



Australian Land
Conservation Alliance

Level 3 349 Collins Street
Melbourne Victoria 3000
info@alca.org.au
www.alca.org.au
ABN 80 637 680 310

Environment Law Reform Taskforce
Department of Climate Change, Energy, Environment and Water
John Gorton Building
King Edward Terrace
Parkes ACT 2600
Via online portal
Cc: minister.watt@dcceew.gov.au

7 July 2026

Dear Environment Law Reform Taskforce,

RE: Submission on the draft Standard for Community Engagement

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the Commonwealth Government on the draft National Environmental Standard for Community Engagement.

ALCA represents organisations that work to conserve, steward, and restore nature on privately managed land. The conservation efforts of our 23 member organisations have influenced over 9.3% of Australia with more than 4,000 landholders; we have over 70,000 supporters and our combined annual turnover exceeds \$400 million.

Together, ALCA and our members address the most pressing conservation issues across the country, by restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and deploying nature-based solutions to mitigate climate change.

ALCA is happy for our submission to be published.

Recommendations

ALCA's three key recommendations to the Government are as follows:

1. Revise the proposed Outcomes of the Standard to ensure they provide holistic support to the Objects (plural) of the Act, rather than particularly overemphasise s3(1)(b) (ecological sustainable development – i.e. the development sector), especially when the objects contained within s(3)1(d) and, to a lesser extent (e) and (g) are more squarely community / cooperation oriented – and thus more directly relevant to a Community Engagement Standard. ALCA further notes that “*the Minister must be satisfied that the standard would promote the **objects** [plural] of this Act.*” (ALCA's emphasis; EPBC Act, s514YD(2)(a), ‘Making national environmental standards’) [for further detail, see Recommendation 5 below].
2. The option for ‘alternative approaches’ – both via “*requirements equivalent in effect to the principles in the standard*” (s7(4)(b)(ii) and s7(5)(b)(ii)), and allowing for “*other evidence that demonstrates the engagement meets [the principles]*” – is ill-advised. Unless this is a subtle but deliberate legal construction intended to allow some proponents to adopt an approach that

would otherwise be *inconsistent* with the principles, then this flexibility is, by definition, unnecessary and lacking in sufficient integrity [for further detail, see Recommendations 6, 11, 12 and 13 below].

3. Communities should be given **at least** 15 business days for consultation – 10 business days is simply too few for recently-aware community members to grapple with complex environmental or development impact challenges. This is still a modest amount of time, and would not dramatically impede development approval timelines [for further detail, see Recommendation 9 below].

Detailed legislative amendments to the Standard

PLEASE ALSO REFER TO 'TRACK-CHANGED' AMENDMENTS TO THE DRAFT STANDARD, AS ENCLOSED WITH THIS SUBMISSION.

Objective [section 5]

4. The Objective should reflect the language contained within the *EPBC Act*, namely, Australia's international **environmental** obligations – this is reflected in the Objects of the *EPBC Act* (s3(1)(e) ...'international environmental responsibilities'). ALCA recommends that this section be amended as follows (amendments in **bold**):

5 Objective

...

... and to assist in the cooperative implementation of Australia's international **environmental** obligations.

Outcomes [section 6]

5. The outcome being sought by community engagement is not specifically pro-development as currently reflected in the proposed Outcomes – rather, it is and should be the Object in s3(1)(d), namely, *"to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples"*. Only s3(1)(d) very squarely references cooperation / engagement with **community**, although, to a lesser extent, community engagement is also implied within s3(1)(e) and (g).

There should not be a presumption that engagement with community under Australia's national environmental protection laws should substantially be for the purpose of furthering development.

ALCA therefore recommends that s6(a) be amended as follows (amendments in **bold**):

- (a) input from the public is sought in relation to decisions under the Act to facilitate improved outcomes for protected matters ~~and support ecologically sustainable development.~~

At worst, the provision should state, more agnostically rather than presumptively:

- (a) input from the public is sought in relation to decisions under the Act to facilitate improved outcomes for protected matters and ~~support~~ ecologically sustainable development.

...noting that this implies improved outcomes for both protected matters and development.

