



**Biodiversity
Council**

Submission to the National Environmental Standard for Environmental Offsets

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About The Biodiversity Council

The Biodiversity Council brings together leading experts including Indigenous knowledge holders to promote evidence-based solutions to Australia's biodiversity crisis. The Council was founded by 11 universities with the support of Australian philanthropists.



Introduction

The Biodiversity Council welcomes the opportunity to provide feedback on the draft National Environmental Standard for Environmental Offsets.

Our understanding

The consultation includes a policy paper and legislative instrument. The legislative instrument formalises the standard as law under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The policy paper explains how the standard is intended to work.

While the offset principles in the policy paper are sound and the non-regression principle is welcomed, key issues with wording of the legislative instrument and the flexibility of the Restoration Contributions Holder fundamentally undermine the standard. In places, the significant mismatch between the policy paper and the legislative instrument could be considered highly misleading for those who cannot interpret statutory documents.

Key concerns are explained in more detail below.

Key concerns

1. The standard does not define the required outcome for an offset

The required outcome for an offset should be to fully compensate for impacts on the protected matter. The objective should be to achieve an ‘absolute net gain’ in net terms across both impact and offset sites, which means improvements in biodiversity over time relative to the point in time when the standard is adopted.

The outcomes of the legislative instrument do not include this.

The object of the legislative instrument states that

The object of this Standard is to provide a framework in which offsets (where permitted) adequately compensate for residual significant impacts to deliver a net gain and contribute to the protection and enhancement of protected matters.

This is open to interpretation because the term ‘net gain’ is not defined in the legislative instrument and is not defined in the *Environment Protection and Biodiversity Act 1999* (EPBC Act) except in the context of the ‘net gain test’.

The terms ‘net gain’ and ‘no net loss’ lack universally accepted definitions and are open to multiple interpretations. Both terms may be ‘absolute’ or ‘relative’. Absolute net gain means improvements in biodiversity over time relative to a fixed baseline. In contrast, relative net

gain is an improvement relative to a business as usual scenario where biodiversity declines over time.¹

Applying the ‘net gain test’ outline in Section 527K of the EPBC Act is problematic because it doesn’t relate to an outcome in the ‘real world’ but rather satisfying conditions of the approval. Section 527K(1)(b)(i) suggests that the regulations may prescribe net gain for a matter, but if they do not then the Minister must simply be satisfied.

The definition of offsets in the legislative instrument seems to step back from the object by referring to ‘a gain’ rather than ‘net gain’, further muddying the waters. It states

offset means measures to compensate to a gain for residual significant impacts to protected matters. Offsets can be achieved through an offset activity or a payment to a contribution scheme.

The policy paper includes suitable definitions of net gain and baseline that should be incorporated into the legislative instrument.

2. The outcomes are problematic

The legislative instrument states that:

The outcomes which this standard is intended to achieve are that:

- (a) offsets are relevant and available to compensate for the impact to the protected matter and support recovery or conservation;*
- (b) offsets result in a measurable improvement from the baseline at the time the relevant decision is made under the Act for protected matters; and*
- (c) offsets provide certainty that protected matters will be protected and enhanced.*

Outcome (a) can be interpreted in multiple ways. It may have been intended that the phrase “offsets are relevant and available” is to ensure that you cannot offset impacts on a protected matter if they are not ‘feasible’ (see Principle 1 in the policy instrument). However, it could also be interpreted that the objective is to ensure that offsets are available to compensate for impacts, so that development is not impeded. Using this interpretation, principles that may constrain what offsets are considered suitable may be ignored. This is made possible given the weak language in the principles (see further discussion, below).

Outcome (b) is unclear. Is this offsets in aggregate that result in a measurable improvement or are measurable improvements required for each offset site? What is the baseline?

¹ Thomas, H., Chung, Y. F., Maron, M., Rhodes, J. R., Simmonds, J. S., Ward, M. and Williams, B. A. (2024) Achieving “nature positive” requires net gain legislation - Reforms underway in Australia highlight key challenges *Science* **386**(6720): 383-385. <https://doi.org/10.1126/science.adq9157>

3. The legislative instrument uses non-binding language

The policy paper uses stronger, more enforceable language than the legislative instrument, where statements are qualified with ‘should’ (see Table 1, below). Under the Act, the adequacy of an offset in addressing residual significant impacts is ultimately assessed by the Minister, who is only required to be “satisfied.” This broad discretion, coupled with the non-binding provisions in the Standard, offers limited assurance that offsets will meet best-practice principles.

