

6 July 2026

TO: Department of Climate Change, Energy, the Environment and Water

RE: National Environmental Standard for Community Engagement

Introductory remarks

The Association of Mining and Exploration Companies (AMEC) welcomes the opportunity to provide feedback on the draft National Environmental Standard for Community Engagement (CE Standard) under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

AMEC recognises that the CE Standard forms a central component of broader reforms to the EPBC Act following the Samuel Review, which identified gaps in transparency, late-stage consultation and limited opportunities for meaningful community participation. In this context, AMEC acknowledges the importance of strengthening community engagement earlier in the decision-making process, improving the accessibility of information and building confidence in environmental outcomes and regulatory decisions.

About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry association representing over 550 member companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value. Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 314,000 people. In 2025-26, the industry generated \$383 billion in resource exports, invested \$3.95 billion in exploration expenditure to discover future mines, and collectively paid over \$59.4 billion in royalties and taxes.

General comments

AMEC supports the overall structure and intent of the CE Standard, including its clear articulation of an overarching Objective, supported by defined Outcomes and Principles. This framework should provide a coherent and transparent foundation for improving community engagement practices and linking them directly to enhanced environmental decision-making under the EPBC Act. The emphasis on achieving meaningful outcomes such as improved transparency, increased community participation, and stronger trust in decision-making, is well-founded and appears consistent with the broader reform agenda.

AMEC also supports the policy direction of strengthening early engagement, particularly where it allows community input to inform project design and contributes to improved environmental outcomes. Early engagement can deliver tangible benefits when it is

appropriately designed and based on sufficient information, and when stakeholders are able to meaningfully understand and respond to proposals. The link between early engagement and access to streamlined assessment pathways provides a strong incentive for proponents to invest in upfront engagement.

However, the practical implementation of these requirements will be critical. Without careful calibration, there is a risk that the CE Standard could impose additional complexity or administrative burden, particularly for smaller operators, without delivering proportional benefits. The diversity of projects captured under the EPBC Act, from early-stage exploration to large-scale developments, requires a framework that can accommodate different levels of impact, certainty and capacity. Maintaining flexibility within a principles-based framework is therefore essential to ensuring the Standard is workable for AMEC members.

AMEC notes positively that the CE Standard allows proponents to demonstrate consistency with the Principles in a range of ways, including through optional steps and alternative approaches. Preserving and reinforcing this flexibility will be critical to ensuring that engagement remains meaningful, context-specific and achievable.

AMEC supports the non-regressive intent of the Standard. However, where requirements are uncertain or reflect best practice rather than core obligations, they should be addressed in guidance, not embedded in the Standard. Including exceptions and niche scenarios risks unnecessary complexity, disruption and compliance burden if not fully resolved upfront. The Standard should be confined to essential requirements, with flexibility provided through guidance. As practices mature, they can be incorporated into the Standard over time.

Proportionality and fit-for-purpose application of the CE Standard

AMEC acknowledges that the CE Standard has been designed as a principles-based framework, which is intended to provide flexibility in how engagement is conducted and demonstrated. This is an appropriate and necessary approach given the diversity of projects and proponents regulated under the EPBC Act. However, there remains a risk that, in practice, implementation may tend toward a more uniform interpretation of requirements across different project types.

Exploration activities, in particular, differ significantly from large-scale resource developments. They are typically lower impact, shorter in duration and characterised by a high degree of uncertainty regarding project outcomes. Applying the same level of engagement expectation across such a broad-spectrum risks creating disproportionate obligations for smaller operators, which may not reflect the scale or risk profile of their activities. This could introduce unnecessary costs, delay project timelines and act as a disincentive to investment in early-stage projects.

Ensuring that proportionality is clearly embedded in the application of the CE Standard will help to maintain a balance between achieving meaningful engagement and supporting ongoing exploration activity.

Recommendations

- **Apply proportionality to application of CE Standard.** The CE Standard should explicitly confirm that its Principles are to be applied in a fit-for-purpose and context-specific manner, with implementation guidance clarifying how engagement expectations can be appropriately scaled according to project characteristics such as stage, complexity and potential impact, consistent with the flexible design of the Standard.

