

BIODIVERSITY CONSERVATION AMENDMENT (BIODIVERSITY OFFSETS SCHEME) BILL 2024

Schedule of amendments referred to in the Legislative Council's message of 21 November 2024.

- No. 1 **GRNS No. 1 [c2024-182J]**
Page 3, Schedule 1[2], lines 14–16. Omit all words on the lines. Insert instead—
prescribed biodiversity conservation measure means an action prescribed under section 6.4(2)(b) as an action that qualifies as a biodiversity conservation measure for the offset rules.
- No. 2 **OPP No. 1 [c2024-226D]**
Page 4, Schedule 1[6], lines 8–13. Omit all words on the lines.
- No. 3 **OPP No. 3 [c2024-226D]**
Page 4, Schedule 1[10], lines 30–35. Omit all words on the lines.
- No. 4 **GRNS No. 2 [c2024-185F]**
Page 5, Schedule 1[15], proposed section 6.2A. Insert after line 22—
(5A) The Minister must not amend the strategy unless satisfied the amendment will not reduce the effectiveness of the biodiversity offsets scheme by—
(a) making the targets for the transition to delivering net positive biodiversity outcomes under the scheme less ambitious, or
(b) extending the time frames for the transition to delivering net positive biodiversity outcomes under the scheme.
- No. 5 **GOVT No. 1 [c2024-198D]**
Page 5, Schedule 1[16], line 36. Omit “steps”. Insert instead “measures”.
- No. 6 **GOVT No. 2 [c2024-198D]**
Page 6, Schedule 1[17], lines 2 and 3. Omit all words on the lines. Insert instead—
Omit “steps taken to avoid or minimise those impacts” from section 6.4(1).
Insert instead “measures taken to avoid or minimise those impacts under the avoid, minimise and offset hierarchy”.
- No. 7 **GRNS No. 9 [c2024-182J]**
Page 6, Schedule 1[19], lines 6 and 7. Omit all words on the lines. Insert instead—
[19] Section 6.4(4)
Omit the subsection. Insert instead—
(4) The regulations may provide for the circumstances in which the ordinary rules for determining the number and class of biodiversity credits required as biodiversity offsets may be varied for the purposes of the Biodiversity Conservation Trust applying amounts from the Biodiversity Conservation Fund under section 6.31 (the *variation rules*).
- No. 8 **GRNS No. 10 [c2024-182J]**
Page 6, Schedule 1. Insert after line 18—
[20A] Section 6.7 Minister may establish biodiversity assessment method
Omit section 6.7(3). Insert instead—
(3) When establishing the biodiversity assessment method, the Minister must—
(a) have regard to the purpose of this Act, and

- (b) having regard to the targets and time frames set out in the strategy for the transitioning of the biodiversity offsets scheme to deliver net positive biodiversity outcomes under section 6.2A(2)—
 - (i) during the transition of the scheme—adopt a standard that, in the opinion of the Minister, will result in no net loss of biodiversity in New South Wales, and
 - (ii) as soon as practicable after the strategy is made—adopt a standard that, in the opinion of the Minister, will result in a net positive biodiversity outcomes in New South Wales.

No. 9 **OPP No. 7 [c2024-226D]**

Pages 6 and 7, Schedule 1[22], lines 25–43 on page 6 and lines 1–6 on page 7. Omit all words on the lines.

No. 10 **OPP No. 12 [c2024-226D]**

Page 7, Schedule 1[26], lines 41–45. Omit all words on the lines.

No. 11 **OPP No. 13 [c2024-226D]**

Page 8, Schedule 1[27], lines 11–27. Omit all words on the lines.

No. 12 **OPP No. 14 [c2024-226D]**

Page 8, Schedule 1[27], lines 36–40. Omit all words on the lines.

No. 13 **GOVT No. 3 [c2024-198D]**

Page 9, Schedule 1[28], lines 1–7. Omit all words on the lines.

No. 14 **GRNS No. 11 [c2024-182J]**

Page 10, Schedule 1[33], proposed section 6.30(2)–(4), lines 17–21. Omit all words on the lines. Insert instead—

- (2) The regulations may prescribe circumstances in which, including classes of credits in relation to which, a person must not satisfy a requirement under this Act or another Act, including under an instrument, approval or agreement, to retire biodiversity credits by instead paying the amount into the Biodiversity Conservation Fund under subsection (1).

No. 15 **GOVT No. 4 [c2024-198D]**

Page 12, Schedule 1[34], lines 9 and 10. Omit all words on the lines. Insert instead—
offsets in relation to the BCF offset biodiversity credit.

No. 16 **OPP No. 22 [c2024-226D]**

Page 12, Schedule 1[35], lines 17–23. Omit all words on the lines.

No. 17 **OPP No. 23 [c2024-226D]**

Page 18, Schedule 1[56], lines 18–23. Omit all words on the lines.

No. 18 **LCP No. 1 [c2024-205G]**

Page 19, Schedule 1[61], proposed section 9.7(1)(h1), line 24. Omit “conditions,”. Insert instead—

conditions, including the following details—

- (i) whether the conditions have been met, including the number and class of biodiversity credits yet to be retired, and
- (ii) if the conditions have been met—when and how the conditions were met, including the following details—
 - (A) the number of each credit type retired on a like-for-like basis,
 - (B) any variations applied for,
 - (C) the biodiversity stewardship agreements that created the credits,
 - (D) how any other conservation measures were implemented,

No. 19 **GRNS No. 24 [c2024-182J]**

Page 21. Insert after line 15—

Schedule 1A Amendment of Biodiversity Conservation Regulation 2017

Clause 6.2 Offset rules under biodiversity offsets scheme (section 6.4)

Omit clause 6.2(2)(b). Insert instead—

- (b) for the Biodiversity Conservation Trust—the retirement of the required biodiversity credits in accordance with the variation rules,

No. 20 **OPP No. 24 [c2024-226D]**

Page 22, Schedule 2[1], lines 12–18. Omit all words on the lines.