



Nature Repair (Biodiversity Assessment) Instrument 2025

I, Tanya Plibersek, Minister for the Environment and Water, make the following instrument.

Dated 26.2.2025

Tanya Plibersek
Minister for the Environment and Water

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Part 1—Preliminary

1 Name

This instrument is the *Nature Repair (Biodiversity Assessment) Instrument 2025*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 58(1) of the *Nature Repair Act 2023*.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 7 of the Act, including the following:

- (a) biodiversity;
- (b) biodiversity outcome;
- (c) methodology determination;
- (d) project area;
- (e) project proponent;
- (f) registered biodiversity project.

In this instrument:

activities of a project means the activities that are, are to be, or have been carried out for the purposes of the project.

activity area, in relation to a biodiversity project, means the area or areas of the project area of the project in or on which activities have been, are being, or are to be carried out for the purposes of the project.

biodiversity project characteristics for a project means the aspects of the project that can be measured or reported to:

- (a) provide information relating to the project or the status of biodiversity in native species in the project area; or
- (b) assess and describe the level of protection or enhancement of biodiversity in native species as a result of the activities of the project.

counterfactual scenario for a project means a scenario that describes what is likely to occur, or would have occurred, in the absence of the project.

culturally significant entity means a thing, matter, process or place that is of cultural significance to Aboriginal persons or Torres Strait Islanders.

fixed biodiversity project characteristics for a project means the biodiversity project characteristics for the project that will not change as a result of the activities of the project.

Indigenous data means data or other information, in any format or medium, that is:

- (a) about or may affect Aboriginal persons or Torres Strait Islanders, either individually or collectively; or
- (b) generated as a result of using Indigenous knowledge or values.

relevant Aboriginal persons or Torres Strait Islanders for a project area means the Aboriginal persons or Torres Strait Islanders who have a demonstrated connection to the land or waters on or in which the project area is located.

relevant Indigenous representatives for a project area means:

- (a) if the project area is or includes a native title area and there is a registered native title body corporate for the native title area—the registered native title body corporate for the native title area; or
- (b) if the project area is or includes a native title area and there is no registered native title body corporate for the native title area—the persons, or group of persons, who hold the common or group rights comprising the native title in relation to the native title area; or
- (c) if the project area is or includes an area of land in relation to which a claimant application (within the meaning of the *Native Title Act 1993*) has been made but not yet determined—the native title claim group (within the meaning of that Act); or
- (d) if the project area is or includes land rights land—the Aboriginal land council that holds an eligible interest in the land; or
- (e) if the project area is or includes an area that is subject to an Indigenous land use agreement—a person who is a party to the agreement.

relevant to a biodiversity project: a culturally significant entity is **relevant to a biodiversity project** if the enhancement or protection of the culturally significant entity will contribute to achieving the biodiversity outcome for the project.

score includes a number or rating and a range of numbers or ratings.

subject to Indigenous land interests: a project area is **subject to Indigenous land interests** if the project area is or includes any of the following:

- (a) a native title area;
- (b) land rights land;
- (c) an area that is subject to an Indigenous land use agreement;
- (d) an area of land in relation to which a claimant application (within the meaning of the *Native Title Act 1993*) has been made but not yet determined.

threatened species means a species or ecological community that is categorised as threatened (however described) under a law of the Commonwealth, a State or a Territory.

variable biodiversity project characteristics for a project means the biodiversity project characteristics for the project that are not fixed biodiversity project characteristics for the project.

Part 2—Application of this instrument

5 Application of this instrument

This instrument applies to every methodology determination.

Part 3—Requirements relating to methodology determinations

6 Indigenous knowledge or values relating to biodiversity

Methodology determinations must not prevent Indigenous engagement

- (1) A methodology determination must not contain any conditions or requirements that would prevent a project proponent, or a proposed project proponent, for a biodiversity project that is, or will be, covered by the methodology determination from doing either or both of the following in relation to the design or implementation of the project:
 - (a) engaging with Aboriginal persons or Torres Strait Islanders on matters relating to biodiversity in native species;
 - (b) using Indigenous knowledge or values, or Indigenous data, relating to enhancing or protecting biodiversity in native species.

Methodology determinations must not require sharing of Indigenous knowledge, values or data without appropriate consent

- (2) A methodology determination must not contain any conditions or requirements that would require the Regulator or a project proponent, or a proposed project proponent, for a biodiversity project that is, or will be, covered by the methodology determination to publish or otherwise share Indigenous knowledge or values, or Indigenous data, without the appropriate consent from relevant Aboriginal persons or Torres Strait Islanders.

Project proponents of projects subject to Indigenous land interests must engage appropriately with relevant Indigenous representatives

- (3) A methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered if:
 - (a) the project area for the project is subject to Indigenous land interests; and
 - (b) the applicant has not demonstrated that they have engaged appropriately with the relevant Indigenous representatives for the project area in relation to the design and implementation of the project, including how Indigenous knowledge or values, or Indigenous data, relating to enhancing or protecting biodiversity in native species have been and are proposed to be used in a culturally appropriate way.

Project proponents of projects informed by Indigenous knowledge, values or data must obtain appropriate attribution etc.

- (4) A methodology determination must contain a condition that, if:
 - (a) a biodiversity project proposed to be covered by the methodology determination includes, or is informed by, Indigenous knowledge or values, or Indigenous data, in relation to the project's design or implementation; and
 - (b) the knowledge, values or data were informed by engagement with Aboriginal persons or Torres Strait Islanders;the project must not be registered unless the applicant:
 - (c) provides evidence that the applicant has obtained the appropriate attribution for, and consent for the use of, the knowledge, values or data; and
 - (d) provides evidence that culturally appropriate approaches are being used for the collection, interpretation, use, recording and governance of the knowledge, values or data; and
 - (e) provides information relating to how the project design and implementation includes or is informed by the knowledge, values or data.

