

# RDA Submission on the Proposed Nature Repair Market

## 1 Introduction

The Restoration Decade Alliance (RDA) appreciates this opportunity to make a submission in response to the invitation issued by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) in the information sheet issued 23 December 2022. It follows on from the submission made by RDA to the proposed National Biodiversity Market in September 2022.

### 1.1 Introductory comments

The RDA supports in principle the proposed Nature Repair Market as it has the potential to attract private and public sector investment in biodiversity restoration and management through the mechanism of biodiversity certificates. Such investment is urgently required to facilitate restoration and sustainable management of biodiversity at the scale needed to restore the health of ecosystems across Australia and to meet our international biodiversity conservation and restoration commitments. However net gain biodiversity outcomes will not be achieved through the Nature Repair Market alone. The RDA strongly recommends that the Market be coordinated with other actions and programs, including expanded government direct investment in biodiversity restoration programs, together with strengthened application of existing legislation, particularly through any Commonwealth development approval processes, to halt and reverse the current degradation of biodiversity values.

In the context of the Australian Government's commitments to zero extinctions, 30x30 protection and the goals and targets that Australia has recently committed to within the Kunming-Montreal Global Biodiversity Framework, the RDA considers that all levels of government need to substantially increase their investment in the protection, management and restoration of biodiversity across the country. The integrity of the Market will be a key factor in determining its effectiveness over the long-time horizons associated with biodiversity restoration projects. Establishment of the Market requires careful design to ensure that it achieves the intended high quality and sustainable biodiversity outcomes over the full duration of restoration projects, while avoiding market distortions and unintended outcomes that would undermine the integrity of the Market.

Success of the Market will also heavily depend on effective engagement and co-operation with all market participants, including First Nations people, governments, communities, landholders, implementors and private enterprise. Such engagement will be greatly assisted by dissemination of information relating to the planning, implementation and management of restoration projects across the diverse range of Australia landscapes. Incorporation of biodiversity into a market system could make a major contribution to halting and reversing the degradation and loss of biodiversity throughout the landscapes of Australia. At the same time, establishment of the Market presents a number of significant challenges. Nevertheless, the RDA members are optimistic that these challenges can be addressed through the adoption of high standards for ecological restoration, safeguards to avoid market distortion and commitment to further consultation and collaboration with all major stakeholders, including RDA member organisations.

Preparation of this submission has benefited from input from experts and practitioners associated with the RDA member organisations to provide a ‘majority voice’ to assist the Department in designing and establishing an effective and robust Nature Repair Market for Australia. The RDA would welcome an opportunity to further assist the Department with refinements to the legislation and associated procedures that are required to establish a Market that is efficient, robust and has high integrity.

### 1.2 Structure of our submission

Our submission is structured by firstly identifying key issues that we consider need to be addressed in establishing the proposed Nature Repair Market. Detailed comments are then provided on specific sections in the Exposure Draft legislation together with ‘suggested responses’ to be incorporated in the revised legislation.

## 2 About the RDA

The RDA <https://restorationdecadealliance.org/> is a consortium of 21 peak Australian national environmental organisations that are committed to jointly supporting the aims of the United Nations Decade on Ecosystem Restoration 2021-2030 <https://www.decadeonrestoration.org/>

**Restoration Decade Alliance Member Organisations** : *[Only four groups (asterisked) were unable to sign up to this Majority Submission, in two cases due to general abstention from advocacy.]*

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| Aboriginal Biodiversity Conservation Foundation | Landcare Australia Ltd*                        |
| Australian Association of Bush Regenerators     | Landscape Foundation of Australia              |
| Australian Coastal Restoration Network*         | National Landcare Network                      |
| Australian Network for Plant Conservation       | Northeast Bioregional Network                  |
| Australian Seed Bank Partnership*               | Ozfish Unlimited                               |
| Bush Heritage Australia                         | Society for Ecological Restoration Australasia |
| Global Evergreening Alliance                    | The Nature Conservancy Australia               |
| Gondwana Link                                   | Threshold Environmental                        |
| Great Eastern Ranges Initiative                 | Wetland Revival Trust                          |
| Greening Australia                              | World Wide Fund for Nature (WWF) Australia*    |
| Invasive Species Council                        |  |



### 3 Key Issues

Based on the Exposure Draft Legislation and accompanying information sheets issued by DCCEEW, the RDA has identified a number of key issues that we believe need to be addressed to ensure the effective functioning and integrity of the proposed Nature Repair Market.