Reducing uncertainty through clear and consistent expectations

The CE Standard introduces a requirement for proponents to demonstrate that their engagement activities are consistent with the Principles and therefore achieve the intended Outcomes and Objective of the Standard. Given that the CE Standard will be a legally enforceable instrument and that decision-makers must be satisfied that proposals are consistent with it before approvals can be granted, clarity in how compliance is assessed is critically important. In the absence of clear expectations, there is a significant risk that the framework will introduce uncertainty into the approvals process, potentially undermining confidence in both regulatory outcomes and decision-making.

Unlike existing frameworks that rely more heavily on defined procedural steps, the CE Standard appears intentionally principles-based, allowing flexibility in how proponents undertake engagement. While this flexibility is a strength of the proposed model, it also introduces a degree of interpretive risk. Where expectations are not clearly articulated, either in the Standard itself or through supporting guidance, proponents may adopt overly conservative approaches to ensure compliance, while regulators may apply varying interpretations of what constitutes sufficient or effective engagement. This can lead to inconsistency across projects and jurisdictions, reducing predictability for proponents and potentially leading to delays in assessment and approval processes.

These risks are particularly pronounced given the legal weight of the Standard. Because consistency with the CE Standard is a precondition for decision-making under the EPBC Act, uncertainty around compliance may result in additional information requests, extended assessment timeframes, or precautionary decision-making by regulators. For proponents, this translates into increased costs, extended timelines and heightened project risk, which are outcomes that are particularly acute for smaller and exploration-stage operators with limited capacity to absorb regulatory uncertainty.

In addition, AMEC supports the objective of ensuring that communities understand how their participation contributes to environmental decision-making. Transparency regarding the purpose of engagement and the role of community feedback is fundamental to building trust and encouraging meaningful participation. However, aspects of the current drafting risk creating ambiguity about the respective roles of proponents, the community and the statutory decision-maker.

In particular, the requirement for proponents to identify “the level of influence the Australian public can have on the outcome” introduces uncertainty and has the potential to create

unrealistic expectations. Under the EPBC Act, the extent to which community input ultimately influences approval decisions is determined by the legislative framework and the decision-maker, not the proponent. While proponents can commit to considering stakeholder feedback in project planning, impact avoidance, mitigation and environmental management, they cannot determine or guarantee how that input will affect final approval outcomes. This creates a risk that proponents may be held accountable for matters beyond their control, while communities may develop expectations that cannot be met, ultimately undermining confidence in the engagement process.

While the inclusion of optional steps within the CE Standard provides useful examples of how the Principles may be met, these examples are not exhaustive and may not provide sufficient certainty in all scenarios. In practice, time-poor and resource-constrained proponents require clearer guidance on minimum expectations, how engagement will be evaluated, and what level of detail is required to demonstrate compliance. Without this clarity, there is a risk that engagement processes become over-engineered, with proponents focusing on documentation and process to mitigate compliance risk, rather than on achieving meaningful engagement outcomes.

AMEC also recommends clearer guidance on expected documentation, such as stakeholder mapping, engagement plans, issues registers and consultation outcome reports. This would help proponents understand what constitutes good practice and reduce subjective compliance risk. The Standard should also clarify how stakeholder feedback is expected to influence project design. Proponents should be required to demonstrate that feedback has been genuinely considered, rather than expected to adopt all stakeholder views. Greater clarity should also be provided by focusing on identifying which aspects of a proposal are open to community input and how that input may inform project planning, design and environmental management. When proponents clearly understand what is required, they are better able to design engagement processes that are both compliant and effective. Clear expectations support more consistent regulatory decision-making, reduce the likelihood of disputes, and improve overall efficiency.

From a broader policy perspective, certainty is fundamental to maintaining confidence in the reformed EPBC framework. A system that is unclear or inconsistently applied risks eroding trust for both proponents and communities. Conversely, a framework that provides clear, consistent and practical guidance will support higher-quality engagement, more predictable approvals and stronger confidence in the system.

Further, AMEC notes that the draft Standard uses several different terms throughout the document, including "Australian public", "affected persons" and "interested persons." While each term serves a purpose, their application throughout the Standard is not always clear and may create uncertainty regarding the scope of engagement expected for different projects. For many proposals, particularly those involving resource exploration and mining, the communities most directly affected by a proposal represent only a small subset of the broader Australian public. In these circumstances, meaningful engagement is most effectively achieved by focusing effort on those individuals and groups who are genuinely affected or have a direct interest in the proposal.