Table 1: Comparison between wording of principles in the policy compared to the legislative instrument

| Principle | Wording in policy ('content of the standard') | Wording in legislative instrument |
|----------------------------------|--|---|
| Feasibility | Where an offset is assessed to be not feasible, this offset could not be used. | Where a proposed offset activity is not likely to achieve the outcomes identified in subsection (1), the offset activity should not be pursued |
| Direct and tangible | Offsets will be required to be direct offsets unless conservation planning documents identify an indirect offset [e.g. research project or public education] as a highest priority for the protected matter. | Direct offset activities should be implemented unless an indirect offset activity has been identified as a higher priority in a conservation planning document. |
| Like-for-Like | Offsets deliver like-for-like outcomes that prioritise the recovery or conservation of the affected protected matter. Where this cannot be achieved, offsets should be consistent with the priorities for the affected protected matter identified in conservation planning documents and any relevant bioregional guidance plan or bioregional plan. | (1) An offset activity should address residual significant impacts to an affected protected matter in a like-for-like manner which relates to the same specific attribute of the affected protected matter that is impacted by an action. (2) An offset activity should only deviate from the like-for-like requirement where a conservation planning document, bioregional guidance plan, or bioregional plan identifies a higher conservation priority for the affected protected matter. |
| Offset commenced prior to impact | An offset will have commenced at the offset site prior to the relevant impact(s) from the approved action or classes of action at the impact site. In circumstances where a project will be delivered in distinct stages over an extended time period, an offset may be identified for each stage of the development, and must commence prior to the impact(s) from the relevant stage. | Offsets should be secured, and the delivery of offsets should commence, prior to the impact which results in a residual significant impact to the affected protected matter occurring at the impact site. |

4. ‘Principle 1 - Feasibility’ is weak

According to the policy paper, the feasibility principle is important to ensure that offsets can deliver their intended outcomes and to reduce the risk of failing offsets. In particular, it notes that:

An offset could be seen as not feasible when the values being impacted cannot be realistically replaced, restored or compensated for. For example, this may be due to:

- *suitable areas are not available for protection or restoration,*
- *scarcity of matter being impacted,*
- *habitat features cannot be feasibly replicated in an ecologically relevant timeframe,*
- *values are location specific and cannot be substituted, such as World Heritage properties or Ramsar wetlands,*
- *the offset is unable to meet Principles in the Offsets Standard, or*
- *confidence in the proponent’s ability to deliver an offset is low. This could be due to proposed cost, or the level of offset commitment could not be realistically achieved.*

These considerations are not included in the legislative instrument. Instead, the legislative instrument states that:

The delivery of offsets activities should be: (a) feasible; and (b) based on appropriate and suitable data and information which shows, with a high degree of certainty, that the offset activity will likely contribute to the recovery or conservation of the affected protected matter.

The term ‘feasible’ is not defined in the Standard or the EPBC Act.

The term ‘will likely contribute to’ is weak when considering compensating for impacts on nationally-listed threatened species and communities. The ‘contribution’ to species recovery must be proportionate to the scale of impact. It cannot be a token amount.

As noted in key concern 1, the policy paper states “where an offset is assessed to be not feasible, this offset could not be used”. Instead, either an alternative offset is required, or “residual significant impacts designed out of the action through further avoidance, mitigation or repair.” This is critically important as it provides a feedback loop that if offsets are not feasible, then the proponent should take steps to avoid or minimise the impact. However, the feasibility principle in the legislative instrument has been weakened by only requiring that “alternative methods of addressing residual significant impacts should be explored”, and not including the direction to explore further avoidance/mitigation if an offset is not considered feasible.

5. ‘Principle 2 - Security’ should ensure outcomes are maintained

The legislative instrument requires offset activities to be securely protected, not outcomes. It is conceivable that the manager of an offset site undertakes extensive weed or pest animal control activities in the first years of management, resulting in significant improvements (‘gains’) at the site. However, this level of activity may not be maintained; reduced weed and pest animal management may result in reductions in condition of the offset site. Even

though the offset manager maintains the ‘offset activity’ they would not be maintaining gains in condition achieved in earlier years.

