

**National  
Farmers  
Federation**

# **Environment Protection Reform Bill 2025 and Six Related Bills**

November 2025



## The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade, and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

## NFF Member Organisations



19 November 2025

## Executive Summary

The National Farmers' Federation (**NFF**) welcomes the opportunity to provide a submission to the Senate Environment and Communications Legislation Committee. On 30 October 2025, the Commonwealth introduced seven separate Bills as part of its proposed reforms to the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**). Together, these Bills seek to reduce duplication between Federal and State environmental assessment processes through accreditation and bilateral agreements, establish a National Environmental Protection Agency (**NEPA**), and create Environment Information Australia (**EIA**) alongside a new framework for Bioregional Planning and Environmental Restoration and Contributions.

The Bills tabled by the Government are as follows:

1. *Environment Protection Reform Bill 2025.*
2. *National Environmental Protection Agency Bill 2025.*
3. *Environment Information Australia Bill 2025.*
4. *Environment Protection and Biodiversity Conservation (Restoration Charge Imposition) Bill 2025.*
5. *Environment Protection and Biodiversity Conservation (General Charges Imposition) Bill 2025.*
6. *Environment Protection and Biodiversity Conservation (Customs Charges Imposition) Bill 2025.*
7. *Environment Protection and Biodiversity Conservation (Excise Charges Imposition) Bill 2025.*

NFF supports reforms that deliver environmental protections, faster and efficient approval processes, and more transparency and integrity around environmental decision-making. We do not support the passage of legislation as currently drafted. Several amendments are required to ensure that reforms deliver better outcomes for business and achieve overarching EPBC Act objectives to protect the environment and promote Ecologically Sustainable Development (**ESD**). These are outlined in the proceeding items below.

For the agricultural sector, the EPBC Act is much more about continuing-use provisions than it about assessments. For the former, agriculture needs to be confident that obligations imposed are well articulated and accessible. Unreliable mapping, the differentiation of potential or critical habitat, or how the listing of a species and its subordinate threat abatement strategies are resolved and communicated are all of concern. On the latter issue of assessments, clarity on scale, offsets calculators, and risk attribution are all issues which are complex and difficult to communicate.

## The Reform Imperative

There is consensus across industry groups including NFF that Australia's current National Environmental Laws administered through the EPBC Act are not working for either the environment or business.

The *2021 State of the Environment Report* confirms that Australia's national biodiversity is in long-term decline, with invasive species identified as a significant contributing factor.

Assessment and approval processes are complex, necessitate costly expert advice, and can take significant time to resolve for proponents, and the Act does not provide certainty for farmers seeking to understand their obligations or adequately address dual consent provisions with State and Territory environmental legislations. As a result, farmers are frequently subjected to unnecessary regulatory burdens and operate within a complex and uncertain regulatory landscape. Collectively, these issues demonstrate that the current regulatory framework for biodiversity management in Australia is failing to deliver effective environmental outcomes or practical certainty for the agriculture sector.

This submission outlines the NFF's key policy priorities and concerns with the proposed legislation. Recommendations and consequential amendments are provided to ensure reforms avoid unanticipated impacts for the agriculture sector and deliver better outcomes for business and the environment in accordance with the three pillars outlined by the Minister for the Environment and Water (**Minister**).

## National Environmental Standards

The *Environment Protection Reform Bill 2025 (EPR)* will amend the EPBC Act to provide a framework for the Minister to make, vary, and revoke National Environmental Standards (**NES or Standards**) and to apply such Standards to decision-making across several approval decision pathways under the Act. The creation of NES was a cornerstone recommendation of the *Samuel Review* and is supported by NFF, as Standards should provide decision-makers with clearly defined and consistent parameters within which to operate. This clarity is essential given the broader reforms which include the establishment of a NEPA and the introduction of new bilateral agreements and accreditation mechanisms. To be effective, Standards must outline clear requirements and parameters for environmental assessments, Bioregional Planning, and for the accreditation of State and Territory processes.

NFF notes that the *Department of Climate Change, Energy, the Environment, and Water (DCCEEW)* is currently consulting the public on proposed NES for Matters of National Environmental Significance (**MNES**) and Environmental Offsets, and that submissions will close 30 January 2026. Understanding that this consultation is a separate process from reforms currently before Parliament, NFF looks forward to robust engagement and discussion should legislation enabling the Minister to create NES pass. These discussions must be genuine and incorporate the views of industry and governments.

