



Environmental
Defenders Office

Submission on the Exposure draft of the National Environmental Standard (Data and Information) 2026

7 July 2026

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 40 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

www.edo.org.au

Lodged online:

[Survey on the exposure draft National Environmental Standard for Data and Information](#)
Department of Climate Change, Energy, the Environment and Water

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Acknowledgement of Country

EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past and present and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations Cultural Heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since colonisation.

EDO recognises the right to self-determination of First Nations peoples, including their right to freely determine their own political status and freely pursue their economic, social and cultural development. This extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

A note on language

We acknowledge there is a legacy of writing about First Nations peoples without seeking guidance about terminology. We also acknowledge that where possible, specificity is more respectful. For the purpose of this submission, we have chosen to use the term ‘First Nations’. We acknowledge that not all First Nations will identify with that term and that they may instead identify using other terms or with their immediate community or language group.

First Laws is a term used to describe the laws that exist within First Nations. It is not intended to diminish the importance or status of the customs, traditions, kinship and heritage of First Nations in Australia. The EDO respects all First Laws and values their inherent and immeasurable worth. EDO recognises there are many different terms used throughout First Nations for what is understood in the Western world as First Laws.

The role of EDO & First Nations Peoples

EDO is a non-Indigenous community legal centre that works on behalf of First Nations peoples around Australia in their efforts to protect their Countries and Cultural Heritage from damage and destruction. EDO has and continues to work with First Nations clients who have interacted with Western laws, including litigation and engaging in Western law reform processes.

Out of respect for First Nations self-determination, EDO’s recommendations for Western law reform in relation to First Nations matters are high-level, so as to support First Nations to protect their Countries and Cultural Heritage as they see fit. These high-level recommendations are informed by EDO’s engagement with and on behalf of First Nations clients and communities. In making this submission, EDO cannot and does not speak on behalf of First Nations peoples or groups.

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Executive Summary

1. Environmental Defenders Office welcomes the opportunity to comment on the exposure draft of the National Environmental Standard (Data and Information) 2026 and the *Draft Policy Position Paper: National Environmental Standard for Data and Information*.
2. EDO supports a National Environmental Standard for Data and Information. As recognised by the independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (**Samuel Review**):

“Decision-makers, proponents and the community do not have access to the best available data, information and science. This results in sub-optimal decision-making, inefficiency and additional cost for business, and poor transparency for the community”.

A National Environmental Standard for Data and Information has a key role to play in ensuring environmental decision making is underpinned by robust data and information.

3. EDO generally supports the Objective, Outcomes and Principles set out in the draft Data and Information Standard. However, we are concerned that certain provisions in the Standard undermine the Objective, Outcomes and Principles and will mean that the Standard will not be effective in driving better data and information. These problematic provisions should be removed.
4. We also recommend ways in which the Objective, Outcomes and Principles could be strengthened to ensure robust standards for data and information.
5. Our submission is structured as follows:
 - Introduction
 - Key concerns with the exposure draft Data and Information Standard
 - The Objective and Outcomes should be clarified
 - Provisions that displace the Objective and Outcomes should be removed, as they render the Objective and Outcomes largely irrelevant
 - Provisions that undermine the detailed requirements in the Principles should be removed, as they mean those requirements don't actually need to be met
 - Principles should be strengthened to better support achieving the Objective and Outcomes
 - The Standard should directly reference supporting elements, such as guidelines and registers of trusted environmental data and information assets
 - Application of the Data and Information Standard should be clarified
 - Appendix A – Marked-up version of the draft Data and Information Standard
6. A summary of our key recommendations is set out below. A marked up version of the Standard at **Appendix A** demonstrates how our recommendations could be implemented.

Summary of Key Recommendations

Recommendation 1: Amend the Objective of the draft Data and Information Standard to more clearly articulate what is appropriate data and information and to require data and information to be best available; and to clarify the role of the Standard in requiring credible and comparable data. See Appendix A for marked up amendments to the Objective.

