

Environment Law Reform Taskforce
Department of Climate Change, Energy, Environment and Water
John Gorton Building, King Edward Terrace
Parkes ACT 2600
Via online portal
Cc: minister.watt@dcceew.gov.au

30 January 2026

Dear Environment Law Reform Taskforce,

RE: Submission on the draft Standard for Environmental Offsets

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the Commonwealth Government on the draft National Environmental Standard for Environmental Offsets ('Offsets Standard').

ALCA represents organisations that work to conserve, manage, and restore nature on privately managed land. The conservation efforts of our 22 member organisations have influenced over 9.3% of Australia with more than 4,000 landholders; we have over 70,000 supporters and our combined annual turnover exceeds \$400 million.

Together, ALCA and our members address some of the most pressing conservation issues across the country, by restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance and funding, and using nature-based solutions to tackle climate change. Collectively, ALCA's members have extensive experience in delivering and managing offsets, and we draw upon this experience in our submission.

Key recommendations

ALCA notes that the policy guidance for the consultation does not appear to have been updated subsequent to the recent passage of the *EPBC Act* reforms. However, in the guidance as currently provided, Table 1 provides immense discretion to the Restoration Contributions Holder to spend contributions in ways that would not even meet the already very loose draft Standard, including proceeding on limited evidence, and have regard – but not being bound – by 'like for like' requirements. As they currently stand, the draft Standards are far from the "clear standards" promised in the Second Reading of the recent reforms by the representing Minister in the House of Representatives¹.

ALCA's key recommendations are that the Government should:

- 1. Ensure that offsets must – rather than 'should' – commence prior to impact** [also see Recommendation 24 below]
- 2. Clarify that offset activities can include the acquisition of land for conservation**, including contributions to acquisition [also see Recommendations 13 and 19 below].
- 3. Remove the legal fiction that direct offsets can be 'self-sustaining'**. The all-pervasive impacts of climate change, invasive species and landscape fragmentation mean that active management is required across all Australian landscapes [also see Recommendation 15 below].

¹ https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/28866/0040/hansard_frag.pdf

4. **More explicitly restrict indirect offsets to avoid perverse outcomes** [also see Recommendations 20 and 22 below]
5. **Tighten additionality requirements to ensure it only captures legally required – and not voluntary – conservation activities** [also see Recommendation 21 below]
6. **The Offset Standard needs to explicitly adhere to the mitigation hierarchy**, as currently described in the exposure draft *National Environmental Standard (Matters of National Environmental Significance) 2025* [also see Recommendation 9 below].
7. **Significantly improve the offset integrity requirements and design** – i.e. tighter guiderails for the Restoration Contributions Holder to adhere to – as the current language in the Standard consistently reflects an elastic, ‘low bar’ approach to integrity.

For example:

- “*will likely contribute*” should be replaced with “*will contribute significantly*” [see Rec. 10 below];
- “*analogous*” should be replaced with “*closely analogous*” [see Rec. 11 below];
- “*the expected outcome will continue*” should be replaced with “*the outcome is expected to continue with a high degree of certainty*” [see Rec. 16 below]
- “*direct, tangible, and quantifiable*” should be consistently adopted throughout Principle 3 – currently it is inconsistently adopted [see Rec. 18 below]
- “*offsets should be secured... and should commence*” should be replaced with “*offsets must be secured... and must commence*” [see Rec. 24 below]

Detailed legislative amendments to the Standard

PLEASE ALSO REFER TO ‘TRACK-CHANGED’ AMENDMENTS TO THE DRAFT STANDARD, AS ENCLOSED WITH THIS SUBMISSION.

