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National Environmental Standard - Matters of National Environmental Significance (MNES)

Thank you for the opportunity to provide input into the draft National Environmental Standards. Private Forests Tasmania (PFT) has read the draft MNES Standard policy paper and corresponding draft legislative instrument and other supporting documents and can provide the following feedback.

PFT is an independent statutory authority established under the Tasmanian *Private Forests Act 1994*. We work to facilitate and expand the sustainable growth and development of the private forest resource in Tasmania. We do this through providing information to private forest growers, through research collaborations, advocacy, innovation and planning tools. Under our [Corporate Plan 2025-28](#) one of our four goals is to work with policy makers and regulators to improve regulatory efficiency and practical policy settings for private forestry.

The Tasmanian Government has now formally advised the Australian Government that it wishes to enter into a bilateral agreement that would seek to accredit the Tasmanian Forest Management System (FMS) under Part 5 of the EPBC Act. Whilst it is not yet specifically set down in regulations, it is certain the MNES Standard will apply to that accreditation process.

Need for recognition of systems-based environmental regulation

Tasmania's FMS comprises three core elements of sustainable forest management:

- a comprehensive, adequate, and representative (CAR) reserve system;
- independent regulation of forestry and forest practices (forest practices system); and
- a policy for maintaining a permanent native forest estate (PNFEP).

Tasmania's FMS is a long-established system that delivers ecologically sustainable forest management across both public and private land. It operates at a landscape (whole of the island) scale with an overarching legislative and policy framework and associated planning and operational systems. It is administered using an adaptive management and continuous improvement approach which incorporates built in monitoring and review mechanisms, stakeholder engagement, research findings and other feedback processes associated with compliance and enforcement systems.

It will be important that the Australian Government, when assessing Tasmania's application for accreditation, consider the entire FMS and not just the forest practices system, which is the Tasmanian mechanism for managing and regulating actions that potentially impact on forest related MNES. As an example, the mitigation hierarchy within the MNES Standard - avoid, mitigate, repair and offset, while not specifically and explicitly named up in the forest practices system, the concepts and the intent are implemented in practice across the broader Tasmanian FMS. A key example is the CAR reserve system and the PNFEP effectively acting as offsets to any residual significant impact from forest operations.

It is important that the Australian Government take this broader view as the current MNES Standard is written in a format and language that is more applicable to individual project by project assessments, rather than landscape scale system wide assessments that the Tasmanian FMS will be subjected. There are references in the accompanying MNES Standard policy paper to how the Standard can be interpreted in a bilateral agreement scenario, but these references fall well short of providing real guidance on key EPBC Act reform concepts and terminology and how they are to apply to system wide assessments, and specifically to the Tasmanian forest management situation. The Standard does not provide a clear or workable pathway for recognising accredited state-based forest management systems. This should be addressed by the Australian Government by making the language in the Standard more amenable to accommodate system wide assessments and communicating forest sector specific policy guidance and interpretation through additional policy documentation or direct negotiations with Tasmanian officials.

Acknowledging scientific uncertainty

The draft MNES Standard is also written and structured in a way that assumes the science behind environmental impact assessment is straightforward. The reality is otherwise. The impact of development activities on MNES is very complex, it's far from settled and in a native forestry context is also highly contested. The swift parrot in Tasmania is a good example but there are many others. There are a range of threats and pressures that each MNES are subjected to and untangling these threats and pressures and apportioning impact to a particular threat, activity or action is extremely difficult. Even after significant research efforts over many decades, credible scientists can have very different views on whether a development or activity is impacting MNES, whether that impact is a significant impact and whether mitigation and offset activities can reduce or even reverse an impact to deliver net gains. This complexity is further exacerbated by the changing climate and the confounding and amplifying impact it will have on MNES. Yet, untangling this intractable complexity is precisely what the current draft Standard will require for every MNES that is purported to be impacted by a development action. In this regard the draft Standard is very naïve when it expects that impacts can be readily identified, quantified and unequivocally stated to be a direct cause of a particular development activity or action.

Again, it will be important for the Australian Government to take a broad and flexible view. There is a risk that a rigid application of the concepts and definitions in the Standard or one size fits all approach to the accreditation process could result in confusing and impractical regulatory requirements that do not achieve either forest conservation outcomes or industry certainty.

Principles based assessment (clause 7)

PFT supports the addition of the new subsection (new clause 7) in the draft Standard that provides an action or class of actions that satisfies the principles is considered to satisfy the outcomes and objectives of the Standard, and therefore to be consistent with the Standard as a whole. This is a sensible and practical amendment over the first version of the Standard as the more prescriptive principles provide better guidance for proponents as to how their proposals can meet, and therefore achieve, the outcomes and objectives. As stated in the above paragraphs, there is considerable scientific uncertainty associated with environmental impact assessment and confidently predicting outcomes from development actions is fraught. Clause 7 as written should remain in any future version of the Standard.

If you have any queries on the points we have raised, please contact me on [REDACTED] or our Policy & Data Officer Murray Root on [REDACTED]

Yours sincerely,

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Dr Elizabeth Pietrzykowski
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