- (5) A methodology determination must contain a condition that, if:
- (a) a registered biodiversity project that is covered by the methodology determination includes, or is informed by, Indigenous knowledge or values, or Indigenous data, in relation to the project's design or implementation; and
 - (b) the Indigenous knowledge or values, or Indigenous data, was informed by engagement with Aboriginal persons or Torres Strait Islanders;
- a biodiversity certificate must not be issued in respect of the project unless the project proponent for the project demonstrates that the project proponent has implemented the project consistently with the consent for the use of the knowledge, values or data provided by the Aboriginal persons or Torres Strait Islanders.

7 Climate change considerations

- (1) A methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project:
- (a) has identified those parts of the project area (if any) that, based on one or more projections, may be vulnerable to the reasonably expected effects of climate change in a way that could affect the likelihood of the biodiversity outcome for the project being achieved; and
 - (b) has demonstrated, based on evidence, how the project proponent plans to reduce the risk of the biodiversity outcome for the project not being achieved as a result of the reasonably expected effects of climate change, particularly in relation to the parts of the project area (if any) that have been identified for the purposes of paragraph (a) as vulnerable to those effects.
- (2) If a methodology determination requires that there must be a project plan for a registered biodiversity project that is covered by the methodology determination, the methodology determination must require the project plan to address, based on evidence, how the project proponent intends to reduce the risk of the biodiversity outcome for the project not being met as a result of reasonably expected climate change effects, particularly in relation to the parts of the project area (if any) that have been identified for the purposes of paragraph (1)(a) as vulnerable to those effects.

8 Measuring change in biodiversity—starting state assessment of the project area

- (1) A methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project:
- (a) has undertaken an assessment of the project area for the project as it exists immediately before the start of the project; and
 - (b) if the project area is subject to Indigenous land interests and the methodology determination requires the assessment to include a field survey—has demonstrated that they have engaged appropriately with the relevant Indigenous representatives for the project area when planning the field survey.
- (2) The methodology determination must, in relation to the assessment referred to in paragraph (1)(a):
- (a) require the assessment to include an assessment of the historic drivers of change associated with biodiversity in native species in the project area; and
 - (b) set out whether there are particular types of information that must inform the assessment; and
 - (c) if there are particular types of information—set out the types of information; and
 - (d) set out whether the assessment must include a field survey; and

- (e) set out any other requirements that apply to the assessment.

9 Measuring change in biodiversity—specifying or establishing counterfactual scenarios

Registration requirements if methodology determination specifies counterfactual scenarios

- (1) If:
 - (a) a methodology determination specifies counterfactual scenarios for biodiversity projects covered by the methodology determination; and
 - (b) the specified counterfactual scenarios are not static counterfactual scenarios; the methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project has demonstrated that they have assessed the forecast change in the variable biodiversity project characteristics of the project against the specified counterfactual scenarios.

Registration requirements if methodology determination does not specify counterfactual scenarios—establishing counterfactual scenarios in accordance with determination

- (2) If a methodology determination does not specify counterfactual scenarios for biodiversity projects covered by the methodology determination, the methodology determination must:
 - (a) contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project has demonstrated that they have met the requirements of the methodology determination for establishing counterfactual scenarios; and
 - (b) specify any processes that must be undertaken, or requirements that must be met, to establish counterfactual scenarios for a biodiversity project proposed to be covered by the methodology determination, including:
 - (i) any assumptions that must be used; and
 - (ii) any limitations or other parameters that must apply; and
 - (iii) any evidence that must be provided to support the establishment of the counterfactual scenarios; and
 - (iv) whether counterfactual scenarios are required for the variable biodiversity project characteristics for the project or for the indicators of those characteristics, or for both; and
 - (c) contain a condition that a biodiversity project that establishes counterfactual scenarios that are not static counterfactual scenarios and that is proposed to be covered by the methodology determination must not be registered unless the project proponent for the project has demonstrated that they have assessed the forecast change in the variable biodiversity project characteristics of the project against the counterfactual scenarios.

Requirements relating to assessing variable biodiversity project characteristic changes—project plans

- (3) If a methodology determination requires that there must be a project plan for a registered biodiversity project that is covered by the methodology determination, the methodology determination must require the project plan to address how the project proponent intends to assess the change in the variable biodiversity project characteristics for the project against the counterfactual scenarios for the project, where the counterfactual scenarios are not static.

Requirements relating to assessing variable biodiversity project characteristic changes—biodiversity certificates

- (4) A methodology determination must contain a condition that a biodiversity certificate must not be issued in respect of a registered biodiversity project that is covered by the methodology determination unless the project proponent for the project demonstrates that they have assessed the change in the variable biodiversity project characteristics for the project against the counterfactual scenarios for the project, where the counterfactual scenarios are not static.

Requirements relating to counterfactual scenarios—Register entries

- (5) A methodology determination must require that a brief description of the counterfactual scenarios for a registered biodiversity project that is covered by the methodology determination must be included in the entry in the Register for the project.

10 Measuring change in biodiversity—identifying fixed biodiversity project characteristics

Identifying and describing reference ecosystems and other fixed biodiversity project characteristics

- (1) A methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project identifies and describes the following fixed biodiversity project characteristics for the project:
 - (a) if the methodology determination does not require that the project area for a biodiversity project proposed to be covered by the methodology determination be divided into activity areas—the reference ecosystems for the project area; and
 - (b) if the methodology determination requires that the project area for a biodiversity project proposed to be covered by the methodology determination be divided into activity areas—the reference ecosystems for each of the activity areas; and
 - (c) any other fixed biodiversity project characteristics specified in the methodology determination.
- (2) A methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless:
 - (a) if paragraph (1)(a) applies to the methodology determination—the project proponent for the project has provided justification for the reference ecosystems for the project area identified for the purposes of paragraph (1)(a), including by providing any available evidence of the historic ecosystems for the project area as part of that justification; or
 - (b) if paragraph (1)(b) applies to the methodology determination—the project proponent for the project has provided justification for the reference ecosystems for each of the activity areas identified for the purposes of paragraph (1)(b), including by providing any available evidence of the historic ecosystems for the activity areas as part of that justification.
- (3) A methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project identifies and describes the reference ecosystems identified for the purposes of paragraph (1)(a) or (b) (as the case may be) in a way that is consistent with:
 - (a) the global ecosystem typology or classification specified in the methodology determination; and

- (b) the national ecosystem typology or classification specified in the methodology determination.

