

Australian Greens' additional comments

The Australian Greens were very pleased that the Senate agreed to undertake this important inquiry proposed by the Greens into the effectiveness of threatened species and ecological communities' protection in Australia.

Commencing late last year, this inquiry attracted a large number of submissions from environmental experts, community organisations and individuals working across Australia to protect our threatened species. In total almost 180 submissions were received, demonstrating the considerable community concern for the plight of our native fauna and desire for federal leadership on this issue.

Hearings were held in Melbourne, Brisbane, Canberra and Perth, where the Committee heard first hand from some of Australia's top biodiversity experts, as well as concerned and highly informed community members.

To everyone who contributed their time, perspectives and expertise to this inquiry – thank you.

The Greens agree with many of the majority report's recommendations. But sadly they still fall well short of what's needed to turn around Australia's biodiversity crisis.

Australia is recognised globally as "mega-diverse" - over 80% of our mammals, reptiles and flowering plants exist only in Australia. But Australia's wildlife is facing an extinction crisis. Many of our iconic and important animals and plants are classified as in danger of becoming extinct.

Our threatened species don't just include obscure critters – Australia's iconic species like the koala and Tasmanian devil are in serious decline.

Australia currently has an extinction rate 1000 times the 'natural' or background rate of extinction. The Greens are extremely concerned about the reticence of the old parties to tackle this issue properly. Australia's threatened unique species and ecological communities need urgent protection.

Climate change

The report recognised that climate change is one of the most significant threats to Australia's biodiversity (para 4.47), and that this was an issue raised by a significant number of submitters to the inquiry. Yet the majority committee makes no recommendation on opportunities to address climate change mitigation. There is no acknowledgement that while the carbon price is starting to drive the transition away from fossil fuels, both old parties are still committed to the expansion of our coal exports by 70 per cent. Furthermore, the old parties are also vocal supporters of massive investment in new fossil fuel industries, including coal seam gas and shale gas. According to the International Energy Agency, two thirds of fossil fuel reserves

must stay in the ground if we are to have a reasonable chance of limiting global warming to 2 degrees Celsius and saving Australia's unique species.

Australians know they can trust the Greens to act on climate change, unlike the old parties. We have a strong clear policy: we are in a climate emergency, Australia should not green light any more coal and coal seam gas.

On the issue of reducing the impacts of climate change on our species, the Senate inquiry recognises the importance of the \$946 Biodiversity Fund negotiated by the Greens as part of the carbon package. The majority report notes that the Biodiversity Fund is a key national funding arrangement for the protection of threatened species and ecological communities [para 6.1]. They also recognise that many submitters expressed concern that funding for threatened species and ecosystems is 'grossly inadequate' [para 6.16].

Yet the report merely notes in passing that since its establishment the much celebrated \$926 million Biodiversity Fund has been subject to two separate raids from the Labor Government – first in May of this year, and then in July. These raids amounted to \$470 million being stripped from this critical fund – and yet the report passes no judgement on this shameful reduction in critical funding.

Neither of the old parties have any commitment to reinstate the Biodiversity Fund. In fact, Mr Abbott wants to scrap the carbon price all together, and with it the Biodiversity Fund.

Future generations of Australians will suffer the consequences of these short-sighted cuts.

With our biodiversity under so much pressure this is a tragic loss for Australia's environment. The Australian Greens have committed to reversing this funding and restoring the full \$946 to the Biodiversity Fund, consistent with the original agreement with the Government.

National environmental responsibilities must stay with the federal environment Minister

The other enormous issue ignored by this report is the importance of continued federal government regulation of Australia's most environmentally damaging projects. With our biodiversity in decline and the states' poor track record on environment issues, it is completely inappropriate for the states to be delegated responsibilities for our nationally protected animals and their habitats. Yet this is currently possible under our national environment laws, and big business have put in a huge lobbying effort to get these Howard-era provisions acted on so that business will be given an even easier ride for environmentally destructive activities under state governments.

The report acknowledges the concerns raised about such a handover by a very large number of submitters, yet the majority report dismissed this as having already been dealt with in an earlier inquiry. This earlier inquiry by the Senate Environment and Communications Legislation Committee, into a bill by the Greens proposing to remove these 'approvals bilateral' provisions, found:¹

- The committee was presented with no compelling evidence to show how an approval agreement would improve business efficiency [para 2.12];
- The committee is concerned that if the Commonwealth were to lose its oversight and approval power in relation to matters for national environmental significance, this may encourage competitive federalism [para 2.28]; and
- The committee's view is that it is not appropriate for the states and territories to exercise decision making powers for approvals in relation to matters of national environmental significance. [para 2.47].

