Adrian Tomlinson
PO Box 9124
Alice Springs
NT 0870

29 May, 2026

Uploaded submission

National Environmental Standard for Matters of National Environmental Significance (MNES) – Policy Position Paper & Exposure Draft

Thank you for the opportunity to make comment.

We recognise the need for standards to specify environmental outcomes, however these standards are unacceptable. They allow unacceptable wriggle room, by using language like 'have regard to' and 'appropriately'. They are not strident enough and compromise the outcomes and objectives for MNES by only focusing on irreplaceable habitat and through the vague language as to how they will be applied. They will allow environmental decline at a time where ecosystems are already on a downward trajectory, as highlighted in the most recent State of the Environment Report.

Six issues pertaining to the NT and Central Australia

Our comments focus on central Australian concerns.

While across Australia we suffer from deteriorating environmental baselines due to climate change, in central Australia the following six issues are exacerbating environmental decline. We desperately need strong Federal environmental safeguards.

We request that these six issues be considered in strengthening the standards and policy and be resolved prior to entering any new bilateral agreement with the Northern Territory Government.

1. Ecosystem collapse is happening in real time due to buffel grass invasion. Buffel grass completely transforms landscapes and is disappearing what were even quite common ecosystems (e.g. river redgum corridors). No environment in our region can be considered safe as the NT Buffel Weed Management is incoherent – pastoralists allowed essentially unfettered planting even adjacent National Parks and biodiversity hotspots like the MacDonnell Ranges. Additionally, the Federal Government has failed to implement its Buffel Grass Threat Abatement Advice[1]. Even if the Federal Environment Minister did want to effectively manage buffel it has

[1] https://www.dcceew.gov.au/environment/biodiversity/threatened/threat-abatement-advices/buffel-grass-introduction

been made clear to me in recent correspondence from DCCEEW[2] that this is not within his control as *'National Biosecurity governance is primarily the responsibility of the Commonwealth Department of Agriculture, Fisheries and Forestry'*. This is an unacceptable context for relying on offsets and introducing more risks.

2. Unknown baselines and trajectories – there is a paucity of environmental monitoring data outside of National Parks in Central Australia. While the NT produced a helpful 'Strategic Regional Environmental Baseline Assessment' for Beetaloo Basin, there has been no equivalent assessment for central Australia. Furthermore the NT has never published a State of the Environment Report.
3. NT Legislation that cannot be relied upon due to the recent *Territory Coordinator Bill 2025*. This bill allows almost every piece of legislation that protects and provides certainty about environmental safeguards at the Territory level to be overridden.
4. Water planning is not up to National standards. Key water plans which should be protecting MNES have not included evidence-based provisions for the environment or cultural flows, were established without water advisory committees and ignored public submissions. The NT was singled out as backsliding by the Productivity Commission in its recent review of the National Water Initiative.
5. Successive Governments have shown a pattern of ignoring professional and departmental advice and deferring the preferences of big industry[3].
6. The NTEPA effectively never calls in pastoral land clearing applications. These are very common and decided by a Pastoral Lands Board which is dominated by pastoralists. The cumulative impacts of land clearing are not considered.

Detailed comments: Exposure Draft - National Environmental Standard (Matters of National Environmental Significance) 2026

Reference	Subject	Concern	What is needed?
5 Objectives	**Listed threatened species** Habitat of the listed threatened species (including critical habitat) where the habitat is irreplaceable and necessary for the species to remain viable in the wild is protected, conserved and restored to support survival and recovery of the species. Protection, conservation, restoration and recovery actions support the viability of threatened species in the wild.	'irreplaceable and necessary for the species to remain viable in the wild' is too low a bar Many species face extinction or uplisting on account of six concerns in the introduction	Remove 'irreplaceable and necessary for the species to remain viable in the wild is too low bar' many species face extinction or uplisting. Resolve the six concerns in introduction, including ensuring the Minister for Environment has jurisdiction over biosecurity arrangements as they pertain to MNES.
	Listed threatened ecological communities (TECs) Habitat of the listed threatened ecological community (including critical	'where the habitat is irreplaceable and necessary for the community to remain	Remove 'where the habitat is irreplaceable and necessary for the community to remain viable in the wild'

[2] Your ref MC26-004611

[3] E.g. The Minister for the Environment went against the majority advice of his advisory committee on buffel Management and quietly increased water allocations in the Western Davenport Water Control District in areas with groundwater dependent ecosystems. There are numerous landclearing applications being approved on an ad hoc basis.

