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21 October 2011

To Whom It May Concern,

RE: EPBC ACT ENVIRONMENTAL OFFSETS POLICY CONSULTATION DRAFT.

The Nature Conservation Society of South Australia (NCSSA) is a community based, not for profit organisation with a diverse membership drawn from all parts of the State. The Society's primary objective is to "foster the conservation of the State's wildlife and natural habitats through effective scientific research and education".

Since its inception in 1963, the NCSSA has taken an active role in the protection of South Australia's natural resources and the Society continues to run a variety of highly regarded biodiversity conservation projects. These projects target critical gaps in knowledge and action and include: improving the understanding of biodiversity within the community; on-ground action towards the recovery of threatened flora; supporting land managers to restore habitat on private and public land; collecting and communicating high quality scientific and technical information; and contributing to the formation and review of natural resource management policy.

The Society has a long history of ecological research in South Australia, and has been heavily involved in many aspects of conservation throughout the region. One of the Society's more recent priorities has been targeted ecological and social research into the use of environmental offsets throughout Australia. The Society is dedicated to researching and helping to implement best practice with scientifically and ecologically sound environmental offset strategies.

The Nature Conservation Society welcomes the opportunity to comment on this Policy and looks forward to working with the Department of Sustainability, Environment, Water, Population and Communities on this policy in the future.

For further information please contact the Society's Conservation Ecologists, [REDACTED] and [REDACTED] or via email at [REDACTED]

Yours sincerely,

Georgina Mollison
Conservation Ecologist



Introduction

The Nature Conservation Society of South Australia (NCSSA) would like to congratulate the Department of Sustainability, Environment, Water, Population and Communities on undertaking a review of the environmental offsets policy as part of the broad package of reforms for Australia's national environment law.

The Society cannot stress enough the importance of this Policy in a climate where ecological diversity throughout Australia is dwindling and is under constant threat from many human activities, including an escalating number of developments. It is essential that the Federal Government sets an example of best practice and scientific rigour for the State's with this environmental offsets policy, as there is no doubt that State Governments will be looking to this Policy for guidance in the development and reform of their own offsets policies. The Society urges that the Government is vigilant in ensuring that the policy takes a cautious and environmentally sympathetic approach with regard to calculating offsets and policy development so that the environment and biodiversity do not loose in the long term. This is especially important as by the admission of the authors of the Policy "offsetting is a developing policy area", in which new scientific information will continue to become available about how ecosystems respond to varied offset policies.

The NCSSA is disappointed that we did not receive an invitation to attend and contribute to the consultation workshops convened for this policy, in future the Society would like to request that it is added to the mailing list for these types of workshops.

Detailed Comments

2. The Society agrees with the 4 general aims of the Policy and believes that it is essential that the Government provide a scientifically robust, transparent and consistent way to deliver offsets that are beneficial to biodiversity and ecosystem services. This must be the main goal at all times for the Policy.

Box: 1

4. The Society would like further discussion and explanation regarding this point. This is not adequately discussed in the Policy and the Society would like to see it specified in the legislation that a much larger area of offset may be required to ensure that the size and scale is proportionate to the impacts being offset. The offset requirements should also refer to time scale as well as spatial scale, for example if biodiversity assets are lost forever, then offsets should be secure forever.

This section should also state that if scientific evidence is unavailable or where there is uncertainty the precautionary principle should be adopted.

The NCSSA would like the offset requirements to acknowledge that with current knowledge, it is impossible to recreate habitat that is consistent with the same values present in remnant native vegetation and biodiversity.

Where this policy relates to offsets for threatened ecological communities, threatened species or threatened species habitat, a like for like policy is essential.

- 4.1 The Society agrees that under no circumstances should offsets allow an action with unacceptable impacts to proceed.

- 4.2.1 The Society questions if the revegetation of environmentally degraded land should be included as a direct offset in some cases. Particular caution needs to be taken when this is offered as an offset for the removal of significant vegetation or habitat. The time taken for this area of revegetated land to start to provide the same ecosystem services as an established area of vegetation or habitat should be taken into consideration and therefore given a reduction in point value.

The Society questions if a proponent buying credits in a biodiversity banking scheme should be classified as a direct offset. While there is definite merit in including biodiversity banking in the offsets policy it may be better categorised as an in-direct offset due to the low probability of a property being available in the same area as the action and of a conservation scheme being undertaken on the species required by the proponent.

- 4.2.2 The Society believes that indirect offsets should have very low point values as offsets; it is unclear from the Policy if this will be the case.

6. In South Australia there are no current mechanisms that exclude mining from private land, so therefore any offset made on private land is not secure in the long term. This is a major flaw in the policy as the Commonwealth has no mechanism for guaranteeing long term protection.

- 6.1.5 The Society strongly agrees that all of the information about an offset and its compliance should be made publically available from the start of the Policy.

The Society would like more information on how the Department plans to establish a monitoring and auditing program that ensures that all offsets are monitored and reported in an unbiased manner. The Society would also like to be consulted on and informed of the data that will be required by the Department to allow for the performance of the offset to be evaluated.

The NCSSA believes that it is essential that the monitoring and auditing program is adequately resourced. A robust and strict framework needs to be in place for evaluating information collected through monitoring and against the objectives of the policy. The policy then needs to be reviewed accordingly. Triggers for action in this regard will be very important for accountability.

- 8.1** The Society believes that there is potential for perverse outcomes if developers are able to benefit from rights to the carbon in any offsets made under this policy. For example if a proponents are able to benefit from carbon rights associated with an offset made, the effectiveness of the offset as a deterrent or disincentive for will be weakened.