



Environmental
Defenders Office

**Submission on Queensland Bioregional Guidance
Planning:**

Draft Gulf Plains Bioregional Guidance Plan

Draft Brigalow Belt North Bioregional Guidance Plan

Interactive Tool

24 July 2026

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 40 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

www.edo.org.au

Submitted to:

Bioregional Planning
Department of Environment, Tourism, Science and Innovation
By email: bioregional.planning@detsi.qld.gov.au

For further information on this submission, please contact:

Andrew Kwan
Managing Lawyer, Queensland
E: andrew.kwan@edo.org.au

Naim Santoso
Senior Solicitor
E: naim.santoso@edo.org.au

Acknowledgement of Country

The EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises that, from many First Nations perspectives, Country is a living entity comprised of lands, waters, skies, plants, animals, ancestors, cultural practices, relationships and responsibilities. Country is not merely a physical place or cultural resource; it is a living system from which First Laws arise and through which cultural, spiritual, ecological and social obligations are exercised.

EDO recognises the right to self-determination of First Nations, including their right to freely determine their own political status and freely pursue their economic, social and cultural development. This extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

A note on language

We acknowledge there is a legacy of writing about First Nations peoples without seeking guidance about terminology. We also acknowledge that where possible, specificity is more respectful. For the purpose of this submission, we have chosen to use the First Nations. We acknowledge that not all First Nations will identify with that term and that they may instead identify using other terms or with their immediate community or language group.

The role of EDO and First Nations

EDO is a non-Indigenous community legal centre specialising in public interest environmental law. EDO has been operating in Queensland for over 35 years. This submission is based on our expertise in planning and environmental law, and experience working on behalf of First Nations peoples around Australia and the Torres Strait Islands, in their efforts to protect their Countries and Cultural Heritage from damage and destruction. Out of respect for First Nations self-determination, EDO seeks to support First Nations to protect their Countries and Cultural Heritage as they see fit. In making this submission, EDO cannot and does not speak on behalf of First Nations peoples or groups.

Executive Summary

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) is in the process of being implemented, with key elements such as the development of National Environmental Standards, the supporting Regulations for the reforms not yet finalised, and the commencement of the new regime for biodiversity guidance plans still pending.¹ The draft Gulf Plains Bioregional Guidance Plan and draft Brigalow Belt North Bioregional Guidance Plan (**draft plans**), if finalised under the present EPBC Act section 176, will become regional guidance plans once the remainder of the *Environment Protection Reforms Act 2025* (Cth) enters into force.² To ensure consistency with the reforms, finalisation of the draft plans should be delayed and only completed once the full suite of the reforms implementing the new framework have entered into force and been taken into account.

As the draft plans will be relied on by proponents and considered by decision makers in assessing and deciding development applications, it is important that the data and analysis underpinning the draft plans is accurate and up to date. There is currently a lack of transparency in both the data and methodology that creates a difficulty in assessing the accuracy of the draft plans, as well as in having confidence in the results of the Cumulative Impact Assessment (**CIA**) and the Spatial Conservation Analysis. Impact thresholds must be accurate and based on the best available information. The draft guidance plans should clearly identify the limitations of impact thresholds and provide guidance on their use in applying the net gain test. The definition of net gain must be consistent with EPBC Act reforms and the CIA must align with International Union for the Conservation of Nature (**IUCN**) methodologies.

Further, the draft plans must comprehensively and accurately implement the mitigation hierarchy. Currently the draft plans provide guidance which suggests a staged approach to mitigation requirements which is not in alignment with the operation of the mitigation hierarchy under the EPBC Act.

Consultation with, and participation of, First Nations has not been undertaken in accordance with the principles of Free, Prior, and Informed Consent. Without appropriate engagement of First Nations as rights holders (not merely stakeholders), the draft plans may fail to accurately identify First Nations interests and the social, cultural, and economic values of the plan areas, assess the effects and desirability of mitigation measures and may undermine the coordination of delivering planned outcomes. Finally, evaluation frameworks with clear objectives or key performance indicators to evaluate the plans against have not been developed prior to consultation. This is essential to ensure that the

¹ References to amendments to the EPBC Act not yet in force will be referred to as the new EPBC Act.

² *Environment Protection Reform Act 2025* (Cth) Sch 1 s 710.

plans have clear proposed outcomes and any evaluation of their effectiveness will be meaningful and helpful in clarifying where changes are needed in future reviews.

