



The Moreton Bay Foundation

Date: 28 May 2026

Senator the Hon Murray Watt
Minister for the Environment and Water
PO Box 6100
Senate, Parliament House
Canberra ACT 2600

TO: senator.watt@aph.gov.au

CC: MNES Standard Consultation Team, Department of Climate Change, Energy, the Environment and Water
EPRconsultation@dceew.gov.au

Dear Minister Watt,

Re: National Environmental Standard for Matters of National Environmental Significance (MNES) — Comprehensive Submission

1. Introduction & Organisational Standing

The Moreton Bay Foundation (TMBF) welcomes the opportunity to provide formal strategic feedback on the 2026 Matters of National Environmental Significance (MNES) Standard. TMBF supports the intent of establishing robust National Environmental Standards as a core pillar of reforming Australia's national environmental laws. To reverse the ongoing decline of our premier marine, estuarine, and coastal assets, these standards must deliver clear, practical, and enforceable protections for threatened species, ecological communities, and migratory species.

As an independent, evidence-led, not-for-profit environmental charity, TMBF is dedicated to protecting and restoring the environmental, cultural, social, and economic values of Moreton Bay. Our organisation is uniquely guided by our academic membership—comprising Griffith University, the University of the Sunshine Coast, the University of Queensland, and Queensland University of Technology (QUT). We collaborate across an extensive network of marine scientists, coastal engineers, environmental policy experts, government agencies, and Traditional Owners to support evidence-based management and long-term stewardship of the Bay.

This submission is directly informed by peer-reviewed strategic frameworks, including the [Blueprint for a Sustainable Moreton Bay for People and Nature \(2025–2035\)](#), its accompanying *Technical Appendix*, and the TMBF priority knowledge synthesis, [Sedimentation Impacts on Moreton Bay \(2026\)](#).

Our perspective reflects a comprehensive scientific consensus regarding the cumulative, incremental pressures facing coastal ecosystems. While we endorse the overarching goal of the Nature Positive reforms, TMBF cannot support the current draft of the Standard. In its current form, the text introduce

ambiguity and structural regressions that threaten to weaken environmental protections at the precise moment when stronger, outcome-focused safeguards are required.

2. Key Objections and Technical Recommendations

2.1 The Standard must remain focused on environmental outcomes, not just process

A central tenet of the Environment Protection and Biodiversity Conservation (EPBC) Act reform is transitioning away from a process-heavy, compliance-based system toward one that achieves measurable outcomes for nature. This imperative was explicitly highlighted by the Samuel Review, which identified that the legacy framework failed because it regulated the *process* of decision-making rather than guaranteeing the protection of environmental assets.

TMBF is deeply concerned that the current draft Standard risks codifying this historical failure. Specifically, Sections 7(2) and 7(4) appear to dictate that the objectives and outcomes of the Standard are legally satisfied if an action, decision, or framework is merely "consistent with the principles" set out within the document. This framing allows procedural adherence to substitute for the physical, biological achievement of an environmental outcome. A project must not be deemed compliant simply because a decision-maker went through the administrative motions of considering a checklist. The definitive test must be whether the action actively protects, conserves, restores, and recovers protected matters.

Recommendation 1: Remove or substantially redraft Sections 7(2) and 7(4) to ensure that the principles serve strictly as supporting tools to achieve environmental outcomes, rather than an administrative substitute for them.

2.2 The principles must be strengthened to require strict action, not just consideration

The operative language within the draft principles relies heavily on weak, discretionary phrasing such as "having regard to" or "should generally only be considered." This terminology grants decision-makers broad discretion, diluting the structural protections required to shelter highly sensitive ecological matrices—such as the Moreton Bay Marine Park and the internationally recognized Moreton Bay Ramsar Wetland—from destructive infrastructure expansion.

For coastal and marine ecosystems, it is insufficient to merely require that impacts be "considered in context." The Standard must mandate that the nature, extent, and severity of impacts are quantitatively assessed in context, incorporating existing background threats and the specific conservation status of the ecological community. Furthermore, cumulative impacts are not given sufficient legal force. Most threatened marine species and coastal ecosystems are not decimated by a single catastrophic project; rather, they suffer from "death by a thousand cuts"—the repeated, incremental loss, fragmentation, and degradation of habitat caused by small-scale developments over time. A Standard that fails to explicitly elevate cumulative impact assessment into a strict, binding requirement will fail across the landscape.

Recommendation 2: Redraft the principles using strong, outcome-based language. Consideration of cumulative impacts and background environmental pressures must be elevated into the operative, binding text of the Standard rather than being relegated to supporting notes or non-binding guidance.