Yet both the old parties have failed to act.

Tony Abbott's environment policy appeals directly to his mates in the big end of town: Mr Abbott and his Coalition are committed to handing off key federal environment protection powers to his state cronies, putting state governments in control of our internationally significant places and wildlife. If state governments had sole control of national environment law in the past, the Franklin River would be dammed, there would be oil rigs in the Great Barrier Reef, cattle grazing in the Alpine National Park, and Traveston Dam would have gone ahead.

We can't leave protecting Australia's environment up to the states.

Following the overwhelming evidence and findings of this earlier inquiry, the Greens offered to work with Labor to stop such a handover from being possible, through a Greens bill, motions, and amendments to Abbott-proof our national environmental laws. But Labor refused every time, leaving Labor complicit in Tony Abbott's plan, should the opposition win government, to remove key federal veto powers over destructive development.

Only the Australian Greens can be trusted to stand up for the long-term national protection needed for our species that are too precious to lose.

National protection for national parks

Australia's national parks are home to many of our continent's unique wildlife and their precious habitats. As our cities grow and industrial and agricultural activities

1 Senate Environment and Communications Legislation Committee inquiry into Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012, March 2013, available: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=ec_ctte/completed_inquiries/2010-13/epbc_federal_powers/report/index.htm.

have expanded, our national parks, where properly managed, have increasingly become critical refuges for survival of regionally and nationally threatened species.

The Committee recognised the importance of national parks across Australia in providing critical habitat for many species, and noted that, despite the name, National Parks do not have national protection. They also noted the extensive concerns of many stakeholders that our national parks are being opened to logging, grazing, tourism developments, and hunting by reckless state governments, and that our national parks urgently need national protection.

However the old parties yet again failed to act.

On World Environment Day this year, the Australian Greens announced our commitment to protecting Australia's national parks under our national environment laws.

The Labor Government has delivered empty promises on National Parks, while no one expects Mr Abbott to stand in the way of the excesses of conservative state governments. Only the Greens can be trusted to protect Australia's national parks.

Protecting our native forests

The Greens are very concerned that the majority report refused to recognise the clear evidence that the Regional Forests Agreements framework for 'managing' our precious native forests, which are critical habitat to any number of threatened species, has failed abysmally.

Shamefully the old parties want to continue to heavily subsidise logging of our native forests and the remaining habitat of innumerable threatened species – and they want us to believe that audits and monitoring of rogue state forestry agencies can deliver for our most vulnerable species. This is simply not good enough.

Only last week yet another report was released which reveals how Regional Forest Agreements have led to gross mismanagement of the nation's forests by state governments, causing a biodiversity crisis in many unique ecosystems.

Our native forests need far greater protection, and the special forests provisions that exempt regional forest agreements from our national environment laws must be scrapped.

The Australian Greens have fought for our native forests for decades, and we will not stop until all of these precious native habitats are protected.

Rehabilitating sick and injured wildlife

Every year hundreds of thousands of Australian native animals become orphaned, injured or displaced due to habitat loss, poisoning, car strikes, entanglement in rubbish or barbed wire, or attacks by cats, dogs or other feral animals.

Too many of our native animals die slow tortured deaths as a result of these incidents. Others are lucky to be rescued by one of the thousands of committed, caring volunteers who work across Australia and where possible rehabilitate these creatures for release back into the wild.

In New South Wales alone, WIRES reports that their 2200 volunteers help rescue and care for 56,000 animals every year, and respond to over 100,000 calls for advice on sick and injured wildlife. With the mounting threats of encroaching human activities and increasing feral predators, it is expected that the demand for these organisations' work will only increase in years to come. Yet most of our wildlife care organisations receive little if any state or federal government support for their invaluable work.

The Greens' have announced a \$15 million plan to establish a national grants program of \$5 million per annum to:

- Help subsidise food and medical expenses for sick and injured wildlife;
- Assist with purchase of wildlife care equipment;
- Support training programs for our wildlife carers;
- Increase our knowledge about successful wildlife care and rehabilitation; and
- Supporting other activities such as 24 wildlife care advice hotlines and community education.

With our wildlife under more pressure than ever before, the Australian Greens believe our wildlife carers deserve more recognition and support for their invaluable work.

