



14 December 2012

Unrestricted - For Publication

Committee Secretary
Senate Standing Committees on
Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

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

Dear Sir/Madam,

The effectiveness of threatened species and ecological communities' protection in Australia

The Law Institute of Victoria's (LIV) Young Lawyers' Section writes in relation to the Senate Committee Inquiry into the effectiveness of threatened species and ecological communities' protection in Australia (**the Inquiry**).

The LIV Young Lawyers' Section holds grave concerns about the current regulation of Leadbeater's Possum habitat in Victoria. The Leadbeater's Possum is Victoria's faunal emblem and it is extremely endangered.

On 28 September 2012, the LIV Young Lawyers' Section Law Reform Committee wrote to the Hon. Peter Walsh of the Victorian Parliament to express our concern about the effects of logging on remaining Leadbeater's Possum habitat. That letter and Mr Walsh's response are **attached**. These attachments are suitable for publication.

The LIV Young Lawyers' Section requests that the issues identified in our letter to Mr Walsh, together with Mr Walsh's response, be carefully considered by the Inquiry.

We believe that the dangers faced by the Leadbeater's Possum fall squarely within the ambit of the Inquiry's Terms of Reference. Given the Victorian government's historical failure to protect Victorian native forest and key habitat of threatened species, it is vital that the Commonwealth act immediately to ensure the protection of the Leadbeater's Possum.



On 16 July 2000, a recovery plan was made for the conservation of the Leadbeater's Possum under the *Endangered Species Protection Act 1992* (Cth) and adopted under s.269A of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). This recovery plan is now out of date and in desperate need of revision, particularly due to major changes made to the Victorian forest landscape as a result of the 2009 Victorian bushfires. In the view of the Young Lawyers' Law Reform Committee, the Victorian Government should use its power without delay to update the Leadbeater's Possum Recovery Plan. This update should include that a reserve system should be established across the entire species' range.

The Law Reform Committee is also concerned by potential breaches of the Central Highlands Regional Forest Agreement (**RFA**). The RFA commits parties to ensure "effective conservation, forest management and forest industry outcomes." Clause 39 sets out that a key element of Ecologically Sustainable Forest Management is "a fully integrated and strategic forest management system capable of responding to new information." In our opinion, the black Saturday bushfires and the continued decline in species numbers of the Leadbeater's Possum constitute "new information". By failing to respond to this new information, we believe the Victorian state government is in breach of the RFA.

More broadly, we commend the recent decision to retain the Federal Government's powers under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The Federal Government is the more appropriate arbiter of environmental protection legislation given issues of climate change, the protection of threatened species and ecological communities, sustainability and biodiversity. Environmental issues are not State specific, cannot be controlled by states alone and require Federal supervision.

It is vital that the Commonwealth develop a national, strategic framework to protect Australia's threatened species.

We would welcome the opportunity to provide further information to the Committee upon request.

Yours sincerely,

Cameron Forbes
LIV Young Lawyers' Section President