

Department of Climate Change, Energy, the Environment and Water

Submitted via the Consultation Hub: <https://consult.dcceew.gov.au/national-environmental-standard-for-community-engagement/survey?page=1>

7 July 2026

Submission on the draft Community Engagement Standards Policy Paper and legislative instrument.

Environmental Advocacy in Central Queensland (**EnvA**) appreciates the opportunity to comment on the draft Community Engagement Standard Policy Paper and the exposure draft of the *National Environmental Standard (Community Engagement) 2026 (Community Engagement Standard)*.

About Environmental Advocacy in Central Queensland

EnvA is a Central Queensland community organisation committed to ensuring that land use is environmentally sustainable and does not result in significant impacts on the environment. We are particularly concerned about the environmental impacts caused by new and expanding coal mining and coal seam gas projects in Central Queensland – particularly habitat loss, impacts on water quality and the significant production of greenhouse gas emissions which are contributing to accelerated adverse climate change impacts on communities and the environment.

General comments

The Independent Review of the EPBC Act (**Samuel Review**)¹ identified a significant lack of public confidence that decisions made under the EPBC Act are effectively protecting the environment or achieving the environmental outcomes expected by the Australian community. The avenues for community to engage in decision-making are limited and there is poor transparency in decision-making which further erodes trust in the function and implementation of the Act.

The Samuel Review also notes that “Effective, outcomes-based decision-making, where the community can engage with the process and understand the reasons for decisions, is the primary way to improve trust.”

EnvA is supportive of the development of this NES in line with the recommendations of the Samuel Review. EnvA regularly participates in EPBC Act referral and assessment processes. However, our experience is that community input often has little apparent influence on decision-making, particularly where cumulative environmental impacts and key threatening processes are not adequately considered.

¹ [Professor Graeme Samuel AC \(2020\). Independent Review of the EPBC Act – final report](#)



EnvA supports the intent of the objective, outcomes and principles outlined in the Draft Policy Position Paper, but we consider that the application of the principles is lacking the clarity required for implementation in the Community Engagement Standard.

EnvA therefore recommends that:

- the wording of the Community Engagement Standard is strengthened,
- further definitions are provided to remove discretionary loopholes, and
- further guidance is developed for the community and proponents on meeting the envisaged “improved community engagement”.

These changes are necessary to ensure the Standard delivers meaningful community engagement rather than simply procedural consultation.

Further detail to support these recommendations is provided in our key concerns below.

Strengthened definitions

The objectives of the Community Engagement Standard are not adequately supported by the definitions contained in the exposure draft legislative instrument. The lack of appropriate definitions leaves a huge gap in discretionary powers to determine a consultation process.

The definitions that we recommend are strengthened include:

- **Affected person** – currently this is defined by a proposal because of their geographical proximity to the site of a proposal. EnvA considers that impacts on Matters of National Environmental Significance (MNES) may affect individuals and organisations well beyond the immediate geographic location of a proposal. Environmental impacts, including biodiversity loss, climate impacts and impacts on nationally significant ecosystems, are not confined to local communities. EnvA considers that this definition should be expanded to “persons whose interests will, or potentially will, be affected by the proposal”.
- **Engagement** – currently is defined as a planned consultation for the public to have input or feedback to inform a proposal. EnvA considers that this must be strengthened to require genuine, two-way engagement that demonstrates how community views have informed the proposal or decision-making process, including providing reasons where significant issues raised by participants have not been adopted.

Discretionary Powers

Section 7(2) of the Community Engagement Standard requires that a decision-maker may be satisfied that the standard has been met if there has been engagement undertaken consistent with the principles.

As noted above, there is a critical need for the Standard, supported by guidance material, to clearly define what constitutes meaningful community engagement. Sections 7(3 -7) are also relevant as they repeat this requirement and provide broad discretion for decision-makers to determine whether engagement has been appropriate.

Without clear guidance, neither proponents nor community participants have a clear understanding of what constitutes appropriate engagement, and the concerns identified in the Samuel Review are likely to persist.

Strengthened wording

The draft legislative instrument currently contains terminology inferring a 'choice' rather than clarity of requirements to assist proponents, the public and the decision-maker to achieve the objectives of EPBC clarity reforms.

For example, Section 9 (3) states that engagement on a proposal "should" support a two-way dialogue with affected persons. It is EnvA's view that this is essential in the feedback loop on how public comment is being addressed or risk the status quo on not being heard in the decision-making process.

Also, reiterating the comments made above in relation to discretionary powers, Sections 7(2) – (7) use "may" rather than stronger language such as "must".

Where the Standard intends to establish minimum national requirements, discretionary language such as "should" and "may" should generally be replaced with mandatory language such as "must", unless there is a clear policy justification for flexibility.

Clarity and consistency must be associated with improved guidance on what is required from the proponent to meet the NES.

Strong national community engagement standards are fundamental to achieving transparent, accountable and evidence-based environmental decision-making. Unless the Standard clearly defines minimum engagement requirements and limits unnecessary discretion, it is unlikely to address the shortcomings identified by the Samuel Review or rebuild public confidence in Australia's national environmental laws.

EnvA therefore encourages the Australian Government to strengthen the legislative instrument before it is finalised.

Thank you again for the opportunity to comment on the draft Community Engagement Standards Policy Paper and legislative instrument.

Kind regards



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