer of constraint that may conflict with long-standing State development facilitation practices, creating friction at the interface between major project assessment and national environmental expectations.

Operationally, the Commonwealth relies heavily on Queensland's regional assessment and compliance units and local development assessment structures to implement environmental controls on the ground.^[27] This creates a structural dependency: national Standards will only be realised if Queensland's regional practices, staffing, and informal routines align with Commonwealth

expectations. Without deliberate coordination, regional variation in Queensland’s practice will translate into inconsistent national implementation.

The Commonwealth’s architecture also interacts with Queensland through cross-jurisdictional arrangements, particularly in reef governance and bilateral assessment agreements. These arrangements become the hinge points where national Standards must be reconciled with State processes. If bilateral agreements are not redesigned to reflect the new architecture, Queensland will experience duplication, conflicting expectations, and increased negotiation between agencies.^[28]

Finally, the Commonwealth reforms meet Queensland’s Regulatory Dark Matter: tacit decision-rights, legacy routines and risk postures that govern day-to-day regulatory behaviour. The Commonwealth can change formal rules, but Queensland’s informal system will influence how quickly and consistently those rules are applied.

Productivity outcomes will therefore depend on how deliberately Queensland manages the Commonwealth–State interface: structurally, operationally and culturally.

10.1 Where Friction Will Occur: The Five Highest-Risk Interfaces Between Commonwealth and Queensland Systems

National Environmental Standards vs Queensland assessment practice

The new Commonwealth Standards and rulings will set a national benchmark that Queensland assessors must meet, but Queensland’s existing assessment templates, thresholds, and risk heuristics were built under a different regime, including the EP Act, Planning Act and vegetation management framework.^[29] Friction will arise where long-standing Queensland practices (e.g. how “significance”, offsets, or cumulative impacts are judged) do not align with Commonwealth interpretations, forcing re-work, internal dispute, and slower decisions.

Federal EPA vs Queensland’s primary environmental regulator (DESI)

The federal EPA becomes a new interpretive and enforcement centre, while DESI remains Queensland’s core environmental regulator. Friction will occur where:

- the EPA’s risk posture is more conservative than DESI’s;
- the EPA issues guidance or rulings that cut across Queensland’s existing policies; or
- the EPA intervenes in matters Queensland considers settled.

This creates uncertainty for proponents about whose expectations ultimately prevail.

Commonwealth architecture vs Queensland’s major projects machinery

The interface between the Commonwealth system and Queensland’s Coordinator-General, resources, and infrastructure portfolios is a high-risk friction zone. These State entities are geared to facilitate “state significant” and strategic projects, often on tight timelines. The Coordinator-General’s coordinated projects framework is expressly designed for large, complex projects requiring multi-agency coordination and environmental impact assessment.^[30] When Commonwealth Standards, EPA scrutiny, or rulings constrain or slow these projects, Queensland’s internal development priorities and the Commonwealth’s environmental expectations will collide, generating delay, negotiation, and political pressure.^[31]

Bilateral agreements vs on-ground regional practice

On paper, redesigned bilateral agreements can streamline assessment and reduce duplication. In practice, friction will arise where:

- bilateral text assumes a level of capability or consistency that Queensland's regional offices cannot sustain;
- regional routines diverge from what the Commonwealth believes is being delivered; or
- Commonwealth audit or oversight finds gaps between agreed processes and actual practice.

The gap between formal bilateral design and regional reality is a major source of hidden friction.

Commonwealth interpretive culture vs Queensland's Regulatory Dark Matter

The Commonwealth's EPBC culture, legalistic, precedent-driven and risk-averse, will meet Queensland's own Dark Matter: regional norms, legacy routines and tacit escalation pathways. Friction will occur where:

- Commonwealth rulings demand shifts in practice that Queensland's informal system is slow to adopt;
- regional offices continue "how we've always done it" despite new Standards; or
- consultants calibrate to mixed signals from Brisbane and Canberra.

This interface is the least visible but the most consequential. It is where formal reform is either absorbed smoothly or converted into systemic delay and uncertainty.

10.2 Jurisdictional Comparison

Across jurisdictions, Queensland is structurally distinctive. Like Western Australia and New South Wales, it faces a high-intensity Commonwealth interface because of its resources exposure, project pipeline and environmentally sensitive assets. Its combination of reef governance, Coordinator-General machinery and regionalised assessment creates more potential friction points than compact, centralised systems such as Victoria, Tasmania and the ACT. Western Australia and the Northern Territory may face sharper Commonwealth interactions for different reasons, including offshore regimes, Commonwealth land and thin regional capability.