Outcomes [section 6]:

8. Section 6(a) states that an outcome the Standard intends to achieve is that “*offsets are relevant and available...*”. It does not make sense that the availability of offsets can simply be legislated – this is a matter of on-ground fact, and not something that can be delivered merely through a legal construction in a Standard – either an offset is ultimately available, or it is not. ALCA recommends that “*available*” is deleted, as follows [amendments in **bold**]:

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;
9. Decisions regarding appropriate environmental offsets hinge, critically, upon adherence to the mitigation hierarchy – and yet, there is no direct reference, nor direct requirement, for offsetting under the draft Standard to adhere to the hierarchy as currently described in the draft *National Environmental Standard (Matters of National Environmental Significance) 2025*.

ALCA recommends this be addressed as follows [amendments in **bold**]:

4 – Definitions

...

mitigation hierarchy means the hierarchy as may be described in national environmental standards made under Part 19B of the Act.

...

6 – Outcomes

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

...

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

(d) offsets adhere, where relevant, to the mitigation hierarchy.

Principle 1 – Feasibility [section 8]:

10. Section 8(2)(b) unnecessarily utilises a double caveat, by stating that the delivery of offset should have a “*high degree of certainty*” as well as “*will likely contribute*” to recovery or conservation of a protected matter. The use of “*likely*” is redundant if “*high degree of certainty*” is to have any meaning, and should be deleted. Further, for an offset to merely “*contribute*” to recovery or conservation of a protected matter is an exceptionally low bar, and would allow trivial activities to be contemplated as (or a component of) offsets. Instead, an activity should be required to significantly contribute to avoid unhelpful and distracting contemplation of trivial efforts – an adverb is required for “contribute” to have any meaning.

ALCA recommends that the section be amended as follows [amendments in **bold**]:

8 Principle 1—Feasibility

...

(2) The delivery of offsets activities should be:

...

(a) based on appropriate and suitable data and information which shows, with a high degree of certainty, that the offset activity will **likely** contribute **significantly** to the recovery or conservation of the affected protected matter.

11. Section 8(3) requires some tightening in the language to clarify the legal meaning, specifically:

- “*offset objectives*” [s8(3)(a)] is not defined and thus has no clear legal meaning; ALCA recommends that this should instead reference the offset outcomes, as detailed in section 6.
- Check with the Office of Parliamentary Counsel that the list [subsections (a),(b) and (c)] has been appropriately constructed as ‘and/or’ list (i.e. any combination of the three), and not just an ‘or’ list (i.e. only one of the three);

The standard of integrity for a high degree of certainty should be elevated from “*should*” to “*must*”, else the entire principle will have little impact in practice.

In addition, without an accompanying adverb, “*analogous*” is broad and has little meaning in practice (i.e. the same problem as with “*contribute*” in s8(2)(b) above). ALCA recommends that this be replaced with “*closely analogous*”, or alternatively, “*sufficiently similar*” – the latter would be simpler legal language.

Lastly, the approach of linking conservation planning documents to climate change in section 8(3)(a) is not fit-for-purpose – many recovery plans are old and have no reference to climate change impacts. Hence, both issues should be considered independently.

ALCA recommends that the section be amended as follows [amendments in **bold**]:

8 Principle 1—Feasibility

...

(3) A high degree of certainty ~~should~~ **must** be demonstrated through **any combination of the following**:

- (a) existing substantiated expert knowledge or peer reviewed science on how the offset activity will achieve offset **outcomes in section 6 of this Instrument objectives** with a high confidence of success, taking into consideration **recommended actions in conservation planning documents** and 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~~ **closely** analogous activity;
and

12. What constitutes an “independent expert review” [s8(3)(c)] is currently not defined or articulated; ALCA recommends the insertion of a new section 8(4) to guide what constitutes an independent expert review, modelled on the original version of section 462G (Register of auditors) from the *Environment Protection Reform Bill 2025*, as introduced to the House of Representatives², and a definition for CEO in section 4, as follows:

4 Definitions

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

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

...

8 Principle 1—Feasibility

...

(4) For the purposes of subsection (3)(c), an independent expert review must be conducted by individuals that the CEO is satisfied is appropriate to conduct such a review, having regard to:

² See: p300-301, https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r7398_first-reps/toc_pdf/25097b01.pdf

- (a) each individual’s qualifications, knowledge, expertise, competence and independence; and
- (b) any other matters the CEO considers relevant.

