



Australian Conservation Foundation

Submission to: National Environmental Standard for Matters of National Environmental Significance

Submission from: Australian Conservation Foundation
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AUSTRALIAN
CONSERVATION
FOUNDATION

Nature
needs us,
now



About the Australian Conservation Foundation

The Australian Conservation Foundation is Australia's national environment organisation. Since 1965, we've protected the nature we all love – our unique wildlife and our beautiful beaches and bush.

Driven by the power of people, we won World Heritage listing for the Great Barrier Reef and Kakadu National Park, and returned precious water to the rivers of the Murray-Darling.

We influence governments and businesses to protect the animals, rivers and reefs close to our hearts and hold decision-makers to account without fear or favour. Everything we do is evidence-based and helps nature and people thrive for generations to come.

We won't give up until Australia's nature is protected and regenerated.

The Australian Conservation Foundation acknowledges that First Nations Peoples of Australia hold unique knowledge and rights inherited from their ancestors and Country and have cared for this country since time immemorial. We pay our respect to First Nations Peoples of Australia, past, present and future. We respect their leadership in caring for Country and support their rights to continue to do so. We recognise that sovereignty was never ceded, and that colonisation was unjust, often violent and continues to adversely impact on First Nations Peoples today. As Australia's national environment organisation, we understand we have a responsibility to help right this historical wrong. We support their authority to speak for Country, right to self-determination and recognise that rightful recognition of and genuine reconciliation with First Nations Peoples is fundamental to protecting nature in Australia. We support First Nations-led campaigns that protect Country and seek win-win outcomes for our environment and for the rights, wellbeing and advancement of First Nations Peoples

To find out more about the Australian Conservation Foundation's work visit www.acf.org.au



Executive summary

The Standard for Matters of National Environmental Significance - the core standard prescribing objectives and outcomes for protected matters under the EPBC Act - is central to ensuring that the strengthening of nature protection promised with EPBC reforms is delivered.

The latest proposed Standard falls short in critical respects and does not deliver for nature.

A significant new problem has been introduced since the draft released when the reform Bills were before Parliament in proposed new elements in section 7 of the Standard, which deems the Standard satisfied whenever a set of process-based principles is followed, regardless of whether their application supports the Outcomes and Objectives the Standard sets out.

Under this approach, a corporation that complies with a process is entitled to approval. Box-ticking of this kind will be devastating for nature.

The stakes are not confined to Commonwealth-led project approvals. The MNES Standard will also set the benchmark for accreditation of State and Territory frameworks, and for NOPSEMA, under the reformed Act. If the issues with the Standards are not fixed, State and Territory governments with woeful track records will be able to approve destructive projects under Federal law. This is not what was promised.

ACF sincerely wishes to be in a position to welcome the final MNES Standard. However, if this fundamental problem is not fixed, ACF will not be in a position to do so.

Other matters raised in our submission on the earlier proposed Standard have not been addressed – stronger protections for threatened species are needed, the Standard must require consideration of cumulative impacts in all decisions, and the reality of climate change must be recognised.



Recommendations

Recommendation 1: Reforms must deliver stronger nature protection

The proposed Standard, and other Standards and regulations under development, should be assessed against the test of whether they deliver the stronger nature protections that the Albanese government committed to as part of its EPBC reform package. As proposed, the MNES Standard falls short and must be improved.

Recommendation 2: Outcomes and objectives, not just process

The Standard for Matters of National Environmental Significance should be amended to ensure that decisions need to be consistent with and support the Outcomes and Objectives prescribed for protected matters. Further, the changes made to section 7 since the draft released in November 2025 should be reversed.

Recommendation 3: Stronger threatened species protection

Strengthen the objectives for threatened species, threatened ecological communities and migratory species in section 5 of the Standard by ensuring that the objectives extend to all matters relevant to these protected matters, protect all habitat while prioritising critical habitat, and take account of Key Threatening Processes.

