



Environment Institute
of Australia and
New Zealand Inc.

POLICY SUBMISSION

EIANZ Submission on the Draft National Environmental Standard for Community Engagement

July 2026

About EIANZ

The Environment Institute of Australia and New Zealand (EIANZ) is the peak not-for-profit, multidisciplinary association of environmental practitioners across Australia and New Zealand. Our members include scientists, ecologists, planners, engineers, lawyers, economists, engagement practitioners and policy specialists, many with experience designing, assessing, approving, delivering, monitoring and reviewing environmental assessment and approval processes under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act).

This submission draws on targeted input received from EIANZ members with relevant practitioner experience in environmental impact assessment, community engagement and social impact assessment.

Executive summary

EIANZ welcomes the opportunity to comment on the exposure draft of the National Environmental Standard for Community Engagement (draft CE Standard). EIANZ supports the intent of strengthening community engagement in decisions made under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act), particularly where it improves transparency, confidence in decision-making and the practical workability of environmental assessment and approval processes.

While EIANZ is the overarching peak body for environmental and social practitioners, we recognise that specialist engagement organisations, including the Engagement Institute (Engagement Institute 2026), are better placed to advise on detailed professional standards for community and stakeholder engagement. EIANZ's comments are directed to how the draft CE Standard is likely to operate in environmental assessment, approval, and regulatory implementation contexts.

EIANZ supports several elements of the draft CE Standard, including the requirement for engagement plans to be publicly available, the recognition of informed consent and withdrawal rights, and the intent to make engagement more transparent, accountable, accessible and inclusive.

We suggest that the Department consider the following refinements before finalising the draft CE Standard and supporting guidance:

- clarify the scope of the draft CE Standard, including which matters can be considered under the EPBC Act and how broader social, economic and cultural matters raised through engagement will be acknowledged or referred to the appropriate jurisdiction or process
- outline how the draft CE Standard will interact with existing State and Territory assessment and engagement obligations, bilateral agreements, accredited arrangements and sector-specific engagement guidance, so that proponents and communities are not faced with duplicative or fragmented engagement processes
- clarify key operational terms, including ‘engagement’, ‘affected persons’, ‘interested persons’, ‘the public’, ‘community’, ‘level of influence’ and the circumstances in which information may appropriately be withheld in a glossary for consistent interpretation
- retain flexibility in how proponents demonstrate consistency with the Standard, while providing clearer guidance on what evidence a decision-maker may reasonably rely on
- strengthen feedback and reporting requirements so communities can see how their input was considered, where it influenced a proposal or decision, and where matters raised could not be addressed under the EPBC Act
- give non-digital, face-to-face, and locally tailored engagement methods equal standing with online engagement methods, rather than treating them only as alternatives for low-connectivity locations.
- develop implementation guidance with relevant engagement bodies, First Nations representatives, State and Territory regulators, environmental assessment practitioners, proponents and community representatives
- identify circumstances where complex or higher-risk proposals would benefit from suitably qualified and experienced engagement practitioners and adequately resourced decision-makers
- ensure streamlining incentives do not inadvertently encourage engagement that is timely but superficial. Early and well-planned engagement can support efficient assessment by identifying issues while they can still inform project design and decision-making

1. Introduction and scope of this submission

The Department of Climate Change, Energy, the Environment and Water (DCCEEW, the Department) has invited public comment on the exposure draft of the *National Environmental Standard for Community Engagement* (DCCEEW 2026e).

This submission identifies a selection of practical matters that EIANZ considers would improve clarity, implementation and consistency for environmental practitioners, decision-makers, proponents, and communities.

EIANZ acknowledges the considerable work already undertaken by the Department through successive drafts of the CE Standard. The comments below are offered constructively and are intended to assist the Department in finalising the Standard and any accompanying guidance material.

EIANZ has also had regard to its previous EPBC Act reform submissions, including its 2020 submission to the Independent Review of the EPBC Act and its 2025 submission on EPBC reform legislation (EIANZ 2020; EIANZ 2025).

2. Elements EIANZ supports

EIANZ supports the overall direction of a national standard that seeks to improve community engagement in EPBC Act decision-making. EIANZ particularly supports the following elements of the draft CE Standard:

- the use of engagement plans, including public access to engagement plans where appropriate, as a practical mechanism to improve transparency and accountability (draft CE Standard, cl 8)

- recognition that engagement needs to be planned with regard to the purpose of the engagement, the information available, and the level of influence the public can have on the proposal (draft CE Standard, cl 8)
- requirements relating to ethical engagement, privacy, informed consent and withdrawal rights (draft CE Standard, cl 10)
- recognition that engagement needs to be accessible and inclusive, including consideration of under-represented groups and barriers to participation (draft CE Standard, cl 11)
- the Policy Position Paper's recognition that the CE Standard will sit alongside other standards, including the First Nations Engagement Standard (DCCEEW 2026c)

These features provide a sound foundation. The main opportunity is to ensure that the final Standard and guidance are clear about what is required, how consistency will be assessed, and how community input will be recorded and used in decisions under the EPBC Act.