### NFF Recommendation:

- **NES are clearly defined and establish clear parameters and boundaries through which decision-makers are to operate within.**

## Streamlined Assessment Pathway

### Consolidating Existing Pathways and Clarifying Further Requests for Information for Assessment and Approvals of Controlled Actions

The EPR Bill proposes to introduce a new Streamlined Assessment Pathway to replace (i.e., consolidate) three existing pathways for controlled actions as outlined below. The existing requirement that a person must refer the action for an environmental approval where they are proposing to take an action that has, will have, or is likely to have a Significant Impact on a MNES will be retained. The intent of this reform is to shorten assessment timeframes for proponents that provide sufficient documentation upfront.

1. *Assessment on Referral Information (ARI).*
2. *Assessment on Preliminary Documentation (PD).*
3. *Assessment on Public Environment Report (PER).*

The Commonwealth has stated that this pathway will reduce assessment and approval timeframes by 20-days, cutting the current 70-day statutory period under the existing ARI and PD pathways to 50-days or less resulting in faster assessments and reduced opportunity costs (i.e., delays) across the broader economy. A desktop review conducted by DCCEEW into projects that have progressed through the ARI and PD pathways found that a substantial number of projects experienced delays, and that delays were often attributed to further information requests made under the stop-clock provisions<sup>1</sup>. NFF therefore supports amendments requiring the Minister to publish the reasons for a request for further information on a **centralised webpage** managed by the Department as a public transparency measure that should in-effect limit the frequency of such requests to clear evidentiary needs only.

It is important to articulate that the benefit of these reforms to the agriculture sector is small, although not immaterial. While a vast majority of agricultural projects are not referred for assessment under the EPBC Act, approximately 3.5% of referred actions by the sector between 2000 and May 2018 were controlled action decisions<sup>2</sup>. Consequently, a shortening of the statutory timeframe for controlled actions is a welcome measure by NFF as this will in-theory facilitate quicker decisions for some agricultural proponents, including those who may be operating under time-sensitive conditions. We do however argue that the existing assessment pathways are retained. This is due to the absence of clearly defined legislation and subsequent NES that provide detail on how the new proposed statutory tests, including a requirement to deliver net-gain, will be operationalised. Maintaining current pathways will also provide proponents with confidence and certainty by which to operate and allow time for the implementation of the proposed Streamlined Assessment Pathway to be clarified and understood.

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<sup>1</sup> September 2025, Department of Climate Change, Energy, the Environment, and Water, Australian Government: [Environmental Law Reform: Certification of Final Report of the EPBC Act Review – Addendum to the Final Report](#)

<sup>2</sup> September 2018, Aither and Wendy Craik AM: [Review of Interactions Between the EPBC Act and the Agriculture Sector](#)

## ‘Unacceptable Impacts’ Criteria

The proposed introduction of a new statutory ‘unacceptable impacts’ test as written is ambiguous and drafted so broadly that it risks precluding significant portions of the landscape from development. This includes in agricultural regions, where it is difficult to reconcile the EPBC Act’s Objects with the principle of ESD. There are 37 proposed definitions for ‘unacceptable impacts’ on protected matters spread across 12 pages. As currently framed, an ‘unacceptable impact’ encompasses, but is not limited to serious or irreversible damage on the viability of listed threatened species and ecological communities, and serious damage to critical habitat with no clear thresholds or proportionality parameters. Terminology such as ‘seriously impair’ are subjective and not adequately defined, and together fail to set clear, upfront, and transparent criteria as envisioned by the Minister.

In practice, this drafting could capture a wide range of routine activities rather than reflecting the Commonwealth’s stated intent that the ‘unacceptable impacts’ test is to apply only in “*very limited circumstances*”<sup>3</sup> (i.e., mining Uluru or building an apartment block in a Ramsar-listed wetland as explained by the Minister<sup>4</sup>) to protect nationally protected matters rather than acting as a broad prohibition on reasonable development activity. There is a disconnect here between the current drafting and policy intent expressed in the Explanatory Memorandum and in public statements by the Minister.

A more workable approach would be to adopt a single and clear definition of ‘unacceptable impacts’ that applies universally to all protected matters:

*“A significant impact is an unacceptable impact if it will, or is highly likely to, result in the inability of the protected matter to continue to survive in the wild, or the permanent and irreplaceable loss of the critical values for which the matter is protected”.*

*Critical Values: The ecological, cultural, or natural features which are critical to the basis on which a World Heritage property, National Heritage place or declared Ramsar wetland was included in the List (e.g., Outstanding Universal Value of heritage places, ecological character of Ramsar wetlands).*

As a general principle, and consistent with the recommendations of Professor Graeme Samuel AC, specificity in legislation is critical, and NES need to be granular, detailed, explicit, and supported by relevant guidelines and rulings. NFF notes the following remark by Prof. Samuel during the 14 November Inquiry Hearing: “*Anything that might look a bit vague in legislation is intended to be completely overcome by the instruments which are Standards which will be part of regulations*”<sup>5</sup>.