Principle 2 – Security [section 9]:

13. Further to Key Recommendation 2 above, it would be helpful for the Standard to clarify that secure protection can – and should – include protected areas, as per the National Reserve System Strategy (i.e. public, private, and Indigenous protected areas). This is not only because of the importance of the National Reserve System to biodiversity conservation in Australia – the most recent Commonwealth State of the Environment Report (2021) describes protected areas as “...widely considered [to be] the most effective way to protect biodiversity.” – but also because of the quality and length of legal security they bring over a wide range of land tenures³.

It is hard to think of more secure, standardised arrangements for conservation protection, and so it is appropriate that they are referenced to signpost this common approach to delivering secure protection of conservation values.

In addition, it is wholly inconsistent with concepts of protection for ‘secure protection’ to include mechanisms that are not yet (i.e. ‘will be’) in place – by definition, protection is only ‘secure’ once it is actually in place. The “will be” in section 2(2) needs to be removed.

ALCA therefore recommends amendments as follows [amendments in **bold**], noting that the National Reserve System is already mentioned in Commonwealth legislation⁴:

9 Principle 2—Security

...

- (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, if relevant, maintained for the duration of the impact, **and can include meeting the standards for inclusion in the National Reserve System.**

Note, for detail of legislative amendments effecting recommendations 14 through 17, see below Recommendation 17, overleaf.

14. Under the National Reserve System, the standard for ‘long-term’ secure protection is in-perpetuity, or, at minimum, 99 years+ protection (via legal or other effective means), and must be effectively managed⁵. Logically, permanent impacts should be offset by permanent protection, **including long-term effective management**. On this basis, the maintenance period for offset activities with permanent impacts should *at least* be 99 years to align with National Reserve System standards.

³ Ordinarily in-perpetuity, but at minimum 99+ years of protection; see: p43, *Australia’s Strategy for the National Reserve System 2009–2030*;

<https://www.dcceew.gov.au/sites/default/files/documents/nrsstrat.pdf>

⁴ For example: s13, *Natural Heritage Trust of Australia Act 1997* (Cth)

⁵ p2, “*The National Reserve System includes the protected areas and reserves established and effectively managed...*”, *Australia’s Strategy for the National Reserve System 2009–2030*; <https://www.dcceew.gov.au/sites/default/files/documents/nrsstrat.pdf>; and as aligned with IUCN guidelines (e.g., <https://portals.iucn.org/library/sites/library/files/documents/paps-016.pdf>); and the United Nations Convention on Biological Diversity (including the Global Biodiversity Framework; <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>)

15. With the all-pervasive impacts of climate change, invasive species and landscape fragmentation reinforcing that active management is required across all Australian landscapes, outcomes from direct offsets will never be self-sustaining, but will rather require ongoing management to mitigate threats and build resilience.

A legal avenue that allows this fiction would only serve, in practice, to encourage perverse outcomes. If ‘self-sustaining’ outcomes are to be retained in the legislation, they should be limited to only indirect (i.e. not on-ground) offset activities.

16. ALCA recommends a much higher bar for ‘self-sustaining’ outcomes than ‘the expected outcome... [not needing] intervention or assistance’. The ‘expected outcome’ is, statistically at least, simply the *average* outcome, which leaves no room for the *degree or confidence* to which an outcome is expected. The bar for self-sustaining must be much higher and clearer than what is being proposed. ALCA recommends “*the outcome is expected to continue with a high degree of certainty*”.

17. Lastly, ALCA recommends using simpler, less confusing language by rewording ‘not temporary’ impacts as ‘permanent’ impacts.

ALCA’s suggested amendments to effect Recommendations 14 through 17 **{itemised by Rec. #}** are as follows [amendments in **bold**]:

9 Principle 2—Security

...

(5) The maintenance period is the time which begins when the outcome intended by an offset activity has been achieved and ends:

...

