Submission to the Environment Protection Reforms - Tranche 2 Consultation

Subordinate legislation (EPBC Amendment (2026 Measures No. 1) Regulations 2026), National EPA transparency Rules, and the proposed 1 July 2026 proclamation — Consultation Papers 1–3

Protecting Ramsar obligations in the bilateral and accreditation framework - Gippsland Lakes

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To: Department of Climate Change, Energy, the Environment and Water

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1. Summary and recommendations

Friends of Gippsland Lakes (FoGL) supports efficient environmental regulation underpinned by strong, enforceable national standards. Our concern is narrow and applies only to the small class of actions affecting declared Ramsar wetlands. For that class, Australia's binding international obligations, the structure of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (the EPBC Act), and the reform package's own restoration standard all point the same way - these matters belong with the Commonwealth, not devolved to the States and Territories.

FoGL is a member of the Coastal Waterways and Wetlands Alliance (CWWA). This submission is intended to be read with CWWA's three submissions in this reform: its submission on the Exposure Draft - National Environmental Standard for Matters of National Environmental Significance 2026; Exposure Draft National Environmental Standard for Environmental Offsets, and its Tranche 2 submission on the bilateral, accreditation and subordinate-legislation mechanisms. Where those submissions develop a point we rely on, we cross-refer rather than repeat.

Our recommendations, in short. Two are addressed to the Act and are pressed as the principled position; the remainder require no amendment to the Act and are framed as mandatory Procedures under the relevant National Environmental Standard, or as criteria prescribed in the Regulations:

- **R1–R2 (primary).** Carve declared Ramsar wetlands out of approval bilaterals, and retain the Commonwealth approval decision where Ramsar matters are assessed by a State under an assessment bilateral.
- **R3.** Deliver the maintain-and-restore standard at the accreditation gate through the MNES Standard (s 514YD) and a treaty criterion in the Regulations (reg 2B.01).
- **R4.** Fix the Ramsar objective instruments at the date of accreditation, and treat material change as a trigger for re-accreditation.
- **R5.** Hold the ecological character of a declared Ramsar wetland beyond the reach of a paper offset, adopting CWWA's offsets recommendation (R15(a)).
- **R6.** Test the institutional capacity of any framework before Ramsar matters are devolved to it; require consultation with Australia's Ramsar Administrative Authority; and rely on the mandatory call-in power.
- **R7.** Publish the basis on which any bilateral or accredited framework covering Ramsar matters is found to deliver the maintain-or-restore outcome.

2. Who we are

Legal status: Friends of Gippsland Lakes is an Incorporated Association (Consumer Affairs Victoria, No. A0047246N) and a Registered Charity (ACNC; fogl.org.au).

Purpose: FoGL supports residents and the broader community in the preservation and enhancement of the Ramsar-listed Gippsland Lakes and its 60,000-hectare catchment. The catchment encompasses coastal parks and reserves, significant wetlands including McLeod Morass and Heart Morass, and the five river systems that sustain the Lakes - the Latrobe, Mitchell, Tambo, Avon and Nicholson. It spans three local government areas in eastern Victoria, on Gunaikurnai Country.

Membership of CWW: FoGL is a founding member of the Coastal Waterways and Wetlands Alliance, which protects the Victorian coast's waters, estuaries, wetlands and six coastal Ramsar sites, and endorses CWWA's submissions in this reform.

Basis of interest: The Gippsland Lakes are a declared Ramsar wetland of international importance. FoGL's members - among them waterways managers, ecologists, scientists, engineers and educators - have a direct, longstanding interest in how Commonwealth law protects the site's ecological character, and experience with its management plans and regional strategies. FoGL acknowledges and heeds the wisdom and desires of Traditional Owners.

3. Scope and framing

FoGL supports the reform's central aims. Efficient, non-duplicative regulation backed by strong, enforceable national standards is a legitimate and welcome objective, and we support robust Commonwealth oversight of all matters of national environmental significance - not Ramsar wetlands alone. We do not suggest Ramsar matters deserve protection that other MNES do not.

