

SUBMISSION GUIDE

Have your say: Draft environment standards

Until **Friday 30 January 2026**, the Department of Climate Change, Energy, the Environment and Water (DCCEEW) is asking people and organisations to share their views on the Albanese Government's draft:

- **Matters of National Environmental Significance (MNES) national environmental standard**
- **Environmental Offsets national environmental standard**

These draft standards are at the heart of Australia's environment law reform. In this guide, EJA's legal experts outline what's missing, what's promising, and what needs to change to ensure the standards actually protect nature.

About the consultation + why it matters?

Australia's national nature laws – the **Environment Protection and Biodiversity Conservation Act (EPBC Act)** – have long been criticised for failing to protect the environment. Our record speaks for itself: Australia is a global leader in extinctions, land clearing and nature destruction.

After years of reviews, inquiries and debate, significant changes to the laws passed at the end of 2025. Australia now has a new (or at least seriously amended) EPBC Act.

Under these reforms, the Environment Minister can create **National Environmental Standards**. These are universal requirements that guide environmental decision making across the country. They're designed to deliver:

- Stronger environmental protection and restoration
- More efficient and robust project assessments
- Greater accountability and transparency in environmental decision making.

The standards are made by the Minister and tabled in Parliament as legislative instruments.

A lot of the real-world power of the new laws sits with national environmental standards. They spell out how the new system should work in practice, which is why the detail matters so much. Strong, clear standards will lift environmental protection across the board. Weak or vague standards will undermine the new laws before they even commence.

Two standards have already been drafted and are now open for public consultation until January 30:

1. **Matters of National Environmental Significance (MNES) national environmental standard**
2. **Environmental Offsets national environmental standard**

This consultation is seeking feedback specifically on these two drafts.

Looking for general advice on submission writing?

The best submissions are unique. Good submissions generally:

- **Are concise** and well-structured
- Emphasise the key points so that they are clear
- **Outline concerns** as well as suggesting **recommendations** to address them
- Only include information and documents that are **directly relevant** to your key points.

You can find more advice from EJA on how to write a good submission, [here](#).

If you have any questions, feedback on this toolkit, need additional support or want to share your submission with us, get in touch at hello@envirojustice.org.au.

How to lodge your submissions

1. You can make your submission in two ways:
2. **Option 1: Respond using the survey prompts**
3. **Option 2: Upload a written submission using the same survey**
4. We encourage you to upload written submissions on each standard so that you can tailor your comments.
5. There are separate surveys for each draft standard. If you want to have your say on both standards you'll need to complete two surveys and/or upload two submissions.
6. **MNES standard**
7. **If you plan to upload written submissions:** Draft your submissions and save them to your desktop using file names you'll remember. If you're planning to answer only using the survey prompts, you can skip this step.
8. **Open the consultation page:** <https://consult.dcceew.gov.au/natl-environmental-standards-mnes>
9. **Start the survey:** Scroll to the bottom of the page and click 'Survey on draft MNES Standard Policy Paper and legislative instrument'.
10. **Survey on draft MNES Standard Policy Paper and legislative instrument**
11. **Agree to the privacy statements:** You'll be shown three separate privacy statements. Read each one and use the button at the bottom of the pages to agree and continue.
12. **Enter your details:** Add your personal or organisational information, then scroll down and click 'Next'.
13. **Rate your support for the draft standard:** Choose a rating from 1–5. You'll need to do this even if you plan to upload a written submission.
14. **Choose the topics you're giving feedback on:** Tick the relevant boxes. Options include:
 - a. Objectives
 - b. Outcomes
 - c. Principle 1 – Actions appropriately consider the mitigation hierarchy
 - d. Principle 2 – Actions appropriately consider impacts to protected matters
 - e. Principle 3 – Actions with residual significant impacts to protected matters are compensated
 - f. Principle 4 – Actions are supported by evidence
 - g. You can select as many as you like, based on this submission guide you may wish to select all of them.
15. **Add your feedback**
 - a. **If you're responding directly in the survey,** type your comments into the text box provided. If the box feels cramped, draft in a separate document and paste your text in.
 - b. **If you're uploading a prepared submission,** scroll to **Option 2**, click '**Click to choose a file**', and upload your document from your desktop.
16. **Press submit**
17. **Offsets standard**
18. **If you plan to upload a written submission:** Draft your submission first and save it to your desktop using a file name you'll remember. If you're planning to answer only using the survey prompts, you can skip this step.
19. **Open the consultation page:** <https://consult.dcceew.gov.au/natl-environmental-standards-mnes>
20. **Start the survey:** Scroll to the bottom of the page and click 'survey on draft Environmental Offsets Standard Policy Paper and legislative instrument'