2.3 The wording on threatened species habitat must be restored to the 2025 draft

TMBF is seriously alarmed by the regressive shift in the 2026 draft regarding the protection of threatened species habitat. The 2025 draft rightly mandated that "*Habitat, including critical habitat of the listed threatened species*" must be protected, conserved, and restored to support long-term survival and recovery. The 2026 revision narrows this protection drastically, restricting it only to habitat that is "*irreplaceable and necessary for the species to remain viable in the wild.*"

This narrow framing represents a fundamental failure to understand conservation biology, particularly concerning migratory and wide-ranging marine species. Species central to Moreton Bay's ecological identity—such as the Dugong (*Dugong dugon*) and the 37 migratory shorebird species along the East Asian-Australasian Flyway—do not rely on a single, static sanctuary. They depend on complexity - interconnected seagrass beds, intertidal wetlands, and localized foraging grounds.

In practice, these habitat patches serve as critical ecological "stepping stones." Under the proposed 2026 wording, an individual habitat patch could be cleared or degraded under the legal guise that it is not mathematically "irreplaceable" because alternative habitat exists elsewhere. This fragmented approach ignores the cumulative degradation of migratory networks. Waiting until a patch of habitat is statistically proven to be the absolute last line of defense before granting it protection is completely incompatible with a proactive, recovery-focused framework. It actively undermines the federal government's stated commitment to a "Nature Positive" future by setting the baseline at the absolute minimum threshold required to avoid immediate extinction.

Recommendation 3: > Reinstating the comprehensive 2025 wording: "*Habitat, including critical habitat of the listed threatened species.*" The Standard must explicitly reject the restrictive "irreplaceable and necessary" threshold and instead protect the broader habitat networks and ecological pathways required for species movement, genetic exchange, and active population recovery.

2.4 The Standard must explicitly protect local and landscape-scale values

The revised drafting of outcome 6(b), which evaluates impacts on protected matters "*across their entire geographic area,*" introduces a dangerous loophole. While TMBF supports a broad, landscape-scale perspective that assesses how an action influences the overall abundance and resilience of a species across its range, this language must not be twisted to dismiss severe local or regional impacts.

Local ecological losses are profoundly significant. For many species under pressure, every surviving regional population and every pocket of high-quality habitat is vital to buffering against localized extinction events. Dismissing a local impact on the basis that a species or ecological community is still abundant elsewhere in Australia ignores the reality of cumulative regional decline. This is particularly critical for coastal wetlands that provide indispensable, localized hydrodynamic and ecological transition zones between land-based catchments and the ocean.

Recommendation 4: Clarify outcome 6(b) to explicitly state that local and regional environmental impacts cannot be dismissed or overridden by the broad geographic range of a protected matter, and mandate that local losses be assessed cumulatively.

2.5 The Standard must mandate measurable recovery, not just the avoidance of catastrophic harm

To achieve a genuinely "Nature Positive" future, the National Environmental Standards must move past the legacy baseline of merely minimizing acceptable harm or preventing absolute collapse. The standards must actively drive and support ecological recovery.

For threatened species and Ramsar-listed wetland communities, this means public and private infrastructure frameworks must be legally bound to contribute to improved habitat conditions, enhanced ecological connectivity, and the systematic reduction of cumulative pressures (such as sediment and nutrient run-off) over time. A standard that merely sets the bar at avoiding the most severe or obvious damage will simply manage the rate of environmental decline rather than reversing it.

Recommendation 5: Explicitly incorporate text into the Standard mandating that actions, decisions, and regional frameworks must be net-beneficial and actively consistent with the active survival, restoration, and measurable recovery of threatened species and ecological communities.

2.6 The Standard must secure absolute compliance with International Treaty Obligations (Ramsar)

Under the broader framework of national environmental legislative reform, the Minister must be satisfied that a National Environmental Standard is not inconsistent with Australia's international treaty obligations. TMBF notes with concern that the weak, discretionary language throughout the current draft MNES Standard fails to guarantee this statutory legal baseline.

This is particularly critical for international Ramsar wetlands, such as Moreton Bay. The Ramsar Convention mandates that contracting parties maintain the "ecological character" of designated wetlands of international importance. By allowing procedural adherence or "consistency with principles" to substitute for actual ecological outcomes, the draft Standard presents a severe risk of administrative rubber-stamping that leads to local degradation. The Standard must explicitly mandate that no action or decision can be authorized if it threatens to alter, diminish, or degrade the specific criteria upon which a Ramsar site was originally listed.