Recommendation 2: Amend section 6 of the draft Data and Information Standard to frame the Outcomes as achieving the Objective, rather than promoting the Objective. See Appendix A for marked up amendments to section 6.

Recommendation 3: Delete subsection 7(3) from the draft Data and Information Standard.

Recommendation 4: Delete subsection (2)(b) from each of the Principles in the draft Data and Information Standard, namely subsections 8(2)(b), 9(2)(b), 10(2)(b), 11(2)(b) and 12(2)(b).

Recommendation 5: Amend Principle 2 to explicitly refer to transparent data and information; and to require that the data and information include, or be accompanied by appropriate contextual information, that includes 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. See Appendix A for marked up amendments to Principle 2.

Recommendation 6: Clarify what is meant by “internally consistent” for the purpose of Principle 3.

Recommendation 7: Incorporate the Notes in Principle 5 into the Principle itself as clear, direct requirements, including by co-designing the wording with relevant First Nations stakeholders. See Appendix A for marked up amendments to Principle 5.

Recommendation 8: Insert an additional Principle into the Standard that requires data and information to be appropriate, in line with the Objective of the Standard. See Appendix A for marked up amendments introducing an additional principle into the Standard.

Recommendation 9: Amend the draft Data and Information Standard to clearly reference the role of data and information in supporting cumulative impact assessment. See Appendix A for marked up amendments to Principle 3 that reference cumulative impact assessment.

Recommendation 10: Insert a requirement within each Principle requiring that data and information comply with relevant guidelines made for the purpose of the Standard, as in force from time to time. See Appendix A for marked up amendments.

Recommendation 11: Insert an explicit reference in the Standard to the register of trusted environmental data and information assets as a source of data and information. See Appendix A for marked up amendments.

Recommendation 12: Consistent with the Samuel Review and the *Draft Policy Position Paper: National Environmental Standard for Data and Information*, put in place measures that would require the Data and Information Standard to be applied to the collection and use of data, and decision making, beyond Part 9 approvals.

Introduction

7. Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the Exposure draft of the National Environmental Standard (Data and Information) 2026 (**draft Data and Information Standard**) and the *Draft Policy Position Paper: National Environmental Standard for Data and Information* (**draft Policy Paper**).¹
8. National Environmental Standards were the lynchpin of recommendations made by Professor Graeme Samuel AC in his independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (**Samuel Review**).² The Samuel Review recommended a suite of Standards, including one pertaining to Data and Information.

9. The Samuel Review found that:

“Decision-makers, proponents and the community do not have access to the best available data, information and science. This results in sub-optimal decision-making, inefficiency and additional cost for business, and poor transparency for the community”.³

The Review envisaged a “national supply chain of information” that would “deliver the right information at the right time to those who need it”.⁴

10. In that context, a draft National Environment Standard for Data and Information was included in the Samuel Review. That draft Standard proposed a Custodian of information, National Environmental Information Assets, sharing and publishing of information and requirements for project proponents to provide information consistent with Custodian guidance including for compatibility, searchability and accessibility.
11. Several elements of the Samuel Review draft Standard, such as a Custodian of data and information and publicly available National Environmental Information Assets, have been implemented via the *Environment Information Australia Act 2025* which establishes Environment Information Australia (**EIA**). Among EIA’s functions is providing the Minister, CEO of the National Environment Protection Agency (**NEPA**) and the public with high quality information and data relating to the environment, preparing State of the Environment reports, establishing and maintaining environmental economic accounts and declaring national environmental information. For that reason, the draft Data and Information Standard appears primarily focused on the quality and credibility of data, and less so the availability of data.
12. As explained in the draft Policy Paper:

“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

¹ <https://consult.dcceew.gov.au/national-environmental-standard-data-and-information>

² Samuel, G, 2020, *Independent Review of the EPBC Act – Final Report*, Department of Agriculture, Water and the Environment (Samuel Review).

³ Samuel Review, p22.

⁴ Samuel Review, p22.

information available for reporting and decision-making under the EPBC Act”.⁵

The Data and Information Standard will therefore have a key role to play in delivering the “quantum shift” that the Samuel Review said is needed to ensure environmental decision making is underpinned by better data and information.