Table 5 provides an indicative comparison of Queensland's exposure to the EPBC reforms against other Australian jurisdictions. It is not intended as a formal ranking; rather, it identifies structural features that influence the likely intensity of Commonwealth interaction, Dark Matter thickness, major project exposure, bilateral complexity and regional capability pressure.

Table 5. Comparative snapshot of Queensland's exposure to the EPBC reforms relative to other Australian jurisdictions.

Jurisdiction	Commonwealth interface intensity	Dark Matter thickness (env)	Major projects exposure	Bilateral complexity	Regional capability pattern
Queensland	High (reef, resources, major projects)	Thick, strongly regionalised	Very high (resources, energy, infrastructure)	High (reef + EPBC bilaterals)	Strong but uneven; heavy regional role
New South Wales	High (urban growth, infrastructure)	Thick, more legalistic	High (transport, urban, energy)	Medium–high	Strong centre, strong metro, variable regions
Victoria	Medium–high (planning-heavy, less resources)	Moderate–thick, process-driven	Medium–high (infrastructure, renewables)	Medium	Strong central capability, compact geography
Western Australia	Very high (resources, offshore, Commonwealth lands)	Thick in resources space	Extremely high (mining, gas, ports)	High (offshore, bilateral, sectoral regimes)	Strong in resources corridors, thinner elsewhere
South Australia	Medium	Moderate	Medium (energy, resources, defence)	Medium	Concentrated around Adelaide, thinner regionally
Tasmania	Medium (forests, biodiversity, hydro)	Moderate	Medium (hydro, forestry, tourism)	Medium	Small system, concentrated expertise
Northern Territory	High relative to size (land, defence, resources)	Thick in a few nodes	Medium–high (onshore gas, defence, land)	High (land tenure, Indigenous interests, Cth role)	Thin, highly stretched regionally
ACT	Low–medium (planning, NCA, Cth land)	Moderate	Low (few major projects)	Low–medium	Small, centralised

The comparison reinforces the central finding that Queensland is both highly exposed and strategically important. Its combination of resource intensity, reef governance, regionalised delivery and major project machinery means it is likely to experience substantial interface pressure under the new EPBC architecture. Effective alignment in Queensland would therefore provide a strong model for broader national implementation.

10.2.1 Where Queensland is structurally similar

Western Australia (resources-heavy, Commonwealth-exposed)

- **Similarity:** High exposure to EPBC via resources, linear infrastructure, and sensitive environments.
- **Effect:** Both face intense Commonwealth scrutiny on major projects and cumulative impacts.
- **Friction risk:** High at the interface of State development priorities and Commonwealth Standards.

New South Wales (complex, multi-layered, big project pipeline)

- **Similarity:** Dense institutional landscape, strong planning and environment machinery, big project pipelines.
- **Effect:** Both must manage alignment across multiple powerful State actors plus the Commonwealth.
- **Friction risk:** High around infrastructure corridors, urban expansion, and biodiversity impacts.

10.2.2 Where Queensland is structurally distinct

Reef exposure as a unique Commonwealth–State hinge^[32]

- Queensland’s reef interface (GBRMPA, Reef 2050, World Heritage status) gives the Commonwealth a more direct and politically salient role than in any other State.
- This amplifies Commonwealth leverage and increases the salience of Standards, rulings, and monitoring.

Depth and variability of regional practice

- Queensland’s regionalised assessment and compliance footprint is larger and more diverse than most jurisdictions.
- This increases the risk that national Standards will be implemented unevenly unless Queensland actively manages regional Dark Matter.

Coordinator-General model for major projects

- Queensland’s Coordinator-General model creates a strong, centralised State project engine that must now align with a stronger Commonwealth environmental centre.
- Other States have powerful planning bodies, but Queensland’s CG has a distinctive role in sequencing and shaping major projects.

10.2.3 Where other jurisdictions may experience less friction than Queensland

Victoria

- More compact geography, strong central capability, and a planning-centric model may make alignment with Commonwealth Standards more administratively tractable.

- Fewer very large resources projects reduces the number of high-stakes Commonwealth–State collisions.

Tasmania and ACT

- Smaller systems with fewer major projects and more centralised capability may find it easier to pivot to new Standards and rulings, albeit from a lower capacity base.

