



A framework for restoration

The Government has committed to the protection and restoration of biodiversity as part of its environmental law reform. Successive State of the Environment reports document continuing decline in biodiversity values, indicating an urgent need for a policy framework that will deliver restoration.

The Commonwealth's jurisdiction extends to Matters of National Environmental Significance (MNES) so this framework focuses on restoration for MNES, as defined under Chapter 2 of the *Environmental Protection and Biodiversity Conservation Act (Cwth 1999)*.

Definition of restoration

Restoration and protection of MNES means:

1. Timely, measurable and sustainable accumulation of net gains in the condition¹ of MNES, so that their conservation status improves measurably and they retain their capacity to adapt to environmental change; and
2. The avoidance and mitigation of the processes that threaten and cause decline² in the condition of MNES.

Goals of restoration

1. Deliver net gain to the condition of the MNES
2. Contribute to the realisation of the objects of the Act
3. Give effect to meaningful improvements to MNES at a landscape scale
4. Set out clear, enforceable requirements and measurable outcomes for restoration activities

¹ The term condition refers to the values, diversity, abundance, resilience, and integrity of threatened species and their habitats; World Heritage, National Heritage or Ramsar values; values relating to migratory species, habitats and important migratory routes, etc.

² Including, but not limited to, climate change, and factors related to population growth and economic development

5. Encourage an adaptive approach to restoration activities to ensure a continuing focus on outcomes
6. Facilitate public and private investment in restoration
7. Set a transparent benchmark for accountability for relevant decisions and actions

Principles for restoration

First do no harm

Restoration activities must ensure that they do not create further damage to the environment, applying the precautionary principle as articulated in the EPBC, and taking into account the short, medium and long term effects of climate change.

Baselines must be established

Restoration activities must specify the methods they are applying to establish baselines. Methods should be approved by Environment Information Australia (EIA) and the National Environmental Protection Agency (NEPA). EIA may issue guidelines for establishing baselines.

Improvements must be measurable and measured

Restoration activities must specify methods for defining and measuring improvement against the established baselines. Methods for defining and measuring improvement should also be approved by EIA and NEPA. EIA could usefully issue guidelines for such measurement.

Where restoration activities seek certification, for example for biodiversity credits under the Nature Repair Market, or Australian Carbon Credit Units (ACCUs) or international credits, they would need additionally to seek approval from the relevant authorities.

Restoration activities are not inconsistent with other national environmental standards

Restoration activities must not only be in accord with the national standards for MNES, but also importantly the standards for First Nations consultation and community consultation. Harnessing Indigenous and local knowledge is essential to the design of effective activities, and securing local support will be essential to the sustainability of any restoration outcome.

Restoration actions consider intergenerational equity issues

Restoration actions take into consideration the economic, social and cultural well being of current and future generations.

Determining baselines and measuring outcomes for restoration

Environment Information Australia (EIA) has primary responsibility for making high quality environmental information available to the Minister, the Chief Executive Officer of the National

Environmental Protection Agency (NEPA) and the public. It is responsible for regular State of the Environment reports and for monitoring of MNES.

These functions make EIA the logical agency to be responsible additionally for establishing baselines for the condition of MNES, and for ongoing assessment and monitoring of their condition. This information forms the core elements of the State of the Environment report.

EIA is also developing capacity in mapping and landscape scale assessment and information, which will also be essential to conservation planning and the identification of priorities for investment in biodiversity conservation and restoration.

While EIA's explicit role in setting baselines for MNES was dropped in the 2025 version of the environmental law reform (it had been a feature of the 2024 Nature Positive bills), its legislated functions and particularly its responsibility for reporting on the State of the Environment (SoE) give it a mandate to set such baselines. EIA's significant powers in relation to acquiring information and designating national environmental assets give it the tools to ensure its reporting and assessments are robust and based on the best available science.

In future, the Government could consider further expanding EIA's independence and functions to include publishing strategic advice to the Government based on SoE and other reporting. Such advice could include priorities for restoration and advice on progress and setbacks in restoration. Such reporting could be similar to the role played by the Climate Change Authority on climate policy and could usefully inform federal and state government planning.

Mechanisms for delivering restoration

The Commonwealth has a range of tools available to deliver restoration of MNES and, through secondary effects, biodiversity and environmental values in general.

Decisions and actions under the EPBC

Bioregional plans

Bioregional plans provide the opportunity for landscape scale planning that can deliver real restoration outcomes through the identification of high conservation value areas and active conservation and restoration programs. The Minister has the opportunity to ensure that all bioregional plans deliver genuine net biodiversity gain.

Conservation agreements

The Act provides for the Commonwealth to enter into conservation agreements with the principal purpose of conserving biodiversity. The Minister has the opportunity to ensure that such agreements include requirements for biodiversity restoration, not just limits to harm.

Recovery plans, threat abatement plans and protection statements

The Act allows the Minister to create recovery plans and threat abatement plans, and to issue protection statements for species and ecological communities. Such measures are explicitly intended not only to protect but also to support the recovery of threatened species and ecological communities. Plans and statements provide an opportunity for the Minister to require active restoration of critical habitats and build the concept of net biodiversity gain into plans.

Wildlife conservation plans

Wildlife conservation plans are designed to 'support the survival of migratory species, marine species, species of cetaceans or conservation dependent species'. The Minister should ensure that such plans explicitly require net gain to the environment and not just no net loss.

Invasive species eradication and management

Programs for the management and eradication of invasive species should include specific requirements for biodiversity restoration, where appropriate to the areas covered by such programs. This is particularly relevant where the invasive species has caused damage to a natural ecosystem.

Assessment and approval of actions

Under the reformed EPBC, the Minister must ensure that actions are approved only where:

1. They are not likely to result in an unacceptable impact (defined for each MNES)
2. Any likely acceptable significant impact can be avoided
3. Where such an impact cannot to be avoided, it is mitigated
4. Where such an impact cannot be avoided or mitigated, it is offset with a built in requirement for net gain to the environment within the offset
5. Where none of these is possible, proponents must make a Restoration Contribution

The draft offset standard is based on this mitigation hierarchy. While we understand the reluctance to build in an additional net gain requirement in circumstances where damage is avoided or mitigated, the Government could consider potential mechanisms to enable proponents to generate saleable credits for demonstrable net biodiversity gain beyond any offset requirement, potentially through biodiversity certificates in the Nature Repair Market.

Restoration fund

The proposed Restoration Fund needs to have rigorous processes to identify high priority biodiversity investments to ensure that funds are applied where they will have the most impact in restoring biodiversity. Close collaboration with EIA and relevant state and territory agencies, as well as relevant non-government experts, should be built into the Fund's rules.

Actions outside the EPBC

Nature Repair Market and biodiversity-linked ACCUs

The Nature Repair Market is likely to attract more investment if biodiversity certificates can be generated and used in the context of offsets under EPBC requirements. The creation of additional value attached to ACCUs where they can also demonstrate a biodiversity gain may also provide an incentive for greater investment. The Government could usefully encourage the development of robust methodologies to deliver high integrity biodiversity certificates.

Compliance, enforcement and accountability

The most obvious form of accountability for the Government's approach to biodiversity restoration will come in future State of the Environment reports. Between reports, EIA monitoring should be built in to all mechanisms for delivering biodiversity restoration. Such monitoring will serve to build and enhance the nation's stock of national environmental assets (ie data on the environment) as well as providing a benchmark and accountability check to ensure that mechanisms are actually delivering net gain.

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