NFF supports deferring the technical detail of how ‘unacceptable impacts’ apply to specific MNES to the relevant NES, supported by additional sector-specific guidelines which is a principle supported by Prof. Samuel. This will provide proponents with clear

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<sup>3</sup> October 2025, Hon Tony Burke MP: Environment Protection Reform Bill 2025, [Second Reading Speech](#)

<sup>4</sup> October 2025, Minister for the Environment and Water: [Address to the National Press Club](#)

<sup>5</sup> November 2025, Senate Environment and Communications Legislation Committee: [Environment Protection Reform Bill 2025 and Six Related Bills Senate Inquiry Hearings](#)



examples of what an early ‘no’ will look like and provide confidence that this new statutory test is to be applied in a predictable and consistent manner. This material must be developed through a robust and consultative process with industry provided with the sufficient time to test and validate the workability of this new concept in real-world settings.

**NFF Recommendation:**

- **Adopt a single definition of ‘unacceptable impact’ for all MNES and defer to the NES and additional guidance documentation for detail and clarity respectively, not the primary legislation.**

## Net-Gain Test Requirement

The current net-gain test is ambiguous and does not specify the extent of net-gain required and/or how it will be quantified for the purposes of measurement. There are also consistency issues that undermine what is presented as an outcome-based requirement. For example, although the EPR Bill states that the Minister must not approve a controlled action (at the project or strategic level Under Part 9 and Part 10 respectively) with a residual significant impact unless satisfied that approval conditions will achieve a net-gain, other provisions dilute this obligation. Regulations may allow “*no net-loss*” to be treated as passing the test (Section 527K(3)), certain human-facing impacts are deemed to pass the test without ecological improvement (Section 527K(4)), and, in the absence of regulations, the required level of net-gain becomes whatever the Minister is “*satisfied is appropriate*” (Section 527K(1)(b)(ii)).

It is also unclear whether net-gain must be demonstrated for each protected matter individually or at a broader landscape scale through environmental offsets and/or restoration contributions. Greater clarity is required to ensure that the net-gain test is not only understood but consistently applied and capable of providing certainty for proponents and the environment.

**NFF Recommendation:**

- **Define and address net-gain only within NES and not in primary legislation.**

## Restoration Actions and Restoration Contributions (Environmental Offsets)

The EPR Bill does not specify how the Restoration Contributions Holder (**Holder**) will determine and prioritise areas for delivering environmental offsets funded by a ‘Restoration Contribution Charge’. Section 177CS(5) provides only that a Restoration Action “*is to be carried out, so far as practicable, in the same bioregion in which the impact occurred*”. There is no statutory obligation to avoid arable land or to consider cumulative impacts on food and fibre production capability. Without clear safeguards, there is a risk that environmental offsets will disproportionately target arable land in conflict with Objective Two of the *Agriculture and Land Sector Plan* (balancing agricultural production with nature repair and carbon storage) and to the detriment of food and fibre production.

Environmental offsets must also be supported by stringent ongoing management obligations to prevent perverse outcomes at the landscape scale. These obligations should

be clearly defined in the relevant NES to ensure environmental offsets do not exacerbate biosecurity, weed, fire, or vertebrate pest risks. Without strong and enforceable management requirements, environmental offsets will fail to deliver genuine, long-term biodiversity improvement and compromise existing environmental assets.

**NFF Recommendation:**

- **Environmental offsets under the Fund are subject to mandatory ongoing management obligations.**
- **Investments into environmental offsets prioritise the management of defence land, declared national parks, other public land, and environmental assets to address threatening processes including vertebrate pests.**

## Bilateral Agreements and Accreditation Processes

Bilateral agreements and accreditation processes are critical to addressing dual consent issues regarding environmental assessments and approvals under National Environmental Law and comparative State and Territory environmental legislations. As previously detailed, agriculture is profoundly impacted by dual consent issues. There are countless examples whereby farmers operating under State and Territory environmental approvals are inadvertently made aware of them contravening obligations under National Environmental Law. This has been a longstanding issue for the sector, prominently raised through the *Craik Review*. NFF supports reforms that address dual consent issues and remove the need for duplicative Federal assessment and approval under an accredited framework that is consistent with NES, the ‘unacceptable impacts’ statutory test criteria, and the ‘net-gain’ test, provided our above recommendations are implemented.