AMEC also notes a broader risk that the CE Standard, if not clearly scoped, may create the perception that the entirety of a project is open to public debate, consultation or negotiation through the EPBC Act process. In practice, the Act's remit is limited to the assessment of impacts on Matters of National Environmental Significance (MNES). Without clearer articulation of this boundary, proponents may be required to respond to a wide range of issues that fall outside the scope of the EPBC Act, creating inefficiencies, increasing regulatory burden and potentially confusing stakeholders about the purpose of engagement. AMEC considers that the CE Standard should more explicitly acknowledge its linkage to MNES and clarify that engagement under the EPBC framework is directed toward informing assessment of those matters.

Without greater clarity, there is a risk that proponents may adopt unnecessarily broad engagement approaches to demonstrate compliance, increasing administrative burden without improving engagement outcomes. Conversely, communities directly affected by a proposal may receive less targeted engagement if obligations are interpreted too broadly. AMEC considers the Standard would benefit from clearer guidance distinguishing circumstances where engagement should be directed broadly to the Australian public from those where more targeted engagement with affected persons or directly interested stakeholders is appropriate.

Recommendations

- **Ensure provision of clear and practical guidance.** The CE Standard must provide clear and practical guidance on how proponents can demonstrate consistency with the Principles, including defined minimum expectations, documentation requirements, and worked examples, recognising that compliance will inform legally enforceable decisions under the EPBC Act and must therefore be assessed consistently and transparently.
- **Clarify the role of community input.** Replace the requirement to identify "the level of influence the Australian public can have on the outcome" with a requirement for proponents to describe the aspects of the proposal open to community input and explain how that input will be considered in project planning, design and environmental management.
- **Clarify terms used in the draft Standard that could have significant impacts subject to interpretation.** This includes the terms "Australian public," "affected persons" and "interested persons" and provide implementation guidance describing how engagement expectations should vary according to the nature and extent of potential impacts.

Delivering efficient and coordinated engagement processes

AMEC recognises that the CE Standard is intended to operate alongside accredited State and Territory processes, including through bilateral agreements and that these frameworks will be required to demonstrate consistency with the Standard. This is a positive feature of the reform,

as it creates a pathway for streamlined approvals where State and Territory systems are recognised as meeting Commonwealth requirements.

AMEC supports this approach and acknowledges that, where effectively implemented, bilateral agreements and accreditation frameworks should reduce duplication by enabling a single, aligned engagement process to satisfy both Commonwealth and State requirements. This provides an important mechanism for improving efficiency and reducing administrative burden for proponents, particularly those operating across multiple jurisdictions.

However, the effectiveness of this approach will depend on how consistently alignment is achieved in practice. Mining projects routinely involve extensive and ongoing consultation outside the EPBC Act framework, including through State environmental assessments, Native Title negotiations, Aboriginal heritage processes, local government approvals, pastoral agreements and community reference groups. These engagement activities are often iterative and occur over many years prior to, and alongside, Commonwealth assessment processes.

Without explicit recognition of this existing consultation, there is a risk that proponents may be required to duplicate engagement activities that communities have already meaningfully participated in. This would increase project costs, contribute to stakeholder consultation fatigue and divert effort away from improving environmental outcomes. It would also undermine the efficiency gains the CE Standard is intended to deliver.

There remains a broader risk that, without clear operational guidance or formal recognition mechanisms, proponents may still face overlapping or duplicative engagement expectations, particularly where projects fall outside accredited pathways, where requirements differ between jurisdictions, or where additional Commonwealth expectations are applied. This risk is heightened in the context of the proposed Streamlined Assessment Pathway, where eligibility depends on proponents demonstrating that engagement undertaken prior to referral is consistent with the CE Standard.

Given the regulatory significance of this determination, proponents require a high degree of certainty regarding how the adequacy of engagement will be assessed. Without clearly defined and objective criteria, there is a risk that eligibility decisions become subjective, leading to inconsistent outcomes, increased uncertainty and avoidable project risk. To fully realise the intended efficiencies of the CE Standard, AMEC considers it critical that alignment with State and Territory processes is clearly defined, consistently applied, and supported by practical implementation guidance, including recognition of relevant prior engagement and transparent criteria for streamlined assessment eligibility.

Recommendations

- **Avoid further risk of duplication.** The CE Standard must give full effect to its intent to streamline engagement through bilateral agreements and accreditation by formally recognising State and Territory processes that meet the Standard, and by providing clear operational guidance.

