

EXPOSURE DRAFT



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Nature Repair Amendment (Environmental Offsets and Market Integrity Measures) Rules 2026

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

Dated

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

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1 Name

This instrument is the *Nature Repair Amendment (Environmental Offsets and Market Integrity Measures) Rules 2026*.

2 Commencement

- (1) Each provision of this instrument 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
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Nature Repair Act 2023*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Environmental offsets

Nature Repair Rules 2024

1 Section 5

Insert:

protected matter means matter relating to the environment that may be subject to environmental offsetting requirements (however described) under a law of the Commonwealth, a State or a Territory, and includes matter protected by a provision of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999*.

registered as offset-capable: a registered biodiversity project is ***registered as offset-capable*** if:

- (a) the notice of approval of registration states that the biodiversity certificate for the project is intended to be used for an environmental offsetting purpose; and
- (b) notice has not been given under paragraph 73(2)(f) that the biodiversity certificate for the project is no longer intended to be used for an environmental offsetting purpose.

relevant offset decision-maker: if a project may be used to meet an environmental offsetting requirement (however described) under a law of the Commonwealth, a State or a Territory, the ***relevant offset decision-maker*** for the project is the person or body responsible for determining whether the project meets that requirement.

2 At the end of section 11

Add:

Information and documents about environmental offsetting

(8) If:

- (a) under the methodology determination that will cover the biodiversity project, the biodiversity certificate may be used for an environmental offsetting purpose; and
- (b) the project proponent intends to use the biodiversity certificate for the project for an environmental offsetting purpose;

the following information and documents in relation to the project are specified:

- (c) a statement that the biodiversity certificate for the project is intended to be used for an environmental offsetting purpose;
- (d) a declaration as to which protected matter is, or which attributes of which protected matter are, nominated for use for an environmental offsetting purpose.

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3 At the end of subsection 12(2)

Add:

- (d) if the application includes the information and documents mentioned in paragraphs 11(8)(c) and (d):
 - (i) under the methodology determination (the *applicable methodology determination*) that will cover project, the biodiversity certificate may be used for an environmental offsetting purpose; and
 - (ii) any requirements set out in the applicable methodology determination for the purposes of subparagraph 45(1)(ea)(ii) of the Act are met.

4 Subsection 13(1)

Omit “and (f)”, substitute “, (f) and (g)”.

5 At the end of subsection 13(1)

Add:

; and (c) specifies other matters that must be set out in the notice.

6 At the end of section 13

Add:

- (4) If the requirements mentioned in paragraph 12(2)(d) are met, the other matters are as follows:
 - (a) that the biodiversity certificate for the project is intended to be used for an environmental offsetting purpose;
 - (b) which protected matter, or which attributes of which protected matter, are nominated for use for an environmental offsetting purpose.

7 At the end of paragraph 29(3)(c)

Add:

; and (v) if the project is registered as offset-capable—evidence that requirements relating to the use of the biodiversity certificate in respect of the project for an environmental offsetting purpose have been met;

8 Paragraph 29(3)(d)

Repeal the paragraph, substitute:

- (d) for an application made under paragraph (1)(b):
 - (i) a statement that no biodiversity certificate has been issued in respect of the project; and
 - (ii) if the project is registered as offset-capable—evidence that the project proponent has notified the relevant offset decision-maker for the project that an application is being made for the registration of the project to be cancelled;

9 At the end of paragraph 30(2)(a)

Add:

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- (iii) if the project is registered as offset-capable—any requirements relating to the use of the biodiversity certificate in respect of the project for an environmental offsetting purpose have been met; and

10 Paragraph 30(2)(b)

Repeal the paragraph, substitute:

- (b) if the application is to cancel the registration of the project, in the circumstance that a biodiversity certificate has not been issued in respect of the project:
 - (i) no biodiversity certificate has been issued in respect of the project; and
 - (ii) if the project is registered as offset-capable—the applicant has notified the relevant offset decision-maker for the project that an application is being made for the registration of the project to be cancelled; and

11 At the end of subsection 31(2)

Add:

- ; and (e) if the application was made under paragraph 29(1)(a) and the biodiversity certificate that was issued in respect of the project was used for an environmental offsetting purpose—the relevant offset decision-maker for the project; and
- (f) if the application was made under paragraph 29(1)(b) and the project is registered as offset-capable—the relevant offset decision-maker for the project.

12 At the end of subsection 43(2)

Add:

- ; and (e) if the project is registered as offset-capable—the relevant offset decision-maker for the project.