The draft plans should be revised and opened again for consultation once the EPBC Act reforms are complete, the data and methodology are made transparent, adequate consultation has occurred including engagement with relevant First Nations and an evaluation framework is developed.

Summary of Recommendations

1. Finalisation of the draft plans should be delayed until the remainder of the *Environment Protection Reform Act 2025* comes into force, with further consultation required.
2. The data and methodology underpinning the cumulative impact assessment and spatial conservation assessment should be clearly and transparently articulated in the plans.
3. The assessments should be continually reviewed and updated as new data is made available.
4. Advice relating to impact thresholds should be revised to accurately reflect the mitigation hierarchy.
5. The draft plans should not be finalised until there has been meaningful engagement with First Nations people in accordance with the principles of Free Prior and Informed Consent.
6. The evaluation framework should set clear environmental, social and cultural outcomes with measurable performance indicators, alongside other performance indicators, including improving the underpinning data, and increasing accessibility and utilisation of the interactive tool.

Introduction

Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the draft Gulf Plains Bioregional Guidance Plan, the draft Brigalow Belt North Bioregional Guidance Plan (**the draft plans**), and the Interactive Tool.

As the draft plans will inform development assessment going forward, and will likely be the first bioregional plans made since the passing of the newly reformed EPBC Act regulatory regime, it is important to ensure the plans are underpinned by the best available science and consistent with the developing National Environmental Standards (**NES**).

The draft plans are proposed to be made under section 176 of the EPBC Act. Section 176 will be replaced by the new bioregional guidance plans framework when the remaining *Environment Protection Reform Act 2025* (Cth) enters into force. If the draft plans are made under the present section 176, the plans will be taken to be bioregional guidance plans under the new pending regime.³

This submission addresses:

- The plans should be delayed to ensure they implement the EPBC Act reforms;
- All relevant data and information relied upon for the plans should be referenced and publicly released;
- Cumulative impact assessment should consider the existing and proposed pressures on protected matters from all sources;
- The principles of Free Prior and Informed Consent must be implemented in engaging with First Nations on the draft plans prior to their finalisation; and
- Evaluation measures must be implemented into the draft plans with measurable objectives.

Plans should be delayed to ensure they implement the EPBC Act reforms

As identified above, the draft guidance plans have been developed prior to the reforms to bioregional plans in the *Environment Protection Reform Act 2025* entering into force and while the NES and subordinate legislation implementing the reforms are being developed.

While the draft plans have been in development for a number of years, the reforms to bioregional plans have been legislated, and the new EPBC Act framework should be complete by the end of 2027. This is not long to wait to ensure the plans can integrate the requirements of the new framework, which has been introduced to improve the quality of bioregional planning.

³ *Environment Protection Reform Act 2025* (Cth) s 710.

Notably, the new EPBC Act section 176B(2) will require that the Minister is satisfied that a bioregional guidance plan is consistent with any NES prescribed by regulation for the purposes of the section. No NES have been prescribed to date, and the NES are still being developed. Consistency with any developing or finalised NES from the commencement of the plans is strongly desirable for a regulatory regime.

Delaying the finalisation of the draft plans to ensure the guidance plans are consistent with the pending regulatory regime will ensure the plans reflect the more robust framework to be introduced, are fit for purpose and provide greater confidence to proponents, decision makers and communities. In particular, compliance with the NES, which underpin the EPBC reforms, is essential. So far, the proposed NES to be finalised by the end of 2026 will:

- a) provide greater clarity on criteria to implement when considering impacts to matters of national environmental significance;
- b) guide environmental offset considerations;
- c) guide consultation requirements and First Nations engagement requirements; and
- d) provide a more robust framework for ensuring accurate data and information.

These are helpful and relevant matters that would improve the quality of the draft plans and are worthy of a short potential delay to ensure the NES are properly reflected. For example, the data in the draft plans, which the draft guidance plans rely on, is not sufficiently described to enable informed decision-making, as required by Principle 2 of the NES Data and Information exposure draft. Data, which the draft guidance plans rely on, is not sufficiently described to enable informed use as required by Principle 2 of the NES Data and Information exposure draft.

Recommendations:

1. Guidance plans should not be finalised until the remainder of the EPBC Act reforms come into force and all relevant NES are finalised and prescribed.
2. Guidance plans should be reopened for consultation as to the extent of revisions required for the guidance plans to comply with the reformed bioregional guidance plan framework, including any NES.

