

7 July 2026

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Acting Deputy Secretary
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Chamber of Commerce
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Dear Deputy Secretary

Consultation: National Environmental Standard: Data and Information

The Chamber of Commerce and Industry of Western Australia (CCIWA) is the peak body advancing trade and commerce in Western Australia, representing businesses of all sizes across the breadth of the economy.

Thank you for the opportunity to provide comment on National Environmental Standard (NES) Data and Information. The Federal Government has reformed the Environment Protection and Biodiversity Conservation (EPBC) Act with a clear intent – better for the environment, better for business. The NES are critical to delivering this intent.

The NES Data and Information intends to apply best practice data governance and management to EPBC approvals and ensure broad alignment with the Australian Public Service (APS) approach to data governance and management.

However, we are concerned that these systems may result in competing priorities and, in some instances, significant compliance and cost burden. There appears to be a significant reliance on guidance and policy yet to be released and without this documentation, it is difficult to support the NES Data and Information in its current form. We are concerned by the practical tensions of this NES' implementation.

With this in mind, we raise the following for consideration:

- **Legacy data management and context:** There is a risk that historical data becomes non-compliant, due to changes in ownership of a project or changes outside a proponent's control. The standard is silent as to how to protect legacy data in this circumstance. We suggest that there should be some general protection and allowance for data to be acknowledged as legacy data.
- **Ensuring 'practical' and 'proportionate' are embedded:** Data and information requirements should remain proportionate to the scale, complexity, and environmental risk of a proposal. The NES, as current, leaves proportionality assessments to further guidelines and documentation. CCIWA suggests that

proportionality is reflected and referenced more within the NES, to highlight that different circumstances should have different thresholds of information requirement. Further, the final guidance should also expressly recognise remote-area survey constraints. In remote environments, further field surveys may be impractical, unsafe or unlikely to materially reduce uncertainty within project timeframes. Alternative lines of evidence, including modelling, desktop assessment, existing survey data and expert analysis, should be supported where appropriate.

- **Inconsistency with external principles:** Best practice principles (such as CARE, FAIR) may not align with APS best practice and may evolve overtime. CCIWA recommends removing the reference to websites within the NES and instead define the core data principles through written definition.
- **A need for adequate safeguards:** Principle 5 could better highlight that commercially sensitive information is important to protect, and the principle should not create open-ended obligations around cumulative impact assessment or automatic data reuse. There are also concerns around artificial intelligence (AI) and the robustness of data created or generated with AI. We suggest that clear guidelines and requirements to protect information must be developed as a priority, outlining the security required. This should include restrictions on how long commercially sensitive data is held.

We also note and support alignment of the NES MNES with both the future NES First Nations and amendments to the *Aboriginal and Torres Strait Islander Heritage Protection (ATSHIP) Act*. We look forward to contributing to these processes as opportunities arise.

Further, we seek confirmation of the consultation timeline for future NES consultation and request appropriate timeframes to allow for fulsome feedback. This will allow industry greater visibility on the rollout of the NES. Ideally, we seek consultation to extend to regulations and policies which significantly influence the application of the NES. As noted above, this is of particular importance to the delivery of the NES Data and Information.

Ultimately, the NES Data and Information needs to be workable, realistic, and concise. In our view, each NES should be able to standalone as a document, while aligning with other NES and legislation.

Should you wish to discuss the content of this letter further, please do not hesitate to contact Dr Daniel Kiely, Chief Economist, via

Yours sincerely

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