

29 May 2026

Shane Gaddes
Acting Deputy Secretary
Department of Climate Change, Energy, the Environment and Water
GPO Box 3090
Canberra ACT 2601



Chamber of Commerce
and Industry WA

T: (08) 9365 7555
E: membership@cciwa.com
W: www.cciwa.com

Via email: EPRconsultation@dcceew.gov.au

Dear Deputy Secretary

**Consultation: Revised National Environmental Standard:
Matters of National Environmental Significance**

The Chamber of Commerce and Industry of Western Australia (CCIWA) is the peak body advancing trade and commerce in Western Australia, representing businesses of all sizes and the breadth of the economy.

Thank you for the opportunity to provide comment on the revised National Environmental Standards (NES) Matters of National Environmental Significance (MNES).

We welcome the revised NES, which addresses some of industry's concerns, particularly through simpler language, clearer definitions, and closer alignment with the legislation.

However, several issues remain for consideration:

- **Lack of visibility on the full reform package:** There are several NES yet to be released, alongside further policy, guidance and recovery plans. Without these, it is difficult to see how each interacts, especially where they intersect. We encourage appropriate consultation on subordinate materials, and an open approach to amending aspects of the reform which fail to be workable, realistic, and concise.
- **Definitions:** Some definitions could be further refined to provide greater clarity. In particular, we consider the definitions of baseline and net gain could be standalone within the NES MNES. We also seek confirmation that progressive rehabilitation can count as repair. Subjective phrases such as 'must have regard' and 'reasonably foreseeable' may also be misinterpreted, failing to reach the clear outcomes threshold recommended by the Samuel Review.
- **Factors to consider in relation to mitigation hierarchy:** The mitigation hierarchy should consider actions or planning already taken, where there is clear evidence of those actions, or the relevant planning documents, avoid impacts on MNES. Similarly, the concept of ecologically sustainable development should be broadly referenced within the NES MNES to ensure this concept is embedded in decision-making processes.

- **Policy materially influencing application of Principles:** Principles 1, 2 and 4 may be interpreted differently depending on policy documentation, which introduces uncertainty. In particular, we note that protection statements and the future NES First Nations may have a material influence on the interpretation of these. We encourage DCCEEW to consult with industry to ensure future policy and guidance for protection statements and other policy are workable.

We also note and support alignment of the NES MNES with both the future NES First Nations and amendments to the *Aboriginal and Torres Strait Islander Heritage Protection (ATSHIP) Act*. We look forward to contributing to these processes as opportunities arise.

Further, we seek confirmation of the consultation timeline for future NES consultation, and appropriate timeframes to allow for fulsome feedback. This will allow industry greater visibility on the roll out of the NES. Ideally, we seek consultation to extend to regulations and policies which significantly influence the application of the NES.

Ultimately, the NES MNES needs to be workable, realistic, and concise. In our view, each NES should be able to standalone as a document and aligning with other NES and legislation.

Should you wish to discuss the content of this letter further, please do not hesitate to contact Dr Daniel Kiely, Chief Economist, via

Yours sincerely

Will Golsby
Chief Executive Officer