13. Our submission identifies key areas of concern with the draft Data and Information Standard, and makes recommendations for strengthening it to ensure that data and information underpinning environmental decision making, including in relation to assessments and decision-making under the EPBC Act, is robust, reliable and fit-for-purpose.

Key concerns with the Exposure draft Data and Information Standard

1. The Objective and Outcomes should be clarified and strengthened

1.1. Section 5 - Objective

14. The proposed Objective of the Data and Information Standard is as follows:

“The objective of this 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”.

15. It is 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. This could be done by direct amendments to the Objective (see Recommendation 1), and/or additions to the Principles of the Standard itself (see Recommendation 8).
16. 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 draft Policy Paper⁶ and would help ensure that data and information used is the most recent and reliable, which is vital to inform environmental decision-making.
17. 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). The Objective should also recognise, consistent with the Draft Policy Paper,⁷ that data and information might be used for other purposes (e.g. under other Commonwealth environment programs), and not just for decision making. As noted above, other

⁵ Draft Policy Position Paper: National Environmental Standard for Data and Information, p 3.

⁶ Draft Policy Position Paper: National Environmental Standard for Data and Information, p 3.

⁷ Draft Policy Position Paper: National Environmental Standard for Data and Information, p 3.

measures to improve the availability of data have been implemented via the *Environment Information Australia Act 2025*.

Recommendation 1: Amend the Objective of the draft Data and Information Standard to more clearly articulate what is appropriate data and information and to require data and information to be best available; and to clarify the role of the Standard in requiring credible and comparable data.

See **Appendix A** for marked up amendments to the Objective.

1.2. Section 6 – Outcomes

18. Section 6 of the draft Data and Information Standard should be amended to frame the Outcomes as achieving the Objective, rather than promoting the Objective. This would shift the framing to be more outcomes-focused (e.g. achieving the Objective) rather than process-focussed, and would be consistent with the language in section 514YD of the EPBC Act which frames Objectives as needing to be achieved.

Recommendation 2: Amend section 6 of the draft Data and Information Standard to frame the Outcomes as achieving the Objective, rather than promoting the Objective.

See **Appendix A** for marked up amendments to section 6.

2. Provisions that displace the Objective and Outcomes should be removed, as they render the Objective and Outcomes largely irrelevant

19. EDO is concerned that subsection 7(3) of the draft Data and Information Standard effectively renders the Objective and Outcomes, and in some cases, even the Principles, of the Standard meaningless. We have raised similar concerns with respect to similar provisions in other draft Standards.⁸
20. Subsection 7(3)(a) of the draft 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.
21. 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

⁸ See:

- EDO, Submission on the exposure draft of the National Environmental Standard (Matters of National Environmental Significance) 2026, May 2026, <https://www.edo.org.au/wp-content/uploads/2026/06/260529-FINAL-with-appendix-EDO-sub-second-draft-MNES-Standard.pdf>
- EDO, Submission on the Exposure draft of the National Environmental Standard for Environmental Offsets, June 2026, <https://www.edo.org.au/wp-content/uploads/2026/06/260609-EDO-Submission-Exposure-Draft-Environmental-Offsets-Standard-and-Appendix-A.pdf>

draft Data and Information Standard or the making or varying a bioregional plan or a bioregional guidance under subsection 7(3)(e) of the Data and Information Standard.

22. As explained in EDO’s submission on the exposure draft of the National Environmental Standard (Matters of National Environmental Significance) 2026,⁹ these subsections may not be compliant with EPBC Act requirements under subsections 514YD(4)(a)-(b), which state a Standard *must* prescribe one or more Outcomes or Objectives, but *may* prescribe “principles by why an outcome or objective is to be achieved”. This demonstrates a legislative intent that the Outcomes and Objectives are to provide a clear, effective protection for the environment, with optional Principles to be added to guide how this can be achieved.
23. 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.

Recommendation 3: Delete subsection 7(3) from the draft Data and Information Standard.