Recommendation 4: Consider cumulative impacts in all decisions

Amend section 9 of the Standard (Principle 2) to explicitly require consideration of cumulative impacts at all levels of decision making.

Recommendation 5: Account for climate change

Ensure that the pervasive threat of climate change to protected matters is reflected in the Standard. This should include amending the outcomes in section 6 to include the promotion of resilience in the face of climate change and ensuring that the assessment of impacts under section 9 (Principle 2) includes a specific requirement to consider climate change impacts under forecasted climate change scenarios.



Introduction

ACF welcomes the opportunity to make this submission on the Albanese government's proposed Standard for Matters of National Environmental Significance.

This Standard is central to ensure that the strengthening of nature protection promised with EPBC reforms is actually delivered.

The current Standard falls short in critical respects. As it stands, it does not deliver for nature. We acknowledge some changes from the earlier draft, but most of the matters we raised as needing attention in our previous submission have not been addressed.

A significant new problem has been introduced with the proposed section 7 of the Standard, which effectively deems compliance with the Standard if a set of procedurally oriented principles are followed, regardless of whether the application of these principles is supportive of the Outcomes and Objectives set out in the Standard.

The fundamental problem with this approach is that it removes accountability for delivering better outcomes for nature. Deeming compliance with a set of process-based Principles to satisfy the Standard means a decision can be determined to be consistent with the Standard without any assessment of whether the Outcomes and Objectives are actually met.

If decisions need only demonstrate that a process has been followed, there is no point at which a decision is tested against whether it protects, conserves or restores the protected matter — and little scope to scrutinise whether the Standard is delivering its Outcomes and Objectives. This undermines the stronger accountability promised in the reforms.

A corporation complying with a process appears to be enough to get approval. This box-ticking approach will be devastating for nature. ACF sincerely wishes to be in a position to welcome the final MNES Standard. However, if this fundamental problem is not fixed, ACF will not be in a position to support it.

The stakes are not confined to Commonwealth-led project approvals. The MNES Standard will also set the benchmark for accreditation of State and Territory frameworks, and for NOPSEMA, under the reformed Act. A Standard that can be satisfied through compliance with process-based principles alone will set a dangerously low bar for accreditation — contrary to the clear expectation throughout the reform process that strong Standards would ensure accreditation leads to better outcomes for nature. State and Territory governments with woeful track records will be able to approve destructive projects under Federal law. This is not what was promised.

Concerns about the workability of the Standard for decision makers are better addressed by making the outcomes and objectives sufficiently granular and specific to guide both proponents and decision makers — not by displacing consideration of outcomes and objectives with process-based principles.

The threshold question against which this Standard, and other Standards still to come, should be judged is whether they deliver the stronger nature protection that the Albanese government promised with its reform package.

Five areas where the Standard must be improved

1. Lift the bar for nature protection and halt nature's decline

Australia's national nature law has long failed to protect and restore nature. Standards under the reformed *Environment Protection and Biodiversity Conservation Act* must fix this.

All elements of the system must work together to address the EPBC Act's longstanding ineffectiveness. The government's commitment to "raising the bar" for nature protection must be clear and unequivocal in this Standard, and in all the Standards and regulations needed to implement the EPBC reforms passed by Parliament in late 2025. The reforms were never just about streamlining and efficiency.

As proposed, this Standard does not deliver on the government's commitment to improve nature protection.

Recommendation 1: The proposed Standard, and other Standards and regulations under development, should be assessed against the test of whether they deliver the stronger nature protections that the Albanese government committed to as part of its EPBC reform package. As proposed, the MNES Standard falls short and must be improved.

2. Ensure decisions deliver on the Outcomes and Objectives — not just process compliance

ACF strongly opposes the new provisions that have been added to section 7 of the Standard.

As proposed, the legal test for consistency with the MNES Standard will be met if a developer merely confirms they have followed certain principles and processes. Nothing requires those processes to deliver what the Standard should be about — better results for nature. The objectives for Matters of National Environmental Significance will not amount to much if decisions need not align with them.

