



Blue Mountains Conservation Society Inc

ABN 38 686 119 087

PO Box 29 Wentworth Falls NSW 2782

Phone: 0490 419 779

E-Mail: bmcs@bluemountains.org.au Web Site: www.bluemountains.org.au

Nature Conservation Saves for Tomorrow

Date: 7 July 2026

Minister Watt

Minister for the Environment

DCCEW

submitted via online portal:

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

Dear Minister Watt,

The Blue Mountains Conservation Society (the Society) is a community-based volunteer organisation with over 900 members. Our mission is to help protect, conserve and advocate for the natural environment of the Greater Blue Mountains. In fulfilling its mission the Society advocates for the protection of the Greater Blue Mountains World Heritage Area and adjoining natural, protected areas. The Society's members are deeply dedicated to the protection of Australia's biodiversity, and expect the Federal government to implement the strongest laws that will be effective in ensuring no further loss of our natural places, plants and animals.

The Society is commenting on the "National Environmental Standard (Data and Information) Exposure Draft" (the Exposure Draft) and the "Updated Draft Policy Position Paper NES for Data and Information" (the draft Data and Information Policy) in two separate uploaded documents.

The Society is pleased to see the release of this important Standard and the opportunity to provide feedback. It has long been a concern of the conservation community that assessments for actions affecting Matters of National Environmental Significance (MNES) are based upon inadequate data, which is largely outdated and incomplete. Informed decisions that will ensure adequate protection for Australia's natural places cannot be made if the data used is lacking.

The Society is not of the opinion that these draft Standards will adequately address these concerns and we have detailed our reasons in the following pages.

However, we are of the view that this draft is an important first step. The Society further recommends that this Standard, once implemented, be reviewed within three years to assess its effectiveness and determine what changes should be made.

The attached response addresses the National Environmental Standard (Data and Information) Exposure Draft.

Thank you for the opportunity to comment on this important Standard. The Society values the emphasis that your Department places on community engagement.

Yours sincerely,

A handwritten signature in black ink that reads "Annette Sartor". The script is cursive and fluid, with the first name "Annette" and the last name "Sartor" clearly distinguishable.

Dr Annette Sartor
President
Blue Mountains Conservation Society
president@bluemountains.org.au

Comments on National Environmental Standard (Data and Information) Exposure Draft.

5 Objective Page 2

The stated Objective of the 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.”

This objective, whilst being suitable, is not met by the current Principles of the Standard. The Society’s reasons are contained in the remainder of the document.

6 Outcomes Page 2

The Outcomes intended to promote the Objective above are:

- “(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. “

The use of the terms “representative, comparable, reusable” as in the context of this draft Standard fail to provide an understanding of the outcome’s intention, and hence it cannot be determined if the Outcomes will be achieved, nor if the Objectives are met.

Recommendation:

The meaning of following terms used above need to be clarified in the context of the Standards:

- representative
- comparable
- reusable

7 Principles Page 2

Outcomes not met by the Principles

In the Society’s view, the outcomes detailed in 6 Outcomes above will not be sufficiently met by the Principles. Our reasoning is included in a discussion of each Principle below.

It is unclear who the relevant decision-maker will be for each of the Principles being met by the proponent. Although there is reference to a “decision-maker” in the Policy Position Statement, this should be clarified in the Act itself.

Recommendation:

Clarify in the Act the position and role of the decision-maker referred to in each of the five Principles listed below.

8 Principle 1– Representative data and information Page 3

Subsection (1) states:

“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.” (emphasis added)

Whilst there are details in Subsection (2) about how Subsection (1) may be satisfied, the Society questions who decides if the above requirement is met. Is the decision-maker the Minister, someone in the Minister’s office or someone independent e.g. from the EPA? These details are lacking from the Act.

Subsection (2)

The Society is encouraged to read that a requirement for scientifically robust methods of data collection and analysis. However, we are concerned about the following statement in (2) (iv):

“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;”

The Standard attempts to overcome this problem in Subsection (2) (b), through use of data from a bioregional plan or “other evidence” if there is no bioregional plan. An “explanation” for absent, scientifically rigorous data cannot compensate for the lack of actual data.

