7 July 2026

Environment Protection Reform Act 2025
Attention: The Hon Murray Watt MP
Minister for the Environment and Water
Via the Department of Climate Change, Energy, the Environment and Water (DCCEEW)
RE: Submission on the Draft National Environmental Standard for Data and Information

Foreword

The *National Environmental Standard for Data and Information* (the Standard) is intended to establish the evidentiary foundation for environmental decision-making under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). While AgForce supports improving the quality, consistency and reliability of environmental information, these reforms must also be practical, proportionate and capable of being implemented by those required to comply with them. For agriculture, the Standard cannot be considered in isolation. It will directly influence the information producers are expected to provide, the complexity of environmental assessments, and the confidence landholders can have in meeting their obligations under the EPBC Act.

As currently drafted, the Standard fundamentally changes the evidentiary expectations placed on proponents. Increasingly, producers undertaking routine agricultural activities on existing farming land are expected to determine whether *Matters of National Environmental Significance (MNES) may* be present, assess whether their activities are likely to have a significant impact, interpret multiple species-specific guidance documents and datasets, and determine whether a referral under the *EPBC Act* is required. The draft Standard substantially increases the quality and quantity of information expected to support those decisions, yet many of the technical guidelines, assessment methodologies, decision-support tools and environmental datasets necessary to implement the Standard have not been finalised.

This creates a significant implementation gap. Producers are effectively being required to comply with an evidentiary framework before the systems needed to support compliance are in place. The practical consequence is that farm businesses are increasingly expected to undertake complex ecological and legal assessments, often requiring specialist ecological advice and multiple surveys, before carrying out routine agricultural activities. AgForce estimates these requirements can result in compliance costs exceeding $139,000 per farming business per year, with the draft Standard likely to increase those costs further through higher evidentiary expectations.

This is particularly concerning given Environment Information Australia was established to improve the quality, accessibility and usability of Australia's environmental information, yet those improvements remain underway. Current environmental datasets continue to rely on precautionary mapping approaches and producers are often required to demonstrate that MNES are not present, rather than relying on accurate, property-scale information. Until there is confidence in the underlying data, supporting guidance and decision-making thresholds, the Standard risks increasing regulatory uncertainty, unnecessary referrals, compliance costs and barriers to routine agricultural land management without delivering better environmental outcomes.

AgForce supports a National Environmental Standard for Data and Information that improves environmental decision-making while providing greater certainty for producers. However, the Standard should not be approved until its application to agriculture is clearly defined, supporting technical guidance has been published and tested with industry, Environment Information Australia is fully operational, and producers have access to reliable, fit-for-purpose information that enables practical compliance with the EPBC Act.

Accordingly, AgForce welcomes the opportunity to provide feedback on the draft National Environmental Standard for Data and Information and makes five recommendations to strengthen its application to agriculture.

AgForce Recommendations:

1. The National Environmental Standard for Data and Information should not be approved in its current form
2. Supporting technical guidelines must be published, consulted on and tested with industry before the Standard is approved
3. Environment Information Australia must be fully operational, and the quality of agricultural assessment data must be reviewed, before any Standard is applied to agriculture
4. There must be clear safeguards on data use, reuse and confidentiality
5. There must be greater clarity about when the Standard applies for use in agriculture.

1. The National Environmental Standard for Data and Information should not be approved in its current form

AgForce supports the objective of improving the quality and consistency of environmental data and information around Matters of National Environmental Significance (MNES) to mitigate the administrative and financial burden on farmers. However, the draft Standard should not be approved until its application to agricultural activities is clearly defined, the quality of data to underpin confident decision-making is available and it is practical to implement.

Farm businesses should not be required to undertake complex self-assessment or referral processes for routine agricultural activities on land already used for agriculture. At present, producers are effectively being 'pushed' towards a detailed self-assessment, and the policy material indicates that these processes would require the level of evidentiary data quality contemplated by the draft Standard.