Reference	Subject	Concern	What is needed?
	habitat) where the habitat is irreplaceable and necessary for the community to remain viable in the wild is protected, conserved and restored to support survival and recovery of the community.	viable in the wild' is too low a bar. There are 107 TECs declared in Australia but only two in the NT (Great Artesian Basin GDE communities and Arnhem Plateau sandstone shrubland communities). See 'six concerns' in introduction	Urgently require a review of TECs in the NT. Resolve the 'six concerns' in my introduction.
	Listed migratory species	'where the habitat is irreplaceable and necessary for the community to remain viable in the wild' is too low a bar.	Remove 'where the habitat is irreplaceable and necessary for the community to remain viable in the wild'
	Protection of water resources from unconventional gas development and large coal mining development The function and integrity of the water resource are protected and conserved, including the: (1) ecological components, functions and processes of the water resource necessary to support sites of local, regional and national ecological significance; (2) reliability and supply of water to support critical human water needs; and (3) provisioning, regulating, cultural and supporting services provided by the water resource.	Water management in the NT is inherently unsafe, due to derelict water planning, which has seen major water allocation plans rushed through, in key cases without water advisory committees, without definition of environmental water requirements and ignoring public submissions (e.g. refer Georgina Wiso Water Allocation Plan which was gazetted by the Chief Minister, when the Environment Minister was on leave and before community submissions had been responded to and the Western Davenport Water Allocation Plan 2024-2027 was regazetted with increased water allocations were substantially increased by the Minister without notice or consultation.) Refer also Productivity Commission report	The scope of this protected matter needs to be extended to include water extraction. Arid Zone Groundwater dependent ecosystems need to be explicitly protected refer case card for justification: https://www.lettersfortheenvironment.com/wp-content/uploads/2025/09/GDEs-Case-Card-and-Letter-Writing-Tips-2.pdf This standard prescribe expectations for how water allocation planning is done. Bilateral agreement with the NT is inappropriate given sustained NWI shortcomings.

Reference	Subject	Concern	What is needed?
		which raised multiple criticisms of water allocation plans including their being non-binding[4].	
8 Principle	Step 3—Repair (4) Following the application of any appropriate avoidance and mitigation measures, any repairable impacts on protected matters should be repaired as soon as possible and as close to its original condition as possible. (5) Repair will generally be a viable option only where: (a) repair can be done in a timely manner; and (b) repair activities are feasible and sustainable in the long term for the protected matter. (6) Repair activities should focus on the significantly impacted protected matter and involve on-site works with specific goals for re-establishment of values to reduce residual significant impacts. Note: Rehabilitation activities at the conclusion of an action are not considered to be repairs. Step 4—Offset (7) Following the application of any appropriate avoidance, mitigation and repair measures, any residual significant impact of the action or class of actions on a protected matter must be compensated for by an offset activity or a restoration contribution charge.	These principles using language like 'appropriate' are ambiguous and create unnecessary wriggle room and compromises MNES As noted offsets are unreliable in the NT given declining environmental baselines, ecosystem resilience and system shortcomings	Rewrite clearly in a way which ensures environmental outcomes are fully protected and removes uncertainty as to how the principles will be applied. Do not allow offsetting in the NT while 'six concerns;' are unresolved.
9 Principle	Actions appropriately consider adverse impacts to protected matters In considering the nature, extent or severity of an adverse impact on a protected matter, regard should be had to the context in which the impact might occur. Note 1: The context includes, for example: (a) the unique context of a protected matter, including the past, present and reasonably foreseeable future events, circumstances and	Use of terms 'should' and 'may' introduces uncertainty and ambiguity as too how this guideline will be applied and will result in risk for outcomes for MNES.	Throughout replace 'should' and 'may' with shall. Specify that cumulative impacts are to be considered.