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

24. 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*

⁹ EDO, Submission on the exposure draft of the National Environmental Standard (Matters of National Environmental Significance) 2026, May 2026, pp 9 – 12.

- (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.*

25. Subsection (2)(b) of each Principle 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.

Recommendation 4: Delete subsection (2)(b) from each of the Principles in the draft Data and Information Standard, namely subsections 8(2)(b), 9(2)(b), 10(2)(b), 11(2)(b) and 12(2)(b).

4. Principles should be strengthened to better support achieving the Objective and Outcomes

26. In general, EDO supports the intent of the Principles, including data and information that is representative, transparent, comparable, reusable and ethically collected and managed.
27. However, as noted above, we are concerned that, as drafted, particular subsections undermine the detailed requirements in the Principles. Further, certain Principles could be strengthened through amendments, as outlined in more detail below.

4.1 Principle 2 of the Data and Information Standard should be strengthened to better achieve transparency and consistency of data and information

28. Principle 2 deals with transparency and requires that data and information are reliable and sufficiently described to enable informed use. Despite the fact that “transparency” is in the title of Principle 2, the term is not explicitly used within the Principle itself, and it is not clear that “reliable and sufficiently described” also means “transparent”. Subsection 9(1) should be amended to include the term “transparent”.
29. Further, 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.

Recommendation 5: Amend Principle 2 to explicitly refer to transparent data and information; and to require that the data and information include, or be accompanied by appropriate contextual information, that includes 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.

See **Appendix A** for marked up amendments to Principle 2.

4.2 Principle 3 requires clarification in relation the meaning of “internally consistent”

30. 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.?

Recommendation 6: Clarify what is meant by “internally consistent” for the purpose of Principle 3.

4.3 Key requirements for the ethical collection, management and use of data must be embedded in the Principle 5 (and not left to Notes)

31. 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:*
- (i) *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*
 - (ii) *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.*

32. 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 Paper.¹⁰ They are also defined within the Definitions section of the draft Data and Information Standard. They should be included in the Principle itself as clear, direct requirements (e.g. a person must respect Indigenous rights and cultural governance), rather than simply being optional guidance in a Note.
33. Further, the wording of this Principle should be co-designed with relevant First Nations stakeholders. The Principle may need to be strengthened following feedback from First Nations, in particular in relation to the specificity of requirements to protect Indigenous Cultural and Intellectual Property.

Recommendation 7: Incorporate the Notes in Principle 5 into the Principle itself as clear, direct requirements, including by co-designing the wording with relevant First Nations stakeholders.

See **Appendix A** for marked up amendments to Principle 5.

4.4 An additional principle relating to appropriate data and information should be added to the Standard

34. An additional Principle relating to appropriate data and information should be added to the Standard. As noted above, the proposed Objective of the Data and Information Standard requires that decisions made under the Act are based on appropriate data and information, but the Standard does not provide clear guidance on what is meant by “appropriate”. Ensuring data and information is appropriate and fit-for-purpose for a decision is important - data may be representative, transparent, comparable, reusable and ethically managed, but is it the right data for informing a decision?
35. The Objective of the Standard could be better achieved by including an additional Principle in the Standard that requires data and information to be appropriate. This includes relevant data and information drawn from First Nations cultural knowledge and expertise. As per our recommendation above, the wording of such a Principle should be co-designed with First Nations stakeholders. For example:

Principle X - Appropriate data and information

- (1) *Data and information used in, or for the purposes of, making a decision under the Act must be appropriate for the decision for which it is relied upon.*

¹⁰ Draft Policy Position Paper: National Environmental Standard for Data and Information, p 2.

(2) Subsection (1) will be satisfied if:

- (a) the data and information are relevant to the matters required to be considered for the purpose of making the decision; and
- (b) the data and information are fit for the purpose for which it is used;
- (c) the data and information are sufficient, when considered together with all other relevant data and information, to support evidence-based decision-making; and
- (d) the data and information include relevant Indigenous cultural knowledge, subject to ICIP protection.
- (e) the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.