The draft Standard imposes a high evidentiary threshold, including expectations of scientifically robust methods, detailed survey design, traceable information and technical consistency of data. For many farm businesses, meeting these requirements would likely necessitate specialist ecological advice and surveys undertaken in specific seasons or across multiple years. This would create substantial cost and practicality barriers.

The Standard must include clear, fit-for-purpose pathways for low-risk agricultural activities and must be applied proportionately to the risk and likely impact of the activity.

2. Supporting technical guidelines must be published, consulted on and tested with industry before the Standard is approved

It is unacceptable that the draft Standard relies on supporting technical guidelines and tools that are yet to be published, and it is not clear how these will interact with the current guidelines and processes, such as the information provided via statutory documents and the Protected Matters Search tool.

Currently, for a producer undertaking a routine agricultural activity, the draft framework effectively requires them to:

- **Undertake a Protected Matters Search Tool (PMST) search** for every proposed activity and identify every Matter of National Environmental Significance (MNES) potentially occurring within or surrounding the activity area. Depending on the location of the property, a typical

Queensland producer may identify between 60 and more than 100 individual MNES, particularly across coastal catchments and higher biodiversity regions.

- **Review every individual MNES separately**, recognising there is no standardised assessment process. Each threatened species, ecological community or migratory species has its own Species Profile and Threats (SPRAT) database profile, recovery plans, conservation advice, ecological assessment guidelines and supporting documentation.
- **Navigate highly inconsistent information across species.** The level of information varies significantly between MNES. Some species contain detailed ecological assessment guidance, while others contain only limited information. Some include state-specific management advice, while others do not. Some distinguish between subspecies or regional populations with different management expectations, while others provide only generic descriptions. There is no consistent structure, terminology or level of detail across the database.
- **Interpret technical ecological material** that has been written for environmental practitioners rather than landholders. The documents assume an understanding of ecological terminology, survey methodologies, habitat assessment and species ecology that cannot reasonably be expected of the average producer.
- **Determine whether habitat exists** despite there being no consistent or practical definition of what constitutes habitat for many species. Producers are frequently required to determine whether habitat may occur without clear thresholds describing whether this relates to a single tree, a vegetation patch, a riparian corridor, a nesting site, seasonal habitat or broader landscape features. On properties spanning thousands or tens of thousands of hectares, this becomes an impractical and highly subjective exercise.
- **Apply different ecological survey methodologies for every species.** Survey requirements vary significantly depending on the species involved and may include different survey methods, observer qualifications, breeding seasons, weather conditions, survey timing, repeat surveys and habitat characteristics. There is no single assessment pathway that can be consistently applied across MNES.
- **Determine whether a significant impact may occur**, despite no single, consistent definition or threshold being available. The likelihood of significant impact differs between species, ecological communities and habitats, with thresholds dispersed across numerous guidance documents or, in some cases, not clearly articulated. This becomes even more complex when you are dealing with species that have different requirements and conflicting threatening processes. Species reliant on pasture such as the Squatter Pidgeon will actively decline with woody thickening, whilst tree dwelling specifies may decline with woody thinning. When a producer is doing the assessment, which significant impact to which species should be prioritised? Producers are therefore expected to make complex legal and ecological judgements without a transparent or standardised decision-making framework.
- **Assess habitat across very large agricultural enterprises.** For example, ecological assessment guidance for some species is extremely resource intensive with no current alternatives. The Red Goshawk assessment guidance may require approximately 80 survey hours for every 50 hectares of suitable habitat. Applied across Queensland grazing enterprises that commonly exceed several thousand hectares, such survey expectations rapidly become impractical, prohibitively expensive and impossible to implement for routine agricultural activities.
- **Understand the distinction between activities that are 'known', 'likely' or merely 'possible' to impact an MNES.** While the draft Farmer's Guide has introduced some examples, there remains no comprehensive decision framework explaining when sufficient evidence exists to conclude that an MNES is absent or that an activity will not have a significant impact.
- **Accept the legal consequences of making an incorrect judgement.** AgForce has repeatedly been advised that agricultural activities should only proceed where producers can demonstrate either that no MNES are present or that a significant impact is unlikely otherwise a referral is needed. However, where the threshold for significant impact remains unclear, and the guidance for the

