



1 July 2026

Submission Guide: Key Concerns with the Exposure draft of the National Environmental Standard for Data and Information

A draft National Environmental Standard for Data and Information has been released for public comment.

See the [consultation page](#) here for more information and to read the updated documents, being the:

- [Draft Data and Information Standard](#), and
- [Policy Position paper](#).

Submissions are due by 11.59pm, Tuesday 7 July 2026

This guide outlines key concerns with the draft Data and Information Standard, as follows:

1. The Objective should be clarified and strengthened.
2. Provisions that displace the Objective and Outcomes should be removed, as they render the Objective and Outcomes largely irrelevant.
3. Provisions that undermine the detailed requirements in the Principles should be removed, as they mean those requirements don't actually need to be met.
4. Principles should be strengthened to better support the Objective and Outcomes, including in relation to transparency and consistency.
5. Key requirements for the ethical collection, management and use of data must be embedded in the Principles (and not left to notes).
6. The Standard should directly reference supporting elements, such as guidelines and registers of trusted environmental data and information assets.
7. Application of the Data and Information Standard should be clarified.

Key Concerns

1. The Objective should be clarified and strengthened

The proposed objective of the Data and Information Standard is:

to ensure that decisions made under the Act are based on appropriate data and information and to extend the availability of credible data and information assets for use in such decisions.

It is also unclear exactly what is meant by “appropriate”. While the Principles may help guide meaning, it might also be useful to clarify that appropriate data and information is of a kind that is fit

for purpose and sufficient to support evidence-based decision making. Further, consideration should be given to adding “best available” to the objective i.e. “decisions made under the Act are based on appropriate, *best available* data and information”. This is consistent with the *Draft Policy Position Paper: National Environmental Standard for Data and Information*¹ and would help ensure that data and information used is the most recent and reliable, which is vital to inform environmental decision-making.

The second half of the objective relates to the availability of data and information, however the Data and Information Standard itself, including the Principles, doesn’t directly extend the availability of data (e.g. by requiring that data be made publicly available). Instead, the Principles seek to ensure that in circumstances where data and information is available, including for reuse, it is credible. For that reason, the second half of the objective could be better worded to avoid confusion about the role of the Standard (e.g. the objective of this standard is to ensure that decisions made under the Act are based on appropriate, best available data and information and that data and information is credible and comparable for use in such decisions, and for other purposes). We note that other measures to improve the availability of data have been implemented via the *Environment Information Australia Act 2025*.

2. The Objective and Outcomes have been made largely irrelevant

Subsection 7(3)(a) of the Data and Information Standard provides that a decision to approve the taking of an action is consistent with the Data and Information Standard if the data and information is consistent with the Principles set out in the Standard. This subclause operates to effectively displace the Outcomes and Objectives, by only requiring the decision-maker to be satisfied that the data and information provided in relation to an application is consistent with the Principles, rather than the actual Outcomes and Objectives.

The same concerns arise in relation to a decision to approve the taking of an action or class of actions in accordance with an endorsed policy, plan or program under subsection 7(3)(b) of the Data and Information Standard or the making or varying a bioregional plan or a bioregional guidance under 7(3)(e) of the Data and Information Standard.

In the case of a management or authorisation framework or a NOPSEMA management or authorisation framework, as an alternative to being consistent with the principles (or ‘not inconsistent with’ in the case of the NOPSEMA management or authorisation framework) it would be enough to “meet requirements that are equivalent in effect to the principles in this standard”. In this case the Standard goes further than displacing the Outcomes and Objectives, and also displaces the direct application of the Principles. This renders the Standard effectively meaningless for NOPSEMA authorisations.

¹ [*Draft Policy Position Paper: National Environmental Standard for Data and Information*](#)

3. Provisions that undermine the detailed requirements in the Principles should be removed, as they mean those requirements don't actually need to be met

Each of the five Principles in the Data and Information Standard is generally structured as follows:

- Subsection (1) generally states the Principle.

For example, Principle 1 (1) provides:

Data and information used in, or for the purposes of, making a decision under the Act, adequately and accurately reflect and describe the relevant protected matters and environmental conditions

- Subsection 2(a) sets out what is needed to satisfy subsection (1).

For example, Principle 1 (2)(a) provides:

(a) The data and information meets all of the following:

- (i) the data and information was collected by a method that is scientifically robust and accounts for environmental conditions; and*
- (ii) the data and information was created, modelled or analysed using appropriate scientific or technical processes to ensure it accurately represents the conditions and context required for the decision; and*
- (iii) the data and information includes, or is accompanied by, appropriate explanations or mitigation strategies to manage uncertainties and gaps (if any); and*
- (iv) the data or information are from or based on authoritative sources (for example published datasets), or where no authoritative source for particular data or information are available or accessible, an explanation is provided as to why the selected data or information are accurate and representative; or*

- Subsection 2(b) states that if 2(a) is not satisfied, then “other evidence” can be used to satisfy that the Principle in subsection (1) is satisfied.

