



Environment Law Reform Taskforce
Department of Climate Change, Energy, the Environment and Water
GPO Box 3090
CANBERRA, ACT, 2601

To whom it may concern,

Submission to consultation on draft National Environmental Standard for Community Engagement

Introduction

I welcome the opportunity to make a submission on the draft National Environmental Standard for Community Engagement.

I called for a Community Engagement Standard in my amendments to the Environment Protection Reform Bills 2025 and have continued to press the Government to release a draft.¹ I am pleased the Government has listened and released this draft Standard.

My advocacy for this standard is informed by constituents across my regional electorate of Indi. I regularly hear about the importance of early, meaningful community engagement, particularly in the transition to renewable energy. While some proponents have engaged positively, others have fallen short in how they consult with and respond to regional communities. Most regional Australians are supportive of renewable energy projects and most believe authentic and early community engagement by developers is essential in building community trust of a project.²

This draft Standard is a good starting point for improving environmental outcomes, business certainty and community acceptance of projects. However, I make 11 clear recommendations to strengthen this Standard and ensure that it achieves early and ongoing community engagement, more effectively identifies key stakeholders, improves engagement with First Nations people and ultimately achieves certainty for communities and proponents.

¹ https://parlinfo.aph.gov.au/parlInfo/download/legislation/amend/r7398_amend_2d267941-e75f-43ed-9cb0-bf00a798190e/upload_pdf/25097%20Haines.pdf;fileType=application%2Fpdf – see amendment (16)

<https://www.helenhaines.org/media/when-will-community-engagement-standards-for-renewable-projects-be-delivered/>

² <https://farmersforclimateaction.org.au/wp-content/uploads/2025/02/FFCA-89DE-RenewableEnergyReport-2.pdf> - page 12 and 14



Recommendations

Meaningful, early and ongoing community engagement

Recommendation 1: The Standard should require an early and ongoing process of engagement in which community input and feedback is considered and responded to by project proponents.

Recommendation 2: Proponents should be required to set clear timelines for considering, incorporating or rejecting community feedback and explain whether and how feedback has been incorporated into future iterations of a proposal, and where feedback cannot be accommodated and why.

Recommendation 3: The outcomes should be updated to replace the term 'input' with 'early and ongoing participation'.

Recommendation 4: Proponents should be required to demonstrate consistency with the Standard prior to referral. Decision makers should consider proponent consistency with the Standard pre-referral in assessing whether a project meets the standard.

Recommendation 5: Proponents must be required to undertake ongoing, periodic engagement with interested communities through construction, operation and decommissioning.

Recommendation 6: The minimum timeframe for community engagement should be expanded to 60 days, consistent with other engagement timeframes in the EPBC Act.

Recommendation 7: Further guidance should be provided on what constitutes a reasonable engagement period, so individuals and communities can participate meaningfully.

Improved stakeholder identification

Recommendation 8: The definition of 'affected persons' should be expanded to include people whose interests are impacted, or potentially impacted, by a proposal.

Recommendation 9: Project proponents must be expressly mentioned in the objective of the Standard.

Providing certainty for communities and proponents

Recommendation 10: Provisions that allow other evidence to be provided in each Principle should be removed.³

Release of the First Nations Engagement Standard

³ Specific provisions are 8(4)(b), 9(4)(b), 10(2)(b) and 11(4)(b).



Recommendation 11: The Government should urgently progress the development of the First Nations Engagement Standard.

Community engagement must be meaningful, early and ongoing

Early and meaningful community consultation improves outcomes for communities and the environment.⁴ Communities, local environmental groups and farmers are key stakeholders who care for the environment and often hold detailed, on-the-ground knowledge about protected and endangered species, waterways, regular flood events, soil types and weather patterns. This local knowledge is valuable and should be considered when assessing the environmental impacts of development proposals.

Clear expectations for early, ongoing and reciprocal engagement can help proponents identify and respond to community concerns before they escalate. This can reduce delays, improve trust and provide greater certainty for both business and regional communities.

The Policy Position Paper and the objective of the draft Standard refer to meaningful community engagement, but the remainder of the Standard does not use this term.

The definition of 'engagement' refers to seeking 'input' to inform a proposal, and this language is repeated in the Standard's outcomes.⁵ Seeking input alone is not enough. The Standard should require proponents to undertake meaningful engagement where they consider community feedback and transparently explain how this feedback has been considered in a proposal, including where feedback has not been adopted. Strengthening the definition of 'engagement' and the Standard's outcomes in this way would better align the Standard with its objectives.

Recommendation 1: The Standard should require an early and ongoing process of engagement in which community input and feedback is considered and responded to by project proponents.

Recommendation 2: Proponents should be required to set clear timelines for considering, incorporating or rejecting community feedback and explain whether and how feedback has been incorporated into future iterations of a proposal, and where feedback cannot be accommodated and why.

Recommendation 3: The outcomes should be updated to replace the term 'input' with 'early and ongoing participation'.

Timing is critical to ensure engagement improves outcomes for communities, proponents and the environment. Some projects can be well advanced before proponents consider whether an EPBC

⁴ <https://wilderness.org.au/images/resources/WhoHoldsThePowerReport.pdf> - page 2

⁵ See 4, definition of engagement, and 6(a).



referral is required. In other instances, referrals occur after development has begun and protected matters are subsequently identified. By then, it may be too late for communities to have meaningful input on project impacts.