Survey on draft Environmental Offsets Standard Policy Paper and legislative instrument

21. **Agree to the privacy statements:** You'll be shown three separate privacy statements. Read each one and use the button at the bottom of the page to agree and continue.
22. **Enter your details:** Add your personal or organisational information, then scroll down and click **'Next'**.
23. **Rate your support for the draft standard:** Choose a rating from 1–5. You'll need to do this even if you plan to upload a written submission.
24. **Choose the topics you're giving feedback on:** Tick the relevant boxes. Options include:
 - a. Proposed application of the Environmental Offsets Standard
 - b. Objectives
 - c. Outcomes
 - d. Principles 1 - Feasibility
 - e. Principle 2 – Security
 - f. Principle 3 – Direct and tangible
 - g. Principle 4 – Net gain
 - h. Principle 5 – Additionality
 - i. Principle 6 – Like-for-like
 - j. Principle 7 – Relevant area
 - k. Principle 8 – Offset commenced prior to impact
 - l. You can select as many as you like, based on this submission guide you may wish to select all of them.
25. **Add your feedback**
 - a. **If you're responding directly in the survey,** type your comments into the text box provided. If the box feels cramped, draft in a separate document and paste your text in.
 - b. **If you're uploading a prepared submission,** scroll to **Option 2**, click **'Click to choose a file'**, and upload your document from your desktop.
26. **Press submit**

Matters of National Environmental Significance (MNES)

Overview:

To be protected under Australia's national environment laws, a plant, animal, place or ecosystem must be listed as a **Matter of National Environmental Significance (MNES)**. Think of this as a golden ticket to federal protection – it signals that something is so important it should be protected by the Commonwealth, not just by state or territory laws.

The MNES standard is a legal document that has the potential to set expectations for, and limits on, how decision-makers, developers and the community assess the risks a project may pose to protected matters. It sets out core principles for decision-making, alongside definitions designed to provide clarity and consistency. The standard was a cornerstone of the Samuel Review, which even included a draft version for the Australian Government to adopt.

The environment department has provided a **draft MNES standard policy paper** and **legislative instrument** for consultation. The policy paper explains the government's intent and approach to developing the standard. The legislative instrument is the delegated law that, once made and registered, would have legal effect.

EJA's legal experts are concerned that the draft MNES standard does not provide the strong, enforceable protections recommended as essential by the Samuel Review. The MNES standard is the heart of Australia's national environment law framework and must be outcomes-based, clear and enforceable. However, we do not believe the current draft meets these requirements. In particular, we are concerned that:

- **Weak wording** throughout the draft waters down key environmental protection concepts, such as "cumulative impacts" and "best available information".
- **Gaps in the drafting** create uncertainty about when the standard will apply, including to what projects – there is little point having standards unless they clearly apply to all relevant decisions.
- **Failure to describe how the Standard would apply** allows for inconsistent application. Decision-makers can apply the Standard in different ways, such as only needing to "have regard to" the standard or be "satisfied" their decisions are "not inconsistent with" it. This application threshold has not yet been defined.

None of these issues are deal-breakers. By strengthening the draft MNES standard the framework could deliver real, positive outcomes for nature and communities.

If you share these concerns, our recommendations are outlined below.

Recommendations:

1. **Strengthen the draft MNES standard to be outcomes-based and enforceable, as recommended by the Samuel Review. Specifically,**
 - a. Ensure the standard is outcomes-based, clear and enforceable.
 - b. Include clear and robust obligations for applying the mitigation hierarchy, replace language like “should generally” with “must”.
 - c. Require robust assessment of cumulative impacts.
 - d. Strengthen the requirement to use the best available information in line with established conservation science and practice.
2. **Ensure the MNES standard applies to all relevant decisions.**
 - a. The standard should clearly apply to all decisions under the Act. There is little value in national standards if they do not apply consistently and comprehensively.
 - b. The standard should also apply to actions, plans and policies, as recommended by Samuel.
3. **Tighten discretion**
 - a. The Act and regulations should require compliance with the MNES standard, not merely that decision-makers “have regard to” it. Weak wording risks inconsistent application and undermines the purpose of the standard.
4. **Embed First Nations consent**
 - a. Expand the First Nations engagement consultation requirements in Principle 4 to require free prior and informed consent.
5. **Keep the positive aspects of the Standard** – ensure that essential aspects of the standard remain when it is made. This includes the wording of the objectives for protected matters.

