



Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
CANBERRA, ACT 2600

Dear Secretary,

**Supplementary Submission to Inquiry into the Environment Protection Reform Bill 2025 and six related bills**

I welcome the opportunity to provide this supplementary submission to the Inquiry into the Environment Protection Reform Bill 2025 and six related bills.

Given the seven EPBC reform Bills passed the Parliament in 2025, this supplementary submission focuses on the development and implementation of National Environmental Standards (Standards).

Standards were the centrepiece of Professor Graeme Samuel AC's 2020 independent review of the EPBC Act<sup>1</sup> (Samuel Review). They form a key role in ensuring the Environment Protection Reforms deliver strong, clear and enforceable protections for the environment.

Further, the Samuel Review identified a key driver of low trust is in the EPBC Act is the lack of confidence that this Act is contributing to good environmental outcomes.<sup>2</sup> Standards with clearly defined outcomes were recommended in this Review as a solution to this. As such, it is important the Government gets Standards right from the beginning.

This supplementary submission makes three recommendations:

**Recommendation 1:** A Standard be established for Community Engagement and Consultation, and First Nations Peoples and Community Consultation.

**Recommendation 2:** Standards must be strong, clear and legally enforceable, and deliver genuine protections for the environment.

**Recommendation 3:** The full suite of National Environmental Standards must be implemented urgently, before any significant decisions are made including state and territory Government accreditation with federal environmental assessment and approval powers.

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<sup>1</sup> Samuel, Graeme (2020) *Independent Review of the EPBC Act*, page ii, <https://www.dcceew.gov.au/sites/default/files/documents/epbc-act-review-final-report-october-2020.pdf>

<sup>2</sup> Samuel, Graeme (2020) *Independent Review of the EPBC Act*, page 87

This supplementary submission and its recommendations are intended to complement and be in addition to my [previous submission](#) to this Inquiry.

## **Community Engagement and Consultation National Environmental Standard**

My previous submission to this Inquiry recommended the Environment Protection Reform Bill (EPRB) 2025 require the establishment of Standards for Community Engagement and Consultation, and First Nations Peoples and Community Consultation. I moved amendments to the EPRB to this effect.

The legislation has subsequently passed with the EPRB enabling the creation of Standards, without a prescriptive list of which standards must be created.

The Government has committed to the creation of four of the recommended Standards in the Samuel Review:

- Matters of National Environmental Significance (MNES)
- Environmental Offsets
- Data and Information
- First Nations Engagement

In addition to the above, the Samuel Review recommended a Standard on transparent processes and robust decision making, including community consultation.<sup>3</sup>

In my regional electorate, I often hear from constituents on the importance of early and meaningful community engagement in the transition to renewable energy. Across Australia, there is broad support of renewable energy infrastructure.<sup>4</sup> Most regional Australians believe authentic and early community engagement by developers is essential in building community trust of a project.<sup>5</sup> Unfortunately, when community consultation is poor, it undermines trust in the relationship between communities and proponents and risks worse outcomes for both.

I have long advocated for clear standards for community engagement and benefit and want to see this required within EPBC assessments and approvals through a Community Engagement and Consultation Standard. Participation in environmental decision-making processes is an established right under the United Nations *Rio Declaration on Environment and Development*, of which Australia is a signatory.<sup>6</sup> Early and meaningful community consultation improves outcomes for communities and the

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<sup>3</sup> Samuel, Graeme (2020) *Independent Review of the EPBC Act*, page 201

<sup>4</sup> Boundless Earth and 89 Degrees East (2025) *Clean Energy Solutions Index*, [https://cleanenergysolutionsindex.com.au/wp-content/uploads/2025/08/Clean-Energy-Solutions-Index\\_Report\\_Final.pdf](https://cleanenergysolutionsindex.com.au/wp-content/uploads/2025/08/Clean-Energy-Solutions-Index_Report_Final.pdf)

