the Jane Goodall Institute Australia

Committee Secretary
Senate Environment and Communications Committee
PO Box 6100 Parliament House
Canberra ACT 2600

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Submission for Inquiry into Australia's faunal extinction crisis

Thank you for the opportunity to respond to matters relating to Australia's faunal extinction crisis and the role of the *Environmental Protection of Biodiversity and Conservation Act 1999* (Cth) (hereon referred to as the 'EPBC Act') in managing issues of environmental significance.

The *Jane Goodall Institute* (JGI) is a global conservation organisation committed to promoting understanding and protection of great apes and their habitat. It builds on the legacy of its founder, Dr Jane Goodall DBE, to inspire individual action by young people of all ages to help animals, other people and protect the world we all share. Dr Goodall's impact is wide ranging; as a primatologist her research at Gombe Stream National Park has resulted in the longest continuous study of any wild species community; and as a humanitarian she has served as a *UN Messenger of Peace* since 2002 spreading her message of *Hope*.

JGI has chapters in 35 countries around the world, including the *Jane Goodall Institute Australia* (JGIA). JGIA is an Australian registered charity (ABN 98 125 319 771) and a not for profit organisation with a purpose to inspire actions that connect people with animals and our shared environment.

In 2018, JGIA became an alliance organisation of the *Places You Love Alliance*. Together, the alliance represents over 1.5million Australians; people that love our national parks, wildlife, and precious natural beauty. Heavily informed by the Alliance's work, JGIA endorses the *Blueprint for the Next Generation of Australian Environmental Law* produced by the Australian Panel of Experts on Environmental Law (APEEL). The blueprint calls for sweeping changes to the way in which environmental protection operates in Australia.

These include:

- ensuring strategic national leadership on environmental protection;
- focusing on bio-regional and development of regional environmental plans to protect biodiversity;
- declaring specific areas of strategic commonwealth interests, such as threatened species;
- establishing a national Environment Protection Agency and Environment Commission to implement national environmental law and set national standards respectively; and
- establishing clear procedural rights for environmental protection.

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JGIA offers the following responses to the Inquiry Terms of Reference:

The ongoing decline in the population and conservation of Australia's nearly 500 threatened fauna species

Australia, like the world, is in the midst of an extinction crisis, often referred to as the 'sixth mass extinction', 'Holocene extinction', or 'Anthropocene extinction'. Australia leads the world on mammalian extinctions, with 28 confirmed extinctions since the arrival of Europeans. Since 2009, three animals (Bramble Cay Melomys, Christmas Island Pipistrelle, and Christmas Island Skink) have gone extinct. The key drivers of species loss are well-known, complex and cumulative, including: habitat clearing and fragmentation, invasive species, climate change, inappropriate fire regimes, disease, pollution, over-exploitation; and so it is clear that human activities are having an adverse impact on species' survival. In fact, overall, the anthropogenic extinction rate is approximately 100 times higher than the extinction rate in natural ecosystems.

Australia is one of the most ancient, naturally beautiful and biodiverse places on Earth. As an island- continent, Australia has some of the world's most diverse ecosystems, boasting a rich evolutionary history, nineteen World Heritage properties, sixty-five Ramsar wetlands, more than one million species of plants and animals (many of which are found nowhere else), and is globally recognised as one of the planet's 12 'mega-diverse' regions. Against this backdrop, it is essential that evidence-based, meaningful, and lasting measures are undertaken to stem the tide against extinction in Australia.

The wider ecological impact of faunal extinction

The resulting impacts and longer-term cascading effects of extinction events are poorly understood in many cases, however scientific consensus holds that species loss can have wide ranging ramifications for ecosystem function. All species play an important role within their ecosystem and their presence influences physical and trophic structures, biogeochemistry, and climate. Biodiversity loss undermines the integrity of ecosystems and their capacity to provide the critical functions that create stable, resilient, and healthy environments; thus, depriving humans and animals of vital ecosystem services, including those essential for life support.

For example, the Great Barrier Reef (GBR) constitutes about 10% of the world's coral reef ecosystems and is a well-known World Heritage site due to its outstanding universal biological and cultural value, biodiversity and ecosystem services. The GBR is central to the culture of traditional owners. The GBR contributes more than $5.6 billion each year to the Australian economy and generates around 70,000 jobs. However, the Great Barrier Reef is under severe threat by climate change, poor water quality, extensive coastal developments and illegal fishing that affect its capacity to recover from bleaching events that are now more common due to the increase in marine heatwaves.

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The international and domestic obligations of the Commonwealth Government in conserving threatened fauna

There are extensive international obligations that have been assumed by Australia through its signing of multiple treaties canvassing a range of environmental matters. The ratification of these treaties and the honouring of their consequential obligations within a reasonable period of time requires a capacity for the Commonwealth to develop and influence the implementation of appropriate measures across jurisdictions. For example, within the remit of the present Inquiry, Australia's international obligations under the United Nations Convention on Biological Diversity include to protect threatened species, halve deforestation rates, and stop extinction by 2020. Australia is currently failing on these fundamental tasks.

