

1 September 2026

EDO Explainer: First four EPBC Standards have been made - *how will the Standards operate and will they deliver the strong protections nature needs?*

The first suite of EPBC National Environmental Standards has been finalised, commencing 21 August 2026 — being:

- [National Environmental Standard \(Matters of National Environmental Significance\) 2026 \(MNES\)](#);
- [National Environmental Standard \(Environmental Offsets\) 2026](#);
- [National Environmental Standard \(Community Engagement\) 2026](#); and
- [National Environmental Standard \(Data and Information\) 2026](#).

This Explainer sets out how these Standards will operate now that they have been finalised.

What does the commencement of the Standards mean for the EPBC Act?

The National Environmental Standards are intended to provide more guidance to decision-makers and all stakeholders when applying the EPBC Act, particularly in the process of assessing applications.

Regulations are required to prescribe which Standards apply to which decisions under the EPBC Act.

[Regulations](#) have been made on 21 August 2026 prescribing:

- the four Standards to:
 - bilateral assessment and approval framework accreditation and decisions on actions or classes of actions under approval frameworks (EPBC Act s46 and s47);
 - declarations of frameworks accrediting Commonwealth laws or instruments (EPBC Act s33);
 - review of rulings (under EPBC Act s514YS); and
- all Standards except the Environmental Offsets Standard for declarations accreditation of the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**) and decisions on actions under the NOSPEMA framework (EPBC Act s36H).

We understand that by the commencement of all reforms on 1 December 2026, the four standards are intended to apply also to:

- decisions as to whether to approve an action or class of actions, or to vary an approval (under Part 9 and 10 of the EPBC Act);
- decisions as to specified manners of assessment;
- making or varying a bioregional plan.

Where prescribed, decisions must be ‘consistent’ with the Standards, except in the case of NOPSEMA declarations – which must be ‘not inconsistent’ with the Standards prescribed.

What do these each Standards do?

Each of the Standards set objectives and outcomes for decision making, and principles for meeting the outcomes and objectives.

MNES Standard:

- Provides that four Principles must be met, with regard had to the Objectives and Objects of the Standard. The Principles are:
 - Principle 1: have regard to the mitigation hierarchy (avoid, mitigate, repair, offset);
 - Principle 2: consider the context of the impacts to protected matters;
 - Principle 3: compensate impacts as the final step of the mitigation hierarchy;
 - Principle 4: actions must be supported by appropriate evidence on impacts to protected matters, informed by engagement with the public and Indigenous persons where relevant.
- The Objectives generally require that each protected matter (i.e. a matter protected by the EPBC Act) is protected, conserved, restored and recovered with more specific detail about how that is achieved for each protected matter set out in a table in section 5 of the Standard. In the case of listed threatened species, listed threatened ecological communities and listed migratory species, the objective requires that their habitat is required to be protected, conserved and restored ‘to support survival and recovery of the species’, rather than requiring protection of the species themselves.
- ‘Protection of a protected matter’ means limiting impacts to a residual significant impact that can be appropriately compensated in accordance with the mitigation hierarchy (Principle 1 s8).

Environmental Offsets Standard:

- Provides that eight Principles must be met, with regard had to the Objective and Outcomes of the Standard.
- The Principles will apply to the creation of real offsets by proponents, but it is unclear if they will be applied to offsets via funds paid to the Restoration Contributions Holder. EDO is advocating that this be the case, to ensure offsets through the Restoration Contribution Holder have integrity and the best chance of compensating for the impacts the money relates to. The Principles are that offsets must be:
 - Principle 1: feasible;
 - Principle 2: securely protected;
 - Principle 3: providing a tangible benefit to the affected protected matter;
 - Principle 4: subject to a high level of confidence that the offset activity will deliver a measurable improvement to the affected protected matter;
 - Principle 5: additional;
 - Principle 6: like-for-like;
 - Principle 7: located in an area that is relevant to the affected protected matter;
 - Principle 8: commenced prior to impact.
- The Objective of the Standard is to ensure that offset activities (where permitted) compensate for the residual significant impacts of an action or class of actions on an

affected protected matter to deliver the required net gain in a way that contributes to the protection, conservation, restoration and recovery of that protected matter.

- The Outcomes are:
 - (a) offset activities compensate for the damage that will or may be caused by residual significant impacts of actions or classes of actions on affected protected matters to protect, conserve, restore or recover that protected matter;
 - (b) offset activities provide a measurable improvement to the affected protected matter (compared to the relevant offset site baseline for the affected protected matter) that is equal to or greater than the required net gain for the protected matter; and
 - (c) offset activities provide a high level of confidence that the long-term survival and continuation of the affected protected matter will be promoted and enhanced.

Community Engagement Standard:

- Provides that four Principles must be met, with regard had to the Objectives and Objects of the Standard. The Principles are:
 - Principle 1: Engagement is planned, considerate, clear and adaptable;
 - Principle 2: Engagement is transparent, accountable and responsive;
 - Principle 3: Engagement is ethical and protects privacy;
 - Principle 4: Engagement is accessible and supports inclusivity.
- The Objective of the Standard is to ensure decisions made under the Act relating to the protection, conservation, restoration, recovery or management of protected matters are supported by meaningful engagement with members of the public and to assist in the co-operative implementation of Australia's international environmental obligations.
- The Outcomes are:
 - (a) input from the public informs decisions under the Act to facilitate improved outcomes for protected matters and facilitate ecologically sustainable development.
 - (b) the processes for, findings of and responses to engagement are transparent and considered in decisions made under the Act.
 - (c) engagement is inclusive and respectful, contributing to increased confidence, trust and accountability in decisions made under the Act.