6. ‘Principle 3 - Direct and tangible’ is poorly designed

The legislative instrument states that “offsets should provide a direct, tangible and quantifiable benefit to the affected matter”. However, while direct offsets are preferred, the instrument enables an indirect offset if “it has been identified as a high priority in a conservation planning document.”

Indirect offsets are problematic. They do not physically replace lost habitat or increase a population, so they cannot compensate for residual impacts of development. This is recognised by the policy paper, which states:

Indirect offsets, such as research, are less likely to deliver tangible benefits, as they do not directly enhance the protected matter or compensate for the specific residual significant impact.

The logic in the policy paper is that indirect offsets should be allowed where is is identified as a priority action, because

it may be recognised as contributing to the certainty that subsequent direct offset activities will contribute to the protection and enhancement of the protected matter, thus providing quantifiable benefits.

There are two problems with how this is designed.

Firstly, there are no constraints on the proportion of the offset provided by indirect activities or the repeated use of such activities to compensate for impacts on the same matter. If indirect offsets are intended to increase the efficacy of subsequent direct offsets, then you would expect that they would be used a few times before being phased out and replaced with the now, more effective direct offsets. The draft standard places no such limits on their use.

Secondly, conservation planning documents—which include recovery plans, threat abatement plans and conservation advice that supports species listing—have not been drafted or designed to support offsets. The actions listed may not have been included as potential alternatives to the highest priority, which is to preserve and enhance habitat. Many recovery plans list actions, but do not prioritise them, so it is impossible to identify high priority actions. Prioritisation in the context of the actions of a recovery plan is not the same process, and does not have the same objective, as prioritisation of actions suitable for offsets.

7. ‘Principle 5- Additionality’ must be tightened

The legislative instrument states

Offset activities should deliver a benefit to the affected protected matter which is additional to any existing conservation activities, investment, and regulatory obligations, except where the offset activity is, or will be, an approved state or territory offset or an advanced restoration action.

There are opportunities to tighten the wording including ensuring that the compensatory benefit is attributable to the offset, to include planned conservation activities and to include contractual obligations that are not regulatory.

8. There are two missing Principles critical to the successful application of the Standard

(i) Transparency and accountability - There is currently no requirement, or indication of how transparency and accountability will be achieved under the current wording of the Standard. The Standard should require that all offsets be recorded in a public Offsets Register² that provides data on what matter was impacted, where, and how much was impacted (area of habitat and/or number of individuals), where an offset was located, its nature, area and condition. The Offsets Register must also include monitoring data demonstrating how the offset is progressing toward achieving net gain in an ecologically relevant time.

(ii) Offsettable and non-offsettable matters - It is essential that offsets only apply where there is rigorous scientific evidence demonstrating that damage can be reversed, or matters or habitats can be restored, recreated, or replaced in an ecologically relevant timeframe. Where no such evidence exists, impacts to the matter or habitat should **not** be offsettable. A Register of Offsettable Matters and Habitats will be critical to provide clear guidance to proponents on what matters, or habitats can and cannot be offset. Such a list should be overseen by a credible scientific authority such as the Threatened Species Scientific Committee.

9. The Restoration Contributions Holder is not bound by the offset rules in the Standard and can deliver offsets that are not ‘Like-for-Like’

The option to make a payment in lieu of securing offsets fundamentally undermines the operation of the Standard. Proponents now have the option of making a restoration contribution payment to the newly-established Restorations Contribution Holder, in-lieu of delivering or sourcing a compliant offset themselves. This option is intended to “simplify and

² <https://www.sciencedirect.com/science/article/pii/S2590332222002664>

streamline processes, reduce uncertainty and delays and provide strategic offset actions for greater restoration outcomes".³

If delivering or sourcing an offset themselves, a proponent would be expected to meet all the principles. However, the policy paper outlines that the Holder has flexibility in applying six of the eight principles—those relating to Like-for-Like, feasibility, direct and tangible, relevant area and timeframe for delivery (see Table 2, below). The Holder does this by funding an ‘alternative restoration action’.