Fixed biodiversity project characteristic must be included in Register entry

- (4) A methodology determination must require that the fixed biodiversity project characteristics referred to in subsection (1) must be included in the entry in the Register for registered biodiversity projects covered by the methodology determination.

11 Measuring change in biodiversity—identifying variable biodiversity project characteristics

Projects must identify ecosystem condition and other variable biodiversity project characteristics

- (1) A methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project identifies and describes the following variable biodiversity project characteristics for the project:
 - (a) if the methodology determination does not require that the project area for a biodiversity project proposed to be covered by the methodology determination be divided into activity areas—the condition of the ecosystems in the project area;
 - (b) if the methodology determination requires that the project area for a biodiversity project proposed to be covered by the methodology determination be divided into activity areas—the condition of the ecosystems in each of the activity areas;
 - (c) any other variable biodiversity project characteristics specified in the methodology determination.

Certain projects must identify and describe other variable biodiversity project characteristics

- (2) If it is relevant to the kind of biodiversity project covered by the methodology determination, a methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project identifies and describes the following variable biodiversity project characteristics, to the extent they are relevant to the biodiversity project:
 - (a) the removal or reduction of the impact of threats to biodiversity in native species in the project area;
 - (b) the commitment to protection of biodiversity in native species in the project area;
 - (c) the capability of the project area to support threatened species.
- (3) If a methodology determination does not require a project proponent of a biodiversity project covered by the methodology determination to identify or describe one or more of the variable biodiversity project characteristics mentioned in subsection (2), the methodology determination must require the entry in the Register for the project to state which of the variable biodiversity project characteristics mentioned in that subsection are not applicable to the project.

Projects that do not deal with the commitment to protection of biodiversity in native species

- (4) If a methodology determination does not require a project proponent of a registered biodiversity project covered by the methodology determination to identify or describe the commitment to protection of biodiversity in native species in the project area, the

methodology determination must contain a requirement that the entry in the Register for the project must include information on the level of commitment to protection of biodiversity in native species in the project area.

Projects dealing with culturally significant entities

- (5) A methodology determination must do one of the following:
 - (a) require that project proponents of biodiversity projects covered by the methodology determination nominate culturally significant entities that are relevant to the project;
 - (b) enable project proponents of biodiversity projects covered by the methodology determination to nominate culturally significant entities that are relevant to the project.
- (6) A methodology determination to which paragraph (5)(a) applies must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent has identified and described the nominated culturally significant entities in accordance with the processes or requirements specified in the methodology determination.
- (7) A methodology determination to which paragraph (5)(b) applies must contain the following conditions:
 - (a) if the project proponent for a biodiversity project proposed to be covered by the methodology determination nominates culturally significant entities that are relevant to the project in the application for registration, the project must not be registered unless the project proponent for the project has identified and described the nominated culturally significant entities in accordance with the processes or requirements specified in the methodology determination;
 - (b) if the project proponent for a registered biodiversity project covered by the methodology determination nominates culturally significant entities that are relevant to the project after the project is registered, an application for a biodiversity certificate for the project must not be made unless the project proponent for the project has identified and described the nominated culturally significant entities in accordance with the processes or requirements specified in the methodology determination.
- (8) For the purposes of subsections (6) and (7), the processes or requirements must include a requirement that the project proponent for the project has obtained appropriate consent from the relevant Aboriginal persons or Torres Strait Islanders for the project area for the use of Indigenous knowledge or values, or Indigenous data, to identify and describe the culturally significant entities that are relevant to the project.

Indicators for variable biodiversity project characteristics other than culturally significant entities

- (9) A methodology determination must:
 - (a) either:
 - (i) specify indicators for each variable biodiversity project characteristic that a project proponent of a biodiversity project proposed to be covered by the methodology determination must identify and describe; or
 - (ii) specify processes or requirements that must be met for determining indicators for each variable biodiversity project characteristic that a project proponent of a biodiversity project proposed to be covered by the methodology determination must identify and describe; and
 - (b) either:

- (i) contain a benchmark value for each indicator; or
 - (ii) require the project proponent of a biodiversity project proposed to be covered by the methodology determination to determine the benchmark values for each indicator in accordance with the processes or requirements specified in the methodology determination.
- (10) For the purposes of subsection (9):
- (a) the indicators for the condition of the ecosystems in the project area or activity area (as the case may be) must:
 - (i) cover measures of composition and structure of the reference ecosystems; and
 - (ii) consider function of the reference ecosystems; and
 - (b) the benchmark value of the indicators for the condition of the ecosystems must reflect the reference ecosystems.
- (11) Subsection (9) does not apply to variable biodiversity project characteristics that are culturally significant entities.

Project plans must deal with variable biodiversity project characteristics

- (12) If a methodology determination requires that there must be a project plan for a registered biodiversity project that is covered by the methodology determination, the methodology determination must require the project plan to:
- (a) identify and describe the variable biodiversity project characteristics for the project that are required by the methodology determination to be identified and described; and
 - (b) address how the project proponent intends to assess the changes in the variable biodiversity project characteristics for the project, consistent with any processes or requirements specified in the methodology determination for assessing such change.

12 Assessing change in variable biodiversity project characteristics—ecosystem condition

Requirements for projects not divided into activity areas

- (1) If a methodology determination does not require that the project area for a biodiversity project proposed to be covered by the methodology determination be divided into activity areas, the methodology determination must contain a condition that the biodiversity project must not be registered unless the project proponent for the project:
- (a) demonstrates that they have assessed the starting ecosystem condition state in the project area compared to the identified reference ecosystems for the project area; and
 - (b) has determined the starting ecosystem condition score for the project area; and
 - (c) has determined the forecast ecosystem condition score for the project area; and
 - (d) has determined the starting value of each indicator for ecosystem condition for the project area; and
 - (e) has determined the forecast value of each indicator for ecosystem condition for the project area as a result of the activities of the project; and
 - (f) if a counterfactual scenario for the project is not a static counterfactual scenario—has determined the forecast change in each indicator for ecosystem condition for the project area as a result of the activities of the project, taking into account the counterfactual scenario for the project; and

- (g) has provided evidence that the project is likely to result in the forecast value of each indicator for ecosystem condition for the project area and, if applicable, the forecast change in each of the indicators.