(b) where the impact of the action is **{Rec. 17} not temporary permanent — {Rec. 14} the earlier of at least 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:

(a) **{Rec. 15} the offset activity is indirect; and**

(b) **{Rec. 16} the expected outcome will continue is expected to continue with high degree of certainty** without the need for intervention or assistance.

Principle 3 – Direct and tangible [section 10]:

18. The current requirement for offset activities is that they should provide direct, tangible and quantifiable benefits that contribute to overall recovery and conservation of the affected protected matter, but the benefit *achieved* by an offset activity for the protected matter affected by the residual significant impact is only required to be direct and tangible, but need not be quantifiable.

There is no clear policy reason why there should be this differing, lower standard of integrity for protected matters affected by residual significant impacts.

ALCA recommends that a consistent policy approach be taken for Principle 10, as follows [amendments in **bold**]:

10 Principle 3—Direct-~~and~~, tangible **and quantifiable**

- (1) Offset activities should 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 **and quantifiable** benefit that is relevant to the protected matter affected by the residual significant impact.

19. Further to Key Recommendation 2 above, the Standard should clarify that acquisition of land can be contemplated as a direct offset activity. This could be achieved by a minor amendment to section 10(3), Note 1 [amendments in **bold**]:

- (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, **including by acquiring land for conservation**, and actively managing land and managing pest species.

20. Indirect offsets should be more explicitly restricted in order to avoid perverse outcomes. For example, it would be a perverse outcome if an old recovery plan that suggests research is important is used to enable all offsets for that Matter of National Environmental Significance (MNES) to fund research when significant parts of its habitat are being cleared. One approach would be to cap the proportion of an offset that can be indirect; alternatively – or additionally – indirect offsets should only be made with advice from the Threatened Species Scientific Committee.

ALCA has adopted this second approach through a proposed new subsection (4) to section 10 [amendments in **bold**], and definition reference in section 4:

4 Definitions

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

...

(h) **Threatened Species Scientific Committee**

...

10 Principle 3—Direct-~~and~~, tangible **and quantifiable**

...

- (4) **Indirect offset activities must be approved by the Threatened Species Scientific Committee.**

Principle 5 – Additionality [section 12]:

21. Additionality should only capture legally required conservation activities, otherwise it will create a chilling effect on voluntary conservation activities.

ALCA recommends the following amendment to section 12(1) [amendments in **bold**]:

12 Principle 5—Additionality

- (1) Offset activities should deliver a benefit to the affected protected matter which is additional to ~~any existing~~ **legally required** 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.

Principle 6 – Like-for-like [section 13]:

22. ALCA is concerned about the independence of the approval of the documents referred to in section 13(2) (i.e., conservation planning document, bioregional guidance plan, or bioregional plan), and notes that such documents rarely state that a certain (likely indirect) activity is a higher priority than a direct offset activity. Therefore, there needs to be higher integrity in ensuring that a certain (likely indirect) activity is genuinely a higher priority than a direct offset activity.

As above (Recommendation 20), ALCA recommends that the Threatened Species Scientific Committee be assigned that approval role, through an additional subsection (3) [amendments in **bold**]:

13 Principle 6—Like-for-like

...

- (3) **Where an offset activity is not clearly identified under subsection (2) as a higher conservation priority for the affected protected matter, the activity must be approved by the Threatened Species Scientific Committee.**

Principle 7 – Relevant area [section 14]:

23. It is unclear who will determine what constitutes an “*ecologically similar, bioregion*”. Again, ALCA recommends that this should be the Threatened Species Scientific Committee, under issued guidance. ALCA recommends the following amendments [amendments in **bold**]:

14 Principle 7—Relevant area

...

- (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 **as determined in guidance issued by the Threatened Species Scientific Committee 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.

