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Submission to the consultation on the exposure draft National Environmental Standard for Matters of National Environmental Significance (MNES)

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Who is Property Rights Australia Inc?

Property Rights Australia Inc. (PRA) is a not-for-profit, apolitical organisation which formed in 2003, to protect the property rights of landowners adversely affected by the actions of government, private companies and others who negatively impact on their properties and their right to do business. Our members are small, medium, and large enterprises, mostly in Queensland and a few are from New South Wales, Northern Territory, and Western Australia. PRA strives for ecologically and economically sustainable natural resource management, whilst protecting private property rights. PRA wants to ensure government policies and natural resource management decisions are based on sound science and responsible economic management.

PRA does not support draft MNES Standard

Property Rights Australia (PRA) strongly opposes the draft National Environmental Standard for Matters of National Environmental Significance (MNES) and the broader direction of the current EPBC Act reform process.

These reforms represent one of the most significant expansions of Commonwealth influence over privately owned land in Australia's history. While framed as environmental protection, the practical effect is the steady transfer of control over productive rural land away from landowners and toward governments, regulators, environmental bureaucracies and increasingly powerful corporate interests operating within carbon, biodiversity and renewable energy markets.

The draft standards fail to strike any genuine balance between environmental protection and private property rights. Instead, they embed a regulatory framework where rural Australians are expected to carry escalating environmental obligations for the benefit of the broader public, while receiving diminishing certainty, diminishing autonomy, and no meaningful compensation.

Property Rights Australia has consistently argued that environmental regulation without strong protection of property rights inevitably results in regulatory overreach, declining agricultural confidence, reduced investment certainty, and growing conflict between governments and regional communities. These draft standards reinforce those concerns.

Australian farmers are not opponents of environmental stewardship. Farmers and graziers are among the nation's most experienced environmental managers. Productive agriculture depends upon healthy landscapes, functioning ecosystems, water security and long-term sustainability. Rural landowners have managed Australia's landscapes for generations while simultaneously producing food and fibre essential to the national interest.

However, these reforms increasingly treat privately owned agricultural land as a policy instrument for:

- renewable energy expansion;
- transmission infrastructure;
- biodiversity offsetting;
- carbon sequestration;
- carbon forest projects:
- conservation lock-ups;
- environmental restoration schemes;
- and strategic national planning objectives.

At the same time, governments continue increasing compliance obligations, approval requirements and land-use restrictions on the very people responsible for maintaining regional Australia and feeding the country.

This is not balance. It is regulatory escalation.

Consultation Process

Property Rights Australia (PRA) also raises serious concerns regarding the consultation process itself, particularly the inadequate timeframe provided for rural landowners, farming families and volunteer community organisations to properly review and respond to the extensive EPBC reform documentation.

The consultation papers, draft National Environmental Standards, offsets frameworks and associated technical materials collectively comprise hundreds of pages of complex legal, scientific and policy content with potentially far-reaching consequences for private property rights and agricultural land use across Australia. Unlike governments, multinational corporations, industry peak bodies and well-funded environmental organisations, many regional stakeholders and volunteer advocacy groups do not have access to lawyers, environmental consultants or dedicated policy staff.

PRA notes that most rural advocacy work is undertaken by volunteers who are simultaneously managing businesses, farms, livestock, seasonal operations and family responsibilities. Farmers cannot simply step away from drought management, harvesting, calving, sowing or day-to-day agricultural operations in order to analyse highly technical legislative reform packages within compressed consultation windows.

Despite widespread concern regarding the scale and complexity of the reforms, the Department advised stakeholders: "*We want to thank you for taking the time to engage and provide feedback in this process. Due to the volume of correspondence received, we are unable to respond directly to individual submissions. We are unable to grant extensions on submissions for the public consultation*." From PRA's perspective, this response reinforces growing concerns throughout regional Australia that consultation is increasingly being treated as a procedural formality rather than a genuine attempt to engage with affected landholders and communities.

Meaningful consultation on reforms of this magnitude requires adequate timeframes, genuine accessibility and proper consideration of the realities facing rural and regional Australians. The current process risks disenfranchising precisely the communities that will bear the greatest long-term impacts of these reforms.