Template: Submission on the draft MNES national environmental standard

Below is a template to help guide your submission.

- Sections for you to **personalise** are shown in yellow.
- Sections for you to **remove** are in green.

To: Department of Climate Change, Energy, the Environment and Water

From: [Your name]

Location (optional): [Your town / region]

Submission type: Individual / on behalf of an organisation

Introduction

Start your submission by introducing yourself. Say who you are and why you're taking the time to have your voice heard.

Examples:

- My name is [Name]. I am a community member from [location] who cares about protecting Australia's environment and making sure our national environment laws genuinely prevent harm to nature.
- I am making this submission on behalf of [group or organisation name]. We advocate for the protection of [place, species or issue], which should be properly protected under Australia's national environment laws.
- A lot of the real-world power of the new environment laws sits with the national environmental standards. They spell out how the new system will work in practice, which is why the detail matters so much. Strong, clear standards can lift environmental protection across the board. Weak or vague standards, however, risk undermining the new laws before they even commence.

Issues

List your main concerns with the standard, for example:

I am concerned that the draft MNES national environmental standard does not yet provide the strong, enforceable protections needed to stop further damage to Australia's environment.

National standards should set clear rules that decision-makers must follow. As drafted, the standard appears too weak and discretionary, which risks inconsistent decisions and poor outcomes for nature and communities.

In particular, I am concerned that:

- Weak wording throughout the draft waters down key environmental protection concepts, including "best available information" and "cumulative impacts".
- Gaps in the drafting create uncertainty about which projects the standard applies to – there is little point having standards unless they apply to all relevant decisions and apply strongly.
- Excessive discretion allows inconsistent application. Decision-makers only need to "have regard to" the standard or be "satisfied" their decisions are "not inconsistent with" it.

What I'm asking for

Summarise the key changes you want the Government to make. For example:

I urge the Government to strengthen the MNES national environmental standards by:

- Ensuring the standard is outcomes-based, clear and enforceable.
- Including clear and robust obligations for applying the mitigation hierarchy.
- Requiring robust assessment of cumulative impacts.
- Strengthening the requirement to use the best available information, in line with established conservation science and practice.
- Ensuring the standard applies to all relevant decisions under the Act.
- Requiring decision-makers to comply with the standard, not merely "have regard to" it.

Strong national standards are essential to protect nature, provide certainty, and rebuild trust in Australia's environmental decision-making.

Closing

National environmental standards will shape how the new laws operate in practice. Getting them right now is critical to ensuring the system is fair, consistent and capable of preventing environmental harm.

Thank you for the opportunity to make this submission.

Name: [Your name]

Offsets

Overview:

The Albanese Government's 2025 reforms created a new environmental offsets scheme and introduced "payment in lieu" offsets. This allows projects that will significantly impact nationally important nature to be approved even when genuine offsets for this destruction are not available. Instead of restoring or protecting equivalent habitat, companies can pay "restoration contributions" into an offsets fund.

The draft environmental offsets standard sets out the objectives and intended outcomes of the offsets scheme, along with principles to guide its implementation. The environment department has released both a **draft environmental offsets standard policy paper** and a **draft legislative instrument** for consultation. The policy paper explains the government's intent and approach to developing the standard. The legislative instrument is the delegated law that, once made and registered, would have legal effect.

