

13 October 2026

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Deputy Secretary
Department of Climate Change, Energy, the Environment and Water
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Dear Deputy Secretary

Consultation: Environmental Protection Reform: Tranche 3

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 across the breadth of the economy.

Thank you for the opportunity to provide comment on Tranche 3 of environmental law reforms, consisting of the Environment Protection and Biodiversity Conservation Amendment (2026 Measures No. 2) Regulations 2026 (the regulation) and five policy papers (policy papers), which follow on from previous amendments to the Environment Protection and Biodiversity Conservation (EPBC) Act and National Environmental Standards (NES).

CCIWA welcomes the release of Tranche 3, which address some of the complex aspects of the recent EPBC Act reforms and seek to incorporate the NES in greater detail. We also acknowledge the significant amount of work that has occurred within the department to arrive at this point.

The regulation and policy papers seek to provide settings for assessments pathways, including the new streamlined assessment pathway; establish the Restoration Contributions Holder scheme; further embed the concept of 'net gain'; and make minor wording and process amendments to existing regulation.

CCIWA is of the view that the regulation should assist in delivering the core intent of the EPBC Act by providing a practical ability to supplement information, avoid duplication and minimise delay. Indeed, the proposed outcome of legislative reform was to deliver a regulatory environment that was better for business and better for the environment. However, we have several concerns that the documents provided are missing information to deliver on this intent.

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

- **Restorations Contribution Calculator and Holder:** We remain concerned about the lack of detail regarding the Restorations Contribution Calculator (the calculator), but welcome the recently announced consultation to ensure the calculator is fit-for-purpose. The calculator will be an important aspect of the regulation and will underpin investment decisions. Proposed Clauses 6C and 12D do not explicitly reference the calculator, but may be heavily informed or influenced by the calculator. Further, we oppose the arbitrary requirement that a Restoration Contributions Holder cannot proceed to an alternative restoration action until a minimum of one year from the receipt of the restoration contribution.
- **Streamlining Single Project Approvals:** CCIWA suggests that the streamlined single project approvals pathway should be genuinely proportionate and risk based. Members have raised concern that there is a risk that the pathway will effectively require approval or Environment Impact Statement level information at referral, and we suggest clarification is

needed to ensure it remains practically available for projects where impacts are well understood. As currently worded, it appears that this approvals pathway is disincentivised for proponents.

- **Terminology and definitions:** The definition of “durable” should align with existing regulation, such as NES Offsets. We suggest the definition for contact details should be used rather than explicitly asking proponents to provide telephone and email contacts.
- **Regulatory burden:** Several proposed clauses require substantive additional information, such as requiring a secondary point of contact to provide their history in relation to environmental matters (such as the suggested addition to Clause 5.10) and specifying that documents must be uploaded to the Department’s website rather than an appropriate location on the internet.

We also are concerned that the regulations could still include practical information requirements and decision-making detail on variations of existing provisions, adding risk for any grandfathered actions. There are a lack of mechanisms to allow for minor amendments (similar to Section 45C), which adds unnecessary regulatory burden. It also remains unclear how bioregional planning will interact with the NES Community Standard.

- **Timing requirements and risk of Stop the Clock application:** Information requests should be specific, relevant and proportionate, identifying the information deficiency and explaining why the information is required. The regulation and position papers are currently worded that there may be repeated and open-ended stop clock requests for information that are not material to any decision-making requests.
- **Appendix for approved schemes and grandfathering:** We reiterate that 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 future iterations of the NES. The regulations and supporting guidance should also clarify how restoration contributions will interact with proponent-led offsets, advanced restoration actions and recognised State mechanisms, including during transition to the new framework.

CCIWA also acknowledges that further work is required to deliver 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.

To deliver on the EPBC Act reforms, it is critical that all regulations and supporting policy are workable, realistic and concise. Further amendments to clarify intent, align better with NES, support certainty for existing projects and approvals, and simplify processes are required to ensure that this can fulsomely occur.

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