assessment is obtuse, producers are left carrying the legal, financial and compliance risk of an incorrect interpretation, creating a strong incentive for unnecessary referrals or forgoing legitimate land management activities altogether.

Collectively, these steps demonstrate that the draft framework expects producers to undertake complex ecological assessments using multiple non-standard guidance documents, species-specific methodologies and professional judgement before carrying out routine agricultural activities. This is not a practical, scalable or proportionate compliance framework for Australian agriculture.

Without the additional technical guidelines supporting this Standard and an understanding of how they will interact with current documents proponents cannot reasonably understand what information will be required, how compliance will be assessed or what data sources will be accepted. The supporting guidelines should therefore be released, consulted on and tested with industry before the Standard is approved.

3. Environment Information Australia must be fully operational, and the quality of agricultural assessment data must be reviewed, before any Standard is applied to agriculture

One of the stated purposes of the draft Standard is to assist proponents by providing clarity about requirements and making it easier to identify and access data to support submissions. However, it remains unclear what data will in fact be available to proponents and whether that data will be sufficiently accurate, current and usable for property-level decisions, which it is currently not.

AgForce understands that the current Protected Matters Search Tool (PMST) data and mapping adopts a precautionary approach to reduce the risk of sensitive species locations being disclosed and exploited, including by activities such as illegal plant collection. This comes at the cost of placing the additional onus on producers to show their MNES is not present where the overzealous mapping has captured areas where the MNES may not be present. The consequence of this approach is that the burden of uncertainty is transferred directly onto landholders. This places a substantial evidentiary, financial and compliance burden on producers.

AgForce strongly supports ongoing improvements to the accuracy, resolution and scientific integrity of PMST mapping and associated datasets. However, no mapping product will ever be entirely accurate across Australia's diverse landscapes. Accordingly, the regulatory framework must also provide clear, timely and accessible mechanisms for landholders to challenge, verify and correct mapping where it does not reflect the conditions on their property.

Importantly, precautionary mapping should operate as an initial risk-screening tool, not as a presumption that MNES are present or that additional assessment is automatically required. Landholders should not bear disproportionate regulatory obligations, compliance costs or enforcement risk solely because broad-scale precautionary mapping identifies potential habitat that is subsequently demonstrated to be inaccurate or absent.

<u>Restoring confidence in environmental information and decision making</u>

The Government has allocated funding to improve environmental information systems, including through Environment Information Australia, to support better quality data for both proponents and regulators. The Environment Information Australia Bill 2025 Explanatory Memorandum states:

> *Providing better, more readily available and useable data and reporting on the environment – its condition and the location of our nationally significant plants and animals – would underpin more streamlined and informed environmental decisions that reduce negative impacts, and increase positive impacts, on nature.* ***This would help to restore transparency and confidence in environmental information and decision making.***

It is unworkable to burden landholders with such heightened evidentiary requirements before the relevant information systems are fully established and before confidence in the underlying data has been restored.

Environment Information Australia should be fully operational before the Standard is applied to agriculture. In addition, there should be a specific review of the data and information currently relied upon for agricultural assessments, including mapping accuracy and the practical reliability of datasets used to guide compliance decisions. The data should meet the principles in the Standard as representative, transparent and comparable.

Farmers have already identified concerns with inaccurate mapping, including the treatment of man-made drainage and other incorrectly mapped features in the context of the new Reef catchment clearing restrictions. Unless these issues are addressed, the Standard may embed unreliable data into compliance and assessment processes at significant cost to producers.