Our ask is correspondingly narrow. A Ramsar carve-out affects only actions with a significant impact on a declared Ramsar wetland - a small fraction of referrals - and does not threaten the reform's central streamlining purpose. We press it not because Ramsar is exceptional among MNES, but because it is where this reform most reduces protection and where the consequences are least reversible: a declared Ramsar site is treaty-bound, site-bound and non-substitutable, and the bilateral framework governing it is being reset now. For MNES generally, the strengthened standards and accreditation criteria we support are the right safeguards; for Ramsar, in this consultation, one additional and time-critical step is warranted.

Coordination with CWWA. CWWA's Offsets submission addresses the content of the Offsets Standard across the Victorian coast; its Tranche 2 submission addresses the bilateral, accreditation and subordinate-legislation machinery. This submission addresses the same machinery through the single lens of the declared Ramsar wetland, and adopts CWWA's offsets language for Ramsar so that the submissions point to one consistent outcome. CWWA records that it accepts the primary Acts are, for now, the law, while noting its objection to specific Act-level settings for the statutory review; FoGL shares that underlying concern and additionally presses the Act-level safeguard (R1/R2) now, precisely because the approval-bilateral framework is being reset in this consultation.

Case-study caveat. We refer to the draft Victorian Waterway Management Strategy (Policy 26) and to a recent Victorian planning decision only as evidence that sub-national divergence from the maintain-or-restore standard, and gaps in the framework that would carry Ramsar matters, are real rather than hypothetical. We do not ask the Commonwealth to review Victorian policy, which is outside this consultation's scope.

4. Legal framework: current law versus provisions not yet in force

The reform commences in stages, and several features of Consultation Paper 3 are not yet enacted. The provisions in this submission are verified against the current compilation of the EPBC Act (Vols 1–3) and the Environment Protection Reform Act 2025.

Commencement status. Items that commenced 20 February 2026 are primarily definitional and structural. The core bilateral, accreditation and approval provisions - including the new s 46, the s 52 amendments, the new ss 46A–46C, ss 65B–65D, and the replacement of ss 58 and 138 - are awaiting commencement by proclamation (proposed 1 July 2026 under this consultation).

Operational status. Assessment bilaterals have operated with all States and Territories since 2015; no approval bilateral has been completed. The approval-bilateral framework is being reset now - which is why the safeguard should be put in place before any approval bilateral covering Ramsar matters is negotiated.

5. The case for a Ramsar carve-out

5.1 The obligation is the Commonwealth's and is non-delegable in substance

The duty to maintain the ecological character of listed wetlands derives from the Ramsar Convention, to which Australia - not the States - is the Contracting Party. It is given domestic effect by the EPBC Act under the external affairs power. Devolving an approval decision does not devolve international responsibility: a party may not invoke internal arrangements to justify non-performance of a treaty (Vienna Convention on the Law of Treaties, 1969, art. 27). The Commonwealth would remain answerable to the Convention for outcomes it no longer directly controls.

5.2 Ramsar is distinguishable from other matters of national environmental significance

This is not a general argument against devolving every treaty-based matter. Ramsar has features the species-based matters do not, evident in the Act's own text:

- **Site-bound and non-substitutable.** A listing attaches to a named place; the Government's own offsets paper classes Ramsar wetlands among values that are location specific and cannot be substituted (DCCEEW, 2026c).

- **A place- and principles-bound test.** Only the Ramsar accreditation test ties the obligation to a specific place governed by specific management principles, in contrast to the survival- and conservation-status tests for species (EPBC Act, ss 53–54).
- **Catchment-scale, cumulative threats.** Altered inflows, salinity and nutrients suit a single accountable decision-maker, not project-by-project devolved assessment.
- **A direct reporting line.** Article 3.2 of the Convention ties the Commonwealth directly to detecting and reporting change in ecological character — a mandatory international reporting obligation the threatened-species regime lacks entirely, and which the migratory-bird agreements (JAMBA, CAMBA and ROKAMBA) replicate only partially through bilateral information exchange rather than mandatory notification to an international secretariat.