Requirements for projects divided into activity areas

- (2) If a methodology determination requires that the project area for a biodiversity project proposed to be covered by the methodology determination be divided into activity areas, the methodology determination must contain a condition that the biodiversity project must not be registered unless the project proponent for the project:
 - (a) demonstrates that they have assessed the starting ecosystem condition state in each of the activity areas, compared to the identified reference ecosystems for the activity areas; and
 - (b) has determined the starting ecosystem condition score for each of the activity areas; and
 - (c) has determined the forecast ecosystem condition score for each of the activity areas; and
 - (d) has determined the starting value of each indicator for ecosystem condition for each of the activity areas; and
 - (e) has determined the forecast value of each indicator for ecosystem condition for each of the activity areas as a result of the activities of the project; and
 - (f) if a counterfactual scenario for the project is not a static counterfactual scenario:
 - (i) has determined the forecast change in each indicator for ecosystem condition for each of the activity area as a result of the activities of the project, taking into account the counterfactual scenario for the project; and
 - (ii) has calculated the forecast change in the aggregate ecosystem condition score for the project, taking into account the counterfactual scenario for the project;
 - (g) has provided evidence that the project is likely to result in the forecast value of each indicator for ecosystem condition for each of the activity area and, if applicable, the forecast change in each of the indicators; and
 - (h) has calculated each of the following:
 - (i) the starting aggregate ecosystem condition score for the project;
 - (ii) the forecast aggregate ecosystem condition score for the project.
- (3) If a methodology determination specifies processes or requirements that must be complied with in relation to determining any of the matters in subsection (1) or (2), a biodiversity project covered by the methodology determination must not be registered unless the project proponent for the project has complied with those processes or requirements in determining those matters.

Calculating starting aggregate condition scores etc.

- (4) A methodology determination must, for the purposes of subsections (1) and (2), specify the processes that must be undertaken, or the requirements that must be met, to calculate the following for the project, project area or each activity area (as the case may be):
 - (a) the starting ecosystem condition score;
 - (b) the forecast ecosystem condition score;
 - (c) the starting aggregate ecosystem condition score;
 - (d) the forecast aggregate ecosystem condition score;
 - (e) if applicable—the forecast change in the aggregate ecosystem condition score.
- (5) Without limiting subsection (4), the methodology determination must specify:
 - (a) any assumptions that must be used; and

- (b) any limitations or other parameters that must apply; and
- (c) the quantitative scoring system that must be used; and
- (d) any evidence that must be provided to support the calculations; and
- (e) if a counterfactual scenario for a project is not static counterfactual scenario—how the counterfactual scenario should be taken into account.

Information relating to ecosystem condition to be included in Register entry

- (6) A methodology determination must require registered biodiversity projects that are covered by the methodology determination to include the following in the entry in the Register for the project:
 - (a) the starting aggregate ecosystem condition score for the project;
 - (b) the forecast aggregate ecosystem condition score for the project;
 - (c) the starting value for each indicator for ecosystem condition for the project area or each activity area (as the case may be);
 - (d) the starting ecosystem condition score for the project area or each activity area (as the case may be);
 - (e) the forecast ecosystem condition score for the project area or each activity area (as the case may be);
 - (f) the forecast value of each of the indicators for ecosystem condition for the project area or each activity area (as the case may be) as a result of the activities of the project;
 - (g) if a counterfactual scenario for the project is not static a counterfactual scenario:
 - (i) the forecast change in each of the indicators for ecosystem condition as a result of the activities of the project, taking account of the counterfactual scenario for the project; and
 - (ii) the forecast change in the aggregate ecosystem condition score for the project, taking into account the counterfactual scenario for the project;
 - (h) information on progress toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for ecosystem condition at the time each biodiversity project report is prepared.

Information relating to ecosystem condition to be included in biodiversity project report

- (7) A methodology determination must contain a requirement that each biodiversity project report about a registered biodiversity project that is covered by the methodology determination must contain information on progress toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for ecosystem condition at the time each biodiversity project report is prepared.

Monitoring in relation to ecosystem condition

- (8) A methodology determination must contain a requirement that the project proponent for a registered biodiversity project covered by the methodology determination must:
 - (a) if the methodology determination does not require the project area for the project be divided into activity areas—monitor progress toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for ecosystem condition for the project area, in accordance with any processes or requirements specified in the methodology determination; or
 - (b) if the methodology determination requires the project area for the project be divided into activity areas—monitor progress toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for ecosystem condition

for each of the activity areas of the project, in accordance with any processes or requirements specified in the methodology determination.

13 Assessing change in variable biodiversity project characteristics—threats to biodiversity in native species

Section applies to methodology determinations that require projects to identify and describe removal or reduction of impact of threats to biodiversity in native species

- (1) This section applies to a methodology determination if the methodology determination requires project proponents of registered biodiversity projects covered by the methodology determination to identify and describe the removal or reduction of the impact of threats to biodiversity in native species in the project area.