**NFF Recommendation:**

- **Accredit State and Territory regulatory processes for assessment and approvals consistent with the *Samuel Review*.**
- **No duplication or conflict between State clearing exemptions and Federal assessments.**
- **Governments commit to a timeline to address dual consent issues through the establishment of bilateral agreements and accreditation processes.**

## Bioregional Planning

### Regional Planning Pilots

Eight Regional Planning Pilots are currently being developed between Governments and stakeholder proponents to identify prospective areas of ‘go’ and ‘no-go’ zones for development. To be effective, Bioregional Plans must be developed using existing Natural Resource Management (**NRM**) regions rather than the Interim Biogeographic Regions of Australia (**IBRA**) subregions. As IBRA boundaries frequently cross jurisdictional borders, multilateral development and approval between the Commonwealth and multiple States and Territories would be required. This will complicate agreement-making processes and trigger delays, resulting in productivity benefits for business. This complexity is already



evident in Queensland where mapping and modelling for Pilot Plans use IBRA subregions<sup>6</sup>. Ensuring Bioregional Plans are developed using NRM regions would simplify the agreement-making process (bilateral only) and remove complexity.

**NFF Recommendation:**

- **Ensure Bioregional Planning is undertaken by NRM regions as opposed to IBRA subregions which can cross jurisdictional boundaries.**

## **Ensuring Reforms Deliver for Agriculture**

NFF supports the concept of Bioregional Planning provided it is done comprehensively, this includes ensuring all relevant factors are considered including arable land boundaries. A comprehensive approach requires the clear integration of arable land boundaries to ensure agricultural land is not inadvertently displaced or disadvantaged by competing land-use priorities. Spatial tools such as the Spatial Agriculture, Forestry, and Environment (**SAFE**) model being developed by the Australian Bureau of Agricultural and Resource Economics and Sciences (**ABARES**) would be a valid pathway toward achievement.

**NFF Recommendation:**

- **Ensure Regional Planning includes a SAFE model provided by ABARES, or similar, by amending Section 177AM(b) to explicitly identify this along with other relevant social and economic assessments.**

## **Development Zones and Priority Actions**

NFF believes that there is a missed opportunity in the way that the framework is currently being conceptualised. The current thinking at least expressed by the Commonwealth is to gear Bioregional Plans predominantly toward large-scale developments with a particular focus on carbon offsets, critical minerals, housing, mining, and renewable energy infrastructure projects.

Under the Bill, Development Zones are intended to allow specified classes of activities (Priority Actions) to proceed through a simple registration process rather than requiring a project-level EPBC approval. However, Development Zones do not automatically streamline all activities, they only streamline actions that have been expressly identified as a Priority Action. Importantly, Subsection 177AE(2) in the Explanatory Memorandum states that Priority Actions can only be specified *“if the Minister is satisfied that, taken as a whole, the actions in that class have, will have or are likely to have a significant impact on one or more protected matters”*.

The EPR Bill does not define or restrict how broad these classes may be, nor does it define what constitutes a ‘Significant Impact’. As a result, what may be registered and therefore benefit from streamlined assessment is dependent on the Minister’s satisfaction against criteria that remain undefined.

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<sup>6</sup> 2025, Queensland Government, Department of the Environment, Tourism, Science, and Innovation: [Bioregional Planning](#)

**NFF Recommendation:**

- **Explicitly define what constitutes a 'Significant Impact'.**

## Keeping National Environmental Protection Agency Accountable

The NEPA Chief Executive Officer (**CEO**) must be accountable to the Minister to safeguard public trust and ensure NEPA is acting in accordance with public expectations.

### Paid and Volunteer Work

The NEPA CEO will hold a position of statutory authority with responsibilities that demand undivided attention and professional commitment. Decisions made by the CEO will have consequential impacts on investment and the broader economy. Any external paid work would introduce, or be perceived to introduce, conflicts of interest that compromise public confidence in the integrity and impartiality of NEPA. The CEO should therefore be prohibited from undertaking paid employment outside the duties of the office.

Volunteer work may be appropriate where it does not give rise to conflicts of interest or diminish the CEO's capacity to meet statutory responsibilities. Such engagements should be promptly declared and subject to independent oversight.