In relation to this matter, the Society questions what the Minister will accept as an “authoritative source” beyond published datasets or what constitutes a suitable explanation for why the data is accurate and representative. Neither is there any suggestion as to what the Minister will decide if there is no suitable data for use i.e. if Subsection (2) (a) and (b) are not satisfied.

Recommendations:

- Details of the decision-maker need to be included in the Act.
- If scientifically rigorous data is missing, and no other suitable sources of existing data can be located then the data cannot be accepted as adequate to meet Principle 1. In this case, the proposed action cannot be allowed.

9 Principle 2– Transparent data and information Page 4

Subsection (1) page 4 states:

“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.”

The Society commends the inclusion of metadata and contextual information in this Principle, as it is important to enable accurate referencing and reuse of the data by other researchers or decision-makers.

Subsection (2) (b) states that evidence other than the metadata outlined in (2) (a) may be suitable for consideration when the requirements for data in (a) are not met. It is not clear what other evidence may be suitable, nor who will make the determination of its suitability.

Recommendations:

- Details of the decision-maker in relation to suitable evidence needs to be included.
- A statement about the type of suitable evidence raised in (2) (b) needs clarification.

10 Principle 3– Comparable data and information Page 5

Subsection (1) states:

“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.”

The term “internally consistent” also forms part of Subsection (2).

The Society commends the inclusion of this requirement in the Standard and agrees it will contribute to achieving Outcome (b). However, the meaning of “internally consistent” in this context is unclear and fails to inform the reader as to what is required.

Recommendation:

- The use and meaning of the term “internally consistent” in this context needs clarification to enable the reader to understand their responsibility.

11 Principle 4 – Reusable data and information Page 5

Recent scientific opinion makes clear that sharing data can increase findability and prevent data loss, and allow others to repurpose data, facilitating collaborative science and increasing the impact of data and research connected to it^{1,2}. The Society has long been concerned that assessments completed in relation to actions affecting MNES are based on

¹ Jantzen, C.C and Vriend, S.J.G. (2026) “Putting FAIR into practice for ecologists: How to make ecological data more reusable.” *Ecological Informatics*, Vol 95 accessed at <https://www.sciencedirect.com/science/article/pii/S1574954126001184>

² Stephanie van de Sandt, Sünje Dallmeier-Tiessen, Artemis Lavasa, Vivien Petras (2019) “The Definition of Reuse.” *Data Science Journal* Vol 18 accessed at <https://datascience.codata.org/articles/10.5334/dsj-2019-022>

incomplete data contained in state and federal government websites. There exists a considerable amount of data which may be difficult to find, located in papers, specialist websites (e.g. BirdLife Australia) and field researchers' own notebooks. Establishing effective systems to ensure that data is shared in an easy to access, central resource would be immensely valuable.

The draft Standard does not make clear what "reuse" of data means, nor why it is useful and hence it is confusing for most readers.

Recommendation:

A definition of the term "reusable" as occurring in the standard could be included as a footnote in the Act itself.

12 Principle 5 – Ethical data and information Page 6

In Principle 5 subsection (1) it is stated that the data and information are required to "where possible, incorporate cultural values".

Including the qualification "where possible" in this statement suggests that the incorporation of cultural values will not always be collected. In this case, will there be a requirement that the proponent must give valid acceptable reasons for the failure to include "cultural values"? What does the term "cultural values" mean and to which cultural values does it refer?

Subsection (2) states:

- (a) (i) That "reasonable efforts" must be made to collect data and information. It is not clear who will make the decision as to whether this requirement has been fulfilled. Given the complexity at times of identifying the appropriate custodian in question, there needs to be careful oversight by the Minister or the EPA in this regard.

This requirement risks becoming a tick-a-box exercise which may not be adequately addressed by proponents.

Recommendations:

- Clarification is needed about who decides the requirement detailed above has been met
- Reword of the Principle to ensure that it does not become a "tick-a-box" exercise, without meaningful engagement with the relevant Aboriginal community.