Decisions applying the Standard must be consistent with it in its entirety — including the Outcomes and Objectives, not just the four principles in sections 8–11. Those principles largely reproduce and elaborate on requirements already in the EPBC Act. They are not in themselves problematic (although there is scope for them to be improved), but they should not displace the Outcomes and Objectives in sections 5 and 6.

In its current form — and through the operation of sections 7(2) and (4) in particular — the Standard renders these Outcomes and Objectives inoperative as criteria for decision making under the Act. Even when read alongside the other decision-making criteria in the legislative scheme, the result is the same process-oriented framework the reforms were meant to move past.

Recommendation 2: The Standard for Matters of National Environmental Significance should be amended to ensure that decisions need to be consistent with and support the Outcomes and Objectives prescribed for protected matters. Further, the changes made to section 7 since the draft released in November 2025 should be reversed.

3. Strengthen protections for threatened species

Threatened species need habitat. Our analysis shows tens of thousands of hectares of threatened species habitat are approved for destruction under Australia’s national nature law every year.¹ That destruction — and the bulldozing of ecological communities — will continue unless the Standard includes clear, strong protections for threatened species and their habitat.

The Standard remains insufficiently clear on the need to protect all habitat and other matters relevant to threatened species, listed ecological communities and migratory species.

The objectives for these protected matters in section 5 (Items 1, 2 and 3) should be improved so that they extend to all habitat. The need to protect critical and irreplaceable habitat should be emphasised, but the Standard should not be limited to these attributes — as currently drafted, its scope is narrower than the protected matter under the Act, and this should be addressed.

These objectives should also include an explicit requirement to consider Key Threatening Processes.

Any concerns about workability for decision makers — which appear to have informed the section 7 approach criticised above — would be better addressed by ensuring the Outcomes and Objectives are sufficiently granular and detailed to guide proponents and to frame decisions for those administering the Standard.

Recommendation 3: Strengthen the objectives for threatened species, threatened ecological communities and migratory species in section 5 of the Standard by ensuring that the objectives extend to all matters relevant to these protected matters, protect all habitat while prioritising critical habitat, and take account of Key Threatening Processes.

¹ ACF (2026) *Extinction wrapped 2025*. <https://www.acf.org.au/news/deforestation-doom-2025-worst-year-in-more-than-a-decade-for-federally-approved-bulldozing-of-the-bush>

4. Require decisions to account for cumulative impacts

Cumulative impacts drive threatened species closer to extinction and undermine protection for World Heritage sites like the Great Barrier Reef and internationally recognised wetlands. The Standard must explicitly require decisions about proposed projects and activities to account for these cumulative impacts on nature.

Section 9 (Principle 2) should make the requirement to consider cumulative impacts clear and explicit. Landscape-scale approaches such as bioregional planning are better placed to assess and manage cumulative impacts, but that does not mean cumulative impacts should be disregarded at other levels of decision making.

Recommendation 4: Amend section 9 of the Standard (Principle 2) to explicitly require consideration of cumulative impacts at all levels of decision making.

5. Require decisions to consider climate change impacts

Climate change threatens the wildlife and places protected under Australia's national nature law, yet it is not mentioned once in the Standard. A reference proposed in the earlier draft of the Offset Standard has since been removed. It is extraordinary that a threat this significant and pervasive to the matters the Act protects is not treated explicitly.

Climate change should be considered when assessing impacts, and the outcomes in the Standard should require decisions to promote and enhance the resilience of protected wildlife and places in the face of those impacts.

Recommendation 5: Ensure that the pervasive threat of climate change to protected matters is reflected in the Standard. This should include amending the outcomes in section 6 to include the promotion of resilience in the face of climate change and ensuring that the assessment of impacts under section 9 (Principle 2) includes a specific requirement to consider climate change impacts under forecasted climate change scenarios.