**NFF Recommendation:**

- **The Minister is prohibited from approving the NEPA CEO to engage in other paid work as outlined under Section 50.**

### Expanded Termination Criteria

As currently drafted, the NEPA CEO may only be removed for narrow forms of serious misconduct. The Bill does not provide any mechanism for termination on the basis of sustained poor performance. This is inconsistent with the responsibilities of the role and the expectations of an accountable authority. It also conflicts with the intent to build a culture of continuous improvement at NEPA as stated in the Explanatory Memorandum. NFF notes that several Commonwealth statutes empower Ministers to remove senior statutory appointees when their performance has been unsatisfactory over time.

For example:

| <b>Legislation Title</b>                                               | <b>Relevant Termination of Appointment Condition</b>                                                                                                                                                                                                                                | <b>Corresponding Section</b>          | <b>Corresponding Minister</b>                                                            |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------------------------------------------------------------|
| <b>Agricultural and Veterinary Chemicals (Administration) Act 1992</b> | <i>The Minister may terminate the appointment of an appointed Board member (of the APVMA):<br/>If the Minister is satisfied that the appointed Board member's performance has been unsatisfactory.</i>                                                                              | <i>Part 3, Division 2, Section 25</i> | <i>Minister for Agriculture, Fisheries, and Forestry</i>                                 |
| <b>Air Services Act 1995</b>                                           | <i>The Minister may terminate the appointment of an appointed member (of Airservices Australia) if:</i> <ul style="list-style-type: none"> <li>○ <i>The Minister thinks that the performance of the member has been unsatisfactory for a significant period of time.</i></li> </ul> | <i>Part 3, Division 3, Section 32</i> | <i>Minister for Infrastructure, Transport, Regional Development and Local Government</i> |

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|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------|
| <b>Asbestos and Silica Safety and Eradication Agency Act 2013</b> | <i>The Minister may terminate the appointment of the CEO:<br/>If the Minister is satisfied that the CEO's performance has been unsatisfactory.</i>                                                                                                                                                                                                                              | <i>Part 3, Division 3, Section 23</i>   | <i>Minister for Employment and Workplace Relations</i>                                   |
| <b>Australian Communications and Media Authority Act 2005</b>     | <i>The appointer must terminate the appointment of a member (in this case the appointer is the Governor-General) or associate member (Minister) if the Minister is of the opinion that the performance of the member or associate member has been unsatisfactory for a significant period of time.</i>                                                                          | <i>Part 3, Division 3, Section 34</i>   | <i>Minister for Infrastructure, Transport, Regional Development and Local Government</i> |
| <b>Civil Aviation Act 1988</b>                                    | <i>The Minister may terminate the appointment of a Board member if:</i> <ul style="list-style-type: none"><li><i>The Minister thinks that the performance of the Board member has been unsatisfactory for a significant period of time.</i></li></ul>                                                                                                                           | <i>Part 7, Division 2, Section 60</i>   | <i>Minister for Infrastructure, Transport, Regional Development and Local Government</i> |
| <b>Dairy Produce Act 1986</b>                                     | <i>The Minister may terminate an ordinary Dairy Adjustment Authority member's appointment if the Minister is of the opinion that the member's performance has been unsatisfactory.</i>                                                                                                                                                                                          | <i>Part 2, Division 6, Section 68</i>   | <i>Minister for Agriculture, Fisheries, and Forestry</i>                                 |
| <b>National Health Reform Act 2011</b>                            | <i>The Minister may terminate the appointment of the Funding Body CEO if the Minister is satisfied that the Funding Body CEO's performance has been unsatisfactory.</i> <ul style="list-style-type: none"><li><i>Before the Minister terminates the appointment of the Funding Body CEO under subsection (1) or (2), the Minister must consult the Administrator.</i></li></ul> | <i>Part 2.3, Division 2, Section 26</i> | <i>Minister for Health and Aged Care</i>                                                 |

**NFF Recommendation:**

- **The Minister's Statement of Expectations is binding on the NEPA CEO.**
- **Amend termination provisions under Section 52 to include a criterion for poor performance, consistent with similar statutory positions and Commonwealth legislation.**

## Chief Executive Officer Appointment Criteria

Appointment criteria for the NEPA CEO are broad reaching as the Minister must be satisfied that the CEO has knowledge of, or experience in, public sector administration or governance, and regulation in addition to one or more of the following:

- conservation of biodiversity;*
- ecologically sustainable development;*
- heritage;*
- Indigenous affairs;*
- law;*
- law enforcement;*
- natural resource management;*
- any other matters prescribed by the rules; and*

While these categories are relevant, they do not recognise the significant interface between National Environmental Law and agricultural land management. A substantial proportion of EPBC regulated actions occur within agricultural landscapes. It is therefore essential that the existing criteria is expanded to include agriculture and land management to ensure decisions are grounded in the practical realities of the environments in which they will apply.