Recommendation 8: Insert an additional Principle into the Standard that requires data and information to be appropriate, in line with the Objective of the Standard.

See **Appendix A** for marked up amendments introducing an additional principle into the Standard.

4.5 The role of data and information in cumulative impact assessment should be recognised in the Principles

- 36. The draft Policy Paper recognises, in the context of both Principle 3 and Principle 4, that comparable and reusable data can help support cumulative impact assessment.¹¹ However, this is not clearly reflected in the Standard itself.
- 37. The Standard could be amended to clearly reference the role of data and information in supporting cumulative impact assessment. For example, Principle 3 – comparable data and information, at subsection 10(1) could be amended as follows:

Data and information used in, or for the purposes of, making a decision under the Act are internally consistent in the practices, formats, structures and measurements applied to enable ease of comparison, including in relation to the assessment of cumulative impacts.

Recommendation 9: Amend the draft Data and Information Standard to clearly reference the role of data and information in supporting cumulative impact assessment.

See **Appendix A** for marked up amendments to Principle 3 that reference cumulative impact assessment.

5. The Standard should directly reference supporting elements, such as guidelines and registers of trusted environmental data and information assets

- 38. The draft Policy Paper states:

¹¹ Draft Policy Position Paper: National Environmental Standard for Data and Information, p 17 – 18.

“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”.

39. 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 technical guidance will need to be regularly updated to ensure it aligns with the best available science, the Standard could generally require the application of technical guidance as in force from time to time.
40. Similarly, the Standard does not specifically reference a register of trusted environmental data and information assets, so if such a register is created, the Standard would not require it to be used. Explicit reference to the register as a source of data and information should be added to the Standard (for example at subsection 8(2)(a)(iv)).

Recommendation 10: Insert a requirement within each Principle requiring that data and information comply with relevant guidelines made for the purpose of the Standard, as in force from time to time

Recommendation 11: Insert an explicit reference in the Standard to the register of trusted environmental data and information assets as a source of data and information.

See **Appendix A** for marked up amendments that implement these recommendations.

6. Application of the Data and Information Standard should be clarified

41. The draft Policy Paper 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”.

42. 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 EIA in managing and improving environmental data.
43. 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 example, 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.

Recommendation 12: Consistent with the Samuel Review and the *Draft Policy Position Paper: National Environmental Standard for Data and Information*, put in place measures that would require the Data and Information Standard to be applied to the collection and use of data, and decision making, beyond Part 9 approvals.

*Thank you for the opportunity to make this submission.
Please do not hesitate to contact our office should you have further enquiries.*

Appendix A

EXPOSURE DRAFT



EXPOSURE DRAFT

National Environmental Standard (Data and Information) 2026

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

Dated

Murray Watt **DRAFT ONLY—NOT FOR SIGNATURE**

Minister for the Environment and Water

L\364737093.1

EXPOSURE DRAFT

EXPOSURE DRAFT

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EXPOSURE DRAFT

1 Name

This instrument is the *National Environmental Standard (Data and Information) 2026*.

2 Commencement

- (1) Each provision of this standard 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 standard as originally made. It will not be amended to deal with any later amendments of this standard.

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

3 Authority

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

4 Definitions

- Note: A number of expressions used in this standard are defined in the Act, including:
- (a) action
 - (b) impact
 - (c) NOPSEMA management or authorisation framework
 - (d) management or authorisation framework
 - (e) bioregional plan
 - (f) bioregional guidance plan

In this standard:

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

CARE principles means the data governance principles of collective benefit, authority to control, responsibility and ethics that are available at <https://www.gida-global.org/careprinciples>

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FAIR principles means the data governance principles of findable, accessible, interoperable, reusable that are available at <https://www.go-fair.org/fair-principles/>

metadata means data or information that describes and adds meaning to other data to support its interpretation.

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

provenance means the information about the history of data, including lineage, the inputs, entities, and activities by which it was produced.

