

6 July 2026

TO: Department of Climate Change, Energy, the Environment and Water

RE: National Environmental Standard for Data and Information

Introductory remarks

AMEC appreciates the opportunity to provide comment on the proposed National Environmental Standard for Data and Information. AMEC supports the intent of the Standard and welcomes the Australian Government's efforts to address long-standing issues of fragmented, inconsistent and incomplete environmental data, as identified in the Samuel Review. Improving the quality, consistency, transparency of and access to environmental data is critical to strengthening evidence-based decision-making under the EPBC Act and supporting more timely and credible regulatory outcomes.

About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry association representing over 550 member companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value. Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 314,000 people. In 2025-26, the industry generated \$383 billion in resource exports, invested \$3.95 billion in exploration expenditure to discover future mines, and collectively paid over \$59.4 billion in royalties and taxes.

General comments

While the policy direction of the draft Standard is broadly supported, AMEC's primary concern relates to how the Standard will operate in practice, particularly for junior explorers and small to mid-tier mining proponents. Although proportionality is acknowledged, it is not yet sufficiently embedded in enforceable requirements. Without clearer, risk-based scaling of obligations, the Standard risks operating as a "one-size-fits-all" framework, potentially imposing disproportionate costs, administrative burden and risk on early-stage and low-impact projects that operate under very different conditions from large-scale developments. AMEC is also concerned by practical tensions in implementation. For example, exploration activities inherently involve incomplete information, seasonal survey constraints, and evolving datasets which creates a tension with the Standard's proposed focus on "decision-ready" data and rigorous documentation of uncertainty.

AMEC supports the non-regressive intent of the Standard. However, where requirements are uncertain or reflect best practice rather than core obligations, they should be addressed in guidance, not embedded in the Standard.

Including exceptions and niche scenarios risks unnecessary complexity, disruption and compliance burden if not fully resolved upfront. The Standard should be confined to essential requirements, with flexibility provided through guidance. As practices mature, they can be incorporated into the Standard over time.

A single compliance framework where proportionality is not yet sufficiently embedded in enforceable requirements will impact smaller proponents

The policy guidance notes that the standard will require formal compliance statements, detailed metadata, validation and documentation of uncertainty. A key concern is that the Standard applies a single compliance architecture across all project types and data sources. Large elements of the mineral and exploration industry will find this challenging and potentially unworkable as the smaller end of the sector do not possess data governance specialists or skills, operate on tight capital budgets and rely on small consultant teams to provide this capability. Higher upfront compliance costs to meet the Standard will likely prove to be a barrier. This must be considered with other accumulating and compounding costs presently faced by the industry, including energy, labour, development and operational expenses.

Further, the policy guidance indicates that proponents would be required to certify that all principles in the Standard are met, that data is fit-for-purpose and that uncertainty has been appropriately managed. Inevitably there is highly likely to be points in the process where data gaps are unavoidable and information is evolving (especially in the exploration process). This ultimately may shift disproportionate risk onto early-stage proponents (arguably unfairly impacting the smaller end of the industry). Early-stage exploration and mining projects are very different from large mines or major infrastructure projects. Some exploration activities cause little or no ground disturbance. Applying the same compliance framework to all projects, and without stronger proportional safeguards, is likely to create unintended burdens for smaller proponents.

AMEC is concerned the Standard may, in practice, be interpreted as requiring a “gold standard” of data regardless of project stage or risk. The absence of complete or methodologically perfect data should not prevent approval where information is sufficient to support an informed decision. A prescriptive, checklist-based approach risks prioritising process over outcomes and could delay or impede projects despite adequate, fit-for-purpose evidence.

AMEC would welcome greater consideration that what is sought from proponents is scaled subject to their project size, project location, impact and development stage. While proportionality is acknowledged as an intention in the policy guidance (via future guidance), if it is not clearly embedded or enforceable, it may mean its application may not be universal or objective, subject to discretion and is likely to create uncertainty and anxiety within the sector. AMEC’s concern is not that proportionality is absent in intent, but rather it is not yet sufficiently embedded in the operative requirements of the Standard itself.