Identifying and protecting critical habitats for threatened species

Remarkably, for all too many of our threatened species their critical habitats are not even properly mapped, let alone protected. And for many species we are on track to lose them before we even know they exist – so much more research is needed to understand our native species and what they need to survive.

We welcome the Committee's numerous recommendations on critical habitats. Better identification of critical habitat for our threatened species and ecological communities is very important. However we are concerned that currently only critical habitats on Commonwealth land are afforded any legal protection in their own right. The committee notes this, but makes no recommendation that would ensure that once mapped these habitats would actually be protected across Australia.

We would also urge that requiring that mapping of critical habitat be a prerequisite for listing could lead to dangerous additional delays in listing of threatened species. If critical habitat information is not readily available at the time of listing, it should be required to be completed within a statutory timeframe following listing. We also recommend for ease of access for the community and project proponents that analysis and mapping of critical habitat be incorporated into central databases and mapping of protected matters, not just incorporated into stand-alone conservation advices.

The Greens are strongly committed to better identification and protection of critical habitats and wildlife corridors across the landscape.

The Greens are committed to restoring the \$470 million the Labor Government has stripped from the Biodiversity Fund to help fund better habitat protection.

The Greens have also announced our three year, \$120 million plan to better protect Australia's biodiversity which includes \$30 million per annum to:

- Fund comprehensive studies to identify and map important habitat nationally (including protected ecological communities, areas of critical habitat for threatened species and important wildlife corridors); and
- Protect that habitat through bioregional plans that guide development and establish clear no-go zones for different activities within each region across Australia.

These bioregional plans would be developed in partnership with state and local governments where possible, and rolled out progressively with priority on high risk biodiversity areas.

Listing of threatened species and ecological communities

The Committee received extensive evidence about the many shortcomings of our threatened species listings processes. The Invasive Species Council made the pointed observation that the business sector would be thumping political tables (and taking out full-page media advertisements) if it took this long to get their applications assessed and that applications for environmental destruction whizz through in comparison to nominations for threat abatement (and also threatened species and ecological communities).²

The information gaps, delays and bureaucratic processes that all combine to prevent adequate protection for species in need are of great concern to the Greens.

We welcome the various recommendations that seek to improve the threatened listings process for threatened species and ecological communities, though we believe more needs to be done.

We particularly welcome the support for emergency listing of threatened species and ecological communities. As both old parties would be aware, the Australian Greens have had a bill before the Senate for some time now that would ensure unlisted species under imminent threat can be afforded immediate protection under our national environment laws. Had the Labor Government or the Opposition been prepared to support this Greens bill, the most vulnerable species across Australia would now be afforded this important protection. Sadly this did not occur.

2 Invasive Species Council, *Submission 140*, p. 8; see also Dr Carol Booth, Invasive Species Council, *Committee Hansard*, 28 March 2013, p. 10.

The Greens will continue to fight for this protection to be urgently implemented in the next term of parliament.

We note that a number of the recommendations around listing of threatened species will require proper resourcing of the federal Environment Department and the Threatened Species Scientific Committee, and yet only a limited recommendation goes to the need to increase funding so they can do their work. Rather there appears to be an ongoing intention from the major parties to continue to lean far too heavily on the invaluable but extremely stretched pro bono efforts of many experts and community members to ensure basic legal protection is provided to our most vulnerable species. This is not an appropriate structure to underpin a key pillar of Australia's environmental protection.

We do welcome the recommendation for the Threatened Species Scientific Committee to be able to advise the Minister of research needed to fill data gaps about threatened species and ecological communities, however would strongly recommend that these recommendations be published and that the Minister must respond to the recommendation within three months.

More broadly, the Australian Greens recommend that in the interest of transparency and improving our overall scientific knowledge base about our most threatened species and ecological communities, that research, findings and advice from TSSC and other expert bodies be published with limited if any exceptions.

As part of the Australian Greens three year, \$120 million plan to better protect Australia's biodiversity we will also provide \$10 million per annum to:

- Support the rapid listing of all species and ecological communities which belong on the threatened list;
- Develop and resource the implementation of recovery plans and threat abatement plans for listed species and ecological communities; and
- Fund additional research required to help turn around Australia's biodiversity decline.

Environmental biosecurity and invasives

The inquiry heard extensive evidence on the huge pressure from invasive species on many of our native plants and animals.