#### 3.1 Potential Market Demand

By preparing the Exposure Draft legislation the Federal Government has demonstrated that it considers a potential market exists for private investment in biodiversity restoration and management projects. There is, however, a diversity of opinions regarding the potential scale and nature of such a market, as well as the extent to which government would need to be involved during the startup phase to ensure a viable market for biodiversity certificates.

Based on the information available on-line, it does not appear that market demand analysis has been carried out to determine the nature and scale of this potential market. Consequently, it is unclear to what extent to the Federal Government may initially need to purchase biodiversity certificates as provided for in the draft legislation to stimulate the Market.

The RDA recommends that market research be carried out to determine the potential scale and nature of demand for biodiversity certificates to provide a factual basis for an effective market establishment strategy. The market research should include an assessment of the demand for biodiversity certificates that specifically cannot be used for offsets as well as those that can.

#### 3.2 National Restoration Plan and Targets

The RDA firmly believes that national targets need to be set for the Nature Repair Market, in a similar manner as emission targets. The RDA strongly recommends that a National Restoration Plan be prepared to provide a comprehensive framework in which targets can be set for the Market to achieve. Preparation of the Plan would draw together the extensive existing data on ecosystems across Australia and allow baselines and priorities to be set for ecosystem restoration. The Plan would address a range of criteria, including but not limited to relative significance, condition and level of vulnerability of regional ecosystems, as well as the potential restoration capacity and commitment for long term management. It would also allow monitoring of the Market to determine if the intended biodiversity outcomes are being achieved and national targets are being met. If the targets are not being met, then the necessary adjustments would need to be implemented.

#### 3.3 Market compatibility with national restoration priorities

The draft legislation indicates that the price of biodiversity certificates will be determined through negotiation between seller and purchaser. Under this arrangement it will be essential that market distortions do not occur because of significant differences in the amount and quality of information available to both parties.

The information sheet issued by DCCEEW lists the following information that is to be included on the biodiversity certificate:

- the type of project, for example protection of existing high-quality habitat or restoration of habitat
- the area and location of the project

- the type of habitat, its conservation priority and any threatened species
- the activities that will be undertaken
- the initial condition of the habitat and the expected change in condition of the habitat as a result of the project, including benefits for threatened species and ecological communities
- the duration of the project, for example protection in perpetuity or management for 10 years (because the land is already protected under a conservation covenant)

The content and format of these categories of information attached to biodiversity certificates will need to be standardised across the Market to allow potential purchasers to compare key attributes of different types of biodiversity projects. It will also allow them to assess the extent to which a biodiversity project aligns with the purpose of the purchase and to determine a price they are willing to pay.

The RDA considers that the quality and reliability of the information attached to the biodiversity certificate will be critical to the perceived integrity of the Market. It is therefore recommended that the Nature Repair Market Committee be responsible for defining the information that is to be attached to biodiversity certificates, drawing on expert advice as required. In addition the RDA recommends that the information attached to the biodiversity certificate is independently verified by a suitably qualified third party.

In classifying project types, the RDA recommends that the National Standards for the Practice of Ecological Restoration in Australia ([Edition 2.2, 2021](#) or any subsequent edition) be used by the Nature Repair Market Committee to determine the extent to which partial or full recovery is the appropriate goal for a biodiversity project.

The location of the biodiversity project should also identify the bioregion in which it is situated, and the biodiversity conservation priorities associated with that bio-region. The RDA considers that the conservation priorities should be aligned with the National Restoration Plan discussed in section 3.2 and recommends that the Nature Repair Market Committee be responsible for ensuring this alignment.