5 Objective

The objective of this standard is to ensure that decisions made under the Act are based on appropriate, **best available** data and information that **is fit for purpose and sufficient to support evidence-based decision making and to extend the availability of that data and information is credible and comparable data and information assets** for use in such decisions, **and for other purposes.**

6 Outcomes

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

- (a) data and information used in decisions made under the Act are transparently described and representative.
- (b) data and information used in decisions made under the Act are comparable and reusable.
- (c) data and information used in decisions made under the Act are ethically collected, managed and used.

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, 11 and 12 of this standard.
- (2) Principles 1 and 2 are intended to promote the outcome in paragraph 6(a). Principles 3 and 4 are intended to promote the outcome in paragraph 6(b). Principle 5 is intended to promote the outcome in paragraph 6(c).

~~(3) A decision maker may be satisfied that:~~

-
- ~~(a) a decision to approve the taking of an action, taking into account any conditions to be attached to the approval, is consistent with the standard if the data and information provided in, or in relation to, the referral or assessment of the action, is consistent with the principles set out in this standard;~~

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-
- ~~(b) a decision to approve the taking of an action or class of actions in accordance with an endorsed policy, plan or program, taking into account any conditions to be attached to the approval, is consistent with the standard if the data or information provided in, or in relation to:~~
 - ~~(i) the report on the impacts to which the assessment relates; and~~
 - ~~(ii) the endorsed policy, plan or program;~~~~is consistent with the principles set out in this standard;~~
 - ~~(c) a management or authorisation framework is consistent with the standard if the framework requires the data and information provided in relation to the referral (however described) and assessment of the action or class of actions to either:~~
 - ~~(i) be consistent with the principles; or~~
 - ~~(ii) meet requirements that are equivalent in effect to the principles in this standard;~~
 - ~~(d) a NOPSEMA management or authorisation framework is not inconsistent with the standard if the framework requires the data and information provided in relation to the referral (however described) and assessment of the action or class of actions to either:~~
 - ~~(i) be not inconsistent with the principles; or~~
 - ~~(ii) meet requirements that are equivalent in effect to the principles in this standard;~~
 - ~~(e) making or varying a bioregional plan or a bioregional guidance plan is consistent with the standard if the data and information on which the plan is based are consistent with the principles.~~

8 Principle 1– Representative data and information

- (1) 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.
- (2) Subsection (1) will be satisfied if ~~either~~:
 - ~~(a)~~ ~~T~~the data and information meets all of the following:
 - ~~(ia)~~ the data and information was collected by a method that is scientifically robust and accounts for environmental conditions; and
 - ~~(ib)~~ 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
 - ~~(ic)~~ the data and information includes, or is accompanied by, appropriate explanations or mitigation strategies to manage uncertainties and gaps (if any); and
 - ~~(id)~~ the data or information are from or based on authoritative sources (for example published datasets **or register of trusted environmental data and information assets**), or where no authoritative source for particular data or information are available or accessible, an explanation

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is provided as to why the selected data or information are accurate and representative; ~~or and~~

(e) the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.

~~(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.~~

9 Principle 2– Transparent data and information

(1) Data and information used in, or for the purposes of, making a decision under the Act are reliable, **transparent** and sufficiently described to enable informed use.

(2) Subsection (1) will be satisfied if, ~~either:~~

~~(a) If~~ the data and information meets ~~both of~~ the following:

~~(ia)~~ the data and information include, or are accompanied by, adequate metadata; and

Note: What is adequate metadata for data and information will depend on the particular context and may include providing, for example, matters such as an identifier, title, description, point of contact, the creator, author or source, the custodian, the rights holder, any relevant licence, any access and use constraints, any sensitive data and information types, an uncertainty statement, temporal extent, spatial extent, update frequency, date created or accessed.