10.2.4 Where other jurisdictions may experience more friction than Queensland

Western Australia

- Even more concentrated resources exposure and strong State assertiveness may generate sharper conflicts with Commonwealth Standards and the EPA on climate, biodiversity, and cumulative impacts.

Northern Territory

- High Commonwealth involvement (land, defence, Indigenous interests) combined with thin regional capability creates structural dependence on Commonwealth decisions and guidance, with high friction potential.

This comparative pattern positions Queensland as a test case for national implementation. If alignment between State and Commonwealth architectures can be achieved in Queensland, where the system is large, distributed, and exposed to multiple Commonwealth levers, it is likely achievable elsewhere. Conversely, any misalignment in Queensland will propagate quickly through bilateral processes, reef governance, and major project pathways, amplifying national friction. Queensland's structural profile therefore makes it both a high-risk and high-leverage jurisdiction for the success of the EPBC reforms.

10.2.5 Why the comparison strengthens Queensland's reform priorities

The comparative analysis shows that Queensland sits at the centre of national implementation risk: it shares Western Australia's high-stakes resources exposure and New South Wales' complex institutional landscape, but adds unique Commonwealth touchpoints through reef governance, a powerful Coordinator-General, and a deeply regionalised assessment system. This combination creates more friction interfaces and more opportunities for drift than in jurisdictions with compact, centralised architectures such as Victoria or Tasmania. It also means Queensland's informal system will carry disproportionate weight in shaping how the EPBC reforms function in practice. These structural realities reinforce the need for Queensland to adopt the recommendations in this submission: aligning authority architecture with the new Commonwealth centre, building a coherent State-specific implementation model, strengthening capability, especially regionally, increasing transparency, and actively managing its Regulatory Dark Matter. Queensland's configuration makes these actions not optional but essential if the State is to minimise friction, maintain certainty, and avoid becoming the national bottleneck in the transition to the new EPBC regime.

11. What Queensland Should Do to Minimise Friction and Maximise Certainty

The EPBC reforms introduce a new national regulatory architecture that Queensland must now operate within. The productivity impacts identified in this submission are not inevitable; they arise from misalignment, capability gaps, interpretive divergence, and unmanaged informal systems. Queensland can mitigate these impacts by adopting a deliberate, system-level implementation strategy.

This section outlines the actions Queensland should take to ensure a coherent, predictable, low-friction regulatory environment under the new EPBC framework.

11.1 Queensland's First 90 Days: Priority Actions

1. **Establish a Queensland–Commonwealth Alignment Taskforce.** Create a joint working group with the federal EPA to map decision rights, clarify escalation pathways and identify immediate friction points.
2. **Publish interim transition guidance.** Provide clear advice to proponents on which rules apply, how Standards will be interpreted during transition and how existing projects will be treated.
3. **Begin redesign of bilateral agreements.** Ensure new agreements reflect the Standards, rulings framework and federal EPA, rather than legacy EPBC arrangements.
4. **Launch a targeted capability uplift program.** Prioritise ecological modelling, cumulative impact assessment, environmental economics and legal interpretation of Standards, with a focus on regional capability.
5. **Develop Queensland-specific interpretive aids.** Produce templates, checklists and guidance aligned with National Environmental Standards to reduce internal variability.
6. **Initiate a Regulatory Dark Matter diagnostic.** Map informal decision rights, tacit norms, legacy routines and risk postures across Queensland's assessment system to identify where drift will occur.

These actions create early momentum, reduce uncertainty, and position Queensland to shape, rather than absorb, the new national architecture.

11.2 Align Authority Architecture with the New Commonwealth System

Queensland must ensure its regulatory architecture aligns structurally with the new Commonwealth framework. This requires:

Clarifying decision-rights

- Define which decisions sit with Queensland, which sit with the Commonwealth, and which require joint or sequential consideration.
- Remove ambiguity in escalation pathways and approval responsibilities.

Reducing duplication

- Identify assessment steps that are duplicated across jurisdictions.
- Develop streamlined processes that satisfy both Commonwealth Standards and Queensland requirements without parallel effort.

Harmonising interpretive frameworks

- Establish shared interpretive principles for applying National Environmental Standards.
- Develop joint guidance to reduce divergence between Commonwealth and State assessors.

Embedding alignment into bilateral agreements

- Ensure bilateral agreements reflect the new authority architecture, not legacy arrangements.