While the DCCEEW information sheet refers to a management duration of 10 years, the draft legislation indicates an expected project duration of 25 years. RDA considers that the period of the biodiversity certificate needs to relate explicitly to the nature of the biodiversity project and the works involved and time frame required to achieve the intended ecosystem restoration outcomes. The Nature Repair Market Committee should be responsible for determining the appropriate duration of different types of biodiversity certificates based on the length of time required for the agreed biodiversity outcomes to be fully attained.

The information sheet also states that biodiversity certificates could include information about other matters, such as First Nations engagement and community benefits. The Nature Repair Market Committee should be consulted for advice to confirm the content of such information.

### **3.4 No Offset Function**

The stated purpose of the Nature Repair Market is to attract private sector investment to fund restoration of biodiversity values. The RDA firmly believes that the Market should not have an offset function, because the use of offsets in Australia has been shown to be highly flawed. They

allow the destruction of natural environments at other locations to continue, achieving at best a no-net-loss outcome. The goal of the Nature Repair Market should be to increase the total area of healthy ecosystems across Australia landscapes to achieve a net gain outcome and meet Australia’s biodiversity commitments. If the government nonetheless chooses to incorporate offsetting in the Market, it should only be after rigorously ensuring that it is only applied where damage is unavoidable and no alternative option can be found. The RDA strongly urges that the Market include a mechanism that distinguishes biodiversity certificates that can be used as offsets from those that cannot. Without such a system of identification in the Market, it is likely that many philanthropic investors, landholders and implementors will choose not to participate in the Market out of concern that they will not be able to determine if the biodiversity certificate they purchase (for a registered biodiversity project) will result in a net biodiversity gain or alternatively will result in a net biodiversity loss by facilitating the destruction of an ecosystem at another location.

To address this issue the RDA recommends that two categories of biodiversity certificate be provided for in the legislation, that include;

- Category A biodiversity certificates that would explicitly preclude them being traded to achieve biodiversity offsets
- Category B biodiversity certificates that would allow for them to be traded to achieve biodiversity offsets.

However, the RDA strongly recommends that trading of Category B biodiversity certificates not be permitted until the new National Standard for environmental offsets is established and independently verified in terms of its integrity and effectiveness.

### **3.5 Integrity of the Market**

Ensuring ecological integrity of the Nature Repair Market is critical for its viability to ensure that it achieves the intended high quality and sustainable biodiversity outcomes at scale and over the full duration of biodiversity projects. To this end, the implementation of the recommendations of the Chubb review should be incorporated in the design and operation of the Market. The draft legislation provides for a Nature Repair Market Committee to be established to ‘advise’ the Minister on the integrity of the scheme. This includes advice to the Minister on ‘making, varying, and revoking biodiversity assessment instruments and methodologies’, which is to be publicly available. In addition, the Committee is to monitor the compliance of methodologies with biodiversity integrity standards. The RDA recommends that the legislation specify that the Terms of Reference for the Committee are to be written in a manner that will uphold the required high standards for the biodiversity instruments and methodologies.

Given that the 5-6 members of the Committee are to be part time engagements, the RDA has concerns about the capacity of the Committee to effectively fulfill all its responsibilities under the Act. The Committee will need to be supported by substantial staff resources with the necessary expertise together with an effective budget, so the Committee can fulfill its role to ensure the integrity of the Market. The list of ‘relevant expertise’ of the Committee members should include at least one member with significant standing (etc.) in the *science* – and one with significant standing (etc.) in the *practice* - of ecological restoration. Expertise in waterways

management should also be included to pair with expertise in ‘land management’.

The RDA also has concerns about the capacity of the Clean Energy Regulator to administer the Nature Repair Market. As the primary role of the Regulator relates to the carbon market, which is fundamentally different to the protection and recovery of biodiversity values, it is unlikely to have the necessary expertise to ensure the integrity of the Nature Repair Market. If the Regulator is responsible for setting biodiversity protection and recovery standards as well as administering the Nature Repair Market, there is likely to be real or at least perceived conflicts of interest. A more appropriate body to set standards and procedures the Market could be the National Environmental Protection Agency when it is established.

