**Environmental Offsets and Ecological Limits**

**Jo-Anne Bragg**

**Principal Solicitor of Environmental Defender’s Office Queensland**

Abstract

'Environmental offsets' refer to measures that compensate for the residual adverse impacts of a development on the environment, if those impacts could not be avoided or mitigated. In Queensland there are multitudes of developments both mining and coastal developments affecting the Great Barrier Reef World Heritage Area, that have gained Federal approval with environmental offsets as part of the conditions of approval. But how does nature fare in such a system which allows clearing of vulnerable ecosystems in return for sometimes uncertain compensation such as research? Offsets in controversial cases that have received Federal approval, such as Curtis Island LNG plant, are compared to the requirements for successful offsets. Many of those examples show a lack of environmental equivalence between the damage and the offset and a lack of ongoing security for achievement of the offset. This paper will argue it is not enough to give nature procedural rights such as legal standing to enforce the law: that will not assist ecology. Rather, the concept of offsetting ecological damage and the notion of ecological equivalence needs to be rethought in its impacts on the ecological limits for human and other species and the rights of those species.

Speaker Biography

Jo-Anne Bragg graduated from Sydney University in 1988 with a Bachelor of Arts and a Bachelor of Laws. After working with law firm Minter Ellison in Sydney in company and commercial law, Jo moved to Brisbane in 1992 to take up the position of Solicitor at the EDO Qld, and is now the longest serving EDO solicitor in Australia. Jo has provided invaluable legal advice and legal education to members of the public and community and environment groups, and has made critical contributions to reforming Queensland’s environmental laws, particularly in successful advocacy for expanded third party enforcement rights. Jo has worked on many successful test cases concerning the Commonwealth and State environmental laws. In her spare time she enjoys reading, playing games with her children, cycling and bushwalking. In her personal capacity, Jo ran as a candidate for Mayor of Brisbane in 2008.