Bilateral redesign should be guided by practical design principles: one lead pathway for proponents wherever possible; no duplicated evidence requirements; shared interpretation of National Environmental Standards; clear escalation rules; transparent timeframes; published accountability for delays; joint audit arrangements; and explicit checks that regional capability is sufficient to deliver the agreed process. The current Commonwealth–Queensland assessment bilateral agreement already aims to reduce duplication by allowing Queensland assessment processes to inform Commonwealth EPBC assessment decisions, but the new reform architecture requires that agreement to be actively updated rather than treated as a legacy administrative instrument.^[33]

Alignment at the level of system structure is essential to avoid friction at the level of system performance.

11.3 Build a Queensland-Specific Implementation Architecture

Queensland needs a coherent implementation model that integrates the new Commonwealth architecture into its existing system.

Design clear assessment pathways

- Map how each Commonwealth pathway interacts with Queensland's processes.
- Provide proponents with a single, predictable pathway for each project type.

Establish a coordination mechanism with the Commonwealth EPA

- Create a standing inter-agency coordination unit.
- Use shared case management protocols to reduce negotiation and rework.

Develop a transition model

- Clarify which rules apply to which projects during the transition period.
- Provide guidance for proponents navigating the shift from the old EPBC regime to the new one.

Sequence Queensland reforms with Commonwealth timing

- Avoid implementing State-level changes before Commonwealth Standards and rulings are finalised.

- Align internal updates with the release of subordinate instruments.

A Queensland-specific implementation architecture is the primary lever for reducing uncertainty.

11.4 Address Capability Gaps and Build System Capacity

The reforms increase analytical and interpretive demands. Queensland must ensure its system has the capability to meet them.

Targeted capability uplift

- Prioritise ecological modelling, cumulative impact assessment, environmental economics, and legal interpretation of Standards.
- Focus on regional offices where capability constraints are most acute.

Strengthen internal guidance and decision support

- Develop Queensland-specific templates, checklists, and interpretive tools aligned with the new Standards.

Expand access to specialist expertise

- Establish a shared specialist pool across agencies.
- Use secondments, joint training, and cross-jurisdictional working groups.

Support proponents and consultants

- Provide clear expectations for evidence, modelling, and documentation under the new Standards.

Capability is a determinant of productivity; without it, friction becomes systemic.

11.5 Increase Transparency and Predictability for Proponents

Predictability is a core productivity driver. Queensland can increase certainty by making expectations explicit.

Publish Queensland-specific guidance

- Clarify how National Environmental Standards will be applied in Queensland.
- Provide examples, thresholds, and interpretive positions.

Issue early interpretive statements

- Where Standards are ambiguous, provide interim guidance to reduce uncertainty.

Improve visibility of assessment progress

- Use transparent tracking tools to reduce unnecessary follow-up and negotiation.

Standardise information requirements

- Reduce variability across regions and assessment teams.

Predictability reduces risk-pricing and accelerates investment decisions.

11.6 Map and Manage Queensland's Regulatory Dark Matter

Queensland must address the informal system, the tacit norms and routines that determine how regulation actually works.

Conduct a Dark Matter diagnostic

- Map informal decision-rights, legacy routines, risk postures, and interpretive norms.
- Identify where informal practices diverge from formal expectations.

Align practice with the new architecture

- Update internal routines, templates, and workflows to reflect the new Standards and pathways.

Manage interpretive divergence

- Establish joint Commonwealth–Queensland interpretive forums.
- Use shared case reviews to harmonise practice.

Shift risk postures

- Provide training and leadership direction to avoid defensive or overly conservative interpretations during transition.

Embed informal system change into implementation planning

- Treat Dark Matter as a core implementation risk, not an afterthought.

Managing Dark Matter is therefore a practical lever for reducing friction, improving consistency and increasing certainty.

11.7 Summary: A System-Level Response to a System-Level Reform

To minimise friction and maximise certainty, Queensland must:

- Align its authority architecture
- Build a coherent implementation model
- Address capability constraints
- Increase transparency and predictability
- Manage its informal system

These actions will allow Queensland to absorb the EPBC reforms with minimal disruption, maintain regulatory performance, and support a stable, investment-ready environment.