EJA's legal experts are concerned that the offsets scheme risks becoming a pay-to-destroy system and do not believe the draft standard includes adequate safeguards to prevent this. As with the MNES standard, the environmental offsets standard must be outcomes-based, clear and enforceable. However, we do not believe the current draft meets these requirements. In particular, we are concerned that:

- **The limits to offsetting are not recognised.** The standard fails to acknowledge that some protected matters, such as endangered and critically endangered species and ecological communities, may be at such risk that impacts cannot be appropriately offset. There is a power for the Minister to make a declaration for species which cannot be offset – this declaration should be made concurrently with the Offsets Standard.
- **Weak wording** risks inconsistent application and undermines enforceability. For example, the draft standard states that decision-makers "should" apply the principles, rather than requiring that they must, it is also unclear which projects the standards apply to.
- **Ambiguous framing** creates uncertainty about whether the fund-holder – the body responsible for spending money paid into the offsets fund – is bound by the principles of the standard. This raises the risk that contributions could be collected but not invested in accordance with the standard, with no clear mechanism for enforcement. For example, the fund-holder would not need to secure **like-for-like outcomes**. This would allow damage to one type of habitat to be offset by investment in a totally different ecosystem, weakening the purpose of the offsets scheme.
- **Excessive discretion** allows inconsistent application and limits enforcement. Decision-makers only need to "have regard to" the standards or be "satisfied" their decisions are "not inconsistent with" them – language so weak it risks undermining their purpose

If you share these concerns, our recommendations are outlined below.

Recommendations:

1. **Create a declaration alongside the standard** specifying that some species and ecosystems cannot be offset, including impacts on endangered and critically endangered species and ecosystems.
2. **Introduce stronger upfront restrictions on the use of restoration contribution charges**, including a requirement to confirm, before approval, whether a suitable like-for-like offset is genuinely available.
3. **Rewrite each principle to be outcomes-based and enforceable.** In particular, replace “should” with “must” throughout the standard.
4. **Ensure the standard applies to all relevant decisions under the Act.** There is little value in national standards if they do not apply consistently and comprehensively.
5. **Ensure the fund-holder is bound by all principles in the standard.** The body responsible for administering and spending offset funds must be required to comply with all requirements of the environmental offsets standard.

Template: Submission on the draft offsets national environmental standard

Below is a template to help guide your submission.

- Sections for you to personalise are shown in yellow.
- Sections for you to remove are in green.

To: Department of Climate Change, Energy, the Environment and Water

From: [Your name]

Location (optional): [Your town / region]

Submission type: Individual / on behalf of an organisation

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- A lot of the real-world power of the new environment laws sits with the national environmental standards. They spell out how the new system will work in practice, which is why the detail matters so much. Strong, clear standards can lift environmental protection across the board. Weak or vague standards, however, risk undermining the new laws before they even commence.

Issues

List your main concerns with the standard, for example:

I am concerned that the draft environmental offsets national standard does not provide the strong, enforceable protections needed to stop further damage to Australia's environment, or to prevent the offsets system from becoming a pay-to-destroy scheme.

National standards should set clear rules that decision-makers must follow. As drafted, the standard appears too weak and discretionary, which risks inconsistent decisions and poor outcomes for nature and communities.

In particular, I am concerned that:

- The limits to offsetting are not recognised. The standard fails to acknowledge that some protected matters, including endangered and critically endangered species and ecological communities, may be too vulnerable for offsetting to be appropriate.
- Like-for-like outcomes are not clearly required. As drafted, it allows damage to one type of habitat to be offset by investment in a different ecosystem, weakening the purpose of the offsets scheme.
- Weak wording risks inconsistent application and undermines enforceability. For example, the draft states that decision-makers "should" apply the principles, rather than requiring that they must, and it is unclear which projects the standard applies to.
- Ambiguous framing creates uncertainty about whether the fund-holder – the body responsible for spending money paid into the offsets fund – is bound by the principles of the standard.
- Excessive discretion allows inconsistent application and limits enforcement. Decision-makers only need to "have regard to" the standard or be "satisfied" their decisions are "not inconsistent with" it.

What I'm asking for

Summarise the key changes you want the Government to make. For example:

I urge the Government to strengthen the environmental offsets national standard by:

- Creating a declaration alongside the standard specifying that impacts on endangered and critically endangered protected matters cannot be offset.
- Introducing stronger upfront restrictions on the use of restoration contribution charges, including a requirement to confirm whether a genuine like-for-like offset is available before approval.
- Rewriting each principle to be outcomes-based and enforceable, including replacing "should" with "must".
- Ensuring the standard applies to all relevant decisions under the Act.
- Ensuring the fund-holder is bound by the standard and required to comply with all of its requirements.

Strong national standards are essential to protect nature, provide certainty, and rebuild trust in Australia's environmental decision-making.

Closing

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Name: [Your name]