Our three year \$120 million plan to protect Australia's threatened species will include funding to resource the development and critically the implementation of recovery plans and threat abatement plans for listed species and ecological communities. The inquiry heard that Recovery Plans have been adopted for only 30% (508 species) of

EPBC listed species, and that unfortunately that recovery planning has no discernible impact on recovery.³ Plans without implementation do not do much good.

As stated above, a key part of our three year \$120 million plan to protect Australia's threatened species will involve rolling out comprehensive studies that map important habitat nationally and protecting that habitat through bioregional plans which will be statutory plans. These plans should also incorporate the findings of threat abatement plans, such as actions needed to address threats from invasive species.

It's far better to stop environmental pests from getting established in our natural environment than trying to eradicate established environmental pests. The Greens have for a long time expressed our significant concerns that the federal government has consistently failed to fund expertise and resources for the purposes of identifying, researching and responding to environmental invasive species. Global movement of people and cargo and impacts of climate changes mean we need a new approach to diseases and pests that cause problems overseas.

The Greens have announced our plan to create the National Biosecurity Authority which will involve extra funding of approximately \$10 million a year. A key priority of this new Authority will be to increase expertise and resourcing for environmental invasive species issues. The Authority will be overseen by a National Biosecurity Commission, a panel of eminent biosecurity experts charged with making the key decisions to best protect Australia. The Commission will include experts on environmental invasive species to provide effective advice and priority for addressing such threats.

Other issues raised in the inquiry

As is noted in the majority report, many submitters consider funding for threatened species protection 'grossly inadequate' [para 6.16]. While noting this, the majority report gives scant recognition for the fact that if we want to save our most vulnerable species the total pool of funding available must be increased. In the few majority report recommendations that actually go to the issue of funding, the proposal is that funding be "more targeted" at certain issues – ignoring the fact that that money has to come from somewhere within the national environment spend, and quite possibly its current use is equally important. The Greens are concerned that the 'triage' approach to threatened species funding be adopted in lieu of properly stepping through what funding is needed to stop biodiversity decline.

The majority report also makes recommendations around a new concept of 'action plans' to help fast track better management of threatened species. While we are open to any tools that will effectively address biodiversity decline turn around we would want any such plans to have strong statutory underpinning that drives genuine outcomes across the landscape.

3 Professor Hugh Possingham and Associate Professor Michael McCarthy, *Submission 127*, p. 3.

We warmly welcome the adoption of clear time bound and outcomes driven key performance indicators and concrete targets throughout the environment portfolio, and recommend that these be put in place in such a way that they cannot simply be buried or shelved in time, if the reality of environmental decline is uncomfortable for the environment minister of the day. We would recommend however that monitoring and reporting requirements imposed on small environmental community organisations be developed in consultation with these organisations, so as to maximise outcomes without subjecting volunteer organisations in excessive reporting burdens.

The Australian Greens are also very supportive of having the regular annual national accounts to Parliament include reports on the status of EPBC listed species and communities. We are also supportive of the proposal of an audit of all offsets granted under the EPBC Act to date – and we urge that this audit be independent, subject to public input, and result in a public register of offsets that is kept up to date. The Greens have serious concerns about the use of offsets to wave through otherwise inappropriate developments, and hope that a thorough audit will bring more credibility to the system, and clearly identify where offsetting should not be allowed.

We also welcome the review of strategic assessments and strongly urge that the purpose be to ensure that environmental outcomes are being delivered. We note the extensive community concern about the current Great Barrier Reef coastal strategic assessment which appears likely to result in an arrangement more akin to an approvals bilateral than comprehensive plan for sustainable development – with the Newman Government, rather than our national environment minister, responsible for ticking off on developments impacting the Reef.

We warmly welcome the recommendation that the Australian National Audit Office conduct an audit of monitoring of compliance with approvals under the EPBC Act. The Australian Greens have long been concerned that successive governments have placed far too much reliance on self-monitoring and reporting and audits procured by the proponents. The community expects that the regulators responsible for Australia's most environmentally damaging projects would take a proactive role to ensure very high levels of compliance with project approvals.

An extensive number of issues were raised by the community and experts throughout this Senate Inquiry process. The Australian Greens again wish to thank everyone for their invaluable input. We will continue to draw on this excellent evidence to further inform our work on these critical issues.

Australia's unique flora and fauna are under pressure like never before. We urgently need to act now, this year, 2013.

Only the Australian Greens can be trusted to stand up for the environment.

Senator Larissa Waters
Senator for Queensland