Table 2: Principles where the holder has ‘flexibility’

| Principle | Flexibility |
|----------------------------------|--|
| Feasibility | The Holder can ‘progress’ an offset where feasibility is uncertain. |
| Direct and tangible | The Holder can pay for research even if it isn’t the highest priority in a Recovery Plan or other conservation planning document. |
| Like-for-Like | The Holder is not bound by like-for-like. The offset can be for a different species or ecological community than the one impacted. |
| Relevant area | The Holder can deliver offsets outside of the bioregion where the impact occurs. |
| Offset commenced prior to impact | The Holder does not have to find an offset priority to the action starting at the impact site. |

It is highly likely that proponents will choose to pay the Holder rather than source their own offsets because it discharges their obligations more quickly. The Holder may also be able to source offsets at a lower cost than proponents because of flexibility in applying offsetting principles. This is consistent with other payment-in-lieu of offset schemes. For instance, the NSW Independent Pricing and Regulatory Tribunal has found that most (~80%) of development proponents are choosing to satisfy their offset obligations by paying into the NSW Biodiversity Conservation Fund rather than purchasing credits in the market.⁴ In Queensland, for State offsets, the figure is greater than 95%.

Alternative restoration actions are likely to be most attractive to proponents and deliver the most benefit in reducing approval times, for those species and communities where it is hardest to find a compliant offset. However, these are likely to be those species and communities that are fewest in number, highly localised in their distribution, and/or most difficult to recover. In other words, the species and communities that are the most imperilled and hardest to address impacts on are the ones for which this pathway will be most used. As such, the Holder is also likely to find it difficult to provide Like-for-Like offsets for these species and communities, so is more likely to fund an alternative restoration action

³ See DCCEEW website:

<https://www.dcceew.gov.au/environment/epbc/epbc-act-reform/stronger-environmental-protection-restoration>

⁴ IPART (2024) Biodiversity Credits Market Monitoring Annual Report 2023-24

https://www.ipart.nsw.gov.au/documents/annual-report/annual-report-2023-24-biodiversity-credits-market-monitoring-december-2024?timeline_id=15688

even if it will not compensate for residual impacts on the affected matter. If the department continues to approve projects impacting these species and communities even if no like-for-like offsets are available, these species will be put at increasing risk of extinction.

How to strengthen the standard

The most critical amendments to the legislative instrument are:

Overall

- Use strong binding language.

Definitions

- Include the definitions of 'net gain' and 'baseline' from the policy paper as follows:

Net gain: the measurable improvement for the affected protected matter relative to an agreed baseline.

Baseline: An evidence-based estimate of the likely condition of a protected matter at the point of approval and in the absence of the action or offset being proposed [static baseline from approval date].

Object

- Amend the object as follows:

The object of this Standard is to provide a framework in which offsets (where permitted) at least fully compensate for residual significant impacts to deliver a net gain and contribute positively to the protection and enhancement of protected matters.

Outcomes

- Amend Outcome (b) as follows:

Each offset results in a measurable improvement from the baseline at the time the relevant decision is made under the Act for affected protected matters in net terms across the impact and offset sites.

Principles

- Include additional principles pertaining to (i) Transparency and accountability, and (ii) Offsettable and non-offsettable matter, according to the wording we provide at attachment 1.

Restoration Contributions Holder

- The Holder should be bound by the standard the same as any other delivery pathway. Then, if it turns out they take a payment that they find is inadequate to deliver on the requirements, no further payment pathway routes can be used for that matter until the reason for the problem is resolved (if it can be). A stricter approach would be to develop a set of advanced offsets or at minimum identify the

specific MNES and circumstances where offsets are highly likely to be able to be sourced and for a reliably estimated cost, and ONLY accept the payment pathway for those.

There are numerous places where the language of the legislative instrument could be strengthened to reduce ambiguity and ensure alignment with the intended outcome. Please see Appendix 1 for some suggested changes.

The Biodiversity Council would be happy to work with DCCEEW on detailed revisions.

Appendix 1: Recommended amendments to the legislative instrument



EXPOSURE DRAFT

National Environmental Standard (Environmental Offsets) 2025

I, the Hon Murray Watt, Minister for the Environment and Water, make the following Instrument.

Dated

The Hon Murray Watt **DRAFT ONLY—NOT FOR SIGNATURE**
Minister for the Environment and Water

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1 Name

This standard is the *National Environmental Standard (Environmental Offsets) 2025*.

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: The following expressions used in this standard are defined in the Act:

- (a) action
- (b) advanced restoration action
- (c) impact
- (d) residual significant impact
- (e) restoration contribution charge
- (f) Restoration Contributions Special Account

In this standard:

Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

affected protected matter means a protected matter in relation to which a proposed action has been assessed as having a residual significant impact.

baseline means an evidence-based estimate of the likely condition of a protected matter at the point of approval and in the absence of the action or offset being proposed [static baseline from approval date].