Recommendations

- **Embed proportionality in the Standard.** AMEC strongly supports a Standard that is proportionate to project scale, project location, impact and stage. Requirements must clearly differentiate between early-stage / low impact projects and advanced development activities. A risk-based framework, with reduced reliance on subjective regulatory discretion, is essential to provide certainty and avoid imposing unnecessary compliance burdens on low-impact proponents.
- **Ensure flexibility.** The final standard should more clearly recognise that proponents can rely on existing baseline surveys, legacy datasets and mixed-quality historical information where limitations are disclosed and the information remains fit for the decision.

Cost increases for smaller proponents could hinder, not enable projects to proceed

The Standard introduces new obligations around metadata, compliance statements, protocols, validation and documentation of uncertainty. For junior proponents with limited in-house capability, these requirements may significantly increase upfront costs at early project stages, before project viability is established. Many small companies rely on existing studies, past surveys, Traditional Owner knowledge, public datasets, or consultant reports. These often do not meet modern data standards but still provide valuable information.

While the policy guidance does suggest (and in places encourages) reliance on existing datasets, including shared, trusted and previously collected information, the concern is the way reliance is framed still leaves practical gaps that matter for smaller proponents and that older data may be rejected even when it is useful for a decision (making the perfect the enemy of the good). The Standard promotes data reuse but does not yet give enough certainty that reliance on existing data will actually reduce data collection demands for small and early-stage projects.

AMEC maintains the Standard rightly promotes reuse of existing datasets, but clearer direction is needed so reuse genuinely reduces cost and delay for small proponents especially where existing data is sufficient to manage risk through avoidance or conditions.

Recommendations

- **Avoid disproportionate upfront cost burdens.** The Standard must align data and reporting requirements with project maturity and risk. Imposing full compliance obligations at early exploration stages is inappropriate and risks discouraging investment in greenfields exploration. A staged or phased approach to compliance is essential, allowing requirements to increase in line with project progression and risk profile.
- **Provide clear, consistent and implementable guidance.** To ensure the Standard is workable in practice, clear and consistent supporting guidance must be developed. This should include standardised templates and fit-for-purpose, sector-specific

guidance for different stages across the same industries (i.e. exploration compared to mining). Consistent application across jurisdictions is critical to avoid duplication, delays and increased costs for proponents.

Impact of seasonal windows and its interaction with the Standard

Many environmental surveys can only be done at certain times of year depending when plants and animals are detectable. For example, flora surveys need plants to be flowering or identifiable and bird surveys depend on seasonal presence, nesting or migration. Outside these windows, surveys can miss species that are actually present, underestimate habitat value or be considered invalid by regulators.

Large projects can often withstand seasonal windows as they may already be operating across multiple years, can afford to “wait out” delays and have ongoing survey programs. Smaller proponents however operate on tight budgets, rely on short funding cycles, often need timely regulatory clarity to proceed or raise capital and may only plan one short field campaign. If a regulator requests additional surveys after a seasonal window has closed, that can delay a project significantly, impacting project economics and investor confidence.

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. A particular challenge experienced in Northern Australia has been the ability to safely access areas to undertake surveys in “optimal seasons” for flora and fauna. The wet season can limit safe access on roads, as can cyclones and lightening affects. There have also been challenges with obtaining land access and coverage of areas surveyed due to cultural exclusion zones which can influence data completeness. AMEC cautions the regulator must consider these variables when assessing what an optimal outcome is compared to a good outcome and avoid making the perfect the enemy of the good. Alternative lines of evidence, including modelling, desktop assessment, existing survey data and expert analysis, should be supported where appropriate.

The policy guidance does recognise limits, outlining that proponents may explain when data collection is impractical or unlikely to materially reduce uncertainty. However, tension arises because the Standard also emphasises decision-ready data and requires documentation of uncertainty and residual risk. In practice, this can lead to further survey requests, deferrals or reluctance to accept partial or desktop evidence. Ultimately, where seasonal constraints prevent further survey work, decision-makers should proceed using the best available information, with uncertainty managed through conditions, rather than delaying decisions unless the risk is likely to be unacceptable. This would ensure decision-makers are able to proceed using best available information, with uncertainty transparently managed.

Recommendations

- **Recognise operational and seasonal constraints.** Environmental data collection is often subject to land access, cultural, seasonal and logistical constraints. The Standard should allow proponents to rely on best available data where such limitations apply, with any residual uncertainty managed through proportionate approval conditions.