12. Findings

The findings of this submission show that the most significant impacts arise not from the content of the Standards themselves, but from the way the new Commonwealth architecture interacts with Queensland's existing authority structures, capability distribution, and informal system. Five structural drivers dominate:

1. The EPBC reforms fundamentally alter Australia's regulatory architecture

The introduction of National Environmental Standards, a federal EPA, new pathways, and rulings creates a new Commonwealth-centred authority structure that Queensland must now operate within.

2. Productivity impacts arise from system conditions, not environmental ambition

Friction arises from shifts in authority, interpretive uncertainty, capability constraints, and temporal misalignment, rather than from the content of the Standards themselves.

3. Queensland's existing system does not map cleanly onto the new Commonwealth architecture

Queensland's mature, regionally distributed regulatory system interfaces awkwardly with the new federal structure, creating structural misalignment and duplicated effort.

4. Interpretive divergence is a major and under-recognised risk

The Commonwealth EPA and Queensland agencies will develop distinct interpretive cultures unless alignment is actively managed, resulting in inconsistent expectations and unpredictable outcomes.

5. Specialist capability is a binding constraint across both jurisdictions

The reforms increase analytical and modelling requirements at a time when ecological, cumulative impact, and environmental economics capability is unevenly distributed and already stretched.

6. Temporal sequencing of the reforms creates unavoidable uncertainty

Legislation is in place while Standards, rulings, guidance, and bilateral redesigns are still emerging. This misalignment slows assessments and increases risk-pricing by proponents.

7. Regulatory Dark Matter will determine real-world outcomes

Legacy routines, tacit norms, informal decision rights, and risk postures will shape how quickly and consistently the new architecture is implemented. Without deliberate management, Dark Matter will override formal reform intent.

8. Queensland can materially reduce friction through system-level alignment

Clear authority structures, shared interpretive frameworks, targeted capability uplift, transparent pathways, and active management of informal practices will significantly improve certainty and regulatory performance.

Comparative analysis shows that while several jurisdictions face high exposure to the reforms, Queensland's configuration is uniquely complex. It combines Western Australia's resources intensity, New South Wales' institutional density, and its own distinctive reef and regional governance footprint. This makes Queensland both a high-risk and high-leverage jurisdiction: if alignment can be achieved

here, it can be achieved nationally; if not, Queensland becomes the bottleneck through which national friction accumulates.

12.1 Consolidated Recommendations

To support a stable transition and ensure Queensland remains aligned with the new national architecture, the State should adopt a consolidated set of system-level actions. These recommendations integrate the priorities introduced at the front of the submission and developed in detail in section 11 and should be treated as a single implementation package rather than discrete or optional reforms. Delivering this requires Queensland to build an implementation architecture that:

- **aligns authority structures** with the new Commonwealth centre, establishing clear decision rights, escalation pathways and bilateral arrangements that reflect the new Standards and EPA;
- **integrates pathways** through a Queensland-specific implementation model that connects Commonwealth processes with State systems and provides proponents with predictable, single-pathway guidance;
- **strengthens capability** in ecological modelling, cumulative impact assessment, environmental economics and regional assessment teams;
- **improves system transparency** through clear guidance, interim interpretive statements and visible assessment progress tracking;
- **actively manages Regulatory Dark Matter** by aligning informal routines, risk postures and regional practices with the new national architecture.

Together, these actions form a coherent implementation architecture that reduces friction, supports consistent decision-making and preserves investment certainty during the transition to the new EPBC regime. Queensland's structural position means the reforms cannot be treated as administrative adjustments; they require deliberate architectural alignment and active implementation management.

13. Conclusion

The EPBC reforms represent a fundamental redesign of Australia's environmental regulatory architecture. They introduce new Standards, new institutions, and new interpretive mechanisms that reshape how authority flows through the system. These changes will influence Queensland's regulatory performance not through the text of the legislation, but through the system conditions the reforms create: how decision-rights are distributed, how interpretations evolve, how capability is deployed, and how the informal system adapts.

The analysis in this submission demonstrates that the most significant productivity impacts will arise from structural misalignment, capability constraints, interpretive divergence, temporal uncertainty, and the behaviour of the Regulatory Dark Matter that governs day-to-day regulatory practice. These impacts are not inherent to the environmental ambition of the reforms; they are the predictable consequences of introducing a new national architecture into an existing, mature State system.

Queensland has a strategic opportunity to respond proactively. By aligning its authority architecture with the new Commonwealth framework, building a coherent implementation model, strengthening capability, increasing transparency, and deliberately managing its informal system, Queensland can reduce friction, improve regulatory performance, and maintain a predictable environment for investment and development.

