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Re. Issues paper: Protect and Conserve Method Revised Scope

Friends of Grasslands (**FOG**) and the Conservation Council ACT Region (**Council**) (together, '**we**') welcome the opportunity to comment on the above Issues paper.

Now the Nature Repair Market enables biodiversity certificates to be used to meet offset obligations, the Protect & Conserve Method (**Method**) must operate as a regulatory-grade protection instrument capable of 'securely protecting'¹ a 'project area'² that will also be an offset site.

We note the Method will adopt a mandatory 100-year permanence period. We understand this is the outer limit of the period possible under the *Nature Repair Act 2023*, i.e., given s 32A, the Method cannot create obligations to maintain a project area beyond a registered biodiversity project's permanence period. In our view, s 32A does not however prevent the Method from incentivising legal protections that will continue over a project area *in perpetuity*.

We note, whenever it is implemented, that the Method as revised will be stacked with another, such as but not limited to the 'enhancing native vegetation method'. We understand the Method can both *be* a protection mechanism, and it can *also* incentivise the execution of another even stronger, longer-lasting legal protection outcome registered on the project area's title. The other method(s) will enable the realisation and measurement of a net gain outcome.

- In this context, a strong legal protection has two dimensions. First, it can be and is executed with the intention of enduring "for the full duration of the impact" at the impact site³; this is the protection's 'permanence'. Second, once executed, the protection is unlikely to be revoked or varied in favour of development (or more-intensive use); this is its 'security'.

The stacked approach, separating out the achievement of a protection outcome, is supported; it is clear and simple.

To have integrity, where an Approval Holder holds an approval and chooses to proceed with an action that causes a *permanent* residual significant impact on a protected matter at an impact site, the Method alone is not sufficient because its duration is limited to 100 years. To achieve a protection for the full duration of the impact, the Method should therefore also incentivise the execution of a secure legal protection over the project area *in perpetuity*.

¹ Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) (8 May 2026) *Exposure Draft National Environmental Standard (Environmental Offsets) 2026*, <https://consult.dcceew.gov.au/environmental-offsets-standard>, s 9(1), Principle 2

² *Nature Repair Act 2023*, s 7

³ DCCEEW (Oct 2012) *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, www.dcceew.gov.au/sites/default/files/documents/offsets-policy_2.pdf, p. 8

The Method must be *capable* of giving decision-makers approving residual significant impacts the option of requiring a net gain that will endure *beyond* any Market project's 'maintenance period'⁴. The decision-maker's 'high confidence'⁵ in such an outcome must be derived from examinations of *both* the protection mechanism *and* the relevant instrument.⁶

In our view, the Method should:

- *strongly* incentivise secure legal protections intended to endure *in perpetuity*, sufficient to endow management of the project area for the duration of impacts at the impact site
- incentivise outcomes for protected matters that are consistent with plans and priorities for:
 - protected matters, such as recovery plans
 - landscape plans, such as bioregional plans
- be transparently administered
 - including to avoid double-counting with stacked revenue streams
 - using suitably qualified persons with (as needed) higher qualifications, ecosystem specific expertise and First Nations Peoples' knowledge recognition
- be capable of enabling, supporting and delivering:
 - assurance net gains are being delivered, e.g., via five-yearly checks on progress
 - clear differentiation between protection levels and
 - appropriate risk controls, monitoring and issuance rules
- *not* undermine strong state integrity standards.

For integrity, this multi-certificate, staged-issuance approach requires:

- periodic review of repair outcomes at regular (e.g., five-yearly) intervals
- buffer/holdback mechanisms
- revocation for non-compliance.

The Department's consultation website states you engage and collaborate with technical experts, partner organisations and market stakeholders. FOG and the Council have provided technical input on multiple occasions, and we are Market stakeholders; yet, we have never been invited to any workshops. We hope you will engage with us in the future.

Yours sincerely,

SIGNED

Matt Whitting
Vice President, Friends of Grasslands
30 June 2026

SIGNED

Dr Simon Copland
Chief Executive, Conservation Council ACT Region
30 June 2026

⁴ DCCEEW n 1, s 9(2)(b), Principle 2

⁵ DCCEEW (8 May 2026) *UPDATED Draft Policy Position Paper: National Environmental Standard for Environmental Offsets*, <https://consult.dcceew.gov.au/environmental-offsets-standard>, p. 16

⁶ A mechanism, typically established by a statute, provides the means to protect land from inappropriate development. An instrument is typically *the* document executed to give legal effect to the mechanism over a defined offset site/project area.

About us

FOG is a community group dedicated to conserving grassy ecosystems in south-eastern Australia, including natural and temperate grasslands and grassy woodlands. Our members include professional scientists, landowners, land managers, and members of the public, all committed to protecting these landscapes for the long term.

The Council is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future. We campaign for a safe climate, to protect biodiversity in urban and natural areas, to protect and enhance waterways, reduce waste, and promote sustainable transport and planning for our region.