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conservation planning document means a statutory plan or policy that supports the protection, conservation, recovery, and/or maintenance of a protected matter, that is made, endorsed or accredited by the Minister pursuant to a provision of the Act.

contribution scheme means a scheme established under the Act or endorsed or accredited by the Minister under the Act.

Note: Payment of a restoration contribution charge is an example of a payment to a contribution scheme established under the Act.

measurable improvement means a tangible and quantifiable increase in condition ~~for~~^{of} protected matters relevant to a current baseline.

net gain means *the measurable improvement for the affected protected matter relative to an agreed baseline.*

offset means measures to compensate to a gain for residual significant impacts to protected matters. Offsets can be achieved through an **offset activity** or a payment to a contribution scheme.

offset activity means the doing of any thing or the taking of any measure, other than the payment of an amount to a contribution scheme, to offset a residual significant impact on a protected matter.

protected matter means a matter protected by a provision of Part 3 of the Act.

Note: The matters protected by a provision of Part 3 of the Act are set out in section 34 of the Act.

5 Objects of this standard

~~The object of this Standard is to provide a framework in which offsets (where permitted) adequately compensate for residual significant impacts to deliver a net gain and contribute to the protection and enhancement of protected matters.~~

The object of this Standard is to provide a framework in which offsets (where permitted) at least fully compensate for residual significant impacts to deliver a net gain and contribute positively to the protection and enhancement of protected matters.

6 Outcomes

The outcomes which this standard is intended to achieve are that:

- (a) offsets are relevant and available to compensate for the impact to the protected matter and support recovery or conservation;
- ~~(b) offsets result in a measurable improvement from the baseline at the time the relevant decision is made under the Act for protected matters; and each offset results in a measurable improvement from the baseline at the time the relevant decision is made under the Act for affected protected matters in net terms across the impact and offset sites~~

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- (c) offsets provide certainty that protected matters will be protected and enhanced.

7 Principles

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, 12, 13, 14 and 15 of this Standard.

8 Principle 1—Feasibility

- (1) An offset activity should be capable of being commenced at the time the relevant decision is made under the Act.
- (2) The delivery of offsets activities should be:
 - (a) feasible; and
 - (b) based on appropriate and suitable data and information which shows, with a high degree of certainty, that the offset activity will likely contribute fully compensates for the impact on the affected protected matter and contributes to the recovery or conservation of the affected protected matter.
- (3) A high degree of certainty should be demonstrated through:
 - (a) existing substantiated expert knowledge or peer reviewed science on how the offset activity will achieve offset objectives with a high confidence of success, taking into consideration the reasonably foreseeable future adverse impacts of climate change (including recommended actions in conservation planning documents); or
 - (b) independent verification of prior success for an analogous activity; or
 - (c) independent expert review and endorsement of the proposed offset activity and associated outcomes for the protected matter, as well as comprehensive adaptive management plans.
- (4) Where a proposed offset activity is not likely to achieve the outcomes identified in subsection (1), the offset activity should not be pursued and alternative methods of addressing residual significant impacts should be explored or residual significant impacts designed out of the action through further avoidance, mitigation or repair.

9 Principle 2—Security

- (1) Offset activities and the improvements resulting from them should be securely protected.
- (2) An offset activity is **securely protected** where there are, or will be, suitable mechanisms in place to ensure that the offset activity will be delivered and the improvements resulting from the activities and, if relevant, maintained for the duration of the impact.

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Management of offset site for maintenance period

- (3) Arrangements should be put into place to ensure that the site where any offset activities will occur is managed to prevent loss and degradation of the protected matters:
 - (a) for the duration of the activity period;
 - (b) after the offset activity's intended outcome has been delivered; and
 - (c) during the maintenance period.
- (4) The **activity period** is the timeframe from the commencement of an offset activity until the outcome intended by the delivery of the offset is achieved.
- (5) The **maintenance period** is the time which begins when the outcome intended by an offset activity has been achieved and ends:
 - (a) where the impact of the action is temporary—the later of 25 years and when the outcome of the restoration measure is self-sustaining; or
 - (b) where the impact of the action is not temporary—the earlier of 100 years and the day on which the Minister determines that the outcome is self-sustaining.
- (6) The outcome of an offset activity will be **self-sustaining** where the expected outcome will continue without the need for intervention or assistance.