The reforms will succeed or fail based on implementation. Productivity outcomes will be determined not by the design of the legislation, but by the architecture of the system that applies it. Queensland's task is therefore clear: to shape an implementation environment that is coherent, aligned, and capable. One that supports both environmental outcomes and economic productivity.

This submission provides a pathway for achieving that outcome.

Notes

1. Samuel, G. (2020). *Independent Review of the EPBC Act: Final Report*. Department of Agriculture, Water and the Environment; Australian Government, *Nature Positive Plan: Better for the environment, better for business* (2022).
2. Department of Climate Change, Energy, the Environment and Water, *Environment protection reforms* (last updated 15 June 2026); Department of Climate Change, Energy, the Environment and Water, *National Environmental Standard for Matters of National Environmental Significance: Exposure draft and policy position paper* (2026).
3. McGuinness, M. (2025). *Regulatory Dark Matter: The informal dynamics that shape regulatory systems*. Regulatory Intelligence Lab.
4. McGuinness, M. (2025). *Regulatory Dark Matter: The informal dynamics that shape regulatory systems*. Regulatory Intelligence Lab.
5. Productivity Commission, *Regulator Engagement with Small Business* (2013); Productivity Commission, *Shifting the Dial: 5 Year Productivity Review* (2017); OECD, *Regulatory Policy Outlook 2025* (2025).
6. Australian National Audit Office, *Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999* (Auditor-General Report No. 47 of 2019–20, 2020); Samuel, G. (2020). *Independent Review of the EPBC Act: Final Report*, especially chapters on compliance, assurance and institutional capability.
7. Queensland Productivity Commission, *Impact of the Australian Government's 2025 environment protection reforms on Queensland: Call for submissions* (2026); Queensland Productivity Commission, *Impact of the Australian Government's 2025 environment protection reforms on Queensland: Terms of reference* (2026).
8. Office of Impact Analysis, *Australian Government Guide to Policy Impact Analysis* (2023); Office of Impact Analysis, *Regulatory Burden Measurement Framework* (2024); Office of Impact Analysis, *Certification of Final Report of the EPBC Act Review* (2022).
9. State of Queensland, *Environmental Protection Act 1994* (2026); State of Queensland, *Planning Act 2016* (2026); State of Queensland, *Vegetation Management Act 1999* (2026); State of Queensland, *State Development and Public Works Organisation Act 1971* (2025).
10. Department of Climate Change, Energy, the Environment and Water, *Environment protection reforms* (last updated 15 June 2026), including staged commencement information for immediate commencement, Tranche 1, Tranche 2 and remaining reforms.
11. Department of Climate Change, Energy, the Environment and Water, *Environment protection reforms* (last updated 15 June 2026); Department of Climate Change, Energy, the Environment and Water, *National Environmental Standard for Matters of National Environmental Significance: Exposure draft and policy position paper* (2026).
12. Department of Climate Change, Energy, the Environment and Water, *Environment protection reforms* (last updated 15 June 2026); Samuel, G. (2020). *Independent Review of the EPBC Act: Final Report*; Law Council of Australia, *Draft National Environmental Standards on Matters of National Environmental Significance and Environmental Offsets* (submission, 2026).
13. Office of Impact Analysis, *Regulatory Burden Measurement Framework* (2024).
14. Infrastructure Australia, *2025 Infrastructure Market Capacity Report* (2025); Infrastructure Australia, *Billions injected into national infrastructure pipeline as governments target energy and housing growth* (2025).