The RDA recommends that the draft legislation be amended to provide clear separation between the body responsible for setting standards and targets for the Market, and the Regulator responsible for administration of the Market.

### **3.6 Local Government Land**

While there are no restrictions in the draft legislation to limit eligibility, given the large areas of natural environment owned by or under the care and control of local governments, the RDA recommends that the legislation include explicit provision for local governments to register biodiversity projects and to apply for biodiversity certificates. Trading Biodiversity Certificates would allow local governments to generate the funding required to implement biodiversity restoration and sustainable management at the scale needed and over the long duration associated with biodiversity restoration projects.

### **3.7 Rivers and Marine Environments**

Many lands, and most rivers and marine areas, are on crown land and under the control of government authorities. However, the difficulties associated with gaining approval for restoration works deter many environmental organisations from pursuing them. Even the best-informed restoration projects can be confronted with major barriers to approval. The RDA considers that for the Market to work effectively the legislation needs to enable or provide a mechanism to facilitate the engagement of specialist environmental organisations in implementing biodiversity restoration project in rivers and marine environments. To that end the RDA recommends the early preparation of aquatic and riparian methodologies that can enable a more streamlined process of permitting.

### **3.8 Timing for Issue of Biodiversity Certificates**

The RDA recommends that the timing relationship between registration of a biodiversity project, issue of a biodiversity certificate and carrying out the restoration works set out in the biodiversity certificate, be clearly defined in the legislation. The quality and extent of work that is required to be completed on the biodiversity project before the biodiversity certificate is issued, also needs to be identified.

### **3.9 Legal Obligation of Biodiversity Certificate Seller**

The legislation needs to clearly define who is legally responsible for carrying out the work specified in a biodiversity certificate when is sold in the Nature Repair Market if the property changes ownership while the biodiversity certificate is still current. The RDA strongly

recommends that biodiversity certificates be attached to the title registration of the property to ensure the obligations of the biodiversity certificate are transferred when ownership changes.

### 3.10 Certainty for Biodiversity Certificate Purchaser

For the Nature Repair Market to operate effectively it will be essential for purchasers of biodiversity certificates to have certainty that the registered biodiversity project for which the certificate was issued, will be fully implemented. Given that many biodiversity projects will be implemented over a 25-year period or longer, the biodiversity outcome guarantee will need to be maintained for the full period.

## 4 Comments on Exposure Draft Clauses

RDA comments on specific issues in the draft legislation are presented in the following table, together with suggested ways to address them.

Clause in Draft Legislation	Issue & Response
<p><b>Part 1.3. Objects of this Act</b></p> <p><i>The objects of this Act are:</i></p> <p><i>(a) to facilitate the enhancement or protection of biodiversity in native species in Australia; and</i></p> <p><i>(b) to contribute to meeting Australia’s international obligations in relation to biodiversity; and</i></p> <p><i>(c) to promote engagement and co-operation of market participants (including First Nations people, governments, the community, landholders and private enterprise) in the enhancement or protection of biodiversity in native species in Australia; and</i></p> <p><i>(d) to contribute to the reporting and dissemination of information related to the enhancement or protection of biodiversity in native species in Australia.</i></p>	<p>(a) The RDA considers that the term ‘to facilitate’ is insufficiently proximate to the assumed policy intent of delivering improvements to Australian biodiversity. The words ‘to facilitate’ in the first object (s3(a)) should be replaced with ‘to achieve’ to provide a clearer statement of intent regarding the desired outcomes of the legislation.</p> <p>(b) The RDA considers that use of the term 'enhancement' is not appropriate for use in the wording of any of the (a-d) Objects of the Act for a range of reasons. A far clearer term to capture what is intended here is ‘restoration’ which should be added alongside ‘protection’. Indeed the RDA strongly recommends that the language of ‘restore’ and ‘restoration’ be used from the long-title of the Bill onwards throughout the legislation. This is because the term ‘restoration’:</p> <ul style="list-style-type: none"> <li>▪ is the term normally paired with ‘protection’ when capturing the two main activities in biodiversity management;</li> <li>• is globally accepted (including by the UNEP) to capture a wide range of ‘improvements to the integrity, connectivity and resilience of ecosystems;</li> <li>• represents any level of improvement to a degraded ecosystem (i.e. even the term ‘ecological restoration’ is defined by national and international standards are occurring on a continuum and does not necessarily imply full recovery</li> <li>• is a term much more familiar and meaningful to environmental managers; creates greater scope for policy alignment with Australia’s recent commitment to the Montreal-Kunming Global Biodiversity</li> </ul>

