

THREATENED SPECIES SCIENTIFIC COMMITTEE

Established under the Environment Protection and Biodiversity Conservation Act 1999

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
By email: ec.sen@aph.gov.au

Dear Secretary,

Threatened Species Scientific Committee submission on the *Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021*

The Threatened Species Scientific committee (henceforth TSSC) welcomes the opportunity to address the *Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021* ("the Bill"), currently subject to an inquiry by the Senate Environment and Communications Legislation Committee. Thank you for allowing the TSSC to make a late submission.

The review by Professor Graeme Samuel presents a once-in-a-decade opportunity for reform in the Commonwealth's regulation system for the protection of the environment. We look forward to the government's response to each of the review's recommendations.

A central recommendation of the Samuel review was the development and implementation of legally enforceable National Environmental Standards (henceforth "Standards"). The Bill proposes to establish these Standards. The Bill provides mechanisms for the establishment of standards as legislative instruments under the Act, and provides for their review. It requires that environmental decisions made under the Act are "not inconsistent" with Standards, and requires the same of bilateral agreements with States and Territory made under the Act.

The TSSC supports this purpose for the Standards, but in the absence of draft Standards to be made interim Standards under the Act, it cannot be determined if these ideals will be met. If the draft Standards were released for comment, the TSSC would be delighted to make an expert assessment of their suitability for their designated purpose.

The TSSC made two, detailed submissions to the Samuel Review based on our considerable experience with those sections of the EPBC Act that deal with our remit: the listing of Threatened Species, Ecological Communities and Key Threatening Processes and the conservation planning instruments that guide the government's response to such listings. We also had extensive discussions with Professor Samuel and his team on several occasions. Our first submission is on the review website at <https://epbcactreview.environment.gov.au/submissions/anon-k57v-xf2u-j>.

We understand that our second submission, a response to Professor Samuel's interim report, was not posted on the review website for technical reasons. Please find it attached.

The TSSC would particularly like to draw your Committee's attention to the recommendations in our

second submission, which *inter alia* updates the recommendations of our initial submission in the context of Professor Samuel's interim report. Our second submission also includes our suggested standards for:

- Threatened Species and Ecological communities
- Migratory Species
- Conservation Dependent Species
- Restoration and Recovery

To discuss or clarify any aspect of this submission, please contact me.

Yours sincerely

Emeritus Professor Helene Marsh AO FAA FTSE
Chair

15 April 2021

Attachment: *TSSC Comments on the Interim Report of the Review of the EPBC Act, Sept 2020*