



Australian Land
Conservation Alliance

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

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

7 July 2026

Dear Environment Law Reform Taskforce,

RE: Submission on the draft Standard for Data and Information

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

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

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

ALCA is happy for our submission to be published.

Detailed legislative amendments to the Standard

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

Principles [section 7]

1. It is unclear why “*requirements that are equivalent in effect*” should be an option for adherence to the Principles. Unless this is subtle but deliberate legal construction that allows some proponents to adopt an approach that would otherwise be *inconsistent* with the principles, then this flexibility is unnecessary in practice. ALCA recommends that this potential ‘loophole’ be removed – the point of standards is to require firm and meaningful adherence to them, not allow adherence to ‘equivalent’ interpretations of them. ALCA recommends the following amendments (amendments in **bold**):

7 Principles

...

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

...

- (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~~ is 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:~~ is
- (i) ~~be~~ not inconsistent with the principles; ~~or~~
 - (ii) ~~meet requirements that are equivalent in effect to the principles in this standard;~~

Principles 1, 2 and 3 [sections 8, 9, 10]

2. ALCA recommends the following minor edits are made for clarity:

- a. Section 8(2)(a)(i) and (ii) should refer to data and information in the plural, not the singular, noting this is how 'data and information' are referred to elsewhere in the Standard (amendments in **bold**):
 - (i) the data and information ~~was~~ **were** collected by a method that is scientifically robust and accounts for environmental conditions; and
 - (ii) the data and information ~~was~~ **were** created, modelled or analysed using appropriate scientific or technical processes...
- b. Version and change control (section 9(2)(a)(ii)(D)) may not always be relevant; thus the provision should be amended as follows (amendments in **bold**):
 - (D) **where relevant**, version and change control; or

Principles 5 [section 12]

3. A person should *always* be required to make all reasonable efforts to collect data and information consistent with relevant Commonwealth, State and Territory laws; it is not sufficient that if this provision is not satisfied, that bioregional plans or 'other evidence' should be sufficient for a person involved in the collection can abrogate legal responsibilities (see: s12(2)). Indeed, the provision as written would allow illegally obtained data and information to be used for decision-making, which would be – prima facie – unethical, as well as very likely to be contrary to principles of natural justice.

ALCA recommends the following amendment to ensure that the person providing the data must *always* make all reasonable efforts to ensure that collection adheres to Australian laws (amendment in **bold**):

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

- (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

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

Yours sincerely,

Australian Land Conservation Alliance

About the Australian Land Conservation Alliance

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

Our twenty-three member organisations are:

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

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

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

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



EXPOSURE DRAFT

National Environmental Standard (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

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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>

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 data and information and to extend the availability of credible data and information assets for use in such decisions.

6 Outcomes

The following outcomes of the standard are intended to promote 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;
 - (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 is~~ 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) The data and information meets all of the following:
 - (i) the data and information ~~was-were~~ collected by a method that is scientifically robust and accounts for environmental conditions; and
 - (ii) the data and information ~~was-were~~ 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
 - (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 and sufficiently described to enable informed use.

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

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

- (i) 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.

- (ii) 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) where relevant, version and change control; or

(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.

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

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

- (i) 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.

- (ii) 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
- (iii) data and information use appropriate and consistent taxonomic and ecological classifications; or

(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.

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:
 - (i) the data and information are provided in a format that enables reuse with minimal additional effort; and
 - (ii) 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
 - (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.

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 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 either:

(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.

(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.