Compliance should not begin until there is confidence in the information and decision making

It is also very concerning that it is proposed to bring forward compliance and extra auditing requirements from 1 December 2026 to 1 July 2026, with substantial penalties, before there is confidence in the data. AgForce does not support an early commencement date of compliance, as per the submission on *EPBC Amendment (2026 Measures 1) Regulations*.

This is especially pertinent given EPBC compliance activities on agriculture continue even where producers do not fully understand their roles and responsibilities under the EPBC Reforms and it is compounded with the establishment of the EPA on the 1st of July 2026 whose sole role is to cost recover the enforcement of the *EPBC Act*. Agriculture does not have any written reassurances that producers will not face retrospective compliance for requirements under the EPBC Act that are not yet clearly defined nor finalised.

4. There must be clear safeguards on data use, reuse and confidentiality

AgForce is concerned that guideline documents dealing with data reuse, consent, data sharing and data security have not yet been developed nor consulted on.

These documents are central to understanding how proponents' data will be collected, used, shared, stored and re-used. This is especially important in an agricultural context, where farm-level information may be commercially sensitive, operationally sensitive or linked to landholder privacy.

Guideline documents must be developed and consulted on before both they, and the Standard itself, are finalised. Producers must have confidence that confidential and sensitive information will be appropriately protected in perpetuity.

5. There must be greater clarity about when the Standard applies

The draft Standard does not provide sufficient clarity about when the *National Environmental Standard for Data and Information* requirements will apply.

The policy material indicates that the Standard will apply to assessment decisions under Part 9 of the EPBC Act and to other decisions prescribed by regulations. However, it also suggests that the principles may be applied more broadly to activities, decisions and data relevant to the *EPBC Act*.

Similarly, the section addressing anticipated use of the Standard states that it will apply to actions or classes of actions determined to have a significant impact on a protected matter and that it is not part of the Minister's consideration of whether an action is a controlled action. At the same time, the material encourages proponents to use the Standard at an earlier stage to guide action design and suggests that early application may reduce the amount of new information required during assessment.

The *Principles Summary of Intent* also states that proponents and regulators need to apply the principles to data and information used as evidence in submissions and assessments to ensure decisions are consistent with the Standard. In addition, Figure 1 in the policy document specifically refers to self-assessment checklists.

Taken together, these statements create significant uncertainty for farm businesses about whether the Standard applies only after an action has been determined to have a significant impact, or whether it is expected to inform earlier stages such as self-assessments. The distinction is important, as the regulatory and cost implications are materially different.

In the context of a non-regression approach to the National Environmental Standards, the current drafting also leaves open-ended scope for the Standard to be extended to additional activities or decisions through future regulations. This creates unnecessary uncertainty for agriculture and undermines confidence in the boundaries of the framework.

Any application of the Standard must be clearly defined in advance, consulted on before endorsement, and confined to clearly identified circumstances. There should not be an open-ended ability to expand its application without specific consultation and scrutiny.

Conclusion

AgForce supports the objective of improving the quality, consistency and accessibility of environmental data and information relating to matters of national environmental significance. However, AgForce does not support approval of the draft *National Environmental Standard for Data and Information* in its current form as it applies to agriculture.

As drafted, the Standard would place an excessive evidentiary and compliance burden on producers, requiring agricultural businesses to make complex ecological and legal judgements in circumstances where the underlying data, guidance and decision-making thresholds remain uncertain.

The Standard should not be finalised until its application to agriculture is clearly defined, the supporting technical guidance is published and tested with industry, and the data relied upon for agricultural decision-making is accurate, accessible and practical to use at the property scale.

At present, it is not clear how the proposed technical guidelines will interact with existing statutory documents, guidance materials and tools such as the Protected Matters Search Tool. The current process requires producers to work through multiple onerous steps for each potentially relevant matter of national environmental significance. For a typical Queensland producer, this may involve assessing between 60 and more than 100 individual matters before routine agricultural activities can proceed with confidence.