All relevant data and information relied upon for the plans should be referenced and publicly released

For the draft plans to be effective tools, proponents, the community, and decision makers must have confidence in the data behind the draft plans to ensure that decisions are made on the basis of the best available and relevant information at the time. The cumulative impact assessment (**CIA**) and spatial conservation analysis (**SCA**) draw from multiple data

sources. However, how the various datasets were incorporated and weighed has not been explained. Further, other methodologies such as the climate modelling are not directly referenced, but simply link to a general department website.⁴

We understand that the full methodology for the CIA and SCA, and output reports for the CIA, are intended to be published prior to finalising the draft plans. However, the QUT technical review of the biodiversity mapping method and the 2Rog technical review of the overarching approach to regional planning will not be released.⁵ Without the technical reports or a fulsome explanation of the methodology, it is not possible to assess the accuracy and reliability of the draft plans and thus have confidence in the results of the analysis. It is erroneous and misplaced for the Department to have stated that those reports “...would not be approachable for people at this stage of our work” – unless it had clearly intended to consult on the draft plans again once all the methodology and reports/reviews were released.

We note that in the draft NES Data and Information, Principle 2 requires that data and information used in or for the purposes of making a decision under the Act are reliable and sufficiently described to enable informed use. Under the Principle, this is to be achieved by including adequate meta data and appropriate contextual information, including whether any quality assurance and control processes, description of any technical or scientific methods.

The CIA and SCA in the draft plans should be regularly updated. Where new data becomes available, such as through site-specific investigations undertaken by proponents, it should be regularly evaluated and incorporated into the CIA and SCA to ensure the best available data is used.

Recommendations:

3. The reports and methodologies underpinning the CIA and SCA should be referenced in the documents and released to the public.
4. The CIA and SCA should be regularly updated as information becomes available, including from site-specific assessments and investigations undertaken by proponents.

⁴ See e.g. draft Brigalow Belt North Bioregional Guidance Plan p 16.

⁵ DETSI, Bioregional Guidance Planning Information Session Q&A p 2.

Cumulative impact assessment should consider the existing and proposed pressures on protected matters from all sources

The Samuel Review found that the EPBC Act's focus on 'project-by-project assessment and approvals' resulted in a failure to 'to fully factor in other pressures on the environment, resulting in underestimation of the broadscale cumulative impacts on a species, ecosystem or region'.⁶ Principle 2 of the draft MNES Standard requires a consideration of the context in which impacts might occur, including past, present, and reasonably foreseeable future events, circumstances and threats affecting the protected matter, and individually minor, but collectively significant actions taking place over a period of time.

Bioregional guidance plans are a non-regulatory opportunity to factor cumulative impacts both early in project design and in the assessment process. Arguably, this is the biggest benefit bioregional guidance and regulatory plans offer to improve the outcomes for proposed development in the regions they cover. However, this outcome is not being fully realised in the draft plans. The draft plans each contain a cumulative impact assessment section that aims to describe pressures and impacts on protected matters and that evaluates the effectiveness of mitigation measures.

The draft plans identify the pressures through sources, impact pathways and receptors. Residual risk from impact pathways to receptors was assessed and categorised across protected matters. While this does an excellent job in summarising the risk of various impacts, it does not assess the cumulative impacts of various sources on protected matters, nor does it spatially map the existing and emerging pressures within the regions.

For example, the draft Brigalow Belt North Guidance Plan identifies grazing as a source of high intensity pressure and notes that the intensity of the pressure is not uniform across the plan area.⁷ The identification of grazing as a source of pressure of varying intensity does not assist at all with assessing cumulative impacts on the protected matters of the area. While the draft plans acknowledge that site specific investigations are required to assess impacts, they do little to assist with cumulative impact assessment outside of identifying impacts that exist across the plan areas as a whole.

The CIA could be improved by assessing all residual impacts from all sources of pressure in the plan areas, in addition to those from critical mineral projects. To calculate how much additional pressure any protected matter can tolerate, first the cumulative impacts in a particular area must be known, and then what impacts are affecting each protected matter could be identified. Impact thresholds could then be calculated for protected matters

⁶ Samuel, 2020 Independent Review of the EPBC Act – Final Report, p 127.

