

9 June 2026

Mr 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: Environmental Offsets

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

Thank you for the opportunity to comment on the revised National Environmental Standard (NES) for Environmental Offsets.

We welcome the revised NES, which addresses some of industry's concerns, particularly through simpler language, closer alignment with the legislation, recognition of State offset schemes, and changes to maintenance periods.

However, several issues remain in the interpretation of the NES Environmental Offsets. We raise the following 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.
- **Restoration Contribution Calculator is a missing piece:** We remain concerned about the lack of detail regarding the Restorations Contribution Calculator. This will be an important aspect of the regulation and will underpin investment decisions. We request further consultation on the calculator before the NES is implemented.
- **Definitions:** The definition of "suitably qualified expert" is not sufficiently robust, and more guidance may be helpful for proponents. We suggest that DCCEEW provide clearer guidance on this concept. Other definitions should be clarified and standalone, including 'high confidence', 'high certainty' and 'baseline'. The action of 'progressive rehabilitation' should count as rehabilitation and repair.

- **Interaction with other NES:** The NES Data and Information and NES First Nations are expected later this year. We believe both will have a material impact on the application of the NES Environmental Offsets and urge that they be released as soon as practicable.
- **More options for offset delivery:** While we welcome the ability to accredit existing State offset schemes, more options would help to provide choice to proponents. We suggest that maintenance periods aligned with the nature and scale of the significant residual impact on matters of national environmental significance.
- **Maintenance period and lifetime of offset:** We welcome the reduction in the maintenance period, however, 20 years is still unrealistic for all projects. Proponents have advised that 10 years would be a more suitable minimum maintenance period, which ensures applicability of NES Offsets regardless of project type. CCIWA welcomes maintenance periods that align with timeframes relative to specific Protected Matter.
- **Appendix for approved schemes and grandfathering for existing schemes:** The NES Environmental Offsets should include an appendix listing approved offset schemes, such as the Pilbara Environmental Offset Fund (PEOF) and other existing schemes. This would reduce the risk of challenges to schemes that are not expressly accredited under the NES.

We also note and support alignment of the NES Environmental Offsets 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 enable 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.

The NES Offsets 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, CCIWA Chief Economist, via Daniel.Kiely@cciwa.com

Yours sincerely

Will Golsby
Chief Executive Officer