5.3 The water-trigger precedent already concedes the principle

The reform already excludes the water trigger (s 24D/24E) from approval bilaterals (EPBC Act, s 46(1)). Ramsar's claim is stronger: the water trigger is a domestic settlement with no treaty behind it, whereas Ramsar rests on a binding international treaty. The matter with the stronger claim to retention is currently the one left exposed.

5.4 The treaty obligation travels with the Commonwealth approver - and disappears on devolution

In deciding whether to approve an action, the Minister must not act inconsistently with Australia's obligations under the Ramsar Convention (EPBC Act, s 138). When the new s 138 commences, this obligation becomes a three-limb constraint: the Minister must not act inconsistently with (a) the Convention; (b) the Australian Ramsar management principles; and (c) any plan prepared for the management of the wetland (EPR Act 2025, Item 238). For the Gippsland Lakes, the Gippsland Lakes Ramsar Site Management Plan 2024 - which seeks to maintain and improve ecological character - would become part of the Commonwealth approval standard.

A State approver under an approval bilateral is not bound by s 138. Approval devolution therefore removes the only decision-maker carrying the treaty obligation, and substitutes one who is not. The stronger the new s 138 becomes, the greater the loss on devolution.

5.5 The reform weakens the only Ramsar-specific bilateral safeguard, and the Regulations do not fill the gap

EPR Act Items 128–130 amend s 52. The management-principles limb is lowered from “will promote the management of the wetland in accordance with the Australian Ramsar management principles” to “is not inconsistent with” them, while a new limb requires non-inconsistency with the site management plan (s 52(2)). On the lowered limb, a framework that does nothing to advance the ecological character of the Gippsland Lakes - that manages decline “not inconsistently” with principles whose purpose is to maintain that character - is

capable of accreditation, a test falling below the maintenance obligation in Article 3 of the Convention.

The regulatory backstop that protects World Heritage and National Heritage does not extend to Ramsar. The EPBC Regulations 2025 prescribe specific bilateral criteria for those matters (reg 2B.01) but none for Ramsar, and reg 2B.01(6) requires only that the relevant law be "capable of protecting" World Heritage and National Heritage values, making no mention of Ramsar. CWWA independently identifies the same gap in its Tranche 2 submission (R2).

5.6 The MNES Standard is welcome but not a sufficient substitute for the carve-out

The draft MNES Standard provides a strong Ramsar outcome - that ecological character is maintained, protected, conserved and (where in decline) restored consistent with Australia's Ramsar obligations (DCCEEW, 2026b, Item 4). Its force, however, is contingent: as CWWA's MNES Standard submission shows (R1), clause 7(2) of the draft deems the Standard's Outcomes achieved wherever its Principles are met, so the Ramsar outcome does no work as the test a decision must satisfy unless clause 7(2) is reworded. The recommendations below assume that keystone fix is made (see R3). But it does not remove the need for a carve-out:

- **(a)** the accreditation gate tests only "not inconsistent" - weaker than the Standard's outcome - and is applied once, at the point of the accreditation decision, by Ministerial judgment rather than action-by-action (DCCEEW, 2026b);
- **(b)** dynamic incorporation lets a compliant framework drift after accreditation;
- **(c)** assurance is periodic, so drift is not caught before harm to a non-substitutable site; and
- **(d)** for the highest-value matters a bright-line rule was the chosen technique (the water trigger), precisely to avoid reliance on contestable consistency judgments.

(e) The Standard's reach - and its limit. Two features sharpen, rather than remove, this conclusion. First, a national environmental standard is not confined to setting outcomes: s 514YD(4)(b)(ii) lets it prescribe "processes or actions to be followed or taken in achieving an outcome." This is the vehicle through which the fallbacks below (R3–R5) can be made operative and drafting-ready, and it is the vehicle CWWA uses throughout its offsets and MNES Standard submissions. Second, the no-regression principle in s 514YG constrains any later weakening: the Minister may not vary or revoke a standard unless satisfied the change does not reduce protections of the environment or the likelihood that the standard's outcomes will be achieved. The standards route is therefore materially more durable than ordinary subordinate legislation. What none of this can do is keep the decision with the Commonwealth: a strengthened Standard binds the content of a devolved decision, but not the identity of the decision-maker. For a non-substitutable, treaty-bound site, the carve-out (R1/R2) remains the only mechanism that delivers categorical certainty; R3–R5 are the protections that operate if devolution nonetheless proceeds.

