



25 March 2011

Senate Environment & Communications Legislation Committee
PO Box 6100 Parliament House
CANBERRA ACT 2600

By email: ec.sen@aph.gov.au

Dear Committee,

**Senate Inquiry on Environmental Protection & Biodiversity Conservation
Amendment (Bioregional Plans) Bill 2011**

Firstly The Wilderness Society understands that the submission deadline to the Inquiry was yesterday March 24. We apologize for the lateness of the submission and gratefully request that it be considered by the Committee.

Created in 1976, The Wilderness Society (TWS) is now Australia's largest nature conservation organization whose mission is to protect, promote and restore wilderness and natural processes for the survival and ongoing evolution of life of earth.

Over the last thirty-five years TWS has campaigned for the protection of marine habitat in every state and territory, as well as waters in Commonwealth jurisdiction including the islands of the sub-Antarctic. Currently, as well as our involvement in the campaign to lift protection for marine habitat in Commonwealth waters, we are active in marine campaigns in state waters in South Australia, Western Australia, New South Wales and the Northern Territory.

TWS is of the view that the *Environment Protection & Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011* attributes a cumbersome, laborious and expensive layer to the marine bioregional planning regime, whilst increasing industry uncertainty.

While legislative reform in the environment often draws strong opposing views, the current process has so far navigated a balance of competing interests comparatively well. Consequently the process currently enjoys support from a broad range of

stakeholders. In these circumstances it is usually prudent to resist change -the *"if it ain't broke, don't fix it"* rule should prevail here.

The Bill is unnecessary as;

- There are already significant periods of public consultation built into the decision making process. This occurs following robust scientific and socio-economic analysis and broad stakeholder engagement. It has not been made clear how the current consultation process is flawed and what problems in the consultation process this Bill will resolve and how;
- There are currently adequate checks and balances are built into the process under the existing legislation, including Parliamentary review;
- To date the current process has not revealed inadequacies which require or justify further parliamentary oversight or scrutiny – the case for change has not been substantially or convincingly put;
- The amendments risk the politicization of the process, when to date significant community effort by stakeholders has largely resisted this dynamic emerging.

The Bill makes the process more cumbersome and laborious without any clear improvement in the outcomes for new Commonwealth marine reserves as;

- It adds unnecessary bureaucracy and delay to the development of marine bioregional planning and hinders Australia's ability to meet it's international commitments to develop a National Representative System of Marine Protected Areas by 2012;
- Marine reserves are a best practice management tool to protect our marine environment. The process is scientifically based and is a tool that is consistently used and recognized worldwide;

Another substantial flaw in the Bill is the additional costs burden associated with the proposed changes to the process which would;

- Lead to an increase in the cost of marine bioregional planning and cause significant delays to improving the protection and management of marine habitat and ecosystems. The statement in the explanatory memorandum that there are no financial impacts of the proposed Bill is incorrect, as there would be a substantial financial impact should a bioregional plan be disallowed;
- Create and increase uncertainty for industry, coastal communities, conservation groups and the public which has a financial impact;
- Increase the current cost of the process, which is already \$8 million per annum since inception of the process in the late 1990s. Resources would be more effectively and efficiently spent on the implementation and management of bioregional plans rather than on the process.

Changing any process once it has commenced should only occur if serious flaws are being revealed which require intervention. There is no evidence that this is the case here, so rightly or wrongly, changing the rules now leaves the process open to the accusation of political interference. This can only undermine community confidence and involvement in the process.

There is no clear rationale for how the Bill will improve outcomes for Australia's marine environment, or more effectively expedite urgent marine protection outcomes. Hence through this submission, TWS wishes to submit that it does not support the amendment to the EPBC Act proposed in this Bill.