- **Explicitly recognise previous consultation.** For instance, consultation undertaken for the same proposal, where it remains current and relevant, allowing proponents to rely on existing engagement rather than duplicating consultation activities.
- **Clarify streamlined pathway eligibility.** Develop objective, transparent and consistently applied criteria for determining whether engagement undertaken prior to referral is sufficient to support eligibility for the Streamlined Assessment Pathway.

Delivering workable requirements for smaller proponents

The majority of AMEC's members do not have dedicated community engagement teams or in-house specialists. Instead, engagement activities are often undertaken by small project teams juggling multiple responsibilities, or with support from external consultants where resources allow.

As such, highly complex, resource-intensive or prescriptive engagement requirements may not be practical for many proponents. There is a real risk that such requirements could divert limited resources away from exploration activities, increase operational costs and act as a barrier to entry, particularly for junior explorers.

To address this, AMEC recommends the development of tailored guidance for specific sub-sectors of industry, such as junior exploration companies. This should include simplified frameworks, scalable approaches and practical tools such as templates, checklists, and standard engagement plans. Further, the framework should allow flexibility in how outcomes are achieved, rather than mandating rigid processes that may not suit all contexts.

Recommendations

- **Ensure smaller operators are not disadvantaged.** The government must develop targeted, fit-for-purpose implementation guidance, including templates, tools and scalable engagement approaches, to support smaller proponents in applying the CE Standard's Principles effectively and consistently, without creating disproportionate implementation challenges.

Aligning early engagement with project maturity

AMEC recognises that early engagement is a central pillar of the CE Standard and plays a critical role in improving transparency, building trust between proponents and the community, and ensuring that local knowledge and concerns are identified early in the project lifecycle. Where undertaken at the appropriate stage of project development, early engagement can also contribute to better project design, improved environmental outcomes, and more efficient assessment processes, including eligibility for streamlined pathways.

However, for engagement to be meaningful and constructive, it must be appropriately aligned with the level of information available and the stage of project development. This is particularly important for the mineral exploration sector, which is fundamentally different from development-stage projects. Exploration activities are undertaken to determine whether an economically and environmentally viable project exists and are characterised by a high degree

of technical and commercial uncertainty. At this stage, proponents frequently lack sufficient information to accurately define key elements such as the final disturbance footprint, infrastructure requirements, environmental impacts or, in many cases, whether the project will proceed at all.

Requiring detailed or intensive engagement at a very early stage, when information is incomplete or uncertain, risks reducing the effectiveness of the process and may contribute to consultation fatigue, as is often seen in the current system. Communities may be asked to respond to speculative or evolving project scenarios, creating confusion, unrealistic expectations, or unnecessary concern about impacts that may never eventuate. This can ultimately undermine trust, particularly where project details change as a result of ongoing exploration, feasibility work and environmental assessment.

In this context, AMEC considers that early engagement should not be interpreted as requiring a fixed level of detail or intensity at the outset. Rather, it should be understood as an obligation to initiate engagement that is appropriate and proportionate to the level of project understanding at the time. At early stages, this may involve awareness-building, high-level information sharing, and the establishment of clear communication channels, rather than detailed consultation on impacts that are not yet well defined.

A more effective and practical approach is to adopt a staged or progressive model of engagement, consistent with the principles-based design of the CE Standard. Under this approach, engagement begins early in the project lifecycle but evolves in scope, depth and sophistication as project knowledge and certainty increases. As more detailed information becomes available, engagement activities can expand to include targeted stakeholder consultation and more comprehensive discussions of potential impacts and mitigation measures.

AMEC contends that such a staged approach strengthens, rather than diminishes, early engagement. It ensures that engagement is both credible and informative, supports meaningful participation, reduces misunderstanding and ultimately contributes to better environmental and social outcomes, as well as stronger social licence.

Recommendations

- **Project-stage must be a key consideration.** The CE Standard should explicitly recognise that exploration projects are inherently iterative and characterised by a high degree of uncertainty. Supporting guidance should clarify that engagement expectations must be proportionate to the level of project definition available at the time, allowing proponents to progressively increase the scope, depth and detail of engagement as project design, environmental information and technical certainty mature, while remaining consistent with the Standard's requirement for early and meaningful participation.

Focus on outcomes over process

AMEC emphasises that the success of the CE Standard will ultimately depend not on the volume of procedural requirements it introduces, but on the quality and effectiveness of the engagement it facilitates. While clear and consistent processes are important, there is a significant risk that overly prescriptive or compliance-focused requirements will encourage a “tick-box” approach to engagement, where proponents prioritise meeting formal procedural steps instead of achieving meaningful, constructive interaction with stakeholders.