For example, Principle 1 (2)(b) provides:

(b) If paragraph (a) is not satisfied:

- (i) for a bioregional plan or a bioregional guidance plan - there is other evidence available that demonstrates the data and information are representative and suitable for use; or*
- (ii) for all other decisions - the person providing the data and information has provided other evidence that demonstrates the data and information are representative and suitable for use.*

Principles should be strengthened to better support the Objective and Outcomes, including in relation Subsection 2(b) undermines subsection 2(a) by allowing a proponent to avoid the detailed requirements in 2(a) and simply provide “other evidence”, with no direction as to what this other evidence should be. This creates uncertainty for both proponents and the public in understanding exactly what is required by the Data and Information Standard. It also creates more discretion for decision makers in determining whether the Data and Information Standard has been met. This is at odds with the purpose of Standards, which is to create clear and objective benchmarks and boundaries for decision making.

4. to transparency and consistency

- Principle 2 of the Data and Information Standard deals with transparency, requiring that data and information are reliable and sufficiently described to enable informed use. The specific requirements of Principle 2 could be expanded to include information about whether there are upfront assumptions or uncertainties in relation to data and information; information about any conflicts of interest for the author, creator or source; and whether data and information have been subject to AI technology.
- Principle 3 requires that “data and information are internally consistent in the practices, formats, structures and measurements applied to enable ease of comparison”. It is unclear what is meant by “internally consistent”. Does this mean within a document, or within a field of practice etc.?

As outlined above, the Principles should not displace the Objective and Outcomes.

5. Key requirements for the ethical collection, management and use of data must be embedded in the Principles (and not left to notes)

Principle 5 relates to the ethical collection, management and use of data. Subsection 2(a) provides:

- (a) *The data and information meets both of the following:*
- the person providing the data or information has made all reasonable efforts to ensure the data and information has been collected, managed and provided consistently with any requirements of relevant Commonwealth, State or Territory laws; and*
 - the person providing the data or information has made all reasonable efforts to ensure the data and information has been collected, managed and provided consistently with any relevant ethical data principles; or*

Note: For example, the person providing the data has:

- *to the extent possible, acted in a way that is consistent with the CARE principles and the FAIR principles;*
- *sought to identify the appropriate custodian of any culturally sensitive data and information;*
- *acted in a way that is respectful of indigenous rights and cultural governance, including (where appropriate) establishing Indigenous Cultural and Intellectual Property agreements.*

The principles in the notes section are important for the ethical collection, management and use of data, and are recognised as such in the *Draft Policy Position Paper: National Environmental Standard for Data and Information*. They are also defined within the Definitions section of the Standard. They should be included in the Principle itself as clear, direct requirements (e.g. a person must maintain indigenous rights and cultural governance), rather than simply being optional guidance in a Note.

6. The Standard should directly reference supporting elements

The *Draft Policy Position Paper: National Environmental Standard for Data and Information* states:

The implementation of the D&I Standard will be supported by a range of data and information governance and management elements including:

- *a register of trusted environmental data and information assets (including key data and information used in decision making under the EPBC Act) and*
- *technical guidance (e.g. data format and data collection guidelines) that meet the D&I Standard.*

It appears that technical guidance will provide important granularity in relation to data format and data collection, but unless the Standard makes specific reference to the technical guidance there is no requirement to apply it when using the Standard or when making decisions consistent with the Standard. While the register and technical guidance will need to be regularly updated to ensure it aligns with the best available science, the Standard could generally require the use of data in the Register and the application of technical guidance as in force from time to time.

7. Application of the Data and Information Standard s

The *Draft Policy Position Paper: National Environmental Standard for Data and Information* states:

“The D&I Standard will apply to assessment decisions under Part 9 of the EPBC Act and other decisions as prescribed in the Regulations. In the future, the Principles may apply to decisions and processes under other parts of the EPBC Act and may also be applied to data collected under other Commonwealth environment programs. This will improve the data and information available for reporting and decision-making under the EPBC Act”.

The Data and Information Standard can play a key role in driving improvement in the quality and accessibility of data, and compliment the role of Environment Information Australia in managing and improving environmental data.

Further consideration needs to be given to:

- How the Data and Information Standard can apply to monitoring and reporting post-approval, to ensure data collected and reported by proponents under approval conditions meets the principles, including for accuracy, transparency and reusability.
- How the Data and Information Standard can apply to conservation planning decisions under the EPBC Act, including for examples, the development of conservation planning document

and bioregional guidance plans to ensure they are informed by best available data and information.

- How the Data and Information Standard will interact with the (yet to be made) First Nations Engagement Standard, including in relation to obtaining, using and managing Traditional Ecological Knowledge.