5.7 The international standard is restoration, not managed decline

Across the treaty, the COP's formal decisions and Australia's own reporting, the response to threat and climate change is to maintain and restore ecological character - not to re-baseline or delist. Parties are encouraged to include in their priorities the restoration of degraded freshwater ecosystems, in particular those within and ecologically connected to Wetlands of International Importance, including in response to changing climatic and hydrological conditions (Conference of the Contracting Parties, 2025, Resolution XV.15, para 18). Australia's reported response to decline at the analogous Coorong system was over $170 million in restoration and environmental water. The Convention treats climate and hydrological change as a trigger for restoration, not for managed retreat - directly answering the argument that maintenance becomes impossible under climate change.

5.8 The Samuel Review supports a retained Commonwealth role for the most significant matters

The reform's own evidence base called for strong, legally enforceable national standards and continued Commonwealth oversight and independent assurance for the most significant matters (Samuel, 2020). A retained Commonwealth role for internationally significant, treaty-bound Ramsar sites is consistent with and not contrary to that architecture.

5.9 The framework proposed to carry Ramsar matters is not demonstrably ready

Accreditation turns not only on the adequacy of the test but on the institutional capacity of the framework applying it. On the present record, the Victorian framework that an approval bilateral would rely on - principally assessment under the Environment Effects Act 1978 and approvals under the Planning and Environment Act 1987 and the Marine and Coastal Act 2018 - cannot be assumed ready to carry decisions affecting the ecological character of a declared Ramsar wetland:

- **The EES process.** The Victorian Auditor-General's 2017 audit of the Environmental Effects Statement process - the mechanism through which the 2014 Victoria–Commonwealth bilateral has matters of national significance assessed - found it ineffective in fundamental respects: the Minister's assessment does not bind the statutory decision-maker; no mechanism ensures qualifying projects are referred; condition compliance is not comprehensively monitored; and public participation faces structural barriers (VAGO, 2017). The Act itself remains unreformed.
- **Contracting oversight.** The Victorian Marine and Coastal Council - the independent statutory body under the Marine and Coastal Act 2018, one of the instruments any accreditation would turn on - was abolished in 2026 (Entities Legislation Amendment (Consolidation and Other Matters) Act 2025 (Vic)).

These matters are developed in CWWA's Tranche 2 submission (R17), which FoGL endorses. They show why institutional capacity to carry Ramsar matters must be tested before

devolution, not assumed - and why, for a non-substitutable treaty site, retaining the Commonwealth approval decision (R1/R2) is the safer course while that capacity is unproven.

5.10 The timing case

Because no approval bilateral has yet been entered and the framework is being reset in this consultation, this is the moment to put the safeguard in place - before any approval bilateral covering Ramsar matters is negotiated. CWWA makes the same timing point at the level of the package as a whole, asking that the devolution tests not commence early while the Standards that are their measure remain unfinished (CWWA Tranche 2, R0–R1). FoGL adopts that sequencing position for Ramsar matters specifically.

6. Case study: VWMS Policy 26 (supporting context)

What it does. The draft Third Victorian Waterway Management Strategy (Policy 26) provides that where maintaining ecological character is not "feasible or cost-effective", objectives may be reviewed to "adapt to a new ecological regime", and that on irreversible change or urgent national interest the State "may consider deleting or restricting the boundary", compensating "for the loss of wetland area" (DEECA, 2026).

Why it diverges. This treats decline as grounds to lower the objective or reduce site coverage - contrary to the maintain-or-restore norm in the treaty, the COP's decisions, Australia's national report, and the draft MNES Standard.

