
EXPOSURE DRAFT



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

EXPOSURE DRAFT

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Objects of this standard.....	2
6 Outcomes	2
7 Principles	2
8 Principle 1—Feasibility	2
9 Principle 2—Security.....	3
10 Principle 3—Direct and tangible.....	4
11 Principle 4—Measurable improvements.....	4
12 Principle 5—Additionality.....	4
13 Principle 6—Like-for-like.....	5
14 Principle 7—Relevant area	5
15 Principle 8—Offset commenced prior to impact.....	5

EXPOSURE DRAFT

EXPOSURE DRAFT

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Note: This table relates only to the provisions of this standard as originally made.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.

conservation planning document means a statutory plan or policy that supports the protection, conservation, recovery, and/or maintenance of a protected matter,

EXPOSURE DRAFT

EXPOSURE DRAFT

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.

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.

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.
-

EXPOSURE DRAFT

-
- (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 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.

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.

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

EXPOSURE DRAFT

EXPOSURE DRAFT

- (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 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.

12 Principle 5—Additionality

- (1) 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.
- (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.

EXPOSURE DRAFT

EXPOSURE DRAFT

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.

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, an offset activity 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 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.

EXPOSURE DRAFT