Risk level by threat must be assessed

- (2) The methodology determination must contain a condition that a project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project:
 - (a) has assessed the level of risk posed to biodiversity in native species in the project area by each threat that is specified in the methodology determination, including by identifying the historic, current and future impacts of the specified threats in the project area; and
 - (b) based on the assessment:
 - (i) if permitted by the methodology determination—has stated that the removal or reduction of the impact of threats to biodiversity in native species in the project area is not applicable to the project; or
 - (ii) has complied with the requirements specified in subsection (3).
- (3) The requirements are as follows:
 - (a) identified how the specified threats are relevant to the project area and how they will be managed through the activities of the project to remove or reduce the impacts of those threats on biodiversity in native species in the project area;
 - (b) determined the starting value of each of the indicators for the specified threats;
 - (c) determined the forecast value of each of the indicators for the specified threats as result of the activities of the project;
 - (d) if a counterfactual scenario for the project is not a static counterfactual scenario:
 - (i) determined the forecast change in each of the indicators for the specified threats as a result of the activities of the project, taking into account the counterfactual scenario for the project; and
 - (ii) calculated or otherwise assessed the forecast change in the threat score for the project, taking into account the counterfactual scenario for the project;
 - (e) provided evidence that the project is likely to result in the forecast value of, and (if applicable) the forecast change in, each of the indicators for the specified threats;
 - (f) calculated or otherwise assessed the starting threat score for the project;
 - (g) calculated or otherwise assessed the forecast threat score for the project.
- (4) If a methodology determination specifies processes or requirements that must be complied with in relation to determining any of the matters in subsection (3), a biodiversity project covered by the methodology determination must not be registered unless the project proponent for the project has complied with those processes or requirements in determining those matters.

Methodology determination must specify certain matters

- (5) The methodology determination must specify the following:
- (a) whether a project proponent can decide that the removal or reduction of the impact of threats to biodiversity in native species in the project area is not applicable to their project and, if so, in what circumstances;
 - (b) the processes that must be undertaken, or the requirements that must be complied with, in calculating or otherwise assessing the starting and forecast threat scores, and (if applicable) the forecast change in the threat score, for the project, including:
 - (i) any assumptions that must be used; and
 - (ii) any limitations or other parameters that must apply; and
 - (iii) the quantitative or qualitative scoring system that must be used; and
 - (iv) any evidence that must be provided to support the calculations or assessments; and
 - (v) if a counterfactual scenario is not a static counterfactual scenario—how the counterfactual scenario should be taken into account.
- (6) For the purposes of subparagraph (5)(b)(iii):
- (a) the lowest score must represent a situation in which the specified threats will, or are likely to, result in significant ongoing impacts to biodiversity in native species in the project area; and
 - (b) the highest score must represent a situation in which the impacts of the specified threats in the project area are, so far as they are reasonably in the control of the project proponent, effectively absent.

Methodology determination must require certain Register entry information

- (7) The methodology determination must require that the following information must be included in the entry in the Register for a project covered by the methodology determination:
- (a) if applicable—that the removal or reduction of the impact of threats to biodiversity in native species in the project area is not applicable to the project; or
 - (b) otherwise—all of the following:
 - (i) the starting threat score for the project;
 - (ii) the forecast threat score for the project;
 - (iii) the forecast value of each of the indicators for the specified threats as a result of the activities of the project;
 - (iv) the starting value for each indicator for the specified threats in the project area;
 - (v) if a counterfactual scenario for the project is not a static counterfactual scenario—the forecast change in the threat score for the project, taking into account the counterfactual scenario for the project;
 - (vi) if a counterfactual scenario for the project is not a static counterfactual scenario—the forecast change in each of the indicators for the specified threats as a result of the activities of the project, taking into account the counterfactual scenario for the project;
 - (vii) information on progress of the project toward the forecast value, and (if applicable) the forecast change in, each of the indicators for the specified threats at the time each biodiversity report for the project is prepared.

Requirements relating to biodiversity project reports

- (8) The methodology determination must contain a requirement that, if paragraph (7)(b) applies to a project covered by the methodology determination, each biodiversity project report about the project must contain information on progress of the project toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for the specified threats at the time each biodiversity project report is prepared.

Requirements relating to project monitoring

- (9) The methodology determination must contain a requirement that, if paragraph (7)(b) applies to a project covered by the methodology determination, the project proponent for the project must monitor progress toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for the specified threats in accordance with any processes or requirements specified in the methodology determination.

14 Assessing change in variable biodiversity project characteristics—commitment to protection of biodiversity in native species

Section applies to methodology determinations that require projects to identify and describe commitment to protection of biodiversity in native species

- (1) This section applies to a methodology determination if the methodology determination requires project proponents of registered biodiversity projects covered by the methodology determination to identify and describe the commitment to protection of biodiversity in native species in the project area.

Commitment to protection must be assessed

- (2) The methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project:
 - (a) has assessed the level of commitment to protection of biodiversity in native species in the project area, in accordance with any processes or requirements specified in the methodology determination; and
 - (b) based on the assessment:
 - (i) if permitted by the methodology determination—has stated that the commitment to protection of biodiversity in native species in the project area is not applicable to the project; or
 - (ii) has complied with the requirements specified in subsection (3).
- (3) The requirements are as follows:
 - (a) identified how the activities of the project will increase the commitment to protection of biodiversity in native species in the project area;
 - (b) determined the starting value of each of the indicators for the level of commitment to protection of biodiversity in native species;
 - (c) determined the forecast value of each of the indicators for the level of commitment to protection of biodiversity in native species as a result of the activities of the project;
 - (d) if a counterfactual scenario for the project is not a static counterfactual scenario:
 - (i) determined the forecast change in each of the indicators for the level of commitment to protection of biodiversity in native species as a result of the activities of the project, taking into account the counterfactual scenario for the project; and

- (ii) calculated or otherwise assessed the forecast change in the commitment to protection score for the project, taking into account the counterfactual scenario for the project;
 - (e) provided evidence that the project is likely to result in the forecast value of, and (if applicable) the forecast change in, each of the indicators for the level of commitment to protection of biodiversity in native species;
 - (f) calculated or otherwise assessed the starting commitment to protection score for the project;
 - (g) calculated or otherwise assessed the forecast commitment to protection score for the project.
- (4) If a methodology determination specifies processes or requirements that must be complied with in relation to determining any of the matters in subsection (3), a biodiversity project covered by the methodology project must not be registered unless the project proponent for the project has complied with those processes or requirements in determining those matters.