Principle 8 – Offset commenced prior to impact [section 15]:

24. Offsets “*should be*” secured and delivery commenced rather than “*must be*” is not sufficient to ensure that offset integrity can be assured prior to the commencement of ecological destruction. **Actual delivery of the offset** is integral to creating social licence for the destruction of nature elsewhere.

In the same way that the Government reasonably expects to receive funds in their offset account *before* a development proceeds – not after – the public reasonably expects that the compensating social benefit (i.e. the offset activities) **should at least start being delivered before the social cost of the environmental destruction is allowed to proceed.**

This would also reflect the stated policy position in the title of the Principle (“offset commenced *prior* to impact” – not “offset might be commenced prior to impact”), as well as Note 2, which appropriately uses “*must commence*” language.

This critical integrity and social licence issue can be easily addressed as follows [amendments in **bold**]:

15 Principle 8—Offset **must** commenced prior to impact

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

ALCA and its member organisations look forward to continuing to engage with DCCEEW to finalise the development of the Standard.

Australian Land Conservation Alliance

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage, and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia.

Our twenty-two member organisations are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Biodiversity Legacy
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- National Landcare Network
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- Wildlife Bank Trust
- World Wildlife Fund - Australia

ALCA member land conservation efforts have influenced over 9.3% of Australia with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$400 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding and using nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spillover effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.



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)~~ CEO
- ~~(d)~~ impact
- ~~(e)~~ residual significant impact
- ~~(f)~~ restoration contribution charge
- ~~(g)~~ Restoration Contributions Special Account
- ~~(h)~~ Threatened Species Scientific Committee

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.

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 protected matters relevant to a current baseline.

mitigation hierarchy means the hierarchy as may be described in national environmental standards made under Part 19B of the Act.

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.

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
- (c) offsets provide certainty that protected matters will be protected and enhanced; ~~and-~~
- (d) offsets adhere, where relevant, to the mitigation hierarchy.

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 significantly to the recovery or conservation of the affected protected matter.
- (3) A high degree of certainty ~~should~~ must be demonstrated through any combination of the following:
 - (a) existing substantiated expert knowledge or peer reviewed science on how the offset activity will achieve offset outcomes identified in section (6) of this Instrument objectives with a high confidence of success, taking into consideration recommended actions in conservation planning documents and 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~~ closely analogous activity; ~~or~~ and
 - (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) For the purposes of subsection (3)(c), an independent expert review must be conducted by individuals that the CEO is satisfied is appropriate to conduct such a review, having regard to:

 - (a) each individual's qualifications, knowledge, expertise, competence and independence; and
 - (b) any other matters the CEO considers relevant.
- (54) 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.

9 Principle 2—Security

- (1) Offset activities 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, if relevant, maintained for the duration of the impact, and can include meeting the standards for inclusion in the National Reserve System.

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:
- for the duration of the activity period;
 - after the offset activity's intended outcome has been delivered; and
 - 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:
- 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
 - where the impact of the action is not temporary—~~the earlier of at least 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 is expected to continue with high degree of certainty ~~will continue~~ without the need for intervention or assistance.

10 Principle 3—~~Direct~~ and, tangible and quantifiable

- (1) Offset activities should 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 and quantifiable 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 or acquiring land for conservation, 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.

-
- (4) Indirect offset activities must be approved by the Threatened Species Scientific Committee.

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.

12 Principle 5—Additionality

- (1) Offset activities should deliver a benefit to the affected protected matter which is additional to ~~any existing legally required~~ 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.
- (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 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.
- (3) Where an offset activity is not clearly identified under subsection (2) as a higher conservation priority for the affected protected matter, the activity must be approved by the Threatened Species Scientific Committee.

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~~ as determined in guidance issued by the Threatened Species Scientific Committee, 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, an offset activity should be delivered within the same state or territory where the impact will occur.

15 Principle 8—Offset must commenced prior to impact

- (1) Offsets ~~should~~must be secured, and the delivery of offsets ~~should~~must 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 Restoration Contribution Charge, payment must be made into the Restoration Contribution Special Account prior to the impact occurring.

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.