There is also deep concern throughout regional and rural Australia regarding the fundamentally flawed process underpinning these reforms, whereby significant elements of the EPBC reform agenda have already been legislated or advanced before meaningful consultation has occurred with the landholders, farming communities and regional Australians who will be most directly impacted. From the perspective of many farmers, the process appears backwards: governments first establish the legislative framework and policy direction, then subsequently invite affected communities to comment on how those decisions may be implemented. This creates a widespread perception that consultation is occurring after key political and policy decisions have already been made, significantly limiting the ability of rural stakeholders to genuinely influence outcomes.

Laws affecting private property rights, agricultural land use, environmental obligations and the long-term economic future of regional communities should not be developed in isolation from the people expected to live under them. Yet many landholders feel they have been excluded from the decision-making process until after the fundamental architecture of the reforms was already settled. This approach undermines confidence in both the consultation process and the legitimacy of the reforms themselves. Genuine consultation requires governments to engage directly with affected communities before major legislative directions are locked in — not after legislation has already been introduced, passed or politically committed to. For many rural Australians, the current process has reinforced the growing belief that regional communities are increasingly being consulted as an afterthought rather than treated as genuine stakeholders in decisions that will fundamentally reshape the future of rural land use across Australia.

Escalating regulatory burden on rural Australia

Primary producers are already operating within an extraordinarily complex regulatory environment involving:

- native vegetation laws;
- water sharing plans;
- biodiversity offset schemes;
- cultural heritage requirements;
- carbon market proposals;
- biosecurity obligations;
- workplace regulation;
- transport compliance;
- renewable energy and transmission developments;
- State environmental approvals;
- and Commonwealth EPBC approvals.

The cumulative burden of these overlapping systems is becoming economically and operationally unsustainable for family farming enterprises. Large corporations can absorb these costs through teams of lawyers, consultants and environmental specialists. Family farms cannot.

The draft MNES and Offsets Standards further expand reliance upon:

- ecological modelling;
- cumulative impact assessments;
- adaptive management obligations;
- environmental monitoring;
- strategic regional planning;
- baseline assessments;
- and increasingly technical compliance systems.

The inevitable outcome is a regulatory framework that favours multinational developers, major infrastructure proponents and institutional investors while marginalising ordinary landowners.

Cumulative impact frameworks threaten Property Rights

The proposed standards place substantial emphasis on “cumulative impacts” across entire landscapes and regions. This creates a deeply concerning precedent whereby individual landowners may increasingly lose land-use freedoms not because of their own actions, but because governments determine that an entire region has reached an environmental threshold. Under such a framework, farmers may effectively become responsible for managing broader regional environmental outcomes outside their control.

This is particularly concerning in areas already experiencing overlapping industrialisation pressures, including:

- Renewable Energy Zones;
- transmission corridors;
- wind and solar developments;
- battery infrastructure;
- biodiversity stewardship schemes;
- mining projects;
- and strategic infrastructure corridors.

In many regions across the country, landowners are already facing cumulative impacts from:

- transmission infrastructure;
- worker accommodation camps;
- industrial energy developments;
- road upgrades;
- vegetation clearing;
- changing land-use patterns;
- and increasing landscape fragmentation.

The MNES Standards risk formalising a system where productive agricultural regions are progressively constrained through cumulative regulatory mechanisms that permanently erode private property rights.

Strategic Regional Planning Is centralising control away from communities

The draft standards significantly expand reliance upon:

- strategic regional planning;
- landscape-scale management;
- strategic environmental assessments;
- restoration frameworks;
- and regional conservation priorities.

While presented as “streamlining” and “efficiency”, these mechanisms appear designed to facilitate nationally significant infrastructure and renewable energy projects by reducing the ability of local communities to meaningfully object once strategic decisions have already been made.

Across regional Australia there is growing frustration that:

- governments determine strategic priorities first;
- corporations secure policy support second;
- and affected landowners are consulted last.

Once a region is identified for:

- transmission infrastructure;
- biodiversity restoration;
- renewable energy rollout;
- or environmental conservation priorities,

the practical ability of individual landowners and local communities to resist industrialisation is dramatically reduced.

PRA is deeply concerned these reforms further entrench top-down planning models that override local knowledge, local consent and practical land management realities.

State level codes and policies must be upheld and recognised in any bilateral agreements.

