



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

Date: 7 July 2026

Minister Murray Watt

Minister for the Environment and Water Department of Climate Change, Energy, the Environment and Water

Submitted via online survey:

<https://consult.dcceew.gov.au/national-environmental-standard-for-community-engagement>

Dear Minister Watt,

The Blue Mountains Conservation Society (the Society) welcomes the opportunity to comment on the National Environmental Standard (Community Engagement) 2026 Exposure Draft (CE Standard) and also the DRAFT Policy Position Paper: National Environmental Standard for Community Engagement (the draft Policy).

The Society seeks greater clarity on how the implementation of Australia's new nature laws will provide meaningful opportunities for local communities to participate in environmental decision-making processes. In particular, we wish to understand how the proposed framework will move beyond procedural consultation to ensure that community input genuinely informs environmental plans, assessments and decisions.

As a community-based volunteer organisation with more than 900 members dedicated to protecting the natural environment of the Greater Blue Mountains, we recognise that local communities possess extensive intrinsic, experiential and place-based knowledge developed through long-term relationships with their local environment in all its forms through changing seasons and natural disasters. Such knowledge includes detailed understandings of ecological processes, species distributions, cumulative impacts, landscape change and the social and cultural values associated with natural places.

The CE Standard and the draft Policy should therefore explicitly articulate how local knowledge will be identified, considered and integrated into environmental decision-making processes. This includes outlining mechanisms to ensure that community contributions are not merely sought but are meaningfully incorporated into assessments, policy development and implementation processes. Effective environmental governance depends upon recognising communities as active partners in stewardship and drawing upon the valuable insights that emerge from lived experience, locally developed insights and expertise and sustained engagement with place.

We have provided our comments on each of the CE Standard and the draft Policy in separate documents. This document focuses on the CE Standard.

Thank you for providing the opportunity to provide comments. You may contact me on my email president@bluemountains.org.au

Yours sincerely

A handwritten signature in black ink, reading "Annette Sartor". The signature is written in a cursive style with a large initial 'A'.

D Annette Sartor
President
Blue Mountains Conservation Society
president@bluemountains.org.au

Comments National Environmental Standard (Community Engagement) 2026 Exposure Draft

The Society has provided comments on the individual sections as set out in the Exposure draft.

5 Objective Page 4

The stated Objective of the Standard is adequate and includes terms such as "meaningful engagement and co-operation". It is important that the Standard which passes into law actually meets this stated Objective.

6 Outcomes

The Outcomes as stated in the Exposure draft are supported by the Society. These outcomes will only be achieved if the Principles adequately support their achievement.

The Society does not believe that the Principles as written adequately support these outcomes.

7 Principles

- It is not clear in the draft Standards who the decision-maker is. This should be clarified and could be included as a footnote.
- The terms "management or authorisation framework" in the context of the Standard are unclear and should be defined.
- The varying use of the terms "is consistent with" and "is not inconsistent with" in relation to the Principles is concerning, giving that the second term is **only** used in relation to NOPSEMA¹ management or authorisation.

In subsections (2), (3), (4), (6), and (7) on pages 2 and 3 of the Standards, it is stated that:

(2) A decision-maker may be satisfied to approve the taking of an action . . .
is consistent with this standard . . ." (emphasis added)

And in **all** of the subsections mentioned above:

"that engagement **is consistent with**" this standard or the principles . . .

However, in subsection (5) referring to decision-makers' requirements to be satisfied, the weaker term "is not inconsistent with" is used:

(5) "NOPSEMA management or authorisation framework **is not inconsistent** with this standard . . ." (emphasis added)

(5) (b) that engagement to either:

(i) be **not inconsistent with** the principles . . ." (emphasis added)

¹ National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)

The Society is of the view that the use of “not inconsistent with” weakens the legal requirements of the proponent to meet with principles, and hence weakens the Standard.

Recommendations:

The Standard should:

- Clarify the position of the decision-maker
- Clarify the terms “management or authorisation framework” in the context of the Standard
- Replace the weak requirement to “not be inconsistent with”, with the stronger term to “be consistent with” when referring to NOPSEMA.

8 Principle 1—Engagement is carefully planned, considerate, clear and adaptable

In the Society’s view, this Principle does not support the Objective and Outcomes sufficiently and needs review.

The Society has a number of significant concerns with this Principle, as detailed below.