	<p>Framework, specifically, to the restoration of 30% of degraded lands by 2030;</p> <ul style="list-style-type: none"> <li>• helps highlight the value of returning or repairing biodiversity – where possible – to its condition before entering a state of disrepair; and,</li> <li>• aligns more closely with the emphasis upon ‘repair’ within the name the Government has given to the market, as well as the short title of the Bill itself.</li> </ul>
<p><b>Division 2, Subdivision A—Making of methodology determinations</b></p> <p><b>45 Methodology determinations</b></p> <p><i>a) States that the Minister may set out in detail how actions required to be carried out for a specified kind of biodiversity project.</i></p>	<p>a) This clause does not require that the intended biodiversity outcome of a project be identified as part of the methodology determination.</p> <p>b) In the absence of quantifiable biodiversity outcomes it will not be possible to determine if the project has successfully achieved the intended biodiversity outcomes.</p> <p>c) The RDA recommends that the required biodiversity outcomes be defined in the methodology determinations and referenced in the biodiversity certificate.</p> <p>d) Reference should be made to the <a href="#">National Restoration Standards</a> as a guide, particularly with respect to the use of reference ecosystems and appropriate approaches to restoration.</p>
<p><i>b) There are a number of sub-clauses that state “A methodology determination may require that...”</i></p>	<p>The RDA considers that this wording is open ended and needs to identify criteria or factors that will be considered in deciding if the actions are required.</p>
<p><b>47 Procedure for making a methodology determination</b></p> <p><i>In deciding whether to make a methodology determination, the Minister may have regard to whether positive or negative impacts are likely to arise from the proposed actions.</i></p>	<p>The process to be followed in determining if impacts are required to be considered, needs to be defined and made transparent.</p>
<p><b>52 Consequences of methodology determination ceasing to have effect.</b></p> <p><i>The rules may provide that if:</i></p> <p><i>(a) the methodology determination that covers a registered biodiversity project ceases to have effect (whether under this Subdivision or otherwise); and</i></p>	<p>This wording needs to be amended to make the intent and process clear.</p>

<p><i>(b) the conditions specified in the rules are satisfied that methodology determination continues to cover the project as if the methodology determination had not ceased.</i></p>	
<p><b>Division 3—Biodiversity integrity standards</b></p> <p><b>57 Biodiversity integrity standards</b></p> <p><i>(a) a biodiversity project carried out in accordance with the methodology determination should result in enhancement or protection of biodiversity in native species (whether the effect on biodiversity occurs within or outside the project area) that would be unlikely to occur if the project was not carried out.</i></p>	<p>a) The RDA recommends that the wording include reference to ‘ecosystem recovery and protection’ in addition to individual species.</p> <p>b) The SER National Ecological Restoration Standards should be adopted in preparing the methodology determination’ to ensure the biodiversity integrity standards are fully met.</p> <p>c) As mentioned above, the RDA considers that use of the term ‘enhancement’ is inappropriate and recommends that it be removed from the draft legislation and replaced with a more appropriate term such as ‘recovery’ or ‘restoration’ which clearly indicate that existing biodiversity condition of an area will be improved. (Both restoration and recovery are defined by national and international standards can apply along a continuum that extends from partial to full recovery.)</p>
<p><b>Division 2—Issue of biodiversity certificates</b></p> <p><b>67 Application for biodiversity certificate</b></p> <p><i>(1) The project proponent of a registered biodiversity project may apply to the Regulator for the Regulator to issue to the project proponent a biodiversity certificate in respect of the registered biodiversity project.</i></p>	<p>a) This clause requires the proponent to first have the project registered before applying for a biodiversity certificate.</p> <p>b) The RDA recommends that the legislation makes clear how the timing of registering a biodiversity project and applying for a biodiversity certificate relate to the timing of the actual restoration works or protection actions.</p> <p>c) It needs to clarify if the works (other than follow up or maintenance) are required to be started, partly completed or fully completed before an application for a biodiversity certificate can be submitted.</p>
<p><b>Part 6—Purchase of biodiversity certificates by the Commonwealth</b></p> <p><b>78 Simplified outline of this Part</b></p> <p>a) <i>The Secretary may, on behalf of the Commonwealth, enter contracts for the purchase by the Commonwealth of biodiversity certificates.</i></p> <p>b) <i>Such a contract is to be known as a biodiversity conservation contract.</i></p> <p>c) <i>The Secretary may enter into a</i></p>	<p>(a) One of these principles set out in Cl. 84 for the biodiversity conservation purchasing process is to ‘encourage competition’.</p> <p>(b) While it may be reasonable to expect that the Commonwealth will purchase biodiversity certificates during the start-up phase of the Market to encourage competition, the intentions of the Federal Government regarding this matter are unclear, as there is no information made available on-line by DCCEEW.</p> <p>(c) For the Secretary to purchase biodiversity certificates on behalf of the Commonwealth, funds will need to be</p>