⁷ Draft Brigalow Belt North Guidance Plan p 47.

considering all pressures affecting that matter. Background pressures not associated with regulated development can also contribute to cumulative impacts that could have consequences for the impact threshold, and therefore should also be considered where known.

The draft plans would greatly benefit from spatially mapping the existing pressures, so that proponents and decision makers are able to identify the overlapping (cumulative) impacts which exist in any particular section of the planned areas. Planned or approved sources of pressure which are known, such as identified infrastructure corridors or renewable energy zones, should also be included to assist site selection.

Recommendations:

6. The CIA should consider all sources of pressures in addition to critical mineral projects.
7. The SCA should identify sources of cumulative impacts, and incorporate planned and approved impacts such as infrastructure corridors and renewable energy zones.

Impact thresholds should be developed through best practice methodology and made consistent with EPBC Act reforms

The draft plans identify impact thresholds for protected matters most relevant to the focus industry and plan area. Impact thresholds assign a category to describe how much additional impact each protected matter can tolerate, whilst still achieving a ‘net gain outcome’ and avoiding impacts on irreplaceable features.⁸

Notwithstanding our concerns regarding transparency of data and methodology detailed above, the concept of ‘impact thresholds’ is difficult to reconcile with a net gain requirement.

The application of impact thresholds, while effective at informing where impacts are more appropriately avoided, or where mitigation and offsets may be effective, creates a real risk of underappreciating the cumulative impacts of future actions if not appropriately calculated. Thresholds are permissive in nature, assuming that a certain level of impact is acceptable or achievable for ‘net gain’.

Decision makers will rely on impact thresholds to assist in determining whether an action meets the net gain test and the effectiveness of any mitigation and offset measures. Therefore, it is vital that impact thresholds are accurate, based on good science and limitations of the categorisation are clearly articulated in the draft plans. Inaccurate impact

⁸ DETSI, [Bioregional guidance planning and cumulative impact assessment](#) p 2.

thresholds that overestimate the level of impact a species can tolerate would unknowingly push systems past their ecological threshold resulting in tipping points with possibly dire consequences.

‘Net gain’ is defined in the draft plans as ‘[r]equires a “measurable improvement for the affected protected matter relative to an agreed baseline”. It is a mandatory legal test that replaces the “no net loss” standard.’⁹

While not yet in force, section 527K of the new EPBC Act provides for the ‘passing the net gain test’. It is unclear whether the definition for ‘net gain’ used in the cumulative impact assessment has the same meaning as the new legal test in section 527K. A clear alignment of definitions would provide greater certainty and utility to the draft plans.

The concept of impact thresholds for net gain is difficult to prove. Firstly, net gain must be defined as assessed at a species level or project level. If at species level, net gain is relevant to consideration of all impacts to the protected matter, even those outside the plan area. If net gain is assessed at a project level, net gain is relevant to consideration of the localised impacts to the protected matter of the individual project. A bioregional guidance plan will be of little assistance in assessing net gain at a species level, however, they are well placed to assist in assessing localised net gain. Regardless of the application of the net gain test, the draft plans should clearly articulate the limitations of impact thresholds and provide guidance on their application to the net gain test.

Further, it is unclear what methodology is used for determining the impact threshold. The methodology should align with IUCN methodologies which include population viability analysis that can possibly help translate impacts on individuals to potential population level changes.¹⁰

Finally, without continued assessment of the cumulative impacts of actions on protected matters, the thresholds could become outdated. As sources of pressure appear or intensify, or as better data becomes available, the CIA and any individual impact threshold should be updated.

⁹ Draft Brigalow Belt North Bioregional Guidance Plan p 98.

¹⁰ IUCN 2024, Guidance on biodiversity Cumulative Impact Assessment for wind and solar developments and associated infrastructure, 4.4.

Recommendations:

8. The science behind the determination of impact thresholds should be clear, transparent and best available – ideally the health of protected matters relevant to the impact area should be assessed on the ground and not just via desktop analysis of existing data.
9. The guidance plans should clearly articulate the limitations of impact thresholds and provide guidance to decision makers in applying the net gain test.
10. The definition of ‘net gain’ used in the cumulative impact assessment should be clarified as to whether it is the same as in s527K and in any NES.
11. The methodology for impact thresholds should align with IUCN methodologies.
12. Impact thresholds and cumulative impacts (and the interactive tool) should be continually updated as new data becomes available, including as site specific assessments are undertaken by proponents and actions approved by decision makers.