Principles [section 7]

6. It is unclear why “*requirements that are equivalent in effect*” should be an option for adherence to the Principles. Unless this is subtle but deliberate legal construction that allows some proponents to adopt an approach that would otherwise be *inconsistent* with the principles, then this flexibility is unnecessary in practice. ALCA recommends that this potential ‘loophole’ be removed – the point of standards is to require firm and meaningful adherence to them, not allow adherence to ‘equivalent’ interpretations of them. ALCA recommends the following amendments (amendments in **bold**):
 - (4) A decision-maker may be satisfied that a management or authorisation framework, or an approval of an action or class of actions in accordance with a management or authorisation framework, is consistent with the standard if this framework requires:
 - (a) engagement to be undertaken on any action or class of actions proposed to be approved under the management or authorisation framework; and
 - (b) that engagement to ~~either:~~ is
 - ~~(i) — be consistent with the principles in this standard; or~~
 - (ii) — meet requirements that are equivalent in effect to the principles in this standard.**
 - (5) A decision-maker may be satisfied that a NOPSEMA management or authorisation framework is not inconsistent with this standard if the framework requires:
 - (a) engagement to be undertaken on any action proposed to be approved under the NOPSEMA management or authorisation framework; and
 - (b) that engagement ~~to either:~~ is
 - ~~(i) — be not not inconsistent with the principles in this standard; or~~
 - (ii) — meet requirements that are equivalent in effect to the principles in this standard.**
7. Noting that the development of the *National Environmental Standard (First Nations Engagement and Participation in Decision-Making)* may take longer to finalise than the Standards currently and recently under consultation, ALCA recommends that a general, stand-in provision be added to protect Indigenous cultural heritage until such time as this matter secures clearer legal direction. It may be that the following recommended provision should appear elsewhere in the Standard, but one possible location is as new provision, s7(8) – regardless, the suggested provision is as below:
 - (8) **Until such time as a *National Environmental Standard (First Nations Engagement and Participation in Decision-Making)* is made under this Act, engagement on a proposal must be undertaken in a way that could not be reasonably be expected to substantially prejudice Indigenous cultural heritage.**

This proposed provision borrows from the language in s56(5)(a) and s65(5)(a) of the *Nature Repair Act 2023*.

**Principle 1 – Engagement is carefully planned, considerate, clear and adaptable
[section 8]:**

8. A comma needs to be added to s8(3) after the word “*engagement*” to ensure that monitoring the effectiveness of engagement is not also an ‘as needed’ requirement (amendments in bold):
 - (3) The person undertaking the engagement must monitor the effectiveness of engagement, and adapt engagement activities as needed.
9. ALCA recognises that historically, EPBC Act consultation periods have been only 10 business days. However, this is much too short for ordinary members of the community to become aware of a consultation, and then to develop a considered, useful response to that consultation. ALCA therefore recommends that the community be provided with at least 15 business days – still a very modest amount of time to understand complex material (amendments in **bold**, below):
 - (4) Engagement on a proposal will be consistent with (1), (2) and (3) if either:
 - (a) the engagement meets all of the following:

...

 - (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 15** business days;

Principles 2 and 3 [sections 9 and 10]

10. It is unreasonable to limit transparency based on the perceived (and undefined) ‘appropriateness’, as defined by the mind of an employee of the proponent (noting that ‘person’ could be intended to mean the entity undertaking the consultation rather than an ordinary person – although this is legally unclear). Regardless, the appropriate test is *lawfulness*, as determined by the Australian Parliament. ALCA recommends that s8(4)(ii) be amended as follows (amendments in **bold**):
 - (ii) unless ~~the person undertaking the engagement reasonably believes it is inappropriate to do so~~ **it is otherwise unlawful to do so**, that person:
11. Consistent with Recommendation 4 above, ALCA recommends that there should be no option for ‘alternative approaches to meeting the standards’, and thus s9(4)(b) should be deleted; as follows (amendments in **bold**):
 - (C) where appropriate, offers follow-up conversations to discuss concerns relevant to a proposal; ~~or~~.

...