3. Scope and definitions

The draft CE Standard is made for decisions under the EPBC Act and is directed to decisions relating to protected matters. The exposure draft defines a 'protected matter' by reference to Part 3 of the EPBC Act, and defines 'proposal' as a proposed action or class of actions (draft CE Standard, cl 4).

Community engagement on proposals often raises broader environmental, social, economic, cultural heritage and cultural matters. Some of these may sit outside matters that can be determined under the EPBC Act, or may be more directly addressed through State, Territory or local government processes. The 2020 Independent Review of the EPBC Act identified that decisions need to be based on clear and transparent assessment of environmental, social, economic and cultural information, while also recognising the need for National Environmental Standards to be concise, specific and focused on outcomes (Samuel 2020).

EIANZ notes that the draft CE Standard defines 'engagement' as planned consultation in which a person seeks input or feedback from the public to inform a proposal (draft CE Standard, cl 4). EIANZ understands the need for concise legislative language. However, implementation would be strengthened if supporting guidance explained how this definition relates to two-way engagement, early engagement, the level of public influence, and the use of different engagement methods for proposals of different scale, risk and complexity. EIANZ's own prior submission on an earlier version of this Standard also recommended that specific engagement techniques (such as 'public online forums and public hearings') not be built into the definition itself, since naming particular methods is self-limiting given the range of appropriate techniques available and the risk that named methods can favour the loudest voices over genuine participation. EIANZ reiterates that recommendation here.

It would assist proponents, decision-makers and communities if the final Standard or supporting guidance clearly explained:

- what kinds of matters are within the scope of decision-making under the EPBC Act
- how proponents should record and report broader matters raised through engagement that fall outside that scope
- how such matters will be referred to or considered by the relevant State, Territory or other decision-making process
- how engagement required under the CE Standard should be coordinated with State and Territory assessment obligations, bilateral agreements, accredited arrangements and sector-specific guidance
- the relationship between 'affected persons', 'interested persons', 'the public', 'community' and 'stakeholders'. EIANZ recommends that the Standard adopt a broad, consistent test based on those

- who 'have an interest in' the proposal, consistent with good practice in the engagement profession both in Australia and internationally, rather than maintaining multiple overlapping terms
- the meaning of 'level of influence' and how that level should be communicated to participants at the start of engagement
- whether the lists of actions that may demonstrate consistency with each Principle are illustrative, exhaustive or examples of one acceptable pathway
- how a decision-maker should assess 'other evidence' that engagement meets the relevant Principle
- how the minimum 10 business day comment period should operate as a floor, not a default, particularly for complex proposals, large volumes of material or communities requiring additional support to participate

This clarification would help manage expectations without discouraging communities from raising issues that matter to them and would reduce the risk of duplicative consultation where a proposal is subject to both Commonwealth and State or Territory requirements.

The Engagement Institute, formerly IAP2 Australasia, is the specialist professional body for community and stakeholder engagement in Australia and New Zealand (Engagement Institute 2025). Its material on the IAP2 Spectrum notes that different levels of participation may be legitimate depending on the goals, timeframes, resources and levels of concern associated with the decision, and that the promise made to the public at each level is central to the process (Engagement Institute 2026). EIANZ encourages the Department consult directly with specialist engagement bodies on any detailed definition or guidance for engagement practice.

4. Transparency, reporting and feedback loops

Transparency is central to community confidence in environmental decision-making. EIANZ supports the draft CE Standard's focus on transparent and responsive engagement, including reporting on how input has influenced planning and design (draft CE Standard, cl 9).

EIANZ suggests that the final Standard or guidance could be strengthened by asking proponents to provide, where appropriate and subject to privacy, confidentiality and cultural information protections:

- a summary of key issues raised through engagement
- how those issues were considered in the proposal, assessment material or proposed mitigation measures
- where community input influenced the proposal or engagement process
- where input was not adopted, a brief explanation of why
- where issues sit outside the EPBC Act process, signposting the relevant agency, approval process or decision-maker.

EIANZ also suggests further clarification of the 'unless inappropriate' qualifier used in relation to publication and disclosure obligations. It may be appropriate to withhold information in some circumstances, including where disclosure would affect privacy, culturally sensitive information, commercial confidentiality or safety. Clear guidance would help ensure this operates as a genuine exception rather than a broad discretion.

The cover documents and draft instruments also use some differing terminology and formulations. For example, the draft CE Standard and the Policy Position Paper appear to describe some NOPSEMA-related requirements in different terms, and First Nations terminology is not always consistent across documents. EIANZ suggests a final consistency check across the Standard, Policy Position Paper and guidance material before publication.

