

Department of Sustainability, Environment,  
Water, Population and Communities  
GPO Box 787  
Canberra ACT 2601

Australia

Submitted by email:  
epbc.reform@environment.gov.au

21/10/2011

Dear Sir/Madam

**Re Submission: Australian Environmental Protection Biodiversity and Conservation (EPBC) Act Environmental Offset Policy.**

Please find attached a copy of Conservation Council SA's submission to the **Environmental Protection Biodiversity and Conservation (EPBC) Act Environmental Offset Policy.**

Thank you for the opportunity to comment on this matter.

Yours Faithfully



Julia Winefield

Acting Chief Executive



**Conservation  
Council SA**

Address	The Conservation Centre Level 1, 157 Franklin Street Adelaide SA 5000
Phone	(08) 8223 5155
Fax	(08) 8232 4782
Email	general@conservationsa.org.au
Web	www.conservationsa.org.au
ABN	22 020 026 644





# Conservation Council SA

## **Environmental Protection Biodiversity and Conservation Act Environmental Offset Policy.**

**21 October 2011**

**Conservation Council of SA Inc**

**1/157 Franklin St**

**Adelaide**

**SA 5000**

**p: (08) 8223 5155 f: (08) 8232 4782**

**e: [general@conservation.sa.org.au](mailto:general@conservation.sa.org.au)**

**w: [www.conservation.sa.org.au](http://www.conservation.sa.org.au)**

## Introduction

The Conservation Council of South Australia is South Australia's peak non-government community environment organisation. Formed in 1971, it is an umbrella group for around 50 of the state's diverse environment groups.

Conservation Council SA welcomes the opportunity to comment on the Government's consultation draft **Environmental Protection Biodiversity and Conservation (EPBC) Act Environmental Offset Policy**.

Conservation Council SA has developed a comprehensive view of environment policy in "South Australia in a Changing Climate: A Blueprint for a Sustainable Future."<sup>1</sup> This document sets out, at a strategic level, policy positions in six key environmental areas, including biodiversity issues.

## Opening Statements

Conservation Council SA does not support the general use of environmental offsets to compensate for the impacts of development on matters protected under the EPBC Act. As outlined in our submission on the 2008 Discussion Paper for the same policy, the ability of environmental offsets to give real and lasting environmental and conservation benefits is dubious and highly uncertain, in particular where restoration is used as an offset.

## Limitations of environmental offsets in providing proven outcomes

There are inherent limitations in the ability of environmental offsets to provide environmental benefit, for more detail see Burgin (2008), Hilderbrand, Watts and Randle (2005) and Gibbons and Lindenmayer (2007). These limitations are even more acute when applying offsets to Matters of National Environmental Significance (MNES), which by their very nature are rare and specific to unique places and species. It is far from certain that environmental offsets can even maintain the viability of MNES, let alone improve the overall conservation outcome as required by the policy. This is even more of a concern considering the current lack of proven recovery outcomes through the use offsets as part of development projects world wide.

The draft policy does not discuss the severe limitations of environmental offsets apart from the acknowledgement that offsets "*involve some risk that they will not fulfil the aims for which they were designed*" (p13). The limitations of environmental offsets need to be fully understood and taken into account in the policy, or there is a real risk that conservation outcomes will actually be worsened by it.

Given their limitations, it is difficult to understand how environmental offsets can "*deliver an overall conservation outcome that improves or maintains the viability of*

---

<sup>1</sup> (<http://www.conservationsa.org.au/blueprint.html>)

*the aspect of the environment that is protected by national environment law and affected by the proposed development” (Consultation Draft p 4).*

### **Management and accountability of measurement, monitoring, auditing and enforcement of environmental outcomes**

If environmental offsets are used to compensate for adverse impacts of an action there needs to be **independent and accountable** measurement, monitoring, auditing and enforcement of offset use. This is crucial to maximise whatever benefits can be achieved by environmental offsets. However there is no detail in the draft policy on how non-compliance with environmental offsets will be enforced or with what consequences, nor where accountability lies should the use of environmental offsets not deliver the desired outcome.

Given the difficulty for environmental offsets to provide the desired outcome there is a real risk to both the proponent and the government that environmental offsets will fail to deliver conservation outcomes and provide little benefit. It needs to be clear who is accountable in this situation and what measures will be taken.

Furthermore there is a strong argument for environmental offsets processes to occur before the action is taken to ensure that they will provide the environmental benefits before irreparable damage is done to the MNES. Are you suggesting measurable success of the offset would be a precondition for approval of the action? not sure how that would work in practice given the timeframes involved...

In addition the process of reporting and review needs to be independent.

### **Other concerns.**

Conservation Council SA has other concerns with regards to this policy including:

- **What regulations will be placed on third parties?** The use of third parties contracted by the proponent to conduct offsets needs to be properly regulated and the industry itself audited, not just the quality of the offsets provided but the services they provide.
- **What provisions will be put in place should the proponent no longer be in a position to fund or manage the environmental offsets?** The government makes it very clear that it will not be in any way responsible for the management of environmental offsets. , Should the proponent no longer be in a position to oversee or fund the environmental offsets they have contracted a third party to perform for them, who is then responsible and accountable for the offsets?
- **What protections will be put in place to ensure the environmental offsets** continue to provide significant environmental benefits after the length of the residual impact? Will the offsets be protected from future development? If offsets areas are able to be developed in the future, this will cause an overall degradation of MNES.

- **Cumulative effects of offsets on MNES** – given offsets have no guarantee of providing environmental benefits, what provision will there be to account for the cumulative effects of their use on MNES?
- **Offsets must be additional to existing legislated obligations** – for example the removal of Weeds of National Significance is not an offset as landholders are legally obliged to control the weed.

## References

Burgin S (2008) "Biobanking: and environmental scientist's view of the role of biodiversity banking offsets in conservation" *Biodiversity Conservation* 17: 807-816

Gibbons P and Lindenmayer DB (2007) "Offsets for land clearing: No net loss or the tail wagging the dog?" *Ecological Management and Restoration* 8:1 26-31

Hilderbrand RH, Watts AC and Randle AM (2005) "The Myths of Restoration Ecology" *Ecology and Society* 10:1