15. OECD, *OECD Regulatory Policy Outlook 2025* (2025), particularly discussion of adaptive, proportionate and evidence-informed regulatory implementation.
16. Office of the Coordinator-General, *Coordinated projects* (Queensland Government, 2026); Queensland Government, *About vegetation clearing* (2023); Department of Climate Change, Energy, the Environment and Water, *Updates to land clearing rules* (2026); AgForce Queensland, *EPBC Act Reforms: Information for Queensland Producers* (2026).
17. Queensland Productivity Commission, *Impact of the Australian Government's 2025 environment protection reforms on Queensland: Terms of reference* (2026); Productivity Commission, *Regulatory Harmonisation in Federated Systems* (2014).
18. Queensland Audit Office, *Audits in Queensland* (2026); Queensland Audit Office, *2025 Status of Auditor-General's Recommendations* (Report 3: 2025–26, 2025); Queensland Audit Office, *Insights from QAO recommendations* (2024).
19. Queensland Government, *About vegetation clearing* (2023); Department of Climate Change, Energy, the Environment and Water, *Updates to land clearing rules* (2026); AgForce Queensland, *EPBC Act Reforms: Information for Queensland Producers* (2026).
20. McGuinness, M. (2025). *Regulatory Dark Matter: The informal dynamics that shape regulatory systems*. Regulatory Intelligence Lab.
21. Queensland Government, *Environmental policy and legislation* (2025); State of Queensland, *Planning Act 2016* (current reprint); Queensland Government, *About vegetation clearing* (2023); Office of the Coordinator-General, *Coordinated projects* (2026); Queensland Government and Australian Government, *Reef 2050 Long-Term Sustainability Plan 2021–2025* (updated 2024).
22. State of Queensland, *Environmental Protection Act 1994* (current reprint); Queensland Government, *Environmental policy and legislation* (2025); Great Barrier Reef Marine Park Authority, *Managing the Reef* and related Queensland Government interface materials.
23. Office of the Coordinator-General, *Coordinated projects* (2026); State of Queensland, *State Development and Public Works Organisation Act 1971* (2025); State of Queensland, *Planning Act 2016* (2026); Queensland Government, *About vegetation clearing* (2023).
24. Queensland Government and Australian Government, *Reef 2050 Long-Term Sustainability Plan 2021–2025* (updated 2024); Department of Climate Change, Energy, the Environment and Water, *The Reef 2050 Plan* (2026); Australian Government and Queensland Government, *Great Barrier Reef Intergovernmental Agreement 2024*; Department of Climate Change, Energy, the Environment and Water, *Shared environmental assessments with states and territories* (2025).
25. Department of Climate Change, Energy, the Environment and Water, *Environment protection reforms* (last updated 15 June 2026); Queensland Productivity Commission, *Impact of the Australian Government's 2025 environment protection reforms on Queensland: Terms of reference* (2026); OECD, *OECD Regulatory Policy Outlook 2025* (2025).
26. Office of the Coordinator-General, *Coordinated projects* (2026); State of Queensland, *State Development and Public Works Organisation Act 1971* (2025); Department of Climate Change, Energy, the Environment and Water, *Environment protection reforms* (2026); Samuel, G., *Independent Review of the EPBC Act: Final Report* (2020).
27. State of Queensland, *Environmental Protection Act 1994* (2026); Queensland Government, *Environmental policy and legislation* (2025); Queensland Government, *About vegetation clearing* (2023); local government development assessment and regional implementation materials.
28. Queensland Government and Australian Government, *Reef 2050 Long-Term Sustainability Plan 2021–2025* (updated 2024); Department of Climate Change, Energy, the Environment and Water, *The Reef 2050 Plan* (2026); Australian Government and Queensland Government, *Great Barrier*

Reef Intergovernmental Agreement 2024; Queensland Productivity Commission, *Impact of the Australian Government's 2025 environment protection reforms on Queensland: Terms of reference* (2026).

29. State of Queensland, *Environmental Protection Act 1994* (2026); State of Queensland, *Planning Act 2016* (2026); State of Queensland, *Vegetation Management Act 1999* (2026); State of Queensland, *State Development and Public Works Organisation Act 1971* (2025).
30. Office of the Coordinator-General, *Coordinated projects* (2026); State of Queensland, *State Development and Public Works Organisation Act 1971* (2025).
31. Department of Climate Change, Energy, the Environment and Water, *Environment protection reforms* (last updated 15 June 2026); Samuel, G. (2020). *Independent Review of the EPBC Act: Final Report*; Australian National Audit Office, *Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999* (Auditor-General Report No. 47 of 2019–20, 2020).
32. Queensland Government, *Reef 2050 Long-Term Sustainability Plan* (2024); Department of Climate Change, Energy, the Environment and Water, *The Reef 2050 Plan* (2026); Australian Government and Queensland Government, *Great Barrier Reef Intergovernmental Agreement 2024* (2024).
33. Queensland Government, *EPBC Act Bilateral Agreement* (last reviewed 11 June 2024); Department of Climate Change, Energy, the Environment and Water, *Queensland bilateral agreement for environmental assessments* (last updated 10 June 2026); Department of Climate Change, Energy, the Environment and Water, *Shared environmental assessments with states and territories* (2025).