<p><i>biodiversity conservation contract as the result of a biodiversity conservation purchasing process.</i></p> <p>d) <i>The Secretary may conduct biodiversity conservation purchasing processes on behalf of the Commonwealth. Such processes may include tender processes.</i></p> <p>e) <i>The Secretary must have regard to certain principles and other matters when conducting a biodiversity conservation purchasing process.</i></p>	<p>made available by the Federal Government. But there is no indication that such funds will be made available or their likely value.</p> <p>(d) For the Commonwealth to be in a position to promote competition by purchasing biodiversity certificates during the establishment phase of the Market, adequate funds will need to be available when the Nature Repair Market is opened.</p> <p>(e) The RDA recommends that value of funds allocated for the purchase of biodiversity certificates by the Commonwealth be informed by market research that identifies the likely number of purchasers and their willingness to pay for biodiversity certificates during the start-up period of the Market.</p>
<p><b>Division 4—Entries in title registers</b></p> <p><b>94 Entries in title registers—general</b></p> <p><i>(2) A relevant land registration official <u>may</u> make such entries or notations in or on registers or other documents kept by the official (in electronic form or otherwise) as the official thinks appropriate for the purposes of drawing the attention of persons to:</i></p> <p><i>(a) the existence of the registered biodiversity project; and</i></p> <p><i>(b) the fact that requirements may arise under this Act in relation to the project; and</i></p> <p><i>(c) such other matters (if any) relating to this Act as the official considers appropriate.</i></p>	<p>a) The draft legislation states that recording a registered biodiversity project on the property register is at the discretion of ‘a relevant land registration official’. RDA is concerned that there will be a high risk that many property purchasers will not be aware of the obligations attached to the registered biodiversity project on the acquired property, if it is not on the property title register.</p> <p>b) Also there is a need to clarify what legal obligation a purchaser has if they purchase a property that has a registered biodiversity project attached to it.</p> <p>c) The RDA recommends that the process for recording biodiversity certificates issued for registered biodiversity projects be addressed more explicitly in the legislation to ensure the intended outcomes are achieved..</p>
<p><b>Division 2—Reporting requirements</b></p> <p><b>Subdivision A—Category A biodiversity project reports</b></p> <p><b>102 Category A biodiversity project reports—subsequent reports</b></p> <p><i>(1) This section applies to a registered biodiversity project if the Regulator has issued a biodiversity certificate in relation to the project</i></p>	<p>a) If the proponent is the owner of the property on which a registered biodiversity project is located and a biodiversity certificate has been issued, then the legislation needs to make clear where the legal responsibility lies to ensure the biodiversity restoration works or management activities continue to be carried out and the required reports submitted for the biodiversity project for which the biodiversity certificate has been issued.</p> <p>b) The RDA therefore recommends the legislation address this issue to ensure that legal responsibility remains clearly defined, even if a property changes</p>

