



Blue Mountains Conservation Society Inc

ABN 38 686 119 087

PO Box 29 Wentworth Falls NSW 2782

Phone: 0490 419 779

E-Mail: bmcs@bluemountains.org.au Web Site: www.bluemountains.org.au

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 both the National Environmental Standard (Community Engagement) 2026 Exposure Draft (CE Standard) and the DRAFT Policy Position Paper: National Environmental Standard for Community Engagement (the draft Policy).

The Society is a community-based, volunteer organisation with more than 900 members and a 65 year history dedicated to protecting the natural environment of the Greater Blue Mountains. The membership draws from highly-skilled and experienced citizens who know the local geology, ecology, biodiversity, wilderness and leisure pursuits as well as impacts of development on the Greater Blue Mountains World Heritage Area (GBMWhA). The Society's members are committed to learning about, understanding and advocating for the protection of the Outstanding Universal Value of the GBMWhA.

The Society's members take seriously their responsibility to protect the GBMWhA including participating fully in consultation on actions that affect the Matters of National Environmental Significance. They expect that the CE Standards will provide that opportunity, that their views will be taken into account and that they will be informed what changes have been made on the basis of their comments.

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

Thank you for providing the opportunity to submit comments.

Yours sincerely

Dr Annette Sartor

President

Blue Mountains Conservation Society

president@bluemountains.org.au

Comments DRAFT Policy Position Paper: National Environmental Standard for Community Engagement

The following comments relate specifically to the draft Policy. The Society has commented separately on the CE Standards and has avoided duplicating comments from that submission here.

Introduction and use of the CE Standard page 3

The Introduction confirms that the CE Standard is intended to ensure “meaningful” and “adequate opportunity for participation.” The Society is not of the view that the CE Standard as written will ensure this is achieved unless revised.

Additionally, the CE Standard is intended to engage “First Nations people”, however this is not adequately detailed in this standard and the promised First Nations Engagement Standard has not yet been released. A draft of this latter standard needs to be completed as a matter of priority.

Aim of the CE Standard Objective and Outcomes

The aim of the CE Standard is to address the failings in current community engagement practices in the EPBC Act 1999 as identified by the 2020 Samuel Review¹, including limited opportunities for public engagement and consultation in raising concerns and influencing decision-making. The CE Standards and draft Policy address some of these failings.

However, the Society has serious concerns with some of the proposed items in the draft Policy that need addressing. These are detailed below.

Concerns with the proposed community consultation

The draft Policy’s apparent strongly supported emphasis on the value of improved community engagement (detailed in Appendix page 6 of this submission) is undermined by:

- A suggestion that minimum community consultation period could be as little as 10 business days
- Absence of details about how the person conducting the consultation for the proponent will be adequately supervised and how well the consultation process will be overseen by an independent body. This independent oversight is crucial to ensure that the consultation will be well-planned, that the results of the consultation are appropriately analysed in a non-biased manner, and that the concerns and comments from the public are taken into account.

These two failings will undermine the public’s confidence and trust in the consultation process and are discussed in greater detail below.

¹ DRAFT Policy Position Paper: National Environmental Standard for Community Engagement Attachment A: Background Information. (page 17)

Suggested timeframes for period of public comment

The CE Standard and draft Policy both emphasise the importance of community engagement, its value in understanding the local context of actions, and in better protecting biodiversity. It considers the building of trust in the Government's processes important and is aiming to address the failings detailed in the Samuel Review.

Given the stated aims, it is confusing to read the apparent conflict between these aims and the proposed 10 business days minimum timeframe for public consultation.

In Principle 1 (page 8) there is an acknowledgement that as part of the consultation process, community members will need to manage the volume of information that needs to be "considered" and the complexity of this information. A member of the public will need to find, read, research and clarify the proposal, then draft a response and edit that response. If a member of an organisation such as the Society, the person completing the response will also need to seek comment and approval from the managing organisation which itself can take several days.

Remember that the members of the public are people who will most likely work full-time, have a family to care for and other responsibilities to manage during this 10 business day time. Additionally, it is an expectation of the Minister that every written response is "unique", so people who share genuine concerns, but have limited available time, will be excluded from making an adequate response.

A ten-day time period leaves little time for a well-considered response to be written and in fact, will deter people from participating in the consultation process.

Comparison with time periods detailed in the EPBC Act 1999

1. Principle 1 draft Policy page 8 states:

"The shortest timeframe across the statutory public comment periods, that are relevant to the decisions that the CE Standard is intended to be prescribed for, is 10 business days in the preliminary documentation pathway for an environmental assessment. It is intended that the CE Standard will specify that a reasonable amount of timeframe would not be less than 10 business days."

Simply because the timeframe for a "preliminary documentation pathway for an environmental assessment" in the EPBC Act is 10 business days **does not in any way** justify making the same short timeframe for public consultation in the draft Policy.

Compare this minimum time period with the following statements in the EPBC Act 1999² in relation to public comment periods:

"Chapter 4—Environmental assessments and approvals

Part 7—Deciding whether approval of actions is needed

Division 5—Public environment reports

² EPBC Act 1999 (latest version) located at: <https://www.legislation.gov.au/C2004A00485/asmade/text>

96 Application

This Division applies in relation to an action if the Minister has decided under section 87 that the relevant impacts of the action must be assessed by a public environment report under this Division.