This is not a practical or proportionate pathway for agriculture. It requires producers to navigate inconsistent species information, interpret technical ecological material, apply different survey methodologies, assess habitat across large agricultural enterprises and distinguish between activities that are known, likely or merely possible to impact an MNES without a comprehensive decision framework. In effect, the farmer is expected to become an ecologist, while still carrying the legal and financial consequences if a judgement is later found to be incorrect.

The establishment of Environment Information Australia recognises the need to restore confidence in environmental information and decision-making. It would be premature and unfair to apply heightened data and information requirements to agriculture before that body is fully operational and before there has been a specific review of the quality, accuracy and reliability of agricultural assessment data.

AgForce also remains concerned that the draft Standard's principles of representativeness, transparency, comparability, reusability and ethical use are not yet supported by sufficiently reliable datasets or clear safeguards. Further consultation is required to determine how property-level information will be collected, used, reused and protected, including safeguards for confidentiality, landholder privacy and commercially sensitive farm business information.

There is also unresolved uncertainty about when the Standard is intended to apply. The consultation material suggests it may apply to actions or classes of actions that have been determined to have a significant impact, while also encouraging proponents to use the Standard earlier in project design and self-assessment. This ambiguity matters for agriculture because it directly affects the time, cost and risk associated with routine farm management decisions, including decisions required in response to a drought, flood or other changing seasonal conditions.

Given these concerns, AgForce recommends that:

1. The National Environmental Standard for Data and Information should not be approved in its current form, and a clear, fit-for-purpose pathway should be developed for low-risk agricultural activities that is proportionate to the risk and likely impact of the activity.
2. Supporting technical guidelines should be published, consulted on and tested with industry before the Standard is approved, including clear explanation of how those guidelines will interact with existing guidance material and decision-making tools.
3. Environment Information Australia should review the quality, accuracy and reliability of agricultural assessment data before the Standard is applied to agriculture, so that decision-making data is sufficiently representative, transparent and practical to use.
4. Clear safeguards should be established for data collection, use, reuse, storage and confidentiality, particularly for property-level information and commercially sensitive farm business data.
5. The Government should provide clear and consistent guidance about when the Standard must be used, including whether it applies only after a significant impact pathway is

triggered or whether it is intended to inform earlier self-assessment and farm management decisions.

Without these changes, the framework risks increasing uncertainty, constraining routine farm management and undermining the productivity, resilience and sustainability of Australian agriculture.

More broadly, the reform agenda continues to reinforce industry concerns about the growing disconnect between the practical realities of agricultural production and the application of a regulatory framework principally designed for discrete development activities.

Queensland producers are already facing uncertainty in relation to continuing use rights, routine land management, compliance obligations, referral thresholds and future land use flexibility. Applying an extensive data and information standard to routine agricultural activities would compound that uncertainty unless the framework is clear, proportionate, practical and supported by reliable information.

AgForce urges the Government to work closely with industry before finalising the Standard to ensure it improves environmental decision-making without imposing unnecessary costs, delays or legal uncertainty on producers who are seeking to manage their land responsibly and productively.

About AgForce

AgForce is the peak representative organisation for Queensland's cane, cattle, grain and sheep, wool and goat producers. Together, these industries generated $11.2 billion in on-farm value in 2022–23 and form the foundation of Queensland's regional economy. AgForce represents more than 6,000 farmers, individuals and agribusinesses whose operations collectively manage approximately 55 million hectares, accounting for one-third of the state's land area. Queensland producers supply high-quality food and fibre to domestic and international markets, support the economic and social fabric of rural and remote communities and provide essential stewardship of the state's natural resources. As the leading voice for Queensland's agricultural sector, AgForce works to ensure the long-term growth, viability, competitiveness and profitability of these industries.