<p><i>(whether or not the certificate is in effect).</i></p> <p><i>(2) The project proponent for the project must give the Regulator a written report (a <b>category A biodiversity project report</b>) in accordance with section 103 about the project for a period that...</i></p>	<p>ownership.</p>
<p><b>103 Requirements for category A biodiversity project reports</b></p> <p><i>(e) if, before the category A biodiversity project report was given to the Regulator, the Regulator gave the project proponent a written notice stating that the report would be subject to audit under this Act— be accompanied by an audit report that is:</i></p> <p><i>(i) prescribed by the rules; and</i></p> <p><i>(ii) prepared by a <u>registered greenhouse and energy auditor</u> who has been appointed as an audit team leader for the purpose; and...</i></p>	<p>a) The RDA considers it unlikely that a ‘greenhouse and energy auditor’ will have the biodiversity and ecological restoration knowledge and experience required to prepare a credible biodiversity project report.</p> <p>b) The RDA recommends that the draft legislation be amended to require an auditor to have the appropriate biodiversity and ecological restoration expertise and experience to prepare the report.</p>
<p><b>Part 11—Audits</b></p> <p><b>121 Compliance audits</b></p> <p><i>(2) The Regulator may, by written notice given to the person, require the person to:</i></p> <p><i>(a) appoint as an audit team leader:</i></p> <p><i>(i) a registered greenhouse and energy auditor of the person’s choice;</i></p>	<p>As it is unlikely that a ‘greenhouse and energy auditor’ will have the ecological restoration knowledge to carry out a credible biodiversity audit, the RDA recommends that the legislation be amended to require an auditor to have the appropriate knowledge and experience to carry out the audit.</p>
<p><b>Part 19—Nature Repair Market Committee</b></p> <p><b>198 Appointment of Nature Repair Market Committee members</b></p> <p><i>(1) Each Nature Repair Market Committee member is to be appointed by the Minister by written instrument.</i></p> <p><i>(2) A person is not eligible for appointment as a Nature Repair Market Committee member unless</i></p>	<p>a) The draft legislations does not contain any requirement for a Committee member to have expertise in ecological restoration science and practice. This is a major shortcoming that needs to be rectified. The RDA considers that biological or ecological science specialisation is insufficient to advise on biodiversity repair – and it is particularly significant because the all-important methodologies to be determined by the Committee depend upon knowledge of the range of best practice restoration methods across Australia. Indeed, to ensure that biodiversity repair issues are adequately addressed, the RDA recommends that the Nature Repair Market Committee include at least one member with</p>

<p><i>the Minister is satisfied that the person has:</i></p> <p><i>(a) substantial experience or knowledge; and</i></p> <p><i>(b) significant standing in at least one of the following fields of expertise:</i></p> <p><i>(c) agriculture;</i></p> <p><i>(d) biological or ecological science;</i></p> <p><i>(e) environmental markets;</i></p> <p><i>(f) Indigenous knowledge relevant to the functions of the Committee;</i></p> <p><i>(g) land management;</i></p> <p><i>(h) economics.</i></p>	<p>expertise, knowledge and significant standing in the <b>science – and another in the practice</b> of ecosystem restoration and biodiversity management (ensuring both land and waterway expertise is represented.</p> <p>b) The following fields of expertise need to be added to the alphabetized list:</p> <ul style="list-style-type: none"> <li>• Ecological restoration science</li> <li>• Ecological restoration practice.</li> <li>• waterways management</li> </ul> <p>c) The process of calling for nomination of applications should be open and transparent and encourage the involvement of organisations operating in the ecological restoration field, particularly RDA member organisations.</p> <p>d) The RDA recommends that the Act refers to the Terms of Reference for the Committee so that it clearly states that appropriately <u>high</u> standards are required for site assessment, planning, implementation and monitoring.</p>
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**Acknowledgement:** This submission has been prepared by Noel Corkery, in consultation with RDA Government Policy Working Group members and representatives of RDA member organisations.

Signed by



Dr Tein McDonald AM

Position: Convenor, Restoration Decade Alliance

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