Methodology determination must specify certain matters

- (5) The methodology determination must specify the following:
- (a) whether a project proponent can decide that the commitment to protection of biodiversity in native species in the project area is not applicable to their project and, if so, in what circumstances;
 - (b) the processes that must be undertaken, or the requirements that must be complied with, in calculating or otherwise assessing the starting and forecast commitment to protection scores, and (if applicable) the forecast change in the commitment to protection score, for the project, including:
 - (i) any assumptions that must be used; and
 - (ii) any limitations or other parameters that must apply; and
 - (iii) the quantitative or qualitative scoring system that must be used; and
 - (iv) any evidence that must be provided to support the calculations or assessments.
- (6) For the purposes of subparagraph (5)(b)(iii):
- (a) the lowest score must represent no commitment to protection of biodiversity in native species in the project area; and
 - (b) the highest score must represent the highest level of commitment to protection of biodiversity in native species in the project area.

Methodology determination must require certain Register entry information

- (7) The methodology determination must require that the following information must be included in the entry in the Register for a project covered by the methodology determination:
- (a) if applicable—that the commitment to protection of biodiversity in native species in the project area is not applicable to the project; or
 - (b) otherwise—all of the following:
 - (i) the starting commitment to protection score for the project;
 - (ii) the forecast commitment to protection score for the project;
 - (iii) the forecast value of each of the indicators for the level of commitment to protection of biodiversity in native species as a result of the activities of the project;

- (iv) if a counterfactual scenario for the project is not a static counterfactual scenario—the forecast change in the commitment to protection score for the project, taking into account the counterfactual scenario for the project;
- (v) if a counterfactual scenario for the project is not a static counterfactual scenario—the forecast change in each of the indicators for the level of commitment to protection of biodiversity in native species as a result of the activities of the project, taking into account the counterfactual scenario for the project;
- (vi) information on progress of the project toward the forecast value, and (if applicable) the forecast change in, each of the indicators for the level of commitment to protection of biodiversity in native species at the time each biodiversity report for the project is prepared.

Requirements relating to biodiversity project reports

- (8) The methodology determination must contain a requirement that, if paragraph (7)(b) applies to a biodiversity project covered by the methodology determination, each biodiversity project report for the project must contain information on progress of the project toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for the level of commitment to protection of biodiversity in native species at the time each biodiversity report for the project is prepared.

Requirements relating to monitoring

- (9) The methodology determination must contain a requirement that, if paragraph (7)(b) applies to a biodiversity project covered by the methodology determination, the project proponent for the project must monitor progress of the project toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for the level of commitment to protection of biodiversity in native species, in accordance with any processes or requirements specified in the methodology determination.

15 Assessing change in variable biodiversity project characteristics—capability of the area to support threatened species

Section applies to methodology determinations that require projects to identify and describe capability to support threatened species

- (1) This section applies to a methodology determination if the methodology determination requires project proponents of registered biodiversity projects covered by the methodology determination to identify and describe the capability of the project area to support threatened species.

Capability to support threatened species must be assessed

- (2) The methodology determination must contain a condition that a biodiversity project proposed to be covered by the methodology determination must not be registered unless the project proponent for the project:
 - (a) has assessed the capability of the project area to support threatened species, in accordance with any processes or requirements specified in the methodology determination; and
 - (b) based on the assessment:
 - (i) if permitted by the methodology determination—has stated that the capability of the project area to support threatened species is not applicable to the project; or
 - (ii) has complied with the requirements specified in subsection (3).

- (3) The requirements are as follows:
- (a) identified the relevant threatened species for the project area;
 - (b) identified how the activities of the project will increase the capability of the project area to support the relevant threatened species;
 - (c) determined the starting value of each of the indicators for the capability of the project area to support threatened species;
 - (d) determined the forecast value of each of the indicators for the capability of the project area to support threatened species as a result of the activities of the project;
 - (e) if a counterfactual scenario for the project is not a static counterfactual scenario:
 - (i) determined the forecast change in each of the indicators for the capability of the project area to support threatened species as a result of the activities of the project, taking into account the counterfactual scenario for the project; and
 - (ii) calculated or otherwise assessed the forecast change in the threatened species score for the project, taking into account the counterfactual scenario for the project;
 - (f) provided evidence that the project is likely to result in the forecast value of, and (if applicable) the forecast change in, each of the indicators for the capability of the project area to support threatened species;
 - (g) calculated or otherwise assessed the starting threatened species score for the project;
 - (h) calculated or otherwise assessed the forecast threatened species score.
- (4) If a methodology determination specifies processes or requirements that must be complied with in relation to determining any of the matters in subsection (3), a biodiversity project covered by the methodology determination must not be registered unless the project proponent for the project has complied with those processes or requirements in determining those matters.

Methodology determination must specify certain matters

- (5) The methodology determination must specify the following:
- (a) whether a project proponent can decide that the capability of the project area to support threatened species is not applicable to their project and, if so, in what circumstances;
 - (b) the processes that must be undertaken, or the requirements that must be complied with, in calculating or otherwise assessing the starting and forecast threatened species scores, and (if applicable) the forecast change in the threatened species score, for the project, including:
 - (i) any assumptions that must be used; and
 - (ii) any limitations or other parameters that must apply; and
 - (iii) the quantitative or qualitative scoring system that must be used; and
 - (iv) any evidence that must be provided to support the calculations or assessments; and
 - (v) if a counterfactual scenario is not a static counterfactual scenario—how the counterfactual scenario should be taken into account.
- (6) For the purposes of subparagraph (5)(b)(iii):
- (a) the lowest score must represent no capability of the project area to support threatened species; and
 - (b) the highest score must represent the highest capability of the project area to support threatened species.