Recommendation 6: Insert strict, non-discretionary criteria into the MNES Standard that expressly prohibit actions or regional planning frameworks that degrade the baseline ecological character of Ramsar-listed wetlands, ensuring complete alignment with international treaty obligations.

2.7 The Standard must explicitly uphold the Convention on Migratory Species (CMS)

Under the broader framework of national environmental legislative reform, the Minister must be satisfied that a National Environmental Standard is not inconsistent with Australia's international treaty obligations. While the draft Standard gives appropriate weight to the Ramsar Convention, it fundamentally fails to uphold Australia's strict international commitments under the Convention on the Conservation of Migratory Species of Wild Animals (CMS). Under the CMS, Australia has committed to providing strict protections for migratory species listed under Appendix I (endangered migratory species) and Appendix II (migratory species that require international agreements). The proposed 2026 definition restricting habitat protection to what is "irreplaceable and necessary for the species to remain viable" directly conflicts with the foundational principles of the CMS. Migratory species do not

experience habitat in isolation. For the 37 species of migratory shorebirds utilizing the East Asian-Australasian Flyway, and marine megafauna like the Dugong and marine turtles, a network of seemingly disparate, temporary, or seasonal foraging habitats is required to sustain their life cycles. By narrowing protections to an extreme, baseline viability threshold for individual patches, the draft Standard ignores the cumulative "network effects" of habitat loss. If individual stepping-stone habitats within Moreton Bay are systematically degraded under the guise that they are not individually "irreplaceable", the entire migratory chain breaks. This effectively decouples Australia's domestic environmental standards from its international legal duties under the CMS to conserve migratory pathways.

Recommendation 7: The National Environmental Standard must explicitly incorporate obligations under the Convention on Migratory Species (CMS). The criteria for habitat protection must be defined at a network and flyway scale, ensuring that critical staging, feeding, and resting sites for migratory species are protected collectively, rather than evaluated as isolated, replaceable units.

2.8 The Standard must mandate Open-Access Independent Monitoring, Evaluation, and Reporting

A major systemic vulnerability within the draft Standard is the absence of a robust, independent framework for monitoring, evaluation, and reporting. Without a mandatory, transparent feedback loop to measure whether approved actions actually deliver environmental outcomes, the Standard operates as a "set-and-forget" compliance document.

TMBF, as an entity backed fundamentally by a collective of premier research institutions, emphasizes that environmental outcomes cannot be verified by predictive modeling or applicant assertions alone. Real-world ecological health can only be tracked through continuous, empirical scientific observation. Proponents and regional bodies must be legally obligated to supply standard-compliant, long-term monitoring data to a centralized, open-access public registry managed by the National Environment Protection Authority (EPA).

Recommendation 8: Incorporate mandatory provisions within the Standard requiring long-term environmental monitoring of approved actions. This data must be published transparently in an open-access format to allow independent academic and community verification of stated environmental outcomes.

2.9 Habitat definitions must incorporate Climate Change and Dynamic Species Range Shifts

The current draft assumes a static environmental landscape by restricting habitat protection only to what is currently "irreplaceable and necessary for the species to remain viable." This static worldview entirely ignores the shifting baseline driven by anthropogenic climate change.

Coastal and marine environments are profoundly dynamic. Over the next decade, accelerating sea-level rise, rising water temperatures, and intensified weather events will alter the spatial distribution of key ecological features, such as mangrove transition zones, saltmarshes, and seagrass meadows. Species range shifts will

follow. To be future-proof and truly "Nature Positive," the Standard must protect not just the remnant pockets where a species exists today, but the critical ecological corridors, climate refugia, and currently unoccupied land-ward habitat zones that species will desperately require to migrate and adapt.

Recommendation 9: Expand the definition of protected habitat within the Standard to explicitly include future range shifts, climate refugia, and dynamic ecological corridors necessary for long-term species adaptation and resilience under climate change projections.

3. Conclusion

The Moreton Bay Foundation strongly advocates for a robust, outcome-focused suite of National Environmental Standards. However, the 2026 draft MNES Standard requires immediate, targeted strengthening to fulfill the environmental outcomes promised by the broader national legislative reform. The final Standard must be clear, legally enforceable, and explicitly structured around ecological outcomes rather than administrative processes.

We urge the Government to amend the Standard in line with our recommendations, ensuring that Australia's national environmental laws genuinely safeguard our irreplaceable natural assets for generations to come.

Yours sincerely,



Katie Walters

Chief Executive Officer

The Moreton Bay Foundation

Reply To: CEO@MoretonBayFoundation.org