5. Accessibility and inclusion

EIANZ supports Principle 4 and its focus on accessible and inclusive engagement. In practice, accessibility depends on the context, the community, the proposal and the information required for informed participation.

The draft CE Standard and Policy Position Paper appear to give online engagement particular prominence. Online methods can be effective, but they may not be sufficient for all communities or all proposals. Non-digital, face-to-face and locally tailored methods can be important for people who are not online by preference, confidence, language, disability, age, cultural reasons, geography or circumstance.

EIANZ encourages the Department to give equal standing to digital and non-digital engagement methods in guidance. Guidance could also include examples of plain English summaries, translated material, accessible formats, local information sessions, smaller-group conversations, targeted engagement with underrepresented groups, and methods for communities with limited connectivity or limited trust in online processes.

6. Practitioner capability and regulatory capacity

Good engagement requires judgement, context awareness, ethical practice, and the ability to explain complex environmental assessment material in accessible ways.

For complex, sensitive or higher-risk proposals, EIANZ suggests the Department consider guidance that identifies when proponents may need suitably qualified and experienced engagement practitioners, and when environmental assessment specialists may need to work closely with engagement specialists. Professional certification, training or demonstrable equivalent experience may assist proponents and regulators in assessing capability.

EIANZ does not suggest that every proposal requires the same level of specialist engagement support. A proportionate approach is important.

Regulatory capacity is also important. If engagement material is to inform approval decisions, decision-makers need sufficient expertise and resources to assess the quality of engagement evidence, the adequacy of responses to issues raised, and the relationship between engagement outcomes and proposed conditions, noting that submissions from suitably qualified practitioners are less reliant on regulator capacity.

7. Interface with First Nations engagement

EIANZ notes that the Policy Position Paper states the CE Standard will complement the proposed First Nations Engagement Standard. EIANZ supports that separation in principle, provided the relationship between the two standards is clear.

It is recommended that the CE Standard should not substitute for, dilute or duplicate First Nations engagement requirements. Nor should the existence of a separate First Nations Engagement Standard mean that the CE Standard is silent on culturally appropriate processes in which First Nations people are part of affected communities or the broader public.

EIANZ suggests the Department provide clear guidance on how proponents should identify which standard applies, how the two standards interact, and how terminology such as First Nations people, Aboriginal and Torres Strait Islander peoples, Indigenous peoples and Traditional Owners will be used consistently.

8. Streamlining and implementation readiness

EIANZ supports efforts to make environmental assessment and approval processes clearer, more efficient and more predictable. Streamlining is most likely to be effective where engagement is early enough to identify issues before proposal design, assessment pathways and mitigation measures are effectively settled.

This point is consistent with broader Commonwealth work on community engagement in major infrastructure contexts. DCCEEW's material on the Community Engagement Review identified opportunities to support community participation in Australia's renewable energy transition and made recommendations relating to developer conduct, complaint handling, community information and shared benefits (DCCEEW 2026b). DCCEEW's community engagement material for transmission projects also notes that nationally consistent guidance can help developers gather local knowledge, identify and manage impacts, understand local concerns and tailor engagement where needed (DCCEEW 2026d).

EIANZ suggests that implementation guidance for the CE Standard makes clear that earlier engagement is not simply an earlier statutory step. It should be capable of informing proposal design, assessment material, avoidance and mitigation measures, and ongoing engagement conditions where relevant.

To support implementation readiness, EIANZ suggests the Department consider:

- practical guidance for different assessment pathways and proposal scales
- examples of proportionate engagement plans and engagement reports
- guidance on how engagement plans should identify engagement objectives for each relevant stage of assessment or decision-making, including the matters open to influence at that stage
- examples of accessible non-technical summaries and engagement outcome reports, including how key issues raised were considered, how they influenced the proposal or assessment material, and where issues were referred to another process or decision-maker
- guidance on how engagement evidence will be considered by decision-makers
- a central public location for engagement notices, engagement plans and engagement reports, subject to appropriate protections
- periodic review of the CE Standard and guidance after implementation, informed by proponents, regulators, practitioners, First Nations representatives and community participants

9. Conclusion

EIANZ supports the intent of the draft CE Standard and welcomes the Department's continued engagement on this important reform. The draft Standard has the potential to improve the transparency and practical quality of engagement in EPBC Act decisions, provided it is supported by clear guidance, proportionate implementation expectations, and adequate regulatory capability.

The key opportunity is to ensure the Standard is clear about its scope, its relationship with other Commonwealth, State and Territory processes, and how community input will be reported and considered. This will help proponents understand what is required, help decision-makers assess consistency, and help communities understand how their participation can inform environmental decision-making.

EIANZ would welcome the opportunity to discuss this submission with the Department and to assist, within its areas of expertise, with the development of practical implementation guidance for environmental practitioners.

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