



Environmental Offsets Review team  
 Department of Environment and Science  
 Sent via email only: [offsetsreview@des.qld.gov.au](mailto:offsetsreview@des.qld.gov.au)

24 April 2019

Dear Offsets Unit,

**Submission to Review of the Queensland Biodiversity Offset Framework**

Thank you for reviewing the Queensland biodiversity offset framework.

We note that this review has been committed to in each Queensland Labor State Policy Platform since the government was elected in 2015; this review is therefore significantly overdue.

Most recently,<sup>1</sup> the review was committed to by your government in the [2018 ALP Queensland Party Platform](#) as follows:

*'5.126 Labor will review and amend the Queensland Environmental Offsets Act 2014 (Qld) to ensure that offsets:*

- Are only utilized as a last resort*
- Deliver an actual benefit for affected species and ecosystems*
- Are applied strategically and are legally secure.'*

We are writing on behalf of the organisations represented above to express our shared serious concern over the environmental degradation occurring through our current biodiversity offset framework and the lagging timeframe of this review. Significant reforms are needed urgently to the operation of offsets to prevent this decline from continuing.

---

<sup>1</sup> Queensland Government, *Queensland Environmental Offsets Policy*, Version 1.6, June 2018, p.21.

The current framework:

- does not adequately ensure that inappropriate environmental impacts are avoided altogether;
- is open to being used to justify inappropriate impacts on the basis of a presumption that an offset will be possible, to be determined after approval, when it may in fact *not* be possible to offset the impact;
- is not based on scientifically accurate offset ratios, the current ratio required for offsets provided has no scientific relationship to what is actually needed to adequately 'counterbalance';
- provides numerous exemptions which mean serious environmental impacts are often not required to be offset, including for urban development and for the vast amount of unregulated vegetation clearing allowed in Queensland;
- provides a vague standard for conservation outcomes required, with no reference to the actual level of impact on an environmental matter, and no ability to make up for whole-of-ecosystem and genetic loss; and
- does not meet best practice in offset provisions, particularly by failing to provide adequate timeliness, accountability and enforceability.

Further, we are greatly concerned that the current design of the offset framework is leading to exacerbated environmental decline,<sup>2</sup> at a time when we need a framework that assists in *reversing* environmental decline and leads to improved environmental outcomes for our threatened species and ecosystems.

Queensland's offset framework needs major changes to prevent significant environmental loss.

**Queensland needs the following reforms to our laws as a minimum through this review:**

1. Prohibitions effective across all Qld laws to prevent impacts on our most vulnerable environmental values, avoiding the impact completely and therefore making the offset unnecessary (e.g. legal protection of critical habitat) - this requires clear laws around when impacts should be 'avoided' and also clarity on what mitigation action must be required by proponents;
2. Assessment of whether an impact can actually be offset *prior* to a decision being made on whether to approve an impact; if it can't, the project should be refused outright;
3. Scientifically valid ratios for offsets required to be provided and removal of caps;
4. Redefining the required conservation outcome for offsets, such that the offset required takes into account the degree of impact and the quality of the environmental value impacted;

---

<sup>2</sup> Maron, M., et al. Locking in loss: Baselines of decline in Australian biodiversity offset policies. *Biol. Conserv.* (2015), <http://dx.doi.org/10.1016/j.biocon.2015.05.017>.

5. Rather than having objectives of 'no net loss', or 'net gain', which are relative to a counterfactual of decline, we need a framework that leads to losses being compensated with tangible improvements for the matter being impacted such that there is no net decline, considering both the impact and the offset sites – that there is just as much habitat after the impact as before;
6. Removal of exemptions from the offset framework which mean significant tree clearing and urban development across Queensland are allowed and species impacts are not required to be offset;
7. Require offsetting of all residual impacts, not just subjectively determined 'significant' residual impacts. This was the policy of this government in the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 and should be an outcome of this review;
8. Meaningful measures to assess and reduce existing and likely future cumulative impacts;
9. Better accountability, transparency, security, monitoring and enforceability of offsets required – to ensure they are delivered effectively;
10. Department of Environment and Science to be given concurrence agency power for all decisions involving assessment of proposed environmental impacts and offsets where state assessment is triggered.

If your government does not implement these changes to the framework, we do not consider you will have met your commitment to Queensland referenced above. We trust in your government to make the changes needed to better protect our precious environmental values.

Yours faithfully,



Revel Pointon  
Senior Solicitor  
EDO Qld – on behalf of groups represented on the header above