Australia provides critical habitat for millions of migratory birds and marine animals each year. We also value trade and investment partnerships throughout the world and in the Asia-Pacific region. As such, we need to recognise and consider the issues that threaten wildlife and biodiversity in both a global and domestic capacity and recognise our role and obligations in this. Australia has a track record of championing strong but sensible species listings under the auspices of Convention of International Trade of Endangered Species of Wild Fauna and Flora (CITES) and associated frameworks. Obligations under bilateral migratory bird agreements with Japan, China and the Republic of Korea, alongside broader conventions such as the Bonn Convention and UN Convention of the Law of the Sea (UNCLOS) play an important role. These are met by listing migratory and marine species as matters of environmental significance. It is important to identify and resolve knowledge gaps for some species where a lack of information precludes them from being listed as threatened, when they may otherwise qualify.

The adequacy of Commonwealth environment laws, including but not limited to the Environment Protection and Biodiversity Conservation Act 1999, in providing sufficient protections for threatened fauna and against key threatening processes

Australia's current environmental laws do not adequately protect threatened species. Since 2000, Australia's list of nationally threatened species and ecological communities has increased by more than 30% (from 1,483 to 1,947 - as at 31 July 2018).

The EPBC Act approval process has three stages: referral, assessment and approval. Environmental assessment under the EPBC Act operates pursuant to bilateral agreements between the Commonwealth governments and the state and territory governments. In the event that a development might impact a listed National Matter of Environmental Significance (NMES), the relevant processes and the responsibility for carrying out assessment processes devolves to the relevant state or territory authority. Approval bilateral agreements hand the final decision on a project to the state or territory government.

The extent to which the environmental credentials of state and territory-based assessment processes adhere to Commonwealth standards has been questioned since the commencement of the EPBC Act. There are not precise and detailed tests to compare assessment methodology between the Commonwealth and state processes. In relation to some jurisdictions, there are gaps in the coverage of relevant laws as well as problems with

compliance and monitoring. From a practical standpoint the Commonwealth approval is viewed as a necessary check and balance that can avoid a conflict of interest where state or territory governments are involved as proponents subject to the development assessment process.

Climate change is projected to be the fastest growing cause of species loss. Climate impacts upon biodiversity remain characteristically uncertain making management of vulnerable ecosystems inherently difficult. Assessment processes in New South Wales (NSW) for example will include Ecologically Sustainable Development (ESD) as a consideration but there is no direct requirement to consider climate change and arguably fail to reflect best ecological practice.

The development approval process under commonwealth laws favours development at the expense of threatened species, rather than focusing on protecting wildlife, as per its stated objective. Since the Act entered into force, only 21 projects out of more than 6,100 have been stopped due to unacceptable impacts on matters of national environmental significance and threatened species. This is primarily due to the high levels of discretion afforded to decision makers.

By way of brief examples, current national law provides exemptions for logging activities, despite these having serious impacts on threatened species, such as the critically endangered Leadbeater's possum in Victoria. These exemptions are based on outdated information which is more than 20 years old. Enforcement of the EPBC Act has been weak, much to the detriment of threatened species. There has been an increase in land clearing and deforestation of threatened species' habitats. This is especially the case in Queensland with as much as 700,000 hectares of habitats for threatened species, ecological communities and reef catchments cleared since 2012. Eastern Australia is now ranked as a global deforestation hotspot. The EPBC Act provides for the listing of critical habitat through a national register to protect threatened species. Only five places are listed on the register, the last of which was added in 2005. The registers penalty provisions only apply to Commonwealth land, meaning there are no effective protections of critical habitat under national environmental law.

There needs to be strategic national leadership on protecting native wildlife in Australia. This includes strong national laws, policies, and increased funding for species recovery. We would recommend the Australian Government to institute a complete overhaul of the national environmental laws to protect threatened species. This should be backed by strong and independent national institutions, including:

- An independent National Environmental Protection Authority that operates at arm's-length from government to conduct transparent environmental assessments and inquiries as well as undertake monitoring, compliance and enforcement actions; and
- An independent National Sustainability Commission that develops enforceable national environmental protection standards, bioregional plans as well as recovery and threat abatement plans.

New laws should include a legislated requirement to develop science-based recovery plans for all threatened species that are enforceable, binding, and require climate impact

assessment for species and its critical habitat. It is important to note that while we urge the Commonwealth to assume national strategic leadership on environmental matters, State and Territories should continue their traditional role in environmental regulation and the management of natural and cultural resources under State and territory legislation. This should be conditional upon being adapted to, and capable of, implementing national and regional environmental strategies developed by the Commonwealth.