Queensland’s Property Maps of Assessable Vegetation PMAV’s, practical state-level codes, such as Queensland’s Acceptable Development Vegetation Clearing Codes, Routine

Agricultural Management Activities RAMA and NSW's Local Land Services LLS exemptions must be upheld and recognised. The new federal standards act as an immovable "supremacy" floor. Under new bilateral agreements, state agencies must strip away any local flexibility that is "inconsistent" with federal rules, meaning state officers will effectively become federal enforcers with no local discretion. This is not fair and must be overturned.

Environmental mapping and "Degraded Land" classifications

There is increasing concern throughout regional Australia regarding the use of outdated environmental mapping, modelling and desktop assessments to impose restrictions over productive farmland.

Recent disputes involving vegetation mapping in regional NSW have demonstrated the serious consequences that arise when governments rely upon historical or inaccurate data without proper ground-truthing.

The repeated use of terms such as "**degraded land**" throughout the reform package is particularly alarming given there remains no clear statutory definition of what constitutes degraded land. Without a precise definition, productive agricultural land risks being reclassified as:

- environmentally degraded;
- suitable for biodiversity offsets;
- appropriate for carbon sequestration;
- or available for industrial infrastructure development,

simply because it has previously been farmed, grazed or modified through lawful agricultural activity. This creates enormous regulatory uncertainty.

Previously cleared or actively managed farmland is not inherently degraded. Many agricultural landscapes continue to support:

- remnant vegetation;
- habitat connectivity;
- riparian systems;
- biodiversity values;
- and ecological function alongside productive farming operations.

The absence of a clear definition creates substantial risks of:

- arbitrary interpretation;
- shifting regulatory standards;
- declining property values;
- reduced investment confidence;
- and expanding land-use conflict.

PRA strongly submits that no further references to “degraded land” should proceed without a precise and legally enforceable statutory definition that protects productive agricultural land from reclassification through bureaucratic discretion.

PRA recommends this definition for **degraded land**.

For the purposes of the proposed reforms to the Environment Protection and Biodiversity Conservation (EPBC) framework, “degraded land” should be defined in a manner that recognises the productive realities of Australian agriculture and prevents the inappropriate classification of actively managed farmland as environmentally degraded.

“Degraded land” means land that has experienced a sustained and measurable loss of ecological function, soil stability, hydrological integrity, or productive agricultural capacity to the extent that the land can no longer reasonably support its intended agricultural use without substantial rehabilitation intervention.
The term must not include:

- land that is temporarily fallowed, rotationally grazed, drought affected, flood affected, fire affected, or subject to seasonal variability;
- land undergoing normal and accepted agricultural practices, including cultivation, pasture improvement, weed management, stock management, irrigation, or infrastructure development;
- land displaying natural fluctuations in groundcover, productivity, or vegetation composition associated with climatic conditions;
- land that remains capable of ongoing commercial agricultural production, even where modified from its pre-European ecological state;
- land containing remnant vegetation, native pasture, regrowth, or mixed-use agricultural systems.

A determination that land is “degraded” must:

- be based on scientifically robust, regionally appropriate, and independently verifiable criteria;
- account for long-term climatic conditions, including drought and flood cycles;
- recognise historical and continuous agricultural land use;
- include consultation with the landholder;
- provide the landholder with review and appeal rights prior to any final determination.

The absence of a clear and narrow definition of “degraded land” creates significant uncertainty for agricultural producers and opens the door to subjective interpretation by regulators and third parties. In many regions of Australia, productive farmland can appear visually sparse or environmentally stressed due to drought, seasonal conditions, grazing cycles, or flood recovery, while still remaining viable and responsibly managed agricultural land.

Without clear safeguards, there is a serious risk that actively farmed land could be incorrectly classified as “degraded” simply because it has been modified for food and fibre production. Such an outcome would unfairly penalise generations of lawful agricultural land management and create uncertainty around land values, investment confidence, financing, succession planning, and future farm operations.
Any definition adopted under the EPBC reforms must therefore clearly distinguish between genuinely degraded land requiring rehabilitation and productive agricultural land operating under normal Australian climatic and farming conditions

The 15-Year Continuing Land Use Rule is a direct threat to agricultural property rights

The proposed reforms to section 43B of the EPBC Act - particularly the proposed 15-year limitation on continuous use exemptions[1] - represent one of the most dangerous aspects of the reform package.

For generations, Australian landowners have operated on the understanding that historic agricultural land could continue to be managed as part of ongoing farming enterprises. The proposed changes fundamentally undermine that principle.