The point that matters. Its existence shows the MNES Standard's outcome is not self-executing at the sub-national level. Under framework-level accreditation and dynamic incorporation, a loss-tolerant posture could pass the gate and drift further - which is why a Commonwealth carve-out, not reliance on the Standard alone, is required. The worked example is the Gippsland Lakes themselves: facing sea-level rise and rising salinity, the Gippsland Lakes Ramsar Site Management Plan seeks to extend the boundary and restore condition, while Policy 26 contemplates the reverse (East Gippsland CMA, 2024).

7. Recommendations in detail

How these recommendations attach to the Act. R1 and R2 require an amendment to s 46 and are pressed as the principled position. R3–R7 do not require any amendment to the Act. A national environmental standard must prescribe one or more outcomes (s 514YD(4)(a)) and may also prescribe "processes or actions to be followed or taken in achieving an outcome" (s 514YD(4)(b)(ii)). Because the MNES Standard and the Offsets Standard are both prescribed for the purposes of s 46(3)(e) and (f), any accredited framework - and decisions taken under it - must be consistent with those Standards as a precondition of accreditation. We therefore frame R3–R5 as mandatory Procedures under the relevant Standard, and R6 partly through the prescribed-criteria power in s 46(3)(d). This is the same vehicle CWWA uses throughout its submissions.

R1 (primary) - Carve declared Ramsar wetlands out of approval bilaterals

An approval bilateral should not be able to declare that actions with a significant impact on a declared Ramsar wetland (controlling provisions s 16 or s 17B) do not require Commonwealth approval, mirroring the existing exclusion of the water trigger (s 24D/24E) in s 46(1). Because that exclusion is hard-wired in the text of s 46(1) with no power to extend it by regulation, this recommendation requires an amendment to the Act.

Suggested drafting. Insert a new s 46(1A): "A declaration under subsection (1) has no effect to the extent that it relates to an action that is a controlling provision because of section 16 or 17B (declared Ramsar wetlands)." Because the exclusion sits in s 46 (the approval limb) and not s 47 (the assessment limb), States could still assess Ramsar matters under an assessment bilateral; only the Commonwealth approval decision, bound by s 138, is retained.

R2 (primary) - Retain the Commonwealth approval decision under assessment bilaterals

Where Ramsar matters are assessed by a State under an assessment bilateral, the s 138-bound Commonwealth approval decision should be retained. Devolution for Ramsar should be limited to assessment, not approval. R1 and R2 can be given effect in a single amendment to s 46; no amendment to s 47 is required.

R3 - Deliver the maintain-and-restore standard through the prescribed Standards and a treaty criterion in the Regulations

The weakening of s 52(1)(b)/(2)(b) to "not inconsistent" is in the compiled Act and is not reopened here. The maintain-and-restore bar can be restored at the accreditation gate through two subordinate levers, pressed together:

(a) MNES Standard (s 514YD). Using s 514YD(4)(a) and (4)(b)(ii), the MNES Standard should prescribe - as an outcome and as a mandatory Procedure - that a management or authorisation framework affecting a declared Ramsar wetland maintains and, where the ecological character is in decline, restores that character, consistent with Australia's Ramsar obligations, the Australian Ramsar management principles and the site management plan. Because the MNES Standard is prescribed for the purposes of s 46(3)(e)/(f), a framework and the decisions taken under it must be consistent with it as a precondition of accreditation - a requirement that operates in addition to the weakened s 52(2) test. This lever depends on the clause 7(2) keystone fix: unless the Standard's Outcomes operate as the test rather than being deemed met by compliance with the Principles, a stronger Ramsar outcome would itself be read down. FoGL therefore endorses CWWA's MNES Standard submission, in particular R1 (reword clause 7(2)) and R2 (make the precautionary principle operative for Ramsar, with a full catchment-pathway assessment duty and a bar on approval under material Article 3 uncertainty, directly relevant to the catchment-driven Gippsland Lakes), and presses the outcome above as the site-specific complement to them.