13 At the end of Part 5

Add:

60A Biodiversity certificates—use for offsetting purposes

For the purposes of paragraph 76A(1)(c) of the Act, the requirement is that the registered biodiversity project is registered as offset-capable.

14 At the end of subsection 73(2) (before the note)

Add:

- (f) if the project is registered as offset-capable—the proponent no longer intends for the biodiversity certificate for the project to be used for an environmental offsetting purpose;

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- (g) if the project is registered as offset capable—the biodiversity certificate for the project has been used for an environmental offsetting purpose and, if so, how it has been used.

15 At the end of subsection 80(2)

Add:

- (t) whether the project is registered as offset-capable;
- (u) if the project is registered as offset-capable:
 - (i) any conditions to which the ability to use the biodiversity certificate for the project for an environmental offsetting purpose is subject; and
 - (ii) the protected matter, or the attributes of the protected matter, nominated for use for an environmental offsetting purpose; and
 - (iii) relevant data related to the protected matter, or the attributes of the protected matter, nominated for use for an environmental offsetting purpose;
- (v) if the biodiversity certificate for the project is used for an environmental offsetting purpose:
 - (i) the regulatory identifier that indicates the relevant action or project the impact of which is being offset by the project; and
 - (ii) the protected matter, or the attributes of the protected matter, that have been used for an environmental offsetting purpose.

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Schedule 2—Market integrity

Nature Repair Rules 2024

1 Section 5

Insert:

ecosystem score for a project means a score (however described) referred to in the methodology determination that covers the project and that relates to the biodiversity of the project, or the project area or activity area for the project.

Note: Examples of ecosystem scores for a project include the forecast aggregate ecosystem condition score for the project and the starting ecosystem condition score for the project area.

NBAS means the National Biodiversity Assessment System maintained by the Department and accessible through PLANR, as it exists from time to time.

PLANR means the Department’s Platform for Land and Nature Repair database, as it exists from time to time.

Note: In 2026, the database could be accessed at <https://planr.gov.au>.

2 After paragraph 20(2)(e)

Insert:

(ea) the matters (if any) specified for the purposes of this paragraph in the methodology determination that covers the project are met; and

3 Subsection 35(2)

Omit “and (n)”, substitute “, (m), (n) and (o)”.

4 After paragraph 63(2)(k)

Insert:

(ka) if, during the reporting period, the project proponent has given a notification to the Regulator under subsection 73(1) in relation to the matters specified in subsection 73(2A)—an update in relation to the progress of the relevant indicator returning to its threshold value;

5 Paragraph 63(2)(l)

Omit “statutory declaration”, substitute “statement”.

6 At the end of section 63

Add:

(5) Paragraph (2)(ka) applies only if the category A biodiversity report will be given more than 6 months after the notification under subsection 73(1) was given.

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7 Subsection 69(2)

After (g)", insert ", (k)".

8 Subsection 73(1)

After "subsection (2)", insert "or (2A)".

9 After subsection 73(2)

Insert:

- (2A) If the project proponent for a registered biodiversity project notifies the Regulator of a matter under subsection 109(2) or 110(2) of the Act, the matters are the following:
- (a) the current value of each indicator of each variable biodiversity project characteristic for the project;
 - (b) if the current value of an indicator of a variable biodiversity project characteristic for the project has fallen below the indicator's threshold value:
 - (i) whether the project proponent is satisfied that the indicator is likely to return to its threshold value within a reasonable period; and
 - (ii) if so, the period within which the project proponent estimates this is likely to occur;
 - (c) if a variable biodiversity project characteristic for the project is a culturally significant entity that is relevant to the project—that the current values of the indicators for the culturally significant entity have been verified by the relevant Aboriginal persons or Torres Strait Islanders for the project area, in accordance with any processes or requirements specified in the relevant methodology determination.

10 After subparagraph 73(3)(b)(i)

Insert:

- (ia) for a matter specified in subsection (2A)—within 60 days after the notification is given; and

11 After Part 12

Insert:

Part 13—Relinquishment requirements

75A Operation of this Part

For the purposes of Part 13 of the Act, this Part makes provision for or in relation to the relinquishment of biodiversity certificates.

