

Department of Climate Change, Energy, the Environment and Water

Submitted online through the Consultation Hub, National Environmental Standard for Environmental Offsets: <https://consult.dcceew.gov.au/environmental-offsets-standard>

8 June 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 second submission on the updated draft Environmental Offset Standard Policy Paper and legislative instrument.

EnvA remains concerned that the revised Environmental Offsets Standard has not adequately addressed the fundamental shortcomings of biodiversity offsetting in Australia. While some improvements have been made since the previous consultation draft, the revised Standard still risks legitimising the continued loss of Matters of National Environmental Significance through offset arrangements that may not deliver equivalent, additional or enduring conservation outcomes.

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 background

A draft Environmental Offsets Standard was previously published for consultation from 10 November 2025 to 30 January 2026. EnvA provided comments on the Standard through this previous consultation timeframe.¹

Statutory consultation on the exposure draft of the National Environmental Standard for Environmental Offsets (Environmental Offsets Standard) is now again open for further public comment. The current exposure draft of the Environmental Offsets Standard has been developed based on feedback received from the public and stakeholders during previous consultations.

¹ [EnvA \(30 January 2026\) Submission on the draft Environmental Offset Standards Policy Paper and legislative instrument.](#)



EnvA's submission

Many of the matters raised in our initial submission on the draft Environmental Offsets Standard have not been adequately reflected in the Draft Policy Position Paper: National Environmental Standards for Environmental Offsets (**Draft policy: NES for Environmental Offsets**)² and hence we reiterate many of the issues that we have previously raised.

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**)³ found that Australia's environmental laws have failed to halt environmental decline and highlighted the need for legally enforceable National Environmental Standards that deliver measurable environmental outcomes. Any Environmental Offsets Standard must therefore operate within a framework that prioritises avoidance of impacts and ensures that offsets are genuinely capable of contributing to environmental recovery rather than merely compensating for continued decline.

Use of offsets

EnvA holds serious concerns about the general ineffectiveness of biodiversity offsets in Australia.

Numerous government audits, academic studies and independent reviews have identified significant shortcomings in biodiversity offset schemes, including failure to achieve additional conservation outcomes, uncertainty regarding long-term management, inadequate monitoring and enforcement, and substantial time lags between ecological losses and offset benefits. 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.

Proposed application of the Environmental Offsets Standard

EnvA is supportive of the Standard to cover all protected matters protected under Part 3 of the EPBC Act including Matters of National Environmental Significance (MNES) and the 'whole of the environment' for actions on Commonwealth land, and for actions taken by the Commonwealth. We also support the use of the Standard by the minister outlined in the Draft policy: NES for Environmental Offsets.²

However, we still contend that the following matters lack sufficient detail and clarity regarding the requirements.

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.

² [DCCEEW \(2026\) UPDATED Draft Policy Position Paper: National Environmental Standard for Environmental Offsets](#)

³ [Professor Graeme Samuel AC \(2020\). Independent Review of the EPBC Act – final report](#)

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

Offset security

EnvA expresses its strong objection to this section of the exposure draft of the legislative instrument.⁴

Section 9 (1) (Principle 2 – Security) 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 20 years, the duration of the offset activity or 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.

Temporary protection cannot compensate for permanent habitat loss. Where a development results in the permanent clearing or degradation of habitat, any offset intended to compensate for that impact must itself be protected and managed in perpetuity.

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.

Measurable improvements and additionality

EnvA remains unconvinced that biodiversity offsets can reliably deliver measurable improvements sufficient to compensate for the loss of existing habitat and ecological values. In particular, offsets cannot replace mature habitat, ecological connectivity, species interactions or landscape-scale ecological function that may be permanently lost through development.

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 5 and 6. 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 where no suitable offset can be identified and secured, the project must be refused in order to achieve the stated outcomes of the NES. The inability to secure a suitable offset demonstrates that the impacts cannot be adequately compensated.

“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:

- are relevant and available to compensate for the impact to the protected matter and support recovery or conservation,

⁴ [Exposure draft. National Environmental Standard \(Environmental Offsets\) 2026](#)

- 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.

While this “pay to destroy concept” has now been limited to indirect offsets, it does not in any meaningful way compensate for the loss of habitat, fragmentation and additionality requirements.

EnvA considers that indirect offsets provide an opportunity for proponents to pay-to-destroy approach and should be removed from the policy and legislative instrument, despite any inclusion in relevant conservation plans. We firmly consider that the loss of habitat is the most critical to the endurance of all threatened species and communities, and that the impacts on other MNES cannot be mitigated through research and education.

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.

Key recommendations

EnvA recommends that the Environmental Offsets Standard be amended to:

1. Replace discretionary language such as "should" with mandatory language such as "must".
2. Require offset sites to be legally secured and managed in perpetuity.
3. Prohibit approval of actions where suitable offsets cannot be identified and legally secured prior to approval.
4. Remove provisions allowing indirect offsets to compensate for habitat loss and degradation.
5. Remove offset fund mechanisms that enable proponents to pay in lieu of securing suitable offsets.
6. Reinforce avoidance as the primary mechanism for protecting Matters of National Environmental Significance.

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

Kind regards



Dr Coral Rowston
Director
Environmental Advocacy in Central Queensland Inc.