Under the proposed reforms, landowners may lose continuous use protections where vegetation has not been cleared within the previous 15 years. This completely fails to recognise the realities of agricultural land management.

Farming systems are adaptive and cyclical. Land use changes over time due to:

- drought;
- flooding;
- commodity markets;
- labour availability;
- seasonal conditions;
- enterprise restructuring;
- succession planning;
- and financial pressures.

It is entirely normal - and often environmentally responsible - for portions of farmland to remain lightly managed or uncleared for extended periods before returning to productive use. Under the proposed framework, however, temporary non-use may effectively become

[1] DCCEEW. 21 April 2026. Continuous use exemption. https://www.dcceew.gov.au/environment/epbc/epbc-act-reform/updates-agricultural-action-exemptions-epbc-act#toc_3

permanent regulatory sterilisation. Landowners who allowed vegetation regrowth during drought or difficult economic periods may later discover they can no longer resume lawful agricultural activity without triggering Commonwealth approval processes.

This creates severe consequences including:

- loss of agricultural flexibility;
- reduced property values;
- increased compliance costs;
- diminished investment certainty;
- and long-term erosion of land-use and property rights.

Even more concerning is the perverse incentive created by the proposal. Landowners may conclude that allowing natural regeneration creates future regulatory risk and therefore feel pressured into defensive clearing simply to preserve future land-use options.

That is not sound environmental policy. It is regulatory coercion.

Mulga (*Acacia aneura*) across Queensland and New South Wales[2] needs to be managed over 20 to 30 year cycles and amongst long drought periods which occur every 11 years on average. Mulga is coppiced (pulled down) to ground level for livestock feeding during droughts and extended dry seasons. Knocked over mulga reshoots from the retained root base. Mulga trees less than 10 years old have higher levels of tanin and is not palatable to livestock. Queensland Government's Accepted Development Vegetation Clearing Code for fodder harvesting in regulated vegetation[3] requires at least 10 years between cycles of mulga harvesting. The new 15-year-old regrowth rule for referral under the EPBC Act does not align with current mulga management regulations and landscape ecology.

Native and introduced fodder trees need to be carved out of the EPBC regulatory process. PRA strongly opposes the proposed 15-year rule and asserts that historic agricultural land use rights must be permanently protected.

[2] DCCEEW. 2008. Rangelands - Mulga lands bioregion. https://www.dcceew.gov.au/sites/default/files/env/resources/a8015c25-4aa2-4833-ad9c-e98d09e2ab52/files/bioregion-mulga-lands.pdf

[3] Queensland Government. Managing fodder harvesting accepted development vegetation clearing code. https://www.qld.gov.au/__data/assets/pdf_file/0020/552701/managing-fodder-clearing-code.pdf

Offsets do not replace Environmental Loss

The proposed standards place heavy reliance upon the “avoid, mitigate, repair and offset” hierarchy”.

In practice, however, there is growing concern throughout regional Australia that this hierarchy increasingly functions as a mechanism to facilitate large-scale industrial development rather than genuinely prevent environmental harm.

Once projects are classified as strategically important - particularly renewable energy and transmission projects - the practical focus shifts from avoiding impacts to administratively managing them after the fact.

Terms such as:

- “reasonable avoidance”;
- “feasible mitigation”;
- “acceptable impacts”;
- and “suitable offsets”

remain highly subjective and open to broad interpretation.

The increasing reliance on environmental offsets is especially concerning. Offsets do not recreate:

- mature ecosystems;
- local habitat connectivity;
- established vegetation communities;
- productive farmland;
- or the social and economic value of rural landscapes.

A biodiversity offset established hundreds of kilometres away does not undo the destruction of vegetation, fragmentation or industrialisation occurring within affected communities. Removing vegetation in one location and permanently locking up another parcel of land elsewhere is not a net environmental gain. It is a net loss administratively recorded as balance. The ecological systems destroyed at the impact site are still lost. The productive agricultural capacity removed from regional communities is still lost. The fragmentation of landscapes is still real.

PRA rejects the increasing use of offset frameworks that transform productive farmland into:

- biodiversity banking assets;
- carbon projects;
- environmental compensation zones;
- or permanent conservation mechanisms,

while simultaneously reducing the land available for food and fibre production.