<sup>5</sup> *ibid*

<sup>6</sup> United Nations General Assembly (1992) *Rio Declaration on Environment and Development*, [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf)



environment.<sup>7</sup> Businesses also understand that establishing trusting relationships with communities early in the process is key to business growth.<sup>8</sup>

I understand the Minister for the Environment and Water is looking into the creation of Community Engagement and Consultation Standards, as confirmed by the Minister for Home Affairs, Minister for Cyber Security, Minister for Immigration and Citizenship on 4 November 2025 in a response to a question without notice.<sup>9</sup>

I therefore strongly urge the Government to commit to the creation of a Community Engagement and Consultation Standard to provide greater clarity for communities and proponents and deliver better environmental outcomes.

**Recommendation 1:** A Standard be established for Community Engagement and Consultation, and First Nations Peoples and Community Consultation.

### **Standards must be strong, clear and legally enforceable**

The Samuel Review called for clear, legally enforceable Standards that bind decision makers. Professor Samuel's submission to this Inquiry calls for the Standards to be "granular in their detail" and to avoid discretionary or judgemental terms.<sup>10</sup>

The Government has released two draft Standards, on Matters of National Environmental Significance and Environmental Offsets. In their current form, the draft Standards include discretionary language such as 'may' and 'where necessary'. This level of discretion makes it difficult to clearly understand whether a proposed project meets the Standard, which risks transparency and community trust in the Standards. It also potentially risks the Standards being ineffective in their aim to provide greater environmental protections.

**Recommendation 2:** Standards must be strong, clear and legally enforceable, and deliver genuine protections for the environment.

### **The full suite of Standards must be developed urgently**

The Samuel Review recommended the full suite of Standards be implemented immediately.<sup>11</sup> The Review notes that the full suite of Standards is necessary to improve Commonwealth decision making,

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<sup>7</sup> The Wilderness Society (2022) *Who Holds the Power Report*, <https://wilderness.org.au/images/resources/WhoHoldsThePowerReport.pdf>

<sup>8</sup> Clean Energy Council (2025) *Doing renewables right*, <https://cleanenergycouncil.org.au/advocacy/doing-renewables-right>

<sup>9</sup> Hansard, 4 November 2025, *Questions Without Notice*, [https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/28872/toc\\_pdf/House%20of%20Representatives%2025\\_11\\_04\\_Official.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/28872/toc_pdf/House%20of%20Representatives%2025_11_04_Official.pdf;fileType=application%2Fpdf), page 3303

<sup>10</sup> Samuel, Graeme (2025) *Submission by Professor Graeme Samuel AC to the Senate Environment and Communications Legislation Committee*, <https://www.aph.gov.au/DocumentStore.ashx?id=587d1b59-4f2e-4b44-a441-466f3672d859&subId=780032>

<sup>11</sup> Samuel, Graeme (2020) *Independent Review of the EPBC Act*, page viii



and in particular, needed to ensure State and Territory accreditation for environmental assessments and approvals deliver environmental outcomes.<sup>12</sup>

I call on the Government to urgently develop the full suite of Standards as they are a critical safeguard mechanism within the new EPBC laws. This must occur prior to any significant decisions under the new laws, including the accreditation of state and territory Governments to assess and approve projects. The prompt release of these standards is necessary to ensure the integrity and trust in decision making under the new EPBC reforms.

**Recommendation 3:** The full suite of National Environmental Standards must be implemented urgently, before any significant decisions are made including state and territory Government accreditation with federal environmental assessment and approval powers.

National Environmental Standards are a central element to ensure the new EPBC reforms truly deliver better protection for the environment. I urge the Government to implement these regulations in accordance with the recommendations of the Samuel Review. I look forward to seeing the full suite of Standards, including a Community Engagement and Consultation Standard, and participating in consultation on these important pieces of regulation.

Sincerely,  
Helen Haines MP

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<sup>12</sup> Samuel, Graeme (2020) *Independent Review of the EPBC Act*, page viii