The draft Policy Position Paper states that this Standard will guide proponents to engage prior to making an EPBC referral.⁶ This is important and welcome. However, the draft Standard does not clearly state when this engagement should begin. Greater clarity is needed to ensure the policy intention of meaningful engagement occurs early, before proponents submit a referral under the EPBC Act.

Recommendation 4: Proponents should be required to demonstrate consistency with the Standard prior to referral. Decision makers should consider proponent consistency with the Standard pre-referral in assessing whether a project meets the standard.

Engagement channels should also continue after an EPBC decision, including during construction, operation and decommissioning. Constituents in Indi have told me that, once a project receives EPBC approval, proponents can be difficult to contact for updates on how they will implement their environmental plans. Poor or limited post-approval engagement undermines confidence that proponents are meeting their EPBC requirements and reduces trust in the Act.

Recommendation 5: Proponents must be required to undertake ongoing, periodic engagement with interested communities through construction, operation and decommissioning.

Communities must also have enough time to consider a proposal in light of their local circumstances. Draft Principle 1 requires a 'reasonable period' for comment and sets a minimum of 10 business days.⁷ This is unlikely to be sufficient for impacted communities, many of whom are not experts in understanding the EPBC Act, to review a proposal, consult locally and make a considered contribution. In many cases, affected communities would not regard such a short period as reasonable nor meaningful.

Recommendation 6: The minimum timeframe for community engagement should be expanded to 60 days, consistent with other engagement timeframes in the EPBC Act.

Recommendation 7: Further guidance should be provided on what constitutes a reasonable engagement period, so individuals and communities can participate meaningfully.

⁶ See page 21, Figure 3.

⁷ See 8(2) and 8(4)(iii)



Key engagement stakeholders must be clearly identified throughout the Standard

The Standard should clearly identify who is responsible for engagement and people who should be engaged. It does not need to be overly prescriptive, but it must avoid unreasonably excluding interested or affected community stakeholders from the process.

The Standard refers to engagement with ‘affected persons’, defined as people within an unspecified geographic region.⁸ This is too narrow and does not reflect the practical ways development projects can affect individuals and communities. Projects may have broad regional impacts, including on downstream water flows, drinking water catchments, and traffic and road conditions. People affected by a project may therefore include those whose interests are impacted, or are potentially impacted, even if they live beyond an immediate geographic boundary.

Recommendation 8: The definition of ‘affected persons’ should be expanded to include people whose interests are impacted, or potentially impacted, by a proposal.

Project proponents are also key stakeholders for the purposes of the Standard. In its current form, the Standard does not expressly refer to project proponents. This creates unnecessary uncertainty about who the Standard applies to and who is responsible for meeting its requirements.

Recommendation 9: Project proponents must be expressly mentioned in the objective of the Standard.

Improving certainty for communities and proponents

One purpose of establishing National Environmental Standards under the Environment Protection Reform Bill 2025 was to improve certainty.⁹ The draft Standard sets out four principles, each supported by prescribed actions that proponents must undertake to be consistent with the Standard. These actions give business greater certainty by helping them incorporate community engagement into project planning and meet EPBC assessment requirements earlier, reducing the risk of delays. They also help communities understand what to expect from proponents, how they can provide feedback and how that feedback will be considered.

However, this certainty is undermined by provisions that allow ‘other evidence’ of engagement, outside the prescribed actions, to demonstrate that each principle has been met.¹⁰ These provisions risk making the prescribed actions *optional*, weakening the clarity and certainty the Standard is intended to provide.

⁸ See 4 definition of Affected Persons

⁹ Environment Protection Reform Bill 2025 Explanatory Memorandum, p 2.

¹⁰ See 8(4)(b), 9(4)(b), 10(2)(b) and 11(4)(b).



Recommendation 10: Provisions that allow other evidence to be provided in each Principle should be removed.¹¹

First Nations Engagement Standard

My amendments to the Environment Protection Reform Bill 2025 also called for a First Nations Engagement Standard to be created alongside this standard.¹² The Government should progress this work urgently so the Community Engagement Standard and First Nations Engagement Standard can be considered together, including how they interact.

Recommendation 11: The Government should urgently progress the development of the First Nations Engagement Standard.

Conclusion

This Standard is an important step in strengthening environmental protection under the EPBC Act. Unfortunately, as drafted, it does not sufficiently define meaningful community engagement or provide the certainty businesses and communities need about how engagement should be undertaken. I urge the Government to adopt these recommendations so the Standard delivers on its objective of ensuring EPBC decision-making is supported by meaningful community engagement.

Sincerely,

Dr Helen Haines MP

7 July 2026

¹¹ Specific provisions are 8(4)(b), 9(4)(b), 10(2)(b) and 11(4)(b).

¹² https://parlinfo.aph.gov.au/parlInfo/download/legislation/amend/r7398_amend_2d267941-e75f-43ed-9cb0-bf00a798190e/upload_pdf/25097%20Haines.pdf;fileType=application%2Fpdf - see amendment (16).