**NFF Recommendation:**

- **Appointment criteria under Section 45(2)(b) are expanded to include agriculture and land management, to ensure the complexities of the sector are understood and appropriately reflected in the actions of the statutory decision-maker.**
- **Requirements for representation on the Advisory Committee must match specific criteria for CEO eligibility as outlined in Section 45(2)(b) which includes but is not limited to knowledge or experience in either ESD, agriculture, or natural resource management.**

## Delegation of Powers

The NEPA Bill should be amended to ensure delegation of powers requirements are consistent with the delegation requirements outlined in the *Environment Information Australia Bill 2025* and in respect of the more consequential role and responsibilities of the CEO. That is only SES level staff can be the subject of delegated powers.

**NFF Recommendation:**

- **Amend delegation of powers criteria to remove a person who holds or is acting in an Executive Level 1 position from the specified requirements list outlined in Section 59(4).**

## Clarifying Ability to Make Rulings

The NEPA CEO's ability to make a ruling relating to their opinion on a specified environmental law provision must not be inconsistent with the Minister's Statement of Expectations and/or override the Minister entirely.

**NFF Recommendation:**

- **Clarify legislation so that rulings made by the NEPA CEO cannot override nor contradict the Minister.**

## Environment Protection Orders

Environment Protection Orders (**EPOs**) will operate as a de-facto 'stop work' direction with immediate consequences for proponents. It is therefore essential that stronger safeguards apply to both the Minister and NEPA CEO in the exercise of this power. EPOs must only be utilised in cases where there is demonstrable evidence that a contravention has occurred and not on a speculative basis. This approach is consistent with comparable powers in State and Territory jurisdictions and the Explanatory Memorandum which details that EPOs are intended to be utilised to address "*egregious offences*" and "*time-sensitive matters*". Clear statutory expiration periods are also required to prevent the rolling issuance of EPOs or their misuse as a constraint against development in the absence of a substantiated breach.

**NFF Recommendation:**

- **EPOs should only be used in cases where there is demonstrable evidence that a contravention has occurred (i.e., on an evidentiary basis).**
- **Introduce clearly defined expiration timeframes (maximum 14 days) and restrictions preventing a rolling-issuance EPO against the same identified contravention unless new material evidence emerges.**

- **Natural justice provisions must be included.**
- **No duplication/conflict with States and Territories and/or other equivalent agencies.**

## Environment Information Australia

### State of the Environment Reporting

State of the Environment (**SOTE**) reporting must be a data-driven assessment of national environmental outcomes and not a reflection of the views of a limited subset of subject-matter experts. NFF supports amendments requiring SOTE reports to draw on and reflect the knowledge and insights of both agriculture and biodiversity experts. These perspectives are essential to delivering an accurate national account of the environmental condition and trend, particularly given SOTE reports will assess progress against national environmental targets including the 30 X 30 Target for Land.

Given that environmental offsets will be required to contribute to net-gain outcomes for protected matters, SOTE reports must also track and evaluate the effectiveness of environmental offset activities. This includes accounting for management of vertebrate pests which are central to delivering genuine environmental improvement.

#### **NFF Recommendation:**

- **Amend Section 12(3) to require SOTE reporting to draw on and reflect the knowledge and insights of persons with knowledge and expertise in biodiversity and natural resource management.**
- **SOTE reporting is to include an assessment of the status and management of the national estate.**

## Advisory Committee Membership

There will be a number of existing and newly established Committees that will operate under the EPBC Act. Agriculture expertise must be represented to ensure decisions are grounded in the realities of land management and production systems.