Clear guidance on acceptable alternative evidence is required to avoid unnecessary delays to project timelines.

Data sharing and reuse is welcome but confidential and culturally sensitive information must be protected

The proposed Standard shifts the role of proponents from providing information solely to support a regulatory decision, to providing data that can also be reused and shared more broadly across the system. In principle, improved data sharing and reuse has the potential to deliver clear efficiencies, particularly for smaller proponents. Access to reliable existing datasets such as regional biodiversity studies, baseline surveys, and prior monitoring results, can reduce duplication of fieldwork, lower costs and support better project design that avoids environmental impacts from the outset. It can also improve early-stage planning, reduce uncertainty and facilitate more timely regulatory decision-making.

However, these benefits can only be realised where data reuse is implemented with appropriate safeguards. It is critical that the Standard clearly distinguishes between data intended for broader sharing and information that is commercially confidential or culturally sensitive, a view also backed by the Productivity Commission.¹ AMEC is of the view that reuse should primarily apply to publicly available or explicitly shared datasets, while information provided in confidence or for a specific regulatory purpose must be protected from unintended disclosure or secondary use. Establishing this distinction is essential to ensuring that efficiency gains do not come at the expense of fairness, trust or legal certainty.

If this balance is not achieved, there is a material risk of adverse consequences. For small proponents, commercially sensitive information such as detailed survey results, site locations and technical interpretations, often represents a core business asset, and its disclosure could undermine competitiveness and investment. Similarly, certain environmental information includes culturally sensitive Indigenous knowledge, which may be shared with proponents for a defined purpose and under conditions of confidentiality. Broader reuse or public release of such information without clear and ongoing consent could cause significant harm and erode trust between proponents and Traditional Owners.

While the policy refers to ethical data handling and Indigenous data principles, the Standard should more explicitly ensure that confidential and culturally sensitive information is protected, that disclosure is limited to what is strictly necessary for decision-making and that any reuse occurs only with appropriate consent. Strong safeguards in this area are essential to maintain stakeholder confidence, encourage full and accurate participation and ensure that the Standard supports improved decision-making without creating unintended risks or harm.

Recommendations

- **Support fit-for-purpose data and practical data reuse.** AMEC supports the efficient use and reuse of environmental data. The Standard should explicitly allow proponents

¹ Productivity Commission, *Interim Report: Investing in cheaper, cleaner energy and the net zero transformation*, August 2025, https://assets.pc.gov.au/2025-09/interim%20report.pdf?VersionId=f2Byjt5bclXF_bRL.3.7RvlpwWAhm8h1, p 43

to rely on existing, legacy and publicly available datasets where they are adequate for decision-making. Proponents should not be required to collect new data where it would not materially improve environmental outcomes. Clear, practical criteria for data reuse are needed to support efficiency and reduce duplication of surveys.

- **Protect commercially confidential and culturally sensitive information.** AMEC emphasises that strong protections for confidential and culturally sensitive data are critical. The Standard must clearly define protected data categories, prevent unintended disclosure of commercially sensitive information, and ensure that Indigenous knowledge is only accessed, used and shared with consent. These safeguards are essential to maintaining trust, protecting investment, and supporting full and transparent data provision.
- **Provide sustained investment in national environmental data systems.** Realising the intended benefits of improved data sharing will require sustained government investment in high-quality, accessible environmental datasets and interoperable national platforms. Strengthening data infrastructure will reduce duplication, lower costs for proponents, and support more timely, consistent and evidence-based decision-making. It should be noted that similar attempts to integrate new data with old (including recently by the WA Department of Biodiversity, Conservation and Attractions), have taken well over 12 months due to logistical and operational challenges.

Final remarks

The Standard is well intentioned and directionally sound, but its impact on smaller proponents (in AMEC's instance, junior explorers and mid-tier producers) hinges entirely on implementation. If applied pragmatically, it could reduce delays, improve trust, and level the playing field. If applied rigidly, it risks becoming a compliance burden that disadvantages smaller proponents.

For junior miners, the success of this Standard will not be judged by its policy intent, but by how practical it is to comply with on the ground.

For further information contact:

Neil van Drunen, Head of National Policy – 0407 057 443 | neil.vandrunen@amec.org.au

Sash Pavic, Director - Commonwealth – 0400 108 518 | sash.pavic@amec.org.au