



Submission from Darebin Climate Action Now on the MNES Standard

Darebin Climate Action Now (DCAN) is a Victorian not-for-profit organisation of residents in the Cooper federal electorate concerned about global warming and our governments' continuing inadequate responses to this threat. For almost two decades we have educated ourselves and members of our local community about the causes of, and appropriate responses to, the climate emergency. We have well over 4500 supporters.

We recognise that the reformed EPBC Act is intended to provide sustainable protection to our precious and unique fauna and flora. We understand that the National Environmental Standards are key to whether the EPBC Act will actually be effective in protecting our unique natural environment. Below we present our concerns about how the draft Matters of National Environmental Significance (MNES) Standard would fail to achieve this goal, with a particular focus on the climate impacts of proposed projects, and propose amendments.

The Samuel Review made clear that the Standards need to provide strong, enforceable protections. Weak or vague standards would undermine the new laws before they even commence. Therefore, the MNES standard must be outcomes-based, clear and enforceable. However, we do not believe the current draft meets these requirements.

We submit that the revised EPBC Act and this draft National Environmental Standard fail to adequately recognise the inseparable and reciprocal relationship between nature and climate, despite this relationship being central to the Act's objectives and to the principles of ecologically sustainable development.

- Climate change is a major driver of environmental degradation and species extinction, acting through both acute impacts—such as floods, fires, droughts and extreme heat—and chronic processes including sea-level rise, soil salinisation and ocean acidification. Activities that contribute to climate change thus give rise to foreseeable, cumulative and long-term environmental harm.
- Conversely, environmental degradation—particularly deforestation, land clearing and ecosystem loss—exacerbates climate change by increasing surface temperatures and reducing the capacity of natural systems to absorb and store carbon.
- The extraction, processing and combustion of fossil fuels are amongst the major contributors to greenhouse gas emissions. These emissions have well-established, cumulative impacts on ecosystems and species, including Matters of National Environmental Significance.

Failure to consider these interlinked impacts is inconsistent with the objectives of the EPBC Act, including the promotion of ecologically sustainable development and the protection of the environment for present and future generations. National Environmental Standards, including the MNES Standard, must therefore require decision-makers to

explicitly assess and account for climate impacts as an integral component of environmental protection and approval decisions.

We appreciate some key strengths in the draft MNES Standard and its Guidelines. For example:

- The Guidelines state that, for a significant impact to be 'likely', "it is **not necessary for a significant impact to have a greater than 50% chance of happening**; it is sufficient if a significant impact on the environment is a **real or not remote chance or possibility**".
- The precautionary principle is invoked in the Guidelines: "If there is scientific uncertainty about the impacts of an action and potential impacts are serious or irreversible, **the precautionary principle is applicable**. Accordingly, a lack of scientific certainty about the potential impacts of an action will not itself justify a decision that the action is not likely to have a significant impact on the environment."
- The Guidelines note that, in order to decide whether an action is likely to have a significant impact, "it is necessary to take into account the nature and magnitude of potential impacts, including **the total impact which can be attributed to the action over the entire geographic area affected, and over time**".
- The Guidelines require consideration of "**all adverse impacts**" which result from a proposed action, including indirect and offsite impacts – "downstream, "upstream" and "facilitated" - whether these impacts are within the control of the person proposing to take the action or not. Impacts from emissions and other forms of climate damage (whether on-site or broadly distributed) caused by the action should be explicitly included as examples of such impacts.

We believe these important principles should be fully enforced, and **provide the context for taking climate impacts into account**.

We draw attention to an important recent paper in *Nature* which **nullifies the argument that the environmental and climate impacts of the emissions from large fossil fuel projects cannot be assessed and therefore can be ignored**¹.

Taking Scarborough's offshore gas project as an example, it shows how the consequences of the additional warming from the emissions from Scarborough's offshore gas project emissions include additional thermal exposure in the Great Barrier Reef Marine Park resulting in an additional 16 million coral colonies lost in every future bleaching event on the Great Barrier Reef. **Hence, any project causing significant greenhouse gas emissions is directly related to potential harm to the Great Barrier Reef Marine Park and in all probability to other listed MNES.** (Consequences for human life and wellbeing were also modelled in this paper but are not directly relevant to the NES – for example, Scarborough's emissions will cause an additional 516,000 people globally exposed to unprecedented heat.)

Recommendation 1: Proponents should be required to assess and report the cumulative, direct, indirect and offsite climate impacts of their projects, and these should be fully considered in decision-making, taking into account the precautionary principle.

¹ Abram, N.J., Maher, N., Perkins-Kirkpatrick, S. *et al.* Quantifying the regional to global climate impacts of individual fossil fuel projects to inform decision-making. *npj Clim. Action* 4, 92 (2025). <https://doi.org/10.1038/s44168-025-00296-5>; <https://www.nature.com/articles/s44168-025-00296-5>

Below we itemise what we see as other key weaknesses in the draft MNES Standard and suggest solutions. We are concerned about:

- **Weak wording** throughout the draft which allows for inconsistent application, introduces 'wriggle-room' for decision-makers and undermines the purpose of the Standard. This includes terms such as "have regard to", "should generally", and being "satisfied" that decisions are "not inconsistent with" the Standard.

Recommendation 2: Wording should be tightened throughout, e.g. replacing "should generally" with "must", "not inconsistent with" with "consistent with", and "having regard to" with "comply with".

- **Gaps in the drafting** which 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.

Recommendation 3: The Standard should clearly apply to all decisions under the Act, and include actions, plans and policies, as recommended by the Samuel Review. Critically, the Standard should include specific reference to projects involving fossil fuel exploration, production, use and export.

- There is provision for the Minister to give approval in "the rare circumstance of the action being in the national interest" (Policy Paper p2).

Recommendation 4: There should be strong requirements to ensure that such exceptions are indeed rare, including a precise definition of what is meant by "national interest". For example, there could be a requirement for proposed "exceptional" cases to be subject to judicial review and/or review by the Senate. Such requirements would help to avoid misuse of this provision and would help overcome the lack of specification of "national interest".

Overall, we know that strong national standards are essential to protect nature, provide certainty, and rebuild trust in Australia's environmental decision-making. 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. The MNES Standard needs to be outcomes-based, clear and enforceable, and to take climate impacts into account.

Thank you for the opportunity to make this submission.



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