

7 July 2026

Shane Gaddes
Acting Deputy Secretary
Department of Climate Change, Energy, the Environment and Water
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Chamber of Commerce
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Via email: EPRconsultation@dcceew.gov.au

Dear Deputy Secretary,

Consultation: National Environmental Standard: Community Engagement

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 National Environmental Standards (NES) Community Engagement. The Federal Government has reformed the Environment Protection and Biodiversity Conservation (EPBC) Act with a clear intent – better for the environment, better for business. The NES are critical to delivering this intent.

The NES Community Engagement outlines, to proponents, the legal elements of meaningful and adequate engagement between proponents and the community. It is also intended that the NES Community Engagement will complement other NES, including the yet-to-be-released NES First Nations Engagement.

However, we are very concerned with several aspects of the NES including the broad nature of the NES, inconsistency with definitions, and the lack of guidance around application. The document is very open to interpretation, which creates a high degree of uncertainty. In our view, significant amendment is required to make this a workable and realistic standard.

With this in mind, we raise the following for consideration:

- **Definitions:** There are several definitions which appear to be used interchangeably or are not well explained. Examples include 'Australian public', 'affected persons', and 'under-represented groups'. As previously suggested, each NES should be standalone.
We recommend, for consistency, that all terms are reviewed and clearly defined within the NES Community Engagement.
- **Requirement for proportionality:** All four principles should include a requirement for a proportional approach. This will help to limit the amount of

time, cost and regulation to navigate. As currently worded, the Community Engagement principles would require a substantial amount of material to be produced, at significant cost. There is a balance to be struck between making a proposal accessible and maintaining a level of content that is required. We recommend that Principles should all explicitly reference that engagement requirements should be applied proportionately according to project scale, complexity, and environmental risk. Further, the NES should clearly identify that proponents are not required to obtain community endorsement, consensus, or social licence as a condition of referral, assessment, or approval.

- **Obligation requirements:** The final Standard should explicitly clarify that proponents undertake meaningful engagement, in good faith, and interested parties should also be required to adhere to these obligations. We are concerned that community submissions can be made rapidly, using generative artificial intelligence. We recommend the NES should:
 - clarify how a proponent can ensure privacy of persons is upheld if data or information is held on a DCCEE portal or is the subject of a freedom of information request, including any right to withdraw from a process or if consent is revoked.
 - reference to a minimum of 10 business days should be explicit that it relates to an initial any initial public review rather than subsequent requests for additional information; and
 - effectively require submissions to be made in good faith, with meaningful engagement for those individuals making community submissions.

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 request appropriate timeframes to allow for fulsome feedback. This will allow industry greater visibility on the rollout of the NES. Ideally, we seek consultation to extend to regulations and policies which significantly influence the application of the NES.

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