Mitigation hierarchy should be accurately represented to require avoidance and mitigation of impacts, regardless of the category of protected matter

The draft plans provide advice on the management of impacts. The rating of measures on their ability to mitigate impacts is helpful for proponents to identify and prioritise effective mitigation measures. It also provides a tool for decision makers to assess whether proponents have taken appropriate measures to mitigate impacts, for example as required by the new EPBC Act section 134(3F).

The below table provides examples of how advice in implementing the mitigation hierarchy is presented in the draft plans.¹¹

Category	Advice on implementing the mitigation hierarchy
E4+: Near zero impacts. At additional risk from the focus industry and other regional pressures.	Proponents should make significant efforts to avoid impacts in all but exceptional circumstances, then <i>strict mitigation</i> . Offsets are unlikely to compensate for impacts, as values cannot be fully replaced or restored. Increased cumulative risk is likely to make net gain outcomes difficult.
E4: Near zero impacts	Significant efforts to avoid in all but exceptional circumstances, then stringent mitigation. Offsets are unlikely to compensate for impacts, as values cannot be fully replaced or restored.

¹¹ Adapted from draft Gulf Plains Bioregional Guidance Plan Table 9 and draft Brigalow Belt North Bioregional Guidance Plan Table 10.

E4/E3 and E4/E2: Some habitat components (e.g. breeding habitat) or individuals require near zero impact	As per E4, E3 and E2, depending on habitat components.
E3: Impacts as low as possible.	Proponents should apply avoidance measures in accordance with the mitigation hierarchy, then <i>strict mitigation</i> and repair measures. Offsets should be used only as a last resort, and with a plan to deliver larger gains to reduce risk of failure.
E2: Some level of impact with appropriate compensation	Proponents should apply avoidance measures in accordance with the mitigation hierarchy, then use <i>good practice</i> mitigation and repair. Offsets are possible after avoidance and mitigation.

The mitigation hierarchy requires that avoidance and mitigation are fully implemented, regardless of the impact threshold of the protected matter. If an action is to be approved, each step of the mitigation hierarchy should be implemented to its fullest extent possible, regardless of the impact threshold of an affected protected matter.

For categories E4 and E4+, where the protected matter has little to no capacity for further impacts, the draft plans should state that impacts must only be avoided. There cannot be near zero impacts. If there will be residual impacts, and offsets are unlikely to be effective, then the advice should clearly state that net gain is not achievable. Additionally, if the advice is that impacts may not be avoided in all but ‘exceptional circumstances’, ‘exceptional circumstances’ must be clearly and strictly defined.

Further, the advice for E4 and E3 provides for strict mitigation, while advice for E2 provides for good practice mitigation. It is unclear what the difference is between strict and good practice mitigation. However, there is no reason a low standard of mitigation should be undertaken when a higher standard is available – this is not an accurate depiction of the mitigation hierarchy and should be amended accordingly.

Recommendations:

13. The mitigation hierarchy must be accurately reflected to require avoidance and mitigation of impacts to all protected matters, not the sliding scale of effort based on the category and impact threshold suggested by the draft plans.
14. Where the protected matter has little to no capacity for further impact, the advice should state ‘zero impacts’ be allowed, to provide clarity to all stakeholders of the expectations for decision-making.

The Interactive tool should provide accurate and accessible information and have regular updates

The interactive tool is an effective resource to implement the CIA and SCA. Integration of the interactive tool with other existing databases such as QldGlobe and Qld GeoResGlobe would increase its practical use as well as the ability to search by address of lot number. This could also help to ensure other departments are aware of and integrate the bioregional guidance plan information into their planning work.

Recommendations:

15. The interactive tool is regularly updated, including from site-specific assessments and investigations undertaken by proponents.
16. The interactive tool is integrated into existing databases such as QldGlobe and Qld GeoResGlobe and searchable by address or lot number.

The principles of Free Prior and Informed Consent must be implemented in engaging with First Nations on the draft Plans prior to their finalisation

The rights of First Nations people are reflected in the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, that has been endorsed by Australia.¹² UNDRIP outlines fundamental legal rights of First Nations, including that of Free, Prior and Informed Consent (**FPIC**). FPIC reflects the inherent collective right of First Nations peoples to participate in decision-making processes on issues and laws that affect their lives, lands, waters, skies and resources, and to grant or withhold consent where decisions affect them.