 - ~~(b) — the person undertaking the engagement has provided other evidence that demonstrates the engagement meets (1), (2) and (3).~~
12. Similarly – and again, consistent with the arguments advanced in Recommendation 4 above – s10(2)(b) should not allow for ‘alternative approaches to meeting the standards’, and thus should be deleted; as follows (amendments in **bold**):
 - (E) avoids unnecessarily duplicating data and information provided during the engagement; ~~or~~
 - ~~(b) — the person undertaking the engagement has provided other evidence that demonstrates the engagement meets (1).~~

13. Similarly – and again, consistent with the arguments advanced in Recommendation 4 above – s11(4)(b) should not allow for ‘alternative approaches to meeting the standards’, and thus should be deleted; as follows (amendments in **bold**):

(E) uses alternative communication methods in areas with low internet connectivity (for example, posters, newspapers, and mailbox drop).; ~~or~~

~~(b) — the person undertaking the engagement has provided other evidence that demonstrates the engagement meets (1), (2) and (3).~~

ALCA and its member organisations look forward to continuing to engage with DCCEEW to finalise the development of the Standard.

Yours sincerely,

Australian Land Conservation Alliance

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage, and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia.

Our twenty-three member organisations are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Biodiversity Legacy
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- National Landcare Network
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- Rainforest Rescue
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- Wildlife Bank Trust
- World Wildlife Fund - Australia

ALCA represents organisations that work to conserve, manage, and restore nature on privately managed land. The conservation efforts of our 23 member organisations have influenced over 9.3% of Australia with more than 4,000 landholders; we have over 70,000 supporters and our combined annual turnover exceeds \$400 million. Together, ALCA and our members address the most pressing conservation issues across the country, by restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and deploying nature-based solutions to mitigate climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spillover effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.



EXPOSURE DRAFT

National Environmental Standard (Community Engagement) 2026

I, Murray Watt, Minister for Environment and Water, make the following Instrument.

Dated

Murray Watt **DRAFT ONLY—NOT FOR SIGNATURE**
Minister for the Environment and Water

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Objective.....	2
6 Outcomes	2
7 Principles	2
8 Principle 1—Engagement is carefully planned, considerate, clear and adaptable	3
9 Principle 2—Engagement is transparent, accountable and responsive.....	4
10 Principle 3—Engagement is ethical and protects privacy	5
11 Principle 4—Engagement is accessible and supports inclusivity	6

1 Name

This instrument is the *National Environmental Standard (Community Engagement) 2026*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
Insert appropriate text	Insert appropriate text.	Insert appropriate text

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This standard is made under section 514YD of the *Environmental Protection and Biodiversity Conservation Act 1999*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act including:

- (a) action
- (b) bioregional guidance plan
- (c) bioregional plan
- (d) impact
- (e) management and authorisation framework
- (f) NOPSEMA management and authorisation framework

In this instrument:

Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

affected persons means persons that are affected or potentially affected by a proposal because of their geographical proximity to the site of the proposal.

engagement means a planned consultation in which a person seeks input or feedback from the public to inform a proposal.

proposal means a proposed action or class of actions.

protected matter means a matter protected by a provision of Part 3 of the Act.

Note: The matters protected by a provision of Part 3 of the Act are set out in section 34 of the Act.

5 Objective

The objective of this standard is to ensure decisions made under the Act relating to the protection and management of protected matters are supported by meaningful engagement and co-operation between government, the community, landholders and Indigenous persons, and to assist in the cooperative implementation of Australia's international environmental obligations.

6 Outcomes

The following outcomes of this standard are intended to promote the objective in section 5:

- (a) input from the public is sought in relation to decisions under the Act to facilitate improved outcomes for protected matters ~~and support ecologically sustainable development.~~
- (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.

7 Principles

- (1) For subsection 514YD(4) of the Act, the principles by which the outcomes and objectives in sections 5 and 6 of this standard are to be achieved are the principles in sections 8, 9, 10 and 11 of this standard.
- (2) A decision-maker may be satisfied that a decision to approve the taking of an action, taking account any conditions to be attached to the approval, is consistent with this standard if:
 - (a) there has been engagement undertaken on the proposed action; and
 - (b) that engagement is consistent with the principles in this standard.
- (3) A decision-maker may be satisfied that a decision to approve the taking of an action or class of actions in accordance with an endorsed policy, plan or program, taking account any conditions to be attached to the approval, is consistent with this standard if:
 - (a) there has been engagement undertaken on the proposed action or class of actions to be taken in accordance with the endorsed policy, plan or program; and
 - (b) that engagement is consistent with the principles in this standard.
- (4) A decision-maker may be satisfied that a management or authorisation framework, or an approval of an action or class of actions in accordance with a management or authorisation framework, is consistent with the standard if this framework requires:

-
- (a) engagement to be undertaken on any action or class of actions proposed to be approved under the management or authorisation framework; and
 - (b) that engagement ~~to either:~~
 - ~~(i) be consistent with the principles in this standard; or,~~
 - ~~(ii) meet requirements that are equivalent in effect to the principles in this standard.~~
- (5) A decision-maker may be satisfied that a NOPSEMA management or authorisation framework is not inconsistent with this standard if the framework requires:
- (a) engagement to be undertaken on any action proposed to be approved under the NOPSEMA management or authorisation framework; and
 - (b) that engagement ~~to either:~~
 - ~~(i) be not is not inconsistent with the principles in this standard; or~~
 - ~~(ii) meet requirements that are equivalent in effect to the principles in this standard.~~
- (6) A decision-maker may be satisfied that making or varying a bioregional plan is consistent with this standard if:
- (a) there has been engagement undertaken on the proposed priority actions to be taken under the bioregional plan; and
 - (b) that engagement is consistent with the principles in this standard.
- (7) A decision-maker may be satisfied that making or varying a bioregional guidance plan is consistent with the standard if:
- (a) there has been engagement undertaken on the proposed bioregional guidance plan; and
 - (b) that engagement is consistent with the principles in this standard.
- ~~(8) Until such time as a *National Environmental Standard (First Nations Engagement and Participation in Decision-Making)* is made under this Act, engagement on a proposal must be generally undertaken in a way that could not be reasonably be expected to substantially prejudice Indigenous cultural heritage.~~

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

- (1) Engagement on a proposal must be planned with regard to:
 - (a) how the public can be made aware of the purpose of the engagement;
 - (b) the level of information available on the proposal;
 - (c) the level of influence the public can have on the proposal.
- (2) Engagement on a proposal must include an invitation to comment on the proposal that is published in a publicly accessible location and allows a reasonable period to comment on the proposal.
- (3) The person undertaking the engagement must monitor the effectiveness of engagement, and adapt engagement activities as needed.

-
- (4) Engagement on a proposal will be consistent with (1), (2) and (3) if either:
- (a) the engagement meets all of the following:
 - (i) the engagement is the subject of an engagement plan that includes information on:
 - (A) the background of the project;
 - (B) the purpose of the engagement;
 - (C) any data and research relevant to the proposal;
 - (D) the level of influence the public can have on the outcome;
 - (E) how the engagement is proposed to be undertaken, including timelines for engagement;
 - (F) how the engagement is inclusive and accessible;
 - (G) how the outcome of the engagement will be reported;
 - (ii) the engagement plan is published in a location that is publicly accessible, unless it is inappropriate to do so;
 - (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~~ 15 business days;
 - (iv) the person undertaking the engagement regularly assesses progress and outcomes of the engagement against the engagement plan;
 - (v) the person undertaking the engagement documents any feedback received on the engagement process and, where appropriate, what steps have been taken to adapt the engagement in response to this feedback; or
 - (b) the person undertaking the engagement has provided other evidence that demonstrates the engagement meets (1), (2) and (3).

Note 1: For (8)((2) and (4)(a)(ii), an example of a location that is publicly accessible is a publicly available website (including, but not limited to, the Department's website). Other examples may include newspapers, posters, websites, and social media.

Note 2: For (4)(a)(iii), in deciding what period is reasonable for the proposal, consideration should be given to the volume and complexity of the information available on the proposal.

9 Principle 2—Engagement is transparent, accountable and responsive

- (1) Engagement on a proposal must allow the public to understand the proposal and provide informed and relevant input.
- (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.
- (3) Engagement on a proposal should support a two-way dialogue with the affected persons.
- (4) Engagement on a proposal will be consistent with (1), (2) and (3) if either:
 - (a) the engagement meets all of the following:
 - (i) the person undertaking the engagement ensures that accurate, objective and comprehensive information about the proposal is

included in the invitation for public comment, including information about:

- (A) the location and scope of the proposal;
 - (B) a description of the activities proposed;
 - (C) any proposed timelines and key milestones, including the proposed duration of the proposal;
 - (D) the potential impacts of the proposal on protected matters;
 - (E) relevant stakeholder groups, including any affected persons identified;
- (ii) unless ~~the person undertaking the engagement reasonably believes it is inappropriate to do so~~ it is otherwise unlawful to do so, that person:
- (A) discloses the information sources underpinning decisions relevant to the proposal, including methodologies and assumptions, to the public; and
 - (B) shares relevant environmental performance and compliance outcomes, and monitoring results, with affected persons;
- (iii) the person undertaking the engagement provides to the decision-maker a summary of input received from the public about the proposal, including information on what (if any) input is being used to inform any adjustments to the planning and design of the proposal;
- (iv) the person undertaking the engagement:
- (A) provides affected persons with appropriate ways to contact the person about a proposal and the engagement process;
 - (B) responds promptly to any queries received from affected persons about the proposal and the engagement process;
 - (C) where appropriate, offers follow-up conversations to discuss concerns relevant to a proposal; ~~or~~ or

Note : For (4)(a)(iv)(A), an example of an appropriate way to contact the person about a proposal and the engagement process is through an email inbox facility that can be monitored and used to respond to affected persons.

~~(b) the person undertaking the engagement has provided other evidence that demonstrates the engagement meets (1), (2) and (3).~~

10 Principle 3—Engagement is ethical and protects privacy

- (1) Engagement on a proposal must be undertaken in a way that ensures the privacy of persons providing input is protected.
- (2) Engagement on a proposal will be consistent with (1) if either:
 - (a) the engagement meets both of the following:
 - (i) the person undertaking the engagement ensures the invitation to comment on a proposal includes the following information:
 - (A) the type of data and information that is being collected, including whether it includes personal information;
 - (B) the reasons why the particular data or information is being collected;

-
- (C) how data and information will be collected, recorded, stored, used and disclosed;
 - (D) that the provision of data or information is voluntary and the participant has the right to withdraw at any time without providing a reason and without any consequences for the participant;
 - (E) how and when the information will be destroyed; and
 - (ii) when collecting, recording, storing, using or disclosing data or information provided during the engagement, the person undertaking the engagement:
 - (A) obtains informed consent from the participant;
 - (B) de-identifies and summarises any input that was acquired during the engagement before such data and information is published;
 - (C) only uses any contact details provided by a participant for the purposes agreed to during the engagement process;
 - (D) stores data and information provided during the engagement securely including, where appropriate, with password protection;
 - (E) avoids unnecessarily duplicating data and information provided during the engagement; ~~or~~

~~(b) the person undertaking the engagement has provided other evidence that demonstrates the engagement meets (1).~~

11 Principle 4—Engagement is accessible and supports inclusivity

- (1) Engagement on a proposal must be undertaken in a way that ensures it is accessible to the public, including people from culturally and linguistically diverse backgrounds, and allows such persons to understand the proposal and its potential impacts on protected matters.
- (2) Engagement on a proposal must be undertaken in a way that allows all interested persons to provide comment on the proposal.
- (3) Engagement on a proposal must involve active attempts to overcome barriers to participation in the engagement.
- (4) Engagement on a proposal will be consistent with (1), (2) and (3) if either:
 - (a) the engagement meets both of the following:
 - (i) the person undertaking the engagement ensures the information relating to the proposal that is provided to a person as part of the engagement, including in the invitation to comment on the proposal, meets the following:
 - (A) information is provided in clear, user-friendly formats (for example, simple and appropriately sized fonts, and logical structure);
 - (B) the information is provided using plain English;

-
- (C) the information is provided using non-technical and jargon-free language, where appropriate;
 - (D) translated versions of the information are provided, where appropriate; and
 - (ii) the person undertaking the engagement:
 - (A) uses an online engagement method and includes this method in the invitation to comment on the proposal;
 - (B) clearly identifies the different stakeholders and types of community leaders that may be interested in the proposal;
 - (C) ensures that any relevant under-represented groups and affected persons are included in the engagement;
 - (D) where in-person venues are used as part of the engagement – selects in-person venues that are physically and logistically accessible;
 - (E) uses alternative communication methods in areas with low internet connectivity (for example, posters, newspapers, and mailbox drop).

~~(b) the person undertaking the engagement has provided other evidence that demonstrates the engagement meets (1), (2) and (3).~~