



Environment protection



Contents

Introduction	4
Overview	4
1. Protecting environment and heritage	9
1.1 Matters of national environmental significance	9
1.2 Proposals involving Commonwealth land and/or actions	10
Actions by the Australian Government and actions on Commonwealth land.....	10
Advice on authorising actions.....	10
1.3 Intergovernmental cooperation	11
Bilateral agreements.....	11
Heritage management.....	11
Species Information Partnerships.....	12
Marine.....	12
National Partnership Approach for the Sustainable Harvest of Marine Turtles and Dugongs in Australia.....	12
1.4 Assessment and approval process	14
Referrals.....	14
Assessment of controlled actions.....	16
Approvals.....	17
Post referral and approval verification, monitoring and auditing.....	17
Fisheries assessment and approval processes.....	20
Wildlife trade.....	20
1.5 Transparency and public awareness	21
Increasing stakeholder and public awareness.....	21
Strategic assessments and regional planning.....	23
Strategic state and local planning.....	24
Advisory committees.....	25
2. Conserving biodiversity	28
2.1 Identifying and monitoring biodiversity and making bioregional plans	28
Inventories of listed threatened species etc. on Commonwealth land (section 172).....	28
Surveys of cetaceans, listed threatened species etc. in Commonwealth marine areas (section 173).....	28
Bioregional plans (section 176).....	29

2.2 Protecting species and ecological communities	29
Listed threatened species and ecological communities.....	29
Marine species	31
Whales and other cetaceans.....	32
Recovery plans and threat abatement plans (section 284 report).....	33
Wildlife conservation plans (section 298 report).....	35
Exemptions under section 303A.....	35
2.3 International movement of wildlife	35
Sustainable wildlife industries.....	36
Wildlife trade permits and programmes.....	37
2.4 Conservation agreements	38
3. Managing heritage and protecting significant areas	39
Listing and managing heritage places in Australia	39
World heritage	39
National heritage	41
Commonwealth heritage.....	44
Wetlands of international importance.....	46
Biosphere reserves.....	46
Commonwealth marine reserves.....	47
4. Monitoring and compliance	48
Australasian Environmental Law Enforcement and Regulation Network.....	48
Audit programme	48
Compliance	49
Investigations.....	51
Prosecutions	52
Review of decisions	54
5. Reporting	56
State of the Environment report	56
Section 516A report	56
Appendix 1 —Statistics on the operation of the EPBC Act in 2006–07.....	57
Appendix 2 —EPBC Act related publications in 2006–07.....	73
Appendix 3 —Functions and membership of advisory committees	74
Appendix 4 —Compliance with timeframes (section 518 report)	78





Operation of the *Environment Protection and Biodiversity Conservation Act 1999*

Introduction

This annual report is prepared in accordance with section 516 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It covers the operation of the Act from 1 July 2006 to 30 June 2007.

The report examines the operation of the EPBC Act against its key priorities. These are:

- ensuring a clear role for the Australian Government in protecting matters of national environmental significance (addressed in part 1.1 of the report)
- providing effective protection of the environment in proposals involving the Australian Government (part 1.2)
- increasing intergovernmental cooperation and reducing duplication (part 1.3)
- providing an efficient, timely and effective assessment and approval process with certainty for stakeholders (part 1.4)
- increasing transparency and public awareness (part 1.5)
- taking an integrated approach to conserving biodiversity (