Accordingly, First Nations involvement in environmental decision making is essential. This is reflected in the EPBC Act reforms which introduced specific, formalised consultation requirements with, and expanded the functions of, the Indigenous Advisory Committee,¹³ and a proposed NES for First Nations engagement.

Both draft plans acknowledge the shortcomings of consultation with First Nations people:

“Consultation has not yet addressed all of those questions due to availability of First Nations representatives. This is a key limitation of the Plan. DETSI intends to continue working with First Nations representatives to consider and incorporate additional information gained from ongoing consultation with First Nations peoples.”

¹² *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN GAOR, 61st sess, 107th plen mtg, Agenda Item 68, Supp No 49 (2 October 2007, adopted 13 September 2007) (UNDRIP). Regarding the importance of this endorsement for Australia’s domestic jurisdiction, see *Sampi v State of Western Australia (No 5)* [2026] FCA 517, [45]-[48].

¹³ See e.g. EPBC Act s 514YI.

The draft plans acknowledge that development has occurred without adequate consultation with relevant First Nations people on important matters of First Nations interests, contrary to their right to fully participate in decision-making in matters that affect their rights.¹⁴

Without adequate consultation with First Nations underpinned by FPIC, the guidance plans will inevitably fail to accurately identify First Nations interests and the full social, cultural, and economic values of the plan areas, assess the effects and desirability of mitigation measures and undermine the coordination of delivering planned outcomes. Upholding First Nations right to self-determination, as well as the effectiveness of the plans, depends on early and meaningful participation of relevant First Nations people and communities. Effectively assessing bioregional values and cumulative impacts will improve project outcomes. Further, FPIC is essential where ineffective planning and inappropriate developments will impact disproportionately and adversely on First Nations, and risk significant harm to their Country, Cultural Heritage and resources.

The draft plans should be co-designed First Nations Peoples, representative groups, and other First Nations stakeholders, revised and opened again for consultation. **At a minimum,** the draft plans should not be finalised until:

- the planned NES for First Nations engagement is released and can be incorporated into the draft plans,¹⁵ or
- if that recommendation is not supported, then appropriate consultation has occurred in accordance with the Department of Climate Change, Energy, Environment and Water's First Nations Engagement FPIC guidelines,¹⁶

Recommendation:

17. The draft plans should be co-designed First Nations Peoples, representative groups, and other First Nations stakeholders, revised and opened again for consultation, in accordance with the principles of FPIC.
18. The draft plans should not be finalised until the NES for First Nations engagement is finalised and incorporated into the draft plans.
19. In the alternative, the draft plans should not be finalised until consultation appropriate consultation has occurred in accordance with the Department of Climate Change, Energy, Environment and Water's First Nations Engagement FPIC guidelines.

¹⁴ UNDRIP Art 18.

¹⁵ DCCEEW 2025, [Engagement with First Nations People for referrals under the EPBC Act - DCCEEW](#).

¹⁶ DCCEEW 2025, [First Nations Engagement the principles of Free, Prior and Informed Consent](#).

Evaluation measures should be implemented into the draft plans with measurable objectives

The draft plans each contain a section for monitoring, evaluation, reporting and improvement (**MERI**). In both draft plans, it is stated that a MERI Framework will accompany the final plan. The draft plans merely contain general goals of the future MERI Framework, there is no actual methodology for evaluating success.

The MERI Framework for the draft plans must:

1. identify environmental, social and cultural outcomes;
2. set baseline conditions for those outcomes;
3. contain measurable indicators and performance targets for the outcomes;
4. allocate responsibility for achieving the outcomes; and
5. set clear reporting obligations.

As the draft plans cover broad areas, the outcomes should reflect regional aspirations and ecological needs and be developed through appropriate consultation.

In addition to broad environmental, social and cultural outcomes, the MERI framework could also include:

- increasing the quantity and quality of the data sets underpinning the CIA and SCA; and
- engagement levels with the interactive tool.

Recommendations:

20. The MERI Framework should set clear environmental, social and cultural outcomes, along with measurable performance indicators to enable effective evaluation. This could include measures related to improving the underpinning data and increasing accessibility and utilisation of the interactive tool.
21. Public consultation is undertaken when the MERI Framework is developed prior to the finalisation of the guidance plans.

*Thank you for the opportunity to make this submission.
Please do not hesitate to contact our office should you have further enquiries.*