(b) Regulations (reg 2B.01). Prescribe a Ramsar-specific bilateral criterion under s 46(3)(d), strengthening reg 2B.01(6) so that accreditation for a declared Ramsar wetland

requires a framework that gives effect to Australia's Ramsar obligations, not one that is merely "not inconsistent with" the principles. This mirrors, for Ramsar, the criterion the Regulations already carry for World Heritage and National Heritage, and aligns with CWWA's Tranche 2 recommendation (R2). Neither lever requires amendment of the Act.

R4 - Fix the Ramsar objective instruments at the date of accreditation, and treat material change as a trigger for re-accreditation

s 48AAA permits an accredited framework to incorporate other instruments "as in force … from time to time," and s 56B permits the Minister to determine that an amended framework continues to be accredited without re-accreditation (a determination that is not itself a disallowable instrument). Together these allow a framework to drift from the test that justified its accreditation. For declared Ramsar wetlands:

(a) the MNES Standard should prescribe, under s 514YD(4)(b)(ii), that the Ramsar Information Sheet, the Ecological Character Description, the site management plan and the Australian Ramsar management principles are incorporated as in force at the date of accreditation, fixing the date expressly so that the Standard's own incorporation power (s 514YE) does not reopen the drift; and

(b) the Regulations should provide that a material change to any of those instruments is a trigger for re-accreditation rather than a s 56B continuation.

This is the same drift CWWA identifies for the coast's Victorian guidance instruments (Tranche 2, R3); FoGL adopts that recommendation for the Ramsar objective instruments specifically.

R5 - Hold Ramsar ecological character beyond a paper offset (adopt CWWA R15(a))

FoGL adopts CWWA's R15(a), and asks the Department to read the two submissions together. Using s 514YD(4)(a) and (4)(b)(ii), the Offsets Standard should provide that, where the affected matter is a declared Ramsar wetland:

- the evidence base must address the site's published Ecological Character Description, its Limits of Acceptable Change framework, and any wise-use management plan;
- measurable improvement must be assessed against that framework, identifying the Critical Components, Processes and Services and the Listing Criteria affected;
- where the most recent assessment records a Limit of Acceptable Change as breached or at near-breach, the proponent must demonstrate the arrangement does not contribute to further degradation;
- deviation from like-for-like is permissible only where endorsed by Australia's Ramsar Administrative Authority and not affecting a Critical Component, Process or Service; and
- the maintenance period is the later of 100 years, the period of any wise-use management plan, or until the outcome is self-sustaining.

This is reinforced by CWWA's offsets recommendation R1, under which habitat that a Conservation Advice, Recovery Plan or TSSC determination identifies as not restorable to equivalent function within a policy-relevant timeframe is presumed not feasibly offsettable - a category that captures the Gippsland Lakes' fringing wetland communities (swamp scrub, reedbeds, estuarine sedgelands) recognised in the site's Ecological Character Description. For those non-substitutable attributes, the practical effect of R5 read with CWWA's R1 should be avoidance rather than offset. Because the Offsets Standard is prescribed for the purposes of s 46(3)(e)/(f), this Procedure protects the Lakes both on the single-approval pathway and under any approval bilateral; a devolved decision cannot escape it.

R6 - Test institutional capacity before devolution; require Ramsar-authority consultation; rely on mandatory call-in

(a) Institutional capacity. Using the prescribed-criteria power in s 46(3)(d), prescribe accreditation criteria requiring a framework that is to carry Ramsar matters to demonstrate adequate compliance and enforcement capacity, sufficient resourcing, conflict-of-interest management, consideration of the public interest, and transparent, reviewable decisions (CWWA Tranche 2, R17). On the record in §5.9 these cannot be assumed for the Victorian framework and should be tested before, not after, devolution.

(b) Consultation. Prescribe, under s 46(3)(d) or as a Procedure under s 514YD(4)(b)(ii) in the MNES Standard, mandatory consultation with Australia's Ramsar Administrative Authority before any accreditation covering Ramsar matters.

(c) Call-in. s 65B already makes call-in provisions mandatory in every approval bilateral and prohibits a bilateral from preventing their use. The bilateral terms should establish a presumption of call-in for actions affecting a declared Ramsar wetland.

