

Recommendations

Recommendation 1

6.8 The committee recommends that the *Environment Protection and Biodiversity Conservation Act 1999* be amended to expressly recognise environmental offsets and to include the principles set out in the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* as relevant considerations for the minister in making decisions about conditions of approval relating to offsets.

Recommendation 2

6.12 The committee recommends that the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* be revised to provide further clarity on the principle of additionality.

Recommendation 3

6.13 The committee recommends that the Department of the Environment ensure that all offsets adequately reflect the principles of additionality, and are not granted in relation to areas that are already protected under existing Commonwealth, state or territory legislation or policy.

Recommendation 4

6.16 The committee recommends that offsets be used only as a last resort.

Recommendation 5

6.17 The committee recommends that, prior to approval being given for actions under the *Environment Protection and Biodiversity Conservation Act 1999*, the mitigation hierarchy be rigorously implemented, with a greater emphasis on avoidance and mitigation.

Recommendation 6

6.21 The committee recommends that the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* be revised to provide greater guidance on developments in which offsets are unacceptable, including a list of 'red flag' areas, such as world heritage and critically endangered ecological communities and species.

Recommendation 7

6.26 The committee recommends that environmental offsets related to any particular development or activity should be clearly identified prior to approval being given for that development or activity.

Recommendation 8

6.31 The committee recommends that all environmental offsets plans and strategies, required as part of the conditions of approval under the *Environment*

Protection and Biodiversity Conservation Act 1999, be published on the Department of the Environment's website.

Recommendation 9

6.34 The committee recommends that the Department of the Environment expedite the development of a publicly available nationally coordinated register of environmental offsets.

Recommendation 10

6.37 The committee recommends that the Department of the Environment develop a separate offsets policy in relation to the marine environment.

Recommendation 11

6.39 The committee recommends that the Department of the Environment carefully verify all calculations and information provided by proponents in relation to environmental offsets.

Recommendation 12

6.42 The committee recommends that the scheduled technical review of the *Environment Protection and Biodiversity Conservation Act 1999 Offsets Policy* be commenced as soon as possible. The technical review should be made publicly available and should consider evidence provided to this committee in relation to the Offsets Assessment Guide.

Recommendation 13

6.49 The committee recommends that resource and staffing levels within the Department of the Environment should be sufficient to ensure adequate monitoring capacity in relation to approvals of conditions under the *Environment Protection and Biodiversity Conservation Act 1999*, including conditions relating to offsets.

Recommendation 14

6.53 The committee recommends that the Department of the Environment's compliance audit program be extended to include an evaluation of the progress of offsets granted as conditions of approval under the *Environment Protection and Biodiversity Conservation Act 1999* in achieving their intended environmental outcomes.

Recommendation 15

6.54 The committee recommends that the scheduled five-year review of the *Environment Protection and Biodiversity Conservation Act 1999 Offsets Policy* include consideration and evaluation of the extent to which offsets are achieving positive environmental outcomes.

Recommendation 16

6.59 The committee recommends that the Department of the Environment reviews the mechanisms for securing offsets under the *Environment Protection and Biodiversity Conservation Act 1999* with a view to ensuring that the strongest

possible legal mechanisms are used or developed, if required, to secure offsets in perpetuity.

Recommendation 17

6.62 The committee recommends that the Department of the Environment revise the *Environment Protection and Biodiversity Conservation Act 1999 Offsets Policy* to clarify that offsets need to be protected in perpetuity and should not be subject to future development.

Recommendation 18

6.64 The committee recommends that the Department of the Environment include requirements in conditions of approval under the *Environment Protection and Biodiversity Conservation Act 1999* for the secure funding of the future management of offset areas.

Recommendation 19

6.69 The committee recommends that the Department of the Environment examine and review options to ensure a more strategic approach to offsets, including encouraging greater use of 'advanced offsets'.

Recommendation 20

6.74 The committee recommends that a consistent national standard be developed in relation to environmental offsets based on the *Environment Protection and Biodiversity Conservation Act 1999 Offsets Policy*.

Recommendation 21

6.75 The committee recommends that the Australian Government not accredit state and territory approval processes under the *Environment Protection and Biodiversity Conservation Act 1999*.