Data and Information Standard:

- Provides that five Principles must be met, with regard had to the Objectives and Objects of the Standard. The Principles are:
 - Principle 1: Representative data and information;
 - Principle 2: Transparent data and information;
 - Principle 3: Comparable data and information;
 - Principle 4: Reusable data and information;
 - Principle 5: Ethical data and information.
- The Objective of this Standard is to ensure that decisions made under the Act are based on appropriate data and information and to extend the availability of credible data and information assets for use in such decisions.
- The Outcomes are:
 - (a) data and information used in decisions made under the Act is transparently described and representative;

- (b) data and information used in decisions made under the Act is comparable and reusable;
- (c) data and information used in decisions made under the Act is ethically collected, managed and used.

Will these Standards lift up environmental outcomes in Australia as intended?

While the finalisation of the first four Standards is welcome, EDO considers these finalised Standards are a missed opportunity to deliver the enforceable, prescriptive and outcomes-focused protections recommended by the 2020 Samuel Review. Strong National Environmental Standards are meant to be the centrepiece of reformed national environment law, intended to provide a clear, enforceable floor under which environmental outcomes cannot fall. However, these Standards contain significant exemptions and qualified drafting which leave the same gaps open for lobbying pressure and misuse to the detriment of the environment that the Samuel Review warned was undermining the EPBC Act since it commenced.

The test will be in how the National Environmental Protection Agency and all decision-makers under the EPBC Act actually apply these Standards and whether the imperative of better environmental outcomes in EPBC Act decisions is realised.

Are there going to be any more Standards made?

The government has committed to a First Nations Engagement Standard, which is reported to be under targeted consultation with some First Nations representatives. There is no certainty as to the finalisation of this Standard. However, if it is progressed it will need to be opened for public consultation as per the other Standards.

The government is able to make more Standards as it sees necessary. The Samuel Review of the EPBC Act in 2020 recommended nine new Standards, with other topics including transparent processes and robust decisions, compliance and enforcement, environmental monitoring and evaluation of outcomes and wildlife permits and trade.

What's next for the EPBC Act reforms?

The devil is always in the detail and there is still plenty of detail to be developed to operationalise the EPBC Act reforms, including:

- **Regulations still to be made to introduce safeguards:** There are still Regulations being made to operationalise the EPBC Act reforms. Key elements of the new framework are yet to be established, but could include:
 - the operation of the **new Restoration Contribution Holder** and whether/how the Environmental Offsets Standard will apply to its decisions in acquitting money received for offsets;
 - development of the new **Environmental Offsets Calculator** to provide for the Restoration Contribution framework, which needs to be updated to ensure the real costs of offsets is adequately reflected in calculations, and acquittal of Restoration Contribution payments is in accordance with best practice principles;
 - limits for the **streamlined assessment framework** to ensure this new process is not used inappropriately for risky, complex and significant development, as well as ideally introducing some requirements around the quality of information

- to be provided for the Minister to be satisfied this fast-tracked pathway with limited consultation is appropriate;
 - the **definition of ‘net gain’** is yet to be provided meaningfully, leaving the interpretation currently up to the decision-makers discretion entirely;
 - strengthened **criteria for accrediting frameworks** - regulatory provisions could be introduced to add further necessary criteria a framework must meet to be accredited; and
 - providing **more transparency and accountability around the new national interest proposal** determination through regulations, for example to provide evidence that an application is actually in the national interest.
- **Bilateral agreements being developed:** bilateral agreements for assessment and approval are expected to be rolled out or updated across states and territories. To date, we are aware of that the following processes have begun:
 - [Memorandum of Understanding](#) with the Western Australian Government to develop assessment and approval bilateral for project developments
 - [Notice of Intention](#) to develop a bilateral approval agreement on Regional Forestry Agreement forestry operations with Tasmania.
- **Regional Forest Activity regulation after sunset:** with the Regional Forest Activity agreements sunset from July 2027, the focus now is on how forestry activities under these agreements will be regulated going forward and how the new and emerging EPBC rules will be applied. Options include entering bilateral agreements approving state regulatory frameworks to cover the EPBC Act requirements (as Tasmania is progressing), strategic assessments or bioregional plans, apart from simply requiring normal project approval under the Act.
- **Bioregional plans under development:** Queensland is well progressed with bioregional guidance plans under development and nearing finalisation for critical mineral mining and wind farms. Further bioregional plans are in development across South Australia, New South Wales and Victoria (see the Department’s website [here](#) for more information at the end of the page).
- **Development of protection statements and possible declarations under s134AA:** which will provide detailed guidance for decision making, including specifying how the offsets and restoration contribution framework are applied to particular species or communities, and provide critical guidance on how assesses whether there are unacceptable impacts for particular species.
- **The NOPSEMA accredited framework is under development:** The EPBC Act reforms introduce a new declaration process for accrediting the NOPSEMA framework to continue to exempt offshore petroleum operations from the EPBC Act. We understand this framework is currently under development, which will require significant attention to ensure environmental protections and community consultation requirements, particularly for First Nations, are appropriately incorporated.
- **Further Standards:** In addition to the First Nations Engagement Standard currently under development, there is the potential for the Minister to make other Standards.

Professor Samuel recommended a full suite, including Standards on transparent processes and robust decisions, compliance and enforcement, environmental monitoring and evaluation of outcomes and wildlife permits and trade. Other options include Standards for invasive species management, and to guide land clearing related decisions for the Great Barrier Reef catchment and for regrown vegetation of at least 15 years, as related to the new land clearing requirements (under amended EPBC Act s43B).

EDO is on the case advocating on each of these reforms and more. Stay tuned for further updates.