Double standards in Environmental Regulation

There is growing anger throughout regional Australia regarding the inconsistent application of environmental regulation.

Farmers face increasing scrutiny, mapping restrictions and compliance obligations, while governments simultaneously accelerate approvals for:

- transmission infrastructure;
- coal seam gas exploration;
- Renewable Energy Zones;
- industrial solar facilities;
- wind developments;
- battery projects;
- worker accommodation camps;
- and associated industrial corridors.

Concerns regarding runoff and sediment movement associated with construction activity linked to the Central-West Orana Renewable Energy Zone - including impacts into the Talbragar River system and ultimately the broader Macquarie catchment - demonstrate the real-world difficulty of managing cumulative environmental impacts from large-scale industrial development.

If the Commonwealth is genuinely committed to protecting Matters of National Environmental Significance MNES, then environmental obligations must apply equally to:

- governments;
- mining and gas companies;
- renewable energy proponents;
- transmission companies;
- and all major infrastructure developers.

Environmental protection cannot become a system where family farms face tightening restrictions, while industrial-scale development continues under strategic planning exemptions and offset arrangements.

In many regions of Australia, native title has been extinguished or does not exist. There should be no requirement in the Standard to engage with Indigenous community, where there is no relevance or connection to land title, nor any evidence of cultural knowledge to MNES and critical habitat.

The first list of Australia's endangered species was created in 1976, in response to the Convention on International Trade in Endangered Species of Wild Fauna and Flora[4]. Protection of MNES pertains to all communities. PRA recommends omitting the requirement for Indigenous engagement from the MNES Standard.

[4] Department of the Prime Minister and Cabinet. 1976. Endangered species leaflets. https://pmtranscripts.pmc.gov.au/sites/default/files/original/00004267.pdf

One-Size-Fits-All Environmental Regulation does not work

Australia's agricultural landscapes are enormously diverse. The realities of:

- western NSW grazing country;
- Queensland scrub management;
- irrigation districts;
- mixed farming systems;
- northern rangelands;
- mulga country;
- native and introduced fodder trees;
- and coastal agricultural regions

are fundamentally different.

Highly centralised national environmental frameworks cannot adequately account for the practical realities of land management across all regions. Local knowledge matters. Regional flexibility matters. Practical farming experience matters.

The EPBC framework, MNES Standard and associated policy do not recognise nor consider the impact of thickening on grassland ecosystems. Thickening is recognised worldwide in grassland ecosystems, as the biggest threat, and has been for years as woodlands require disturbance to maintain an open canopy structure, where grass is the dominant layer. Causes of thickening of native vegetation include:-

- higher levels of carbon dioxide facilitating woody vegetation but not grasses;
- historical fire regime suppression due to fuel reduction by grazing livestock, community pressure and increasing government control on the application of fire.

The continued centralisation of environmental decision-making risks replacing practical land stewardship with bureaucratic theory developed far from the communities expected to comply with it.

Conclusion

Property Rights Australia strongly opposes the draft National Environmental Standard for Matters of National Environmental Significance and the broader direction of the current EPBC Act reforms.

These reforms collectively represent:

- expanding Commonwealth control over private land;
- growing regulatory uncertainty;
- increasing restrictions on productive agriculture;
- erosion of land-use rights;
- and the continued transfer of economic and environmental burden onto rural Australians.

Australia cannot continue treating productive farmland primarily as:

- infrastructure corridors;
- biodiversity banks;
- carbon storage zones;
- or environmental compensation assets,

while expecting farmers to indefinitely absorb rising costs, rising regulation and declining certainty.

Australia's food security, regional economies and rural communities depend upon secure property rights and practical, workable environmental regulation.

Environmental protection must coexist with productive agriculture — not progressively override it. Routine management needs flexibility and must not require referral under the EPBC regulations.

PRA submits that the draft standards should be substantially amended to:

- protect existing agricultural land-use rights;
- remove the proposed 15-year continuous use restrictions;
- provide legally enforceable protections for productive farmland;
- define "degraded land" in clear statutory terms;
- prevent cumulative impact frameworks from undermining private property rights;
- ensure equal environmental accountability for infrastructure proponents;
- and restore genuine balance between environmental protection and the rights of Australian landowners.

Further information

If you require further information or clarification on any points raised in the submission, please contact PRA by email on pra1@bigpond.net.au or phone 0493 667 561.