Methodology determination must require certain Register entry information

- (7) The methodology determination must require that the following information must be included in the entry in the Register for a biodiversity project covered by the methodology determination:
- (a) if applicable—that the capability of the project area to support threatened species is not applicable to the project; or
 - (b) otherwise—all of the following:
 - (i) the starting threatened species score for the project;
 - (ii) the forecast threatened species score for the project;
 - (iii) the forecast value of each of the indicators for the capability of the project area to support threatened species as a result of the activities of the project;
 - (iv) the starting value for each indicator for the capability of the project area to support threatened species;
 - (v) if a counterfactual scenario for the project is not a static counterfactual scenario—the forecast change in the threatened species score for the project, taking into account the counterfactual scenario for the project;
 - (vi) if a counterfactual scenario for the project is not a static counterfactual scenario—the forecast change in each of the indicators as a result of the activities of the project, taking into account the counterfactual scenario for the project;
 - (vii) information on progress of the project toward the forecast value, and (if applicable) the forecast change in, each of the indicators for the capability of the project area to support threatened species at the time each biodiversity report for the project is prepared.

Requirements relating to biodiversity project reports

- (8) The methodology determination must contain a requirement that, if paragraph (7)(b) applies to a biodiversity project covered by the methodology determination, each biodiversity project report for the project must contain information on progress of the project toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for the capability of the project area to support threatened species at the time each biodiversity report for the project is prepared.

Requirements relating to monitoring

- (9) The methodology determination must contain a requirement that, if paragraph (7)(b) applies to a biodiversity project covered by the methodology determination, the project proponent for the project must monitor progress of the project toward the forecast value of, and (if applicable) the forecast change in, each of the indicators for the capability of the project area to support threatened species, in accordance with any processes or requirements specified in the methodology determination.

16 Assessing change in variable biodiversity project characteristics—culturally significant entities

Requirements if project proponent nominates culturally significant entities at registration

- (1) A methodology determination must contain a condition that, if the project proponent for a biodiversity project proposed to be covered by the methodology determination nominates culturally significant entities that are relevant to the project in the application for approval for registration, the project must not be registered unless the project proponent for the project:

- (a) has identified the activities of the project that will contribute to change in the culturally significant entities; and
 - (b) has identified indicators to measure and assess change to the culturally significant entities; and
 - (c) has determined a process for the culturally appropriate verification of change in the culturally significant entities; and
 - (d) has determined the starting value of each of the indicators; and
 - (e) has determined the forecast value of each of the indicators as a result of the activities of the project; and
 - (f) if a counterfactual scenario for a project is not a static counterfactual scenario—has determined the forecast change in each of the indicators as a result of the activities of the project, taking into account the counterfactual scenario for the project; and
 - (g) has provided culturally appropriate evidence that the project is likely to result in the forecast value of, and (if applicable) the forecast change in, each of the indicators; and
 - (h) has complied with any other requirements specified in the methodology determination.
- (2) If a methodology determination specifies processes or requirements that must be complied with in relation to determining any of the matters in subsection (1), a biodiversity project covered by the methodology determination must not be registered unless the project proponent for the project has complied with those processes or requirements in determining those matters.

Requirements if project proponent nominates culturally significant entities after registration

- (3) A methodology determination must contain a condition that, if a registered biodiversity project covered by the methodology determination nominates culturally significant entities that are relevant to the project after the project is registered, an application for a biodiversity certificate for the project must not be made unless the project proponent for the project has complied with the requirements mentioned in paragraphs (1)(a) to (h).

Requirements relating to Register entries if project proponent nominates culturally significant entities

- (4) A methodology determination must require that, if the project proponent for a biodiversity project covered by the methodology determination nominates culturally significant entities that are relevant to the project, the following information must be included in the entry in the Register for the project:
- (a) if the relevant Aboriginal persons or Torres Strait Islanders for the project area have consented to the inclusion of such information on the Register:
 - (i) the culturally significant entities; and
 - (ii) the identified indicators for each culturally significant entity; and
 - (iii) the forecast value for the indicators for each culturally significant entity; and
 - (iv) the starting value for each indicator for each culturally significant entity; and
 - (v) if applicable—the forecast change in the indicators for each culturally significant entity; and
 - (vi) information on progress of the project toward the forecast value of, and (if applicable) the forecast change in, the indicators for each culturally significant entity at the time each biodiversity project report is prepared, in accordance with any processes or requirements specified in the methodology determination;

- (b) if the relevant Aboriginal persons or Torres Strait Islanders for the project area have not consented to the inclusion of the information mentioned in subparagraphs (a)(i) to (vi) on the Register—a statement that there are one or more culturally significant entities that are relevant to the project;
- (c) whether the progress of the project towards the forecast value of, and (if applicable) the forecast change in, the indicators has been verified by the relevant Aboriginal persons or Torres Strait Islanders for the project area, in accordance with any processes or requirements specified in the methodology determination;
- (d) any other information specified in the methodology determination.

Requirements relating to Register entries if project proponent does not nominate culturally significant entities

- (5) A methodology determination must require that, if a biodiversity project covered by the methodology determination does not nominate any culturally significant entities that are relevant to the project, a statement that culturally significant entities are not applicable to the project must be included in the entry in the Register for the project.

Requirements relating to biodiversity project reports if project proponent nominates culturally significant entities

- (6) A methodology determination must contain a condition that, if the project proponent for a biodiversity project covered by the methodology determination nominates culturally significant entities that are relevant to the project, each biodiversity project report about the registered biodiversity project must contain:
 - (a) if the relevant Aboriginal persons or Torres Strait Islanders for the project area have consented to the inclusion of such information in the biodiversity project report—information on progress of the project toward the forecast values and (if applicable) the forecast change in the indicators of each culturally significant entity at the time each biodiversity project report is prepared, in accordance with any processes or requirements specified in the methodology determination; or
 - (b) if the relevant Aboriginal persons or Torres Strait Islanders for the project area have not consented to the inclusion of the information mentioned in paragraph (a) in the biodiversity project report—a statement as to whether or not the relevant Aboriginal persons or Torres Strait Islanders for the project area have verified the progress of the project toward the forecast values and (if applicable) the forecast change in the indicators of each culturally significant entity at the time each biodiversity project report is prepared.

Requirements relating to project monitoring

- (7) A methodology determination must contain a condition that, if the project proponent for a biodiversity project covered by the methodology determination nominates culturally significant entities that are relevant to the project, the project proponent for the project must monitor progress towards the forecast value of, and (if applicable) the forecast change in, each of the indicators for the culturally significant entities, in accordance with any processes or requirements specified in the methodology determination.

