

Department of Climate Change, Energy, the Environment and Water

Submitted via the Consultation Hub: <https://consult.dcceew.gov.au/natl-environmental-standards-mnes>

30 January 2026

Submission on the draft Environmental Offset Standards Policy Paper and legislative instrument.

Environmental Advocacy in Central Queensland (**EnvA**) appreciates the opportunity to make a submission on the draft Environmental Offset Standard Policy Paper and legislative instrument.

About Environmental Advocacy in Central Queensland

EnvA is a Central Queensland community organisation committed to ensuring that all land use is sustainable and does not significantly impact on the environment. We are particularly concerned about the environmental impacts caused by new and expanding coal mining and coal seam gas projects in Central Queensland – particularly habitat loss, impacts on water quality and the significant production of greenhouse gas emissions which are contributing to accelerating adverse climate change impacts on communities and the environment.

General comments

The latest State of the Environment Report¹ makes it clear that *‘the state and trend of the environment of Australia is poor and deteriorating because of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction.’*

The Environmental Offsets Standard is a critical instrument in ensuring that:

- there is no further decline of the health of our environment, and
- that there is a net gain of critical and dispersal habitat for threatened species and ecosystems.

A fundamental shift in environmental legislation and assessment is essential. The Independent Review of the EPBC Act (**The Samuel Review**)² strongly identified the need for strong, clear, enforceable and outcomes-based standards for the protection of MNES.

Use of offsets

EnvA holds serious concerns about the general ineffectiveness of biodiversity offsets in Australia. Even the Federal Environment Minister stated that “We know the current offset arrangements are broken and making nature worse.”³

¹ [DCCEEW \(2021\) Australia: State of the Environment](#)

² [Professor Graeme Samuel AC \(2020\). Independent Review of the EPBC Act – final report](#)

³ [The Guardian \(2024\) A third of land set aside for restoration in worse state than before, Australian offset audit finds.](#)



Since the Queensland Environmental Offsets Policy was introduced in 2014, biodiversity indicators— including vegetation extent and condition, and populations of threatened species—have continued to decline across the state.⁴ Further to this, there is a lack of suitable land suitable for offsetting the impacts of development⁵, particularly in the Brigalow Belt bioregion which has been, and continues to be, extensively cleared for agriculture and coal mines⁶.

It is essential that the avoidance of impact—not offsetting—remains the priority. Offsets should only ever be used as a last resort.

Further detail on our key concerns are described below.

Objectives and outcomes

EnvA is supportive of the wording of the objectives and outcomes, however, we consider that the current wording of the principles does not provide the clarity and enforceability required to achieve the intent.

Strengthened wording

The draft legislative instrument currently contains terminology inferring a ‘choice’ rather than a clear, mandatory requirement which undermines certainty for proponents, the public and the decision-maker and weakens the achievement of the objectives of the EPBC clarity reforms.

For example, many of the Principles include “should” which needs to be replaced with “must” throughout the legislative instrument. It is essential that the Standard (**NES**) provides strong, clear and enforceable direction.

Offset feasibility

This Feasibility Principle requires that offsets are ecologically feasible, scientifically sound, and deliver a net gain for the affected species or ecosystem.

From EnvA’s experience, approved land-based offsets currently often do not meet these requirements, particularly in relation to delivering a net gain for Matters of National Environmental Significance (**MNES**) species and ecological communities.

As a recent example, Middlemount Coal’s extension of the Middlemount Coal Mine proposed to “better manage” some existing vegetation on land owned by the proponent. The protection and management of the proposed offset area was only for the duration of the Offset Management Plan, providing no enduring protection and no net gain for the affected species and ecosystem – they were already present in a “generally good” habitat quality.⁷ This type of offset does not provide a net gain for any affected species or ecosystem.

Of particular concern is the lack of direction provided in section 8(4) of the legislative instrument which requires that where an offset is not capable of being commenced at the time of a decision, the offset should not be pursued and alternative methods of addressing residual significant impacts should be explored.

EnvA considers that in circumstances where there is no available suitable offset, the Project must be refused in order to achieve the stated outcomes of the NES.

⁴ [Queensland Government \(2024\). State of the Environment Report](#)

⁵ [Queensland Government. In-demand offsets](#)

⁶ [Accad, A. Kelley, J.A.R., Richter, D., Li, J., Neldner, V.J. and Ryan T.S. \(2023\). Remnant Regional Ecosystem Vegetation](#)

⁷ [EnvA \(November 2025\) Submission on Notification of Publication of Preliminary Documentation: Invitation to Comment on the Middlemount Coal Mine Extension Project \(EPBC 2021/8920\)](#)

Offset security

EnvA expresses its strong objection to this section of the legislative instrument.

Section 9 (1) requires that “offset activities should be securely protected”. While EnvA supports this, it is counteracted by the remaining clauses which infer that the protection is only relevant for the duration of the activity and approved Offset Management Plan (**OMP**) has been achieved. This will not provide long term protection of the offset habitat for MNES – only a temporary protection.

There must be a stronger statement about the long-term security of offset habitat and management that protects the offset area in perpetuity, not only until the activity ceases and the OMP has been achieved.

Direct and tangible

Species which have specific habitat requirements (for example tree hollows) cannot be replaced in the short-term and it is essential that this is considered as a loss of habitat, rather than a habitat that can easily be replaced through an offset.⁸

There is a need for further direction on how a proponent can provide a direct, tangible and quantifiable benefit to the protection, conservation and recovery of any protected matter.

EnvA again recommends that where appropriate offsets are not available and where impacts are to threatened species and ecological communities will be significant, the project must not be approved to proceed. Indirect offset activities, while valuable, do not lead to the protection and management of MNES and should not be used as a mechanism to offset a project.

Measurable improvements and additionality

EnvA considers that offsets can never provide a measurable improvement or additionality to the condition of any protected matter. We firmly believe that the loss of habitat, fragmentation of habitat and impacts on connectivity cannot be replaced by any offset conditions.

Therefore, we respectfully recommend that these Principles include specific guidelines and requirements to ensure that proponents and decision makers have a strong, clear, enforceable and outcomes-based standard. This will also remove the discretionary aspects of the NES and improve the clarity of requirements from the outset.

Like-for-like and relevant area

EnvA is supportive of the concepts outlined in Principles 6 and 7. However, the reality is that there will rarely be available offsets that meet these requirements in many localities across the nation.

As outlined in the Offset feasibility section above, EnvA considers that in circumstances where there is no available suitable offset, that the Project must be refused in order to achieve the stated outcomes of the NES.

“Pay to destroy” is not the way to go

The concept that payment into an offset fund where the proponent cannot secure a suitable offset is contrary to the intent of the NES. It must be the proponent’s responsibility to ensure that offsets:

⁸ [Australian Government \(2025\) Draft National Recovery Plan for Greater Gliders](#)

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

Damage and destruction of MNES should not be for sale – real protection and management is the only way to ensure their current (and hopefully improved) conservation status.

If the proponent is unable to secure an appropriate offset consistent with the NES, it is likely that the offset fund-holder will not be able to secure a suitable offset that meets the Standard.

National environmental standards will shape how the new laws operate in practice. Getting them right now is critical to ensuring the system is fair, consistent and capable of preventing further environmental harm.

Thank you again for the opportunity to comment on the draft Environmental Offset Standards Policy Paper and legislative instrument.

Kind regards



Dr Coral Rowston
Director
Environmental Advocacy in Central Queensland Inc.