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75B Relinquishment requirements—significant reversal in biodiversity outcome

- (1) For the purposes of subsection 148(1) of the Act, this section prescribes circumstances in which, for the purposes of paragraphs 146(1)(b) and 147(1)(b) of the Act:
 - (a) there is taken to have been a reversal of a biodiversity outcome to which a registered biodiversity project relates; and
 - (b) the reversal is taken to be significant.
- (2) The circumstance is that all of the following apply in relation to the project:
 - (a) there has been a reversal of the biodiversity outcome to which the project relates;
 - (b) the value of an indicator of a variable biodiversity project characteristic for the project falls below the indicator's threshold value;
 - (c) the Regulator has not extended the permanence period for the project under subsection 34(6) of the Act as a result of the reversal;
 - (d) the Regulator is satisfied that the value of the indicator is unlikely to return to its threshold value within a reasonable period.
- (3) In determining whether the Regulator is satisfied for the purposes of paragraph (2)(d), the Regulator must have regard to the following:
 - (a) how long it would take for the value of the indicator to return to its threshold value;
 - (b) the likelihood that the indicator will return to its threshold value;
 - (c) how much of the registered biodiversity project's permanence period remains;
 - (d) any other matters the Regulator considers relevant.

75C Content of relinquishment notices

For the purposes of paragraph 149(b) of the Act, a relinquishment notice must:

- (a) explain the reason for issuing the relinquishment notice;
- (b) set out the findings on any material questions of fact;
- (c) refer to the evidence or other material on which findings on any material questions of fact are based;
- (d) set out the project proponent's obligations to comply with the notice, the period within which it must be complied with and the consequences of a failure to comply with the notice;
- (e) set out the rights of review the project proponent may have, including with respect to the Administrative Review Tribunal;
- (f) include any other information the Regulator considers relevant.

75D Compliance with relinquishment requirement—relinquishing equivalent biodiversity certificate

- (1) For the purposes of subsection 151(2) of the Act, a biodiversity certificate (the *relinquished certificate*) meets the *relinquishment equivalence requirements* in

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relation to another biodiversity certificate (the *original certificate*) if all of the following apply:

- (a) the activities carried out under the methodology determinations that covered the registered biodiversity projects in respect of which the certificates were issued are similar;
 - (b) the project areas for the registered biodiversity projects in respect of which the certificates were issued are in the same IBRA subregion, or are in adjacent IBRA subregions;
 - (c) each of the following characteristics of the registered biodiversity project in respect of which the relinquished certificate was issued is equal to or greater than the corresponding characteristic of the registered biodiversity project in respect of which the original certificate was issued:
 - (i) the project area;
 - (ii) the permanence period;
 - (iii) the biodiversity benefits.
- (2) Subparagraph (1)(c)(iii) is satisfied if:
- (a) each of the following biodiversity benefits of the registered biodiversity project in respect of which the relinquished certificate was issued is equal to or greater than the same biodiversity benefit of the registered biodiversity project in respect of which the original certificate was issued:
 - (i) the forecast aggregate ecosystem condition score;
 - (ii) the forecast aggregate contribution to biodiversity persistence score;
 - (iii) if removal or reduction of impacts to threats to biodiversity in native species in the project area is identified and described for each project—the forecast threats score;
 - (iv) if the commitment to protection of biodiversity in native species in the project area is identified and described for each project—the forecast commitment to protection score;
 - (v) if the capability of the project area to support threatened species is identified and described for each project—the forecast threatened species score; and
 - (b) if the capability of the project area to support threatened species is identified and described for each project—the same threatened species are present in the project areas.

12 After paragraph 80(2)(q)

Insert:

- (qa) if the NBAS is updated:
 - (i) the revised ecosystem scores for the project (if any), based on the updated NBAS; and
 - (ii) the day any revised ecosystem scores were included in the Register;

13 Section 126

Repeal the section, substitute:

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126 When information or documents need not be provided under this instrument

- (1) This section applies if a person is required to provide information or a document as identity evidence to the Regulator under this instrument.
- (2) The person is not required to provide the information or document to the Regulator under this instrument if both of the following apply:
 - (a) the person has previously provided the information or document (or certified copy of the document) in accordance with the registration requirements under a climate change law;
 - (b) the person is currently registered under the climate change law in relation to which the information or document was previously provided.

Note: For information previously given to the Regulator under the Act, the *Carbon Credits (Carbon Farming Initiative) Act 2011* or legislative instruments made under either of those Acts, see section 222 of the Act.

- (3) In this section:

climate change law means the laws mentioned in the definition of ***climate change law*** in the *Clean Energy Regulator Act 2011*, other than the *Carbon Credits (Carbon Farming Initiative) Act 2011* or legislative instruments under the *Carbon Credits (Carbon Farming Initiative) Act 2011*.