~~(ib)~~ the data and information include, or are accompanied by, appropriate contextual information, including in relation to:

- (A) whether any quality assurance and quality control processes were applied to the data and information and if so, what those processes were and a description of the resulting quality of the data and information;
- (B) a description of any technical or scientific methods that were applied to the data and information or used in its creation and an explanation of any deviations from these methods;
- (C) the provenance of the data or information;
- (D) version and change control;
- ~~(G) a description of any upfront assumptions or uncertainty related to the data;~~
- ~~(E) whether the data and information has been subject to AI technology;~~
- ~~(F) whether the creator, author or source had a conflict of interest in creating the data or information.~~

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(c) the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.

~~(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 reliable, transparent and traceable; or~~
- ~~———— (ii) — for all other decisions — the person providing the data and information has provided other evidence that demonstrates the data and information is reliable, transparent and traceable.~~

10 Principle 3– Comparable data and information

(1) Data and information used in, or for the purposes of, making a decision under the Act are internally consistent in the practices, formats, structures and measurements applied to enable ease of comparison, **including in relation to the assessment of cumulative impacts.**

(2) Subsection (1) will be satisfied if, ~~either:~~

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

~~(ia)~~ the data and information are structured in a way that is appropriate for the proposal; and

Note: What is appropriate for the proposal will depend on the context and may include using formats, schemas, data models and naming conventions. It may also include presenting the data and information in machine readable electronic format.

~~(iib)~~ the data and information are structured and presented using standardised measurement systems and established reference systems that are appropriate for the proposal and are used consistently; and

~~(iiic)~~ data and information use appropriate and consistent taxonomic and ecological classifications; ~~or~~ and

(d) the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.

~~(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 internally consistent in the practices, formats, structures and measurements applied; or~~
- ~~———— (ii) — for all other decisions — the person providing the data and information has provided other evidence that demonstrates the data and information are internally consistent in the practices, formats, structures and measurements applied.~~

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11 Principle 4 – Reusable data and information

- (1) Data and information used in, or for the purposes of, making a decision under the Act are collected, managed and provided in a way that enables reuse with minimal additional effort.

- (2) Subsection (1) will be satisfied if, ~~either:~~

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

- ~~(ia) the data and information are provided in a format that enables reuse with minimal additional effort; and~~
- ~~(ib) the data and information are accompanied by appropriate information to manage reuse, including (where relevant) information about any sensitivities, attribution, retention and disposal obligations, security controls, licensing and rights and consent arrangements; ~~or~~ and~~
- ~~(c) the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.~~

~~(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 collected, managed and provided in a way that enables reuse with minimal additional effort; or~~
- ~~(ii) for all other decisions the person providing the data and information has provided other evidence that demonstrates the data and information are collected, managed and provided in a way that enables reuse with minimal additional effort.~~

~~(d) the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.~~

12 Principle 5 – Ethical data and information

- (1) Data and information used in, or for the purposes of, making a decision under the Act are collected, managed and used responsibly to minimise harm, protect rights and privacy, and, where possible, incorporate cultural values.

- (2) Subsection (1) will be satisfied if, ~~either:~~

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

- ~~(ia) 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~~
- ~~(ib) 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~~

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~~Note: For example, (c) 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.~~

~~(d) the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.~~

~~(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 was collected, managed and provided responsibly to minimise harm, protect rights and privacy and, where possible, incorporate cultural values; or~~
- ~~(ii) for all other decisions — the person providing the data and information has provided other evidence that demonstrates the data and information was collected, managed and provided responsibly to minimise harm, protect rights and privacy and, where possible, incorporate cultural values.~~

13 Principle 6 - Appropriate data and information

- ~~(1) Data and information used in, or for the purposes of, making a decision under the Act must be appropriate for the decision for which it is relied upon.~~
- ~~(2) Subsection (1) will be satisfied if:
 - ~~the data and information are relevant to the matters required to be considered for the purpose of making the decision; and~~
 - ~~the data and information are fit for the purpose for which it is used; and~~
 - ~~the data and information are sufficient, when considered together with all other relevant data and information, to support evidence-based decision-making ;and~~
 - ~~the data and information include relevant Indigenous cultural knowledge, subject to ICIP protection; and~~
 - ~~the data and information complies with relevant guidelines made for the purpose of this Standard, as in force from time to time.~~~~