[4] https://assets.pc.gov.au/2025-10/Water%20refrom%20overview.pdf?VersionId=4HZvgnWAJvJDrFyvLgTepv1suFCHO6D_

Reference	Subject	Concern	What is needed?
	threats affecting the protected matter; and (b) the interaction of different stressors, for example the combined impacts of light, noise, and habitat clearance to breeding success of endangered species as a result of an action or class of actions. Note 2: When considering bioregional plans and strategic assessments the context may also include the following: (a) the combination of past, present and reasonably foreseeable future events, circumstances and threats affecting the protected matter; and (b) individually minor, but collectively significant, actions taking place over a period of time.		

Detailed comments: Policy Position Paper: National Environmental Standard for Matters of National Environmental Significance

Topic	Point of concern	Concern	Requested change
Figure 2: Key elements of the MNES Standard	As discussed below the language used in the principles i.e. 'appropriately' creates risk and opportunity to create unacceptable risk for MNES.	As discussed below the language used in the principles i.e. 'appropriately' creates risk and opportunity to create unacceptable risk for MNES.	Remove word 'appropriately'
Proposed application of the MNES Standard	'Actions assessed under bilateral agreements will benefit from a streamlined assessment process, and prescribed Standards will apply to approval decisions under Part 9 as described above. Actions, or classes of actions, approved by states or territories under approval bilateral agreements will be considered by relevant state or territory decision-makers in accordance with the accredited state or territory processes. Consistency with the Standard will be assessed by the Minister once at the point of the accreditation decision and will be subject to assurance processes by the National Environmental Protection Agency.'	I am very concerned that assessments done at Territory level under a bilateral agreement, will not meet EPBC standards unless the six considerations at the start of this letter are resolved.	Note comment address 'six concerns'.

Topic	Point of concern	Concern	Requested change
Principles	The following Principles will be applied through the implementation of the MNES Standard to help achieve Outcomes for protected matters and promote the Objective of this Standard: 1. Actions appropriately apply the mitigation hierarchy. 2. Actions appropriately consider adverse impacts to protected matters. 3. Actions with residual significant impacts to affected protected matters are compensated. 4. Appropriate evidence, indigenous engagement and consultation	The principles and repeated use of term 'appropriately' is vague and renders the outcomes and objectives effectively useless.	The principles must not compromise the outcomes and objectives for MNES. Remove vague terms that introduce unbounded discretion including the word 'appropriately'.
	Actions assessed under bilateral agreements will benefit from a streamlined assessment process, and prescribed Standards will apply to approval decisions under Part 9 as described above. Actions, or classes of actions, approved by states or territories under approval bilateral agreements will be considered by relevant state or territory decision-makers in accordance with the accredited state or territory processes. Consistency with the Standard will be assessed by the Minister once at the point of the accreditation decision and will be subject to assurance processes by the National Environmental Protection Agency	Six issues pertaining to the NT and Central Australia raised in the introduction prevent devolving activities to the NT under a bilateral agreement	Address six issues pertaining to the NT and Central Australia Do not devolve responsibilities to the NT under a bilateral agreement
Principle 2	Principle 2: Actions appropriately consider adverse impacts to protected matters 'For landscape-scale assessments, including strategic assessments and bioregional planning, the cumulative impacts of multiple actions <u>can</u> be considered.'	Cumulative impacts and risks should be considered in this and all cases.	Cumulative impacts should be considered in this and all cases. Standard should include statement that cumulative impacts and risks must be considered.
Principle 4	Appropriate evidence, indigenous engagement and consultation.	This is not happening in the NT under the most common types of proposal (pastoral land clearing)	Support this change – needs to be applied.

Thank you for considering this submission.

Kind regards

Adrian Tomlinson
Co Administrator, Letters for the Environment Central Australia