The adequacy and effectiveness of protections for critical habitat for threatened fauna under the Environment Protection and Biodiversity Conservation Act 1999

As aforementioned, habitat clearing and fragmentation are key drivers of the current wave of species extinction. In fact, since the EPBC Act came into effect, approximately 7.6 million hectares of threatened species habitat has been destroyed due to bulldozing or logging (equating to an area of threatened species habitat larger than the state of Tasmania destroyed in just seventeen years) according to a new analysis by University of Queensland researchers, the Australian Conservation Foundation, WWF-Australia, and the Wilderness Society. The report, entitled *Fast-tracking extinction: Australia's national environmental law*, further contends that only 0.78 million hectares (or 10% of the overall area lost) was mapped as occurring in areas assessed under the EPBC Act. It also depicts the dramatic habitat loss for specific species during the 2000-2017 period, accounting for 'likely' and 'known' habitat loss estimates. For example, combining 'likely' and 'known' habitat loss, the Koala has lost an estimated 937,751 hectares, the Greater glider has lost 207,079 hectares, the Painted honeyeater has lost 1,283,886 hectares, the Red goshawk has lost 3,164,300 hectares, and the critically endangered Regent honeyeater has lost approximately 111,662 hectares of habitat.

Australia's environment laws should provide protection for threatened species habitat by:

- ending land clearing and logging of old growth and high conservation value native vegetation;
- protecting ecosystems of national importance to protect species before they become threatened;
- establishing a new national critical habitat register which applies across all land tenures; and
- ensuring the registering of critical habitat occurs within 12 months of a species being added to the national threatened species list.

Along with stronger protections, new national environment laws must guarantee community rights and participation in environmental decision making, including; open standing provisions; review of decisions based on their merits; third-party enforcement provisions; and protections from cost orders in public interest proceedings.

The adequacy of the management and extent of the National Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving threatened fauna

Australia's obligations under the Convention on Biological Diversity include meeting Aichi Target 11 to include 17% of terrestrial and 10% of marine area in a comprehensive and

representative well-connected protected area estate by 2020. While some bioregions are protected at or above this level, many fall well below this. Australia's 2016 *State of the Environment* report notes that 32 of the 89 terrestrial bioregions have less than 10% of their area protected, and 50% of critically endangered EPBC Act–listed communities and 30% of endangered communities have less than 5% of their area represented in the terrestrial National Reserve System (NRS). The impact of climate change will likely make this worse as very little of today's ecological communities will be included in the NRS under current climate projections. Because the NRS has largely developed opportunistically rather than by design, in order to meet the comprehensive, adequate, representative and well-connected part of the Aichi targets, future development of the NRS should be strategically targeted. The National Wildlife Corridors Plan should be supported, funded and expanded with a focus on improving connectivity of the NRS.

As noted in the APEEL *Blueprint for the Next Generation of Australian Environmental Law*, all Australians benefit from at least 60,000 years of caring for Country by Indigenous Australians; and so it is culturally and environmentally vital to support the continuing role of Australia's traditional owners. Indigenous Protected Areas (IPA) are a shining light in the NRS and, together with Indigenous Ranger Programs, provide social, economic and environmental benefits. Organisations that work across communities and allow them to share knowledge and experience (for example, the Northern Australian Indigenous Land and Sea Management Alliance) should be encouraged. IPAs also represent value for money. For example, the 2008-2013 expansion of IPAs cost on average $26 per hectare including management costs capitalised in-perpetuity while also delivering social and economic benefits.

Overall, the NRS appears to be an inadequate resource for the protection of species given that across the 17 biodiversity components reported in the 2016 *State of the Environment* report, only six rated as good, and of those six, three were trending downwards.

The adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general

Federal funding for conservation is in significant decline, with spending for biodiversity programs expected to decrease by 45% on 2013 levels over the forward estimates. Funding for the Natural Heritage Trust (the primary funding vehicle for federal conservation programs) will have shrunk from $262m in 2013 to $146m by 2021. The Federal Government has claimed it has spent more than $250 million on threatened species projects, however this amount is aggregated from general environmental spending, and does not represent an accurate account of threatened species funding. There have been serious questions raised as to the accuracy of this figure, especially in light of reports of infrastructure projects being counted toward the threatened species figure. Currently only $5 million is dedicated to a national Threatened Species Fund. There remains no dedicated fund for implementing recovery plans or threat abatement plans.

Schemes such as the Threatened Species Prospectus are a good approach that provide a framework for value adding and strengthening partnerships between governments and other stakeholders. As many threatened species have the same threatening processes, the move to multi-species recovery plans and regional plans is a positive way to increase the effectiveness

of funding. Being able to demonstrate the benefits of healthy, balanced ecosystems in terms of primary industry, tourism and human health is an important way to connect communities and constituents with the value of investing in the conservation of nature.

The Federal Government must significantly increase resources into recovery plan and threat abatement implementation, including establishing a Recovery Fund with an annual investment of $200m to implement recovery plans. The Government must also support the strategic expansion of Australia's National Reserve System to protect threatened species habitats, with an annual investment of at least $170m per year. Moreover, the Australian Government must commit to prompt, transparent and regular release of data on the state and trends of threatened species, state and impacts on critical habitat of threatened species and outcome-focused monitoring of species conservation efforts and spending.

While there is a limit to what laws can achieve, they form an essential part of any robust system of environmental governance. We thank the Committee for its consideration and are optimistic that the present Inquiry will result in measures to effectively recognise and conserve Australia's flora and fauna, together with their underpinning array of ecological, economic, scientific, cultural, and spiritual values.

Sincerely,

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