98 Designated proponent must invite comment on draft public environment report”

Period for comment

(3) The period specified in the invitation to comment must be the period specified in writing given by the Minister to the designated proponent. ***The Minister must not specify a period of less than 20 business days.***” (emphasis added)

Division 6—Environmental impact statements

101 Application

This Division applies in relation to an action if the Minister has decided under section 87 that the relevant impacts of the action must be assessed by an environmental impact statement under this Division.

103 Designated proponent must invite comment on draft environmental impact statement

Period for comment

(3) The period specified in the invitation to comment must be the period specified in writing given by the Minister to the designated proponent. ***The Minister must not specify a period of less than 20 business days.***” (emphasis added)

Since the EPBC Act states a minimum period of not less than 20 business days in both Division 5 and Division 6, this should be the minimum time period allowed for public consultation. The Society is at a loss to understand why this stipulation from the Act has been ignored.

Also compare the proposed minimum timeframe of 10 business days with the timeframe for varying a bioregional guidance plan (minimum of 30 business days³) and a strategic assessment (minimum 28 days⁴).

Recommendations

- To genuinely respond to the findings in the Samuel Review, and improve opportunities for community consultation the Society recommends that the minimum period is not less than 20 business days as per the EPBC Act.
- The Society further recommends that a period of 30 business days should be the benchmark for community consultation.

³ DRAFT Policy Position Paper: National Environmental Standard for Community Engagement page 22

⁴ DRAFT Policy Position Paper: National Environmental Standard for Community Engagement page 23

Accreditation and bilateral agreements

The Commonwealth is pursuing assessment and approval of bilateral agreements in partnerships with state and territory governments. It is suggested that under these agreements, the state or territory will manage the assessment process and possibly the entire approval process⁵ including the engagement requirements.

The draft Policy document states that the Minister must be satisfied that the accredited framework and decisions made will be consistent with the CE Standard. Further, it states that:

“Consistency with the CE Standard will be assessed by the minister once at the point of the accreditation decision and the operation of the bilateral agreement will be subject to monitoring and auditing by the National Environmental Protection Agency (National EPA).” The draft Policy states that non-compliance with the CE Standard is grounds for suspension or cancellation of a bilateral agreement, or revocation of a Commonwealth accreditation.”

There is no mention of conveying this important decision to the public, who have a right to know of the outcome of the above assessments by the minister.

Recommendation:

The draft Policy needs to be amended to ensure that the minister’s decisions regarding consistency of the accredited framework and decisions made under bilateral agreements with the CE Standard, are communicated to the public.

⁵ The Society has expressed concern about the state and territory governments’ abilities to adequately manage the processes of assessment and approval in previous submissions on other draft standards.

Appendix

draft Policy stated intention to establish high-quality Community Engagement standards

Throughout this Policy document there are references to the need for meaningful and high quality community engagement. These are fine words from those who wrote the documents and should give hope to the public that their input will be genuinely considered. The Society strongly supports these sentiments and has detailed below occurrences from some subsections.

1. Introduction and use of the CE Standard page 3

“The National Environmental Standard for Community Engagement (CE Standard) will:

- set legally enforceable requirements, ensuring engagement with the community is meaningful and provides adequate opportunity for participation to:
 - create awareness of the social, economic and cultural aspects of the environment
 - guide better outcomes for the environment and the community.”

2. Community engagement Standard Objective

Summary of intent of the Objective Page 5

The Object of the EPBC Act 1999 which is relevant to the CE Standard:

- *“to promote a co-operative approach to the protection and management of the environment involving governments, the community, land holders and Indigenous peoples”*

3. Content of the Standard

The Objective of this Standard is Page 5

“To ensure decisions made under the EPBC Act, relating to the protection and management of protected matters are supported by meaningful engagement and co-operation between governments, the community, landholders, and First Nations people, and to assist in the cooperative implementation of Australia’s international obligations.”

4. Community Engagement Standard Outcomes

Summary of intent of the Outcomes Page 6

“For example, applying the Principles will support the minister to consider and understand local concerns and knowledge, and thus make decisions that promote ecologically sustainable development”

5. Principle 1 Engagement is carefully planned, considerate, clear and adaptable page 8

“Designing and implementing effective engagement activities ensures that relevant information, as defined by the EPBC Act, can be obtained from the Australian public

and considered in decision-making. This improves project design and supports the mitigation of potential impacts on protected matters.”

6. Principle 2: Engagement is transparent, accountable and responsive page 10

- “Principle 2 sets the foundation for constructive dialogue between proponents and the Australian public. “
- “Transparency . . . supports persons to have enough information about a proposal to provide informed feedback, which can support project design and help reduce impacts on protected matters.”
- “maintaining constructive dialogue supports positive relations between proponents and the Australian public. This improves information-sharing and strengthens engagement, which helps build trust and supports social license.”
- “These requirements help to build confidence and trust in the engagement process, which in turn builds confidence and trust in decision-making.”

7. Principle 4: Engagement is accessible and supports inclusivity

Policy intent page 14

“Removing barriers to participation, such as by using alternative communication methods, ensures that engagement activities accommodate those that may have otherwise been under-represented in the engagement process. This supports the consideration of diverse perspectives during proposal design, which in turn supports better outcomes for protected matters.”

8. Attachment B: Application of the CE Standard page17

“Adequate engagement is considered to be important in allowing the Australian public to engage, inform, and allow for cooperative approaches to be developed in the protection and management of protected matters potentially impacted by the proposed action.”