

From: [REDACTED]
To: [Agriculture Resources and Environment Committee](#)
Subject: Environmental Offsets Bill 2014 Submission
Date: Monday, 17 March 2014 9:40:23 AM
Attachments: [REDACTED]

Dear Committee Members

Experience:

1. On-going field experience in environmental offsetting since 1967 in USA (following the US **Clean Waters Act**), including 1990-2003 as visiting Professor of Land Development & Environmental Planning at Texas A & M University (where North American mitigation banking was pioneered from 1991 (following the US **Clean Air Act**), as founding Director of Research & Planning in the Queensland National Parks and Wildlife Service, as Chief Environmental Adviser for 14 years to AMP (Australia's largest corporate landholder), and currently as Chairman of the Community Reference Group selected by the NSW Government to scrutinize the redevelopment plans (incorporating offsetting) for a prominent precinct of the North Shore of Sydney Harbour. Co-author of the 400-page technical QUT report on offsetting commissioned by the Burnett Mary Regional Group of NRM Inc - reviewing all offsetting policies in Australia and devising new techniques for site selection and for measurement of ecosystem functional lift.

Concern:

Minister Powell has justified the Bill by "**introducing a new foundation for the state's environmental offsets framework...that supports the government's commitment to a four-pillar economy... (by delivering) a simpler, more timely and affordable solution for offsets in an integrated regulatory framework... (and) removes the potential for 'double counting'.**" (*Hansard* 13 February 2014). If these are to be achieved as "Australia's best-practice" - indeed, lead the country - then some practicalities must be taken into greater account.

Reasoning:

1. Queensland has been offsetting since it positioned cities in some places and national parks in others. Growth of settlement has nowadays demanded much more sophisticated definition of places and processes.
2. The vast majority of good (fertile, productive) lands in Queensland are privately managed. The private sector must be engaged in appropriate land management if the environment of this State is to be sustained.
3. Any offset policy in the private sector must allow for trading - the 'language' of that sector. 'Environmental banking' in North America has proved that this can work successfully, to greater ecological and economic benefit.
4. Legislation is required (mainly for financial reasons, because site selection and net environmental gain measures have been established for Queensland). North American advice is unanimously for 'stand-alone' banking legislation - to avoid replication across all relevant legislation, because environmental components (e.g. carbon, sulphur, endangered species, wetlands) are too complex to isolate and thus avoid financial 'double-dipping', and because because single industry focus likewise ignores inter-relationships (e.g. mining, only 0.09% of the surface area of the State).
5. Professor D Fisher of QUT Law School (author of **Australian Environmental Law** and **International Environmental Law**, and long-time Editor of **Queensland Environmental Practice Reporter**) emphasizes that an

environment which relies on legislation to deliver management is inadequate; the community must be incentivised to be (pro)actively involved.

6. Environmental banking in Australia is economically timely, offering jobs in the agricultural, tourism and development industries.

The situation elsewhere in Australia:


The nearest policy to address the above lies in NSW Biodiversity Banking (***'Biodiversity Banking and Offset Scheme'***). By its own opening admission, however, "***Without a market framework, offset sites must be negotiated and established separately for each development. There is no incentive for the offset area to be better than the minimum required, and there are few options for ensuring the long-term management of such areas***". Queensland deserves - and can achieve - much better than this!

A full set of references to the subject in Australia, North America and Japan is held at this office. We are currently working with the international NGO introducing environmental banking into Asia, and with the leading environmental social network in North America extending the subject worldwide.

Conclusions:

By all means, tidy up the current evolving legislation; bringing all components of the environment together under one regimen is essential if the infinite complexities of ecosystem behaviour - and subsequent 'double counting' by land managers - are to be avoided. The opportunity exists to lead Australia, taking offsetting actively into the private sector where it can most effectively deliver sustainable development. Experienced part-time Doctoral students, including Australia's leading land valuer, are poised to take modelling of a banking scheme into the marketplace here (and/or NSW) - as a new rural enterprise for Australia.

With best wishes



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