10 Principle 3—Direct and tangible

- (1) Offset activities **should must** provide a direct, tangible and quantifiable benefit to the affected protected matter by contributing to its overall recovery and conservation.
- (2) The benefit achieved by an offset activity should be a direct and tangible benefit that is relevant to the protected matter affected by the residual significant impact.
- (3) Direct offset activities should be implemented unless an indirect offset activity has been identified as a higher priority in a conservation planning document.

Note 1: Direct offset activities are mechanisms to minimise loss from existing threats, including securing and actively managing land and managing pest species.

Note 2: Indirect offset activities are mechanisms to minimise loss from new and emerging threats, including, for example, scientific research and education, which in particular circumstances may be considered to be more beneficial than direct offset activities.

11 Principle 4—Measurable improvements

- (1) Offset activities should deliver a measurable improvement to the condition of an affected protected matter relative to the baseline for the affected protected matter.
- (2) The **baseline** for an affected protected matter is an evidence-based estimate of the likely condition of a protected matter at the time the relevant decision is made under the Act and in the absence of the action or offset activity being undertaken.

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12 Principle 5—Additionality

- (1) The offset benefit considered to form the compensatory benefit must be attributable to the offset and beOffset activities should deliver a benefit to the affected protected matter which is additional to that from any existing or planned conservation activities, investment, and regulatory or contractual obligations, except where the offset activity is, or will be, an approved state or territory offset or an advanced restoration action.
- (2) An **approved state or territory offset** is an activity required to be carried out pursuant to a law of a state or territory to compensate for impacts to an affected protected matter as a result of the action, that will achieve the outcomes and objectives of this Standard.

13 Principle 6—Like-for-like

- (1) An offset activity ~~must~~ should address residual significant impacts to an affected protected matter in a like-for-like manner which relates to the same specific attribute of the affected protected matter that is impacted by an action.
- (2) An offset activity should only deviate from the like-for-like requirement where a conservation planning document, bioregional guidance plan, or bioregional plan identifies a higher conservation priority for the affected protected matter.

14 Principle 7—Relevant area

- (1) Offset activities should be delivered in an area that is ecologically relevant to the affected protected matter and in a way which enhances the effectiveness of conservation and recovery efforts for the affected protected matter.
- (2) An offset activity will be delivered in an area that is **ecologically relevant** to the affected protected matter where the offset activity is delivered within the same bioregion as the impact, or, where this is not reasonably practicable, within an alternative, ecologically similar, bioregion that is as close to the site of the affected protected matter as possible, that will result in the same or better outcome for the protected matter as if the offset activity was delivered in the same bioregion as the impact.
- (3) ~~Where practical, a~~ An offset activity ~~must~~ should be delivered within the same state or territory where the impact will occur.

15 Principle 8—Offset commenced prior to impact

- (1) Offsets should be secured, and the delivery of offsets should commence, prior to the impact which results in a residual significant impact to the affected protected matter occurring at the impact site.

Note 1: When an offset ~~comprises a~~ is met through obligation is met through a Restoration Contribution Charge, payment must be made into the Restoration Contribution Special Account prior to the impact occurring.

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Note 2: Where an offset activity is to be delivered in distinct stages over an extended time period, an offset may be identified for each stage of the development, and those offsets must commence prior to the impact(s) occurring in relation to the relevant stage.

16 Principle 9—Transparency and accountability

- (1) The nature, timing and location of offset activities will be reported in a national public Offsets Register.
- (2) Scientifically rigorous monitoring data demonstrating timely progress toward achievement of net gain requirements for offsets will be reported in the public Offsets Register on a 5 yearly basis.
- (3) ... provisions to ensure scientific quality and accessibility to monitoring data, cross-referenced to the Data Standard.

17 Principle 10—Offsettable and non-offsettable matters and habitats

- (1) Matters or habitats cannot be offset if there is no rigorous scientific evidence that damage can be reversed, or matters or habitats can be restored, recreated, or replaced in an ecologically relevant timeframe. A **Register of Offsettable Matters and Habitats**, overseen by the Threatened Species Scientific Committee will be maintained to identify matters, habitats, or habitat attributes for which there exists rigorous scientific evidence that it is possible to reverse damage, or restore, recreate, or replace the matter or habitat in an ecologically relevant timeframe.

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