This risk is not theoretical. Under the current EPBC Act framework, engagement requirements are often characterised by defined procedural steps such as fixed public comment periods, publication requirements and documentation obligations. While these processes ensure a minimum level of transparency and participation, they have also, in practice, been criticised for being late-stage, transactional and overly focused on formal submissions rather than genuine dialogue. As identified in the Samuel Review, the existing framework has at times resulted in engagement that occurs too late in project development, provides limited opportunity for iterative input and lacks transparency in how community feedback is ultimately considered in decision-making.

In this context, engagement can become an exercise in compliance rather than a tool for improving outcomes. Proponents may focus on meeting statutory requirements such as publishing notices or collecting submissions, without necessarily engaging in deeper, ongoing conversations that build trust or meaningfully influence project design. Similarly, communities may perceive engagement processes as procedural or predetermined, particularly where there is limited visibility over how their input has shaped decisions. This dynamic can erode trust, increase the likelihood of conflict and contribute to delays through objections or legal challenges.

The CE Standard represents an opportunity to move beyond these limitations by shifting the emphasis toward engagement outcomes rather than procedural completion. Effective community engagement is inherently relational. It relies on establishing trust over time, being transparent about project intentions and uncertainties, actively listening to concerns and demonstrating how feedback has influenced project design and decision-making. These elements cannot be fully captured through rigid or prescriptive requirements alone. A predominantly process-driven approach risks undermining these outcomes by encouraging uniform engagement methods that may not be suitable for all projects or communities. For example, a requirement to produce extensive documentation or follow a fixed consultation model may be technically compliant but fail to address the specific needs or expectations of impacted stakeholders. A prime example are communities where illiteracy is high and where documentation is a substandard means of engagement. Verbal communication via face to face may be more effective. Further, experience to date has shown that where access to internet is limited and IT skills are not high, city-based methods (usually written as procedural requirements) have failed. Conversely, a more flexible, principles-based framework enables proponents to tailor their engagement strategies to the local context, including the nature of the project, the characteristics of the community and the level of potential impact.

The CE Standard arguably already incorporates this principles-based approach through its focus on planning, transparency, responsiveness, ethics and inclusivity. However, its effectiveness will depend on ensuring that these principles are applied in a way that prioritises substantive outcomes such as improved understanding, stronger relationships and better project design, rather than procedural adherence alone. From this perspective, AMEC supports an implementation approach that retains clear expectations but allows flexibility in how those expectations are met. This includes recognising different forms of engagement, encouraging ongoing and iterative communication, and assessing compliance based on the quality, transparency and responsiveness of engagement rather than the completion of predefined steps alone. Importantly, an outcomes-focused approach is also more likely to support the broader objectives of the EPBC Act reforms, including improving public confidence, reducing conflict and enabling more efficient approvals and ensuring greater social license for the industry.

Recommendations

- **Focus more on outcomes and less on process.** The CE Standard must ensure that its mandatory requirements are implemented in a way that supports the achievement of meaningful engagement outcomes, with sufficient flexibility in how proponents demonstrate compliance so that the focus remains on effective, transparent and responsive engagement rather than procedural formality.
- **Include review mechanisms to ensure ongoing fit-for-purpose improvements over-time.** The standard should be implemented in a way that improves consistency and investor confidence while incorporating ongoing industry input and review mechanisms to ensure it delivers practical and measurable improvements over time.

Final remarks

AMEC supports the objective of strengthening community engagement under the EPBC Act and recognises its importance in achieving sustainable development outcomes.

However, AMEC's view is that the success of the proposed standard will depend on its ability to balance ambition with practicality. It must be carefully calibrated to reflect the diversity of different sectors and projects, including the unique characteristics of exploration and small-scale mining. This includes ensuring that requirements are proportionate to risk, clearly defined, aligned with existing frameworks and workable for companies with limited resources.

AMEC looks forward to continuing to work with the Government to refine the Standard and ensure that it delivers meaningful improvements in engagement outcomes, while maintaining a competitive and attractive environment for exploration and mining investment in Australia.

For further information contact:

Neil van Drunen, Head of National Policy – 0407 057 443 | neil.vandrunen@amec.org.au

Sash Pavic, Director - Commonwealth – 0400 108 518 | sash.pavic@amec.org.au