#### **NFF Recommendation:**

- **Amend legislation to require an appropriately qualified individual with agricultural expertise for:**
  - **The Threatened Species Scientific Committee (which is the current practice and a *Craik Review* recommendation);**
  - **The Independent Expert Scientific Committee;**
  - **Any Advisory Committee appointed for either the EPA CEO, or the Restoration Contributions Holder; and**
  - **Any other formal advisory entity that may impact agriculture; including for EIA.**
- **Implement a specific process that would formalise agricultural advice.**

## Maintaining Continuing-Use Provisions Under Section 43A and Section 43B

NFF maintains that farmers must continue to be provided with certainty to conduct themselves under existing provisions under National Environmental Law. Continuing-use provisions outlined under Sections 43A and 43B of the EPBC Act are critical in providing such certainty and must be preserved. These provisions ensure that standard and accepted agricultural practices, including native regrowth management, weed control, interchanging grazing strategies, and variations in stocking rates driven by seasonal conditions (for example) remain lawful and are not subject to unnecessary environmental assessment or approval requirements. These provisions underpin the viability and continuity of agricultural production across Australia and any reforms that diminish them will impose disproportionate regulatory burdens on the farm sector and undermine food and fibre production.

### **NFF Recommendation:**

- **Maintain and protect continuing-use provisions under Section 43A and Section 43B of the EPBC Act.**

## Forestry

### **NFF Recommendation:**

- **Regional Forestry Agreements (RFAs) are amended to make them subject to NES.**
- **After initial assessment, RFAs are assessed against NES at each 5-year interval.**
- **Transition arrangements will be important to ensure existing arrangements are maintained until new arrangements are established.**
- **State regulators oversee compliance.**
- **Continued exemption from net-gain.**

## Convention on International Trade in Endangered Species

The Minister must comply with the obligations and protection levels of the Convention on International Trade in Endangered Species (**CITES**) in accordance with the internationally recognised, consistent, and agreed upon core CITES Appendices I, II, and III lists. Any adjustments to CITES lists must balance environmental protection with economic consequences. Australia's existing Australian Fisheries Management Authority (**AFMA**) and EPBC management frameworks already meet or exceed CITES obligations and should not be duplicated or overridden by additional domestic measures.

### **NFF Recommendation:**

- **Remove Section 303CB which enables the Minister to declare that a specified CITES III specimen can be treated as a CITES I specimen for the purpose of applying stronger domestic measures to the international trade in that specimen.**



## Conclusion

The legislation would benefit from amendments as described herein. The long-standing need for clarity and confidence from the farm sector would be substantially met having made those adjustments. It would then need a comprehensive process of consultation and collaboration to ensure that the implementation of, especially Bioregional Planning and bilaterals, meet desired outcomes for agriculture.

Please do not hesitate to contact Warwick Ragg, General Manager, Natural Resource Management, via e-mail: at the first instance to progress this discussion.

## Attachments List

### 1. NFF Information Sheet on Proposed Reforms and Amendments



**Leading  
Australian  
Agriculture**

NFF House  
14-16 Brisbane Avenue  
Barton ACT 2600

Locked Bag 9  
Kingston ACT 2604

(02) 6269 5666  
[reception@nff.org.au](mailto:reception@nff.org.au)  
[nff.org.au](http://nff.org.au)



National Farmers Federation



@NationalFarmers



**Proposed amendments to ensure reforms strike a balance between environmental protection industry.**

**1. BIOREGIONAL PLANNING**

Bioregional Planning is supported provided it is done comprehensively, this includes ensuring all characteristics are considered.

Recommendation:

- Ensure planning includes a Spatial Agriculture, Forestry and Environment (SAFE) model provided by ABARES, or similar, by amending Section 177AM(b) to explicitly identify this along with other relevant social and economic assessments.
- Ensure Bioregional Planning is done by NRM boundaries as opposed to IBRA regions which can cross State boundaries.
- Explicitly define what constitutes a 'Significant Impact'.

**2. BILATERAL AGREEMENTS AND ACCREDITATION PROCESSES**

Recommendation:

- Accredit State and Territory regulatory processes for assessment and approvals consistent with the Samuel Review.
- No duplication or conflict between State clearing exemptions and Federal assessments.

**3. NET-GAIN**

The current net-gain test is ambiguous and does not specify the extent of net-gain required and/or how it is measured.

Recommendation:

- Define and address net-gain only within National Environmental Standards (NES) and not in primary legislation.

**4. RESTORATION ACTIONS AND ENVIRONMENTAL OFFSETS**

It is unclear how the Restoration Contribution Holder (Holder) will determine and prioritise areas of high biodiversity value; there is a risk that this will target arable land to the detriment of food and fibre production and in conflict with the Agriculture and Land Sector Plan.

Recommendation:

- Environmental offsets under the Fund are subject to mandatory management obligations.
- Investments into environmental offsets prioritise the management of defence, declared national parks, other public land and environmental assets to address threatening processes including vertebrate pests.

**5. UNACCEPTABLE IMPACTS**

Proposed criteria are ambiguous and would preclude significant portions of the landscape from development.