17 Assessing change in other specified variable biodiversity project characteristics

Section applies to methodology determinations that require projects to identify and describe other variable biodiversity project characteristics

- (1) This section applies if a methodology determination contains a condition that a biodiversity project proposed to be covered by the methodology determination must not

be registered unless the project proponent for the project identifies and describes other specified variable biodiversity project characteristics for the project.

Methodology determination must specify appropriate conditions and requirements

- (2) The methodology determination must specify conditions and requirements, as appropriate, that are relevant to assessing and measuring change in the specified variable biodiversity project characteristics.

18 Measuring and assessing biodiversity outcomes

Specifying period within which biodiversity outcome intended to be achieved

- (1) A methodology determination must either:
 - (a) specify the period within which the biodiversity outcome for all biodiversity projects covered by the methodology determination is intended to be achieved; or
 - (b) specify the processes or requirements with which a project proponent of a biodiversity project covered by the methodology determination must comply when specifying the period within which the biodiversity outcome for the project is intended to be achieved.

Requirements relating to project plans

- (2) If a methodology determination requires that there must be a project plan for a registered biodiversity project that is covered by the methodology determination, the methodology determination must require the project plan to address, based on evidence, how the project proponent intends to achieve the biodiversity outcome for the project.

Requirements relating to indicators

- (3) A methodology determination must either:
 - (a) specify a threshold value for each indicator for a variable biodiversity project characteristic for a project covered by the methodology determination (other than a culturally significant entity that is relevant to the project); or
 - (b) specify processes or requirements with which the project proponent of a project covered by the methodology determination must comply when determining the threshold value for each indicator for a variable biodiversity project characteristic for the project (other than a culturally significant entity that is relevant to the project), including:
 - (i) any assumptions that must be used; and
 - (ii) any limitations or other parameters that must apply; and
 - (iii) any evidence that must be provided; and
 - (iv) if a counterfactual scenario is not a static counterfactual scenario—how the counterfactual scenario should be taken into account.
- (4) A methodology determination must specify processes or requirements with which the project proponent of a project covered by the methodology determination must comply when determining the threshold value for each indicator for a culturally significant entity that is relevant to the project.

Requirements relating to Register entries

- (5) A methodology determination must require that the following information must be included in the entry in the Register for a registered biodiversity project covered by the methodology determination:

- (a) the biodiversity outcome to be achieved by the project;
- (b) the period within which the biodiversity outcome is intended to be achieved;
- (c) the threshold value for each indicator for each variable biodiversity project characteristic for the project (other than a culturally significant entity that is relevant to the project);
- (d) if the threshold value for an indicator (other than an indicator for a culturally significant entity that is relevant to the project) has been met:
 - (i) a statement to that effect; and
 - (ii) evidence supporting that statement;
- (e) if a variable biodiversity project characteristic for the project is a culturally significant entity that is relevant to the project and the relevant Aboriginal persons or Torres Strait Islanders for the project area have consented to the inclusion of such information on the Register:
 - (i) the threshold value for each indicator for the culturally significant entity; and
 - (ii) if the threshold value for an indicator has been met—a statement to that effect, evidence supporting that statement and evidence as to whether the threshold value being met has been verified by the relevant Aboriginal persons or Torres Strait Islanders for the project area;
- (f) if a variable biodiversity project characteristic for the project is a culturally significant entity that is relevant to the project and the relevant Aboriginal persons or Torres Strait Islanders for the project area have not consented to the inclusion of the information referred to in subparagraphs (e)(i) and (ii) on the Register:
 - (i) a statement that there is a threshold value for each indicator for the culturally significant entity; and
 - (ii) if the threshold value for an indicator has been met—a statement to that effect and evidence as to whether the threshold value being met has been verified by the relevant Aboriginal persons or Torres Strait Islanders for the project area.

Requirements relating to biodiversity project reports

- (6) A methodology determination must require that, if the project proponent for a biodiversity project covered by the methodology determination is satisfied that the threshold value for an indicator for a variable biodiversity project characteristic for the project has been met, then each biodiversity project report about the project must contain:
 - (a) a statement to that effect; and
 - (b) if the threshold value is for an indicator for a culturally significant entity:
 - (i) evidence that the relevant Aboriginal persons or Torres Strait Islanders for the project area have verified that the threshold value has been met; and
 - (ii) if the relevant Aboriginal persons or Torres Strait Islanders for the project area have consented to including such information—evidence supporting the statement that the threshold value has been met; and
 - (c) if the threshold value is not for an indicator for a culturally significant entity — evidence supporting the statement.

Requirements relating to monitoring

- (7) A methodology determination must contain a requirement that the project proponent for a registered biodiversity project covered by the methodology determination must monitor the progress of the project against the threshold values for each indicator for the variable biodiversity project characteristics for the project.

Requirements relating to biodiversity certificates

- (8) A methodology determination must contain a condition that an application for a biodiversity certificate must not be made in respect of a registered biodiversity project covered by the methodology determination unless the project proponent for the project:
- (a) is satisfied that the threshold value for each indicator for each variable biodiversity project characteristic for the project has been reached; and
 - (b) if the indicator is not for a culturally significant entity that is relevant to the project—provides a statement to that effect, along with evidence supporting the statement; and
 - (c) if the indicator is for a culturally significant entity that is relevant to the project—provides evidence that the relevant Aboriginal persons or Torres Strait Islanders for the project area have verified that the threshold value for the indicator has been met.
- (9) A methodology determination must contain a condition that a biodiversity certificate must not be issued in respect of a registered biodiversity project covered by the methodology determination unless the Regulator is satisfied that:
- (a) if the variable biodiversity project characteristic is a culturally significant entity that is relevant to the project—the relevant Aboriginal persons or Torres Strait Islanders for the project area have verified that the threshold value for the indicator has been met; or
 - (b) otherwise—the threshold value for each indicator for each variable biodiversity project characteristics for the project has been met.