- The Standard makes numerous references to “the person undertaking the engagement” who has significant responsibility to ensure high-quality community engagement. However, there does not appear to be any explanation as to who this person will be, what qualifications they must have, no mention of who supervises, and no mention of who will supervise them or check and evaluate the quality of their work. Thus, this important commitment from the Commonwealth could fail to meet the public’s expectations of transparency and will fail to build the confidence referred to in the 6 Outcomes (c).

- Subsection (1) includes this statement:

“Engagement on a proposal must be planned with regard to:

(c) the level of influence the public can have on the proposal.”

Consulting in a meaningful way with the public on actions which will affect MNES is very important, for all the reasons cited in the Objective on page (2). There is little value in asking for public consultation if the level of influence the public can have on the proposal is very little. This would be a failure of transparency and will lead to a lack of trust. It could also lead to a failure to take into account the knowledge, skills and experiences of the community who understand the MNES and will need to live with the consequences of the action. This will undoubtedly result in less rigorous assessment and hence a subsequent loss of biodiversity.

Additionally, taking sufficient notice of the views and experiences of the community is likely to reduce the need for community protest if the proposed action is approved.

- Subsection (4) includes the following statements:

(4) (a)

“(ii) the engagement plan is published in a location that is publicly accessible, **unless it is inappropriate to do so;**” (emphasis added).

This highlight term needs to be explained as it is difficult to understand the circumstances under which it would be inappropriate to publish the plan.

(4) (a)

“(iii) the engagement includes an invitation for the public to comment on the proposal that is open for a period that is reasonable for the proposal and is **no less than 10 business days;**” (emphasis added).

Ten business days is an inadequate amount of time for even the least complex proposals, given the time it takes for the public to become aware of the project, have time (in between their busy work and family life) to read the proposal and do relevant research, then write a unique reply that will convey adequately the scope of their comments.

Recommendation:

- Clarify the term “the person undertaking the engagement” so it is clear what their position is and who supervises them.
- Clarify what is meant by “the level of influence the public can have on the proposal” keeping in mind that part of the Objective of this Standard is to build “confidence, trust and accountability”.
- Remembering that these proposals affect MNES and the future of biodiversity in Australia, the time period for public comment must be 30 days minimum.
- To ensure that proponents and the person undertaking the engagement will take adequate notice of the public’s comments, there must be a **minimum** level of influence detailed in the Standards that must be considered and responded to by the proponent.

9 Principle 2—Engagement is transparent, accountable and responsive

- It is noted that in subsections (1) the proposal must “allow the public to understand the proposal and provide informed and relevant input” and in (2) “be transparent about where and how input from the public has influenced the planning and design of the proposal”.

Both these statements suggest that public comment is valued and that there is a need to ensure that the public can do so in a meaningful way. In the Society’s view, the statements previously discussed in this submission under Principal 1 (regarding appropriate level of influence and the minimum length of time for comment) are at odds with the apparent value placed upon public consultation in Principle 2.

- Subsection (4) (a) (ii) (A) and (B) states that the person undertaking the engagement must both disclose information sources and “share relevant environmental performance and compliance outcomes, and monitoring results” unless that “person reasonably believes it is inappropriate to do so”. The Society questions the circumstances under which providing this information would be inappropriate, and how this can possibly align with the either:
 - Principle 2 subsection (2) “The person undertaking the engagement must be transparent about where and how input from the public has influenced the planning and design of the proposal, while upholding privacy considerations” or
 - Outcomes in subsection 6:
 - “(b) the processes for, findings of and responses to engagement are transparent and recognised in decisions made under the Act.
 - (c) inclusive and respectful engagement builds confidence, trust and accountability in decisions made under the Act.”

Recommendation:

- Adjust the wording of Principle 1 to align with Principal 2
- Review the wording of Subsection (4) so that it aligns with the both Principle 2 subsection (2) and the outcomes in subsection 6 (b) and (c)

11 Principle 4—Engagement is accessible and supports inclusivity

Subsections (2) and (3) state:

“(2) Engagement on a proposal must be undertaken in a way that allows all interested persons to provide comments on the proposal.

(3) Engagement on a proposal must involve active attempts to overcome barriers to participation in the engagement.”

The Society agrees with the sentiment in these two subsections, but is of the view that they are not met by the concerns we have discussed in Principles 1 and 2 above. For example, restricting the consultation period to a minimum of ten days is not congruent with allowing “all interested persons to provide comment on the proposal” nor “attempts to overcome barriers to participation”.

Recommendations

Review the Society’s concerns as detailed in Principle 1 and 2 and rewrite to ensure that they meet the requirements stated in subsections (2) and (3) above.