R7 - Transparency

Require publication of the basis on which any bilateral or accredited framework covering Ramsar matters is found to deliver the maintain-or-restore outcome, and of National EPA review and assurance findings on that point.

8. Conclusion

The reform already recognises, through the water trigger, that some matters belong with the Commonwealth - and it does so by a bright-line rule and not by discretion. Ramsar's binding international status, its site-bound and non-substitutable nature, the s 138 obligation that travels with the Commonwealth approver, and the reform's own maintain-or-restore Standard all support retaining declared Ramsar wetlands under direct Commonwealth oversight. Where the carve-out is not adopted, the same protection can be delivered, in large part, through the instruments this consultation is making: the MNES and Offsets Standards under s 514YD, and Ramsar-specific criteria in the Regulations under s 46(3)(d) - durable, because of the no-regression principle in s 514YG, in a way ordinary subordinate legislation is not. The carve-out is narrow, precedented and proportionate, and the Victorian Ramsar context shows the risk it

addresses is real. We urge the Department to put these safeguards in place now, while the approval-bilateral framework is being reset.

Annex A - Evidence base and references

Legislation, regulations and instruments

Environment Protection and Biodiversity Conservation Act 1999 (Cth), compilation C2026C00116 - particularly ss 46, 46A–46C, 47, 48AAA, 52, 56B, 58, 65B, 138, and Part 19B (ss 514YD, 514YE, 514YG).

Environment Protection Reform Act 2025 (Cth), C2025A00068, Sch 1 - particularly Item 117 (new s 46), Items 128–130 (s 52 amendments) and Item 238 (new s 138).

Environment Protection and Biodiversity Conservation Regulations 2025 (Cth), F2025L01584 - Sch 6 (Australian Ramsar management principles) and reg 2B.01 (bilateral criteria for World Heritage and National Heritage).

Marine and Coastal Act 2018 (Vic); Environment Effects Act 1978 (Vic); Planning and Environment Act 1987 (Vic); Entities Legislation Amendment (Consolidation and Other Matters) Act 2025 (Vic) (abolishing the Victorian Marine and Coastal Council).

International instruments and decisions

Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), opened for signature 2 February 1971, 996 UNTS 245, art. 3.

Vienna Convention on the Law of Treaties, opened for signature 23 May 1969, 1155 UNTS 331, art. 27.

Conference of the Contracting Parties to the Convention on Wetlands (2025), Resolution XV.15: Restoration of degraded freshwater ecosystems, para 18.

Cases

Nicastro v East Gippsland Shire Council [2025] VCAT 1048.

Gippsland Coastal Board v South Gippsland Shire Council (No 2) [2008] VCAT 1545.

Other sources

Coastal Waterways and Wetlands Alliance (2026), Submission on the Exposure Draft National Environmental Standard for Environmental Offsets (May 2026), recommendations R1 and R15(a).

Coastal Waterways and Wetlands Alliance (2026), Submission: Environment Protection Reforms - Setting up for success (Tranche 2), recommendations R0–R3 and R17.

Coastal Waterways and Wetlands Alliance (2026), Submission on the Exposure Draft National Environmental Standard for Matters of National Environmental Significance 2026, recommendations R1 and R2.

DCCEEW (2026a), Environment protection reforms consultation paper: Tranche 2, Paper 3 - Reducing duplication.

DCCEEW (2026b), Exposure draft and policy position paper: National Environmental Standard (Matters of National Environmental Significance) 2026.

DCCEEW (2026c), Exposure draft and policy position paper: National Environmental Standard (Environmental Offsets) 2026.

DEECA (2026), The third Victorian waterway management strategy [draft for public consultation].

East Gippsland Catchment Management Authority (2024), Gippsland Lakes Ramsar site management plan 2024.

Samuel, G. (2020), Independent review of the Environment Protection and Biodiversity Conservation Act 1999: Final report.

Victorian Auditor-General's Office (2017), Effectiveness of the Environmental Effects Statement Process (PP No 248).