Recommendation:

- Adopt a single definition for all Matters of National Environmental Significance (MNES) and defer to the MNES Standard and guidance for detail and clarity respectively, not the primary legislation.

**6. CONTINUING-USE**

Recommendation:

- Maintain and protect continuing-use provisions under Sections 43A and 43B.

**7. KEEPING NATIONAL ENVIRONMENT PROTECTION AGENCY ACCOUNTABLE**

The EPA CEO must be accountable to the Minister.

Recommendation:

- The Minister's Statement of Expectations be binding, and the Minister has the power to terminate the CEO.
- Amend termination provisions (Section 52) to include a criterion for poor performance, consistent with similar senior statutory positions and legislation.
- The Minister is prohibited from approving the CEO to engage in other paid work (Section 50).

**8. NATIONAL ENVIRONMENT PROTECTION AGENCY CHIEF EXECUTIVE OFFICER**

Recommendation:

- Requirements for representation on the Advisory Committee must meet specific criteria for CEO eligibility as outlined in Section 45(2)(b) which includes but is not limited to knowledge or experience in either ESD, agriculture, or natural resource management.
- Amend delegation of powers criteria to remove a person who holds or is acting in an Executive Level 1 position from the specified requirements list outlined in Section 59(4), consistent with the EIA Bill, and in respect of the more consequential role and responsibilities of the CEO.
- Auditing operations for bilateral agreements must remain within the Department and not the CEO.



**9. ENVIRONMENT INFORMATION AUSTRALIA**

Recommendation:

- Amend Section 12(3) to require State of the Environment (SOTE) Reporting to draw on and reflect the knowledge and insights of persons with knowledge and expertise in biodiversity and natural resource management.
- SOTE reporting is to include an assessment of the status and management of the national estate.

**10. CLARIFYING ABILITY TO MAKE RULINGS**

The EPA CEO's ability to make a ruling relating to their opinion on a specified environmental law provision must not be inconsistent with the Minister's Statement of Expectations and/or override the Minister.

Recommendation:

- Clarify legislation so that rulings made by the EPA CEO cannot override nor contradict the Minister.

**11. ENVIRONMENT PROTECTION ORDERS**

Recommendation:

- Environment Protection Orders (EPOs) should only be used in cases where there is demonstrable, sufficient evidence that a contravention has occurred (i.e., on an evidentiary basis) to address 'egregious offences' and 'time-sensitive matters' as described in the Explanatory Memorandum.
- Introduce clearly defined expiration timeframes (14 days) and restrictions preventing a rolling-issuance EPO against the same identified contravention unless new material evidence emerges.
- Natural justice provisions must be included.
- No duplication/conflict with States and Territories and/or other equivalent agencies.

**12. ADVISORY COMMITTEE MEMBERSHIP**

There are a number of committees where there should be agriculture expertise.

Recommendation:

- Amend legislation to require an appropriately qualified individual to with agricultural expertise for:
  - The Threatened Species Scientific Committee (which is the current practice and a Craik Review recommendation);
  - The Independent Expert Scientific Committee;
- Any Advisory Committee appointed for either the EPA CEO, or the Restoration Contributions Holder; and
- Any other formal advisory entity that may impact agriculture; including for EIA.
- Implement a specific process that would formalise agricultural advice.

**13. FORESTRY**

Recommendation:

- Regional Forestry Agreements (RFAs) are amended to make them subject to NES.
- After initial assessment, RFAs are assessed against NES at each 5-year interval.
- Transition arrangements will be important to ensure existing arrangements are maintained until new arrangements are established.
- State regulators oversee compliance.
- Continued exemption from net-gain.

**14. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)**

The Minister must comply with the obligations and protection levels of CITES in accordance with the internationally recognised, consistent, and agreed upon core CITES Appendices I, II, and III lists. Any adjustments to CITES lists must balance environmental protection with economic consequences. Australia's existing AFMA and EPBC management frameworks already meet or exceed CITES obligations and should not be duplicated or overridden by additional domestic measures.

Recommendation:

- Remove Section 303CB which enables the Minister to declare that a specified CITES III specimen can be treated as a CITES I specimen for the purpose of applying stronger domestic measures to the international trade in that specimen.

**15. GREENHOUSE GAS EMISSIONS DISCLOSURE**

New disclosure requirements for Scope 1 and 2 GHG emissions are duplicative with existing requirements under the Safeguard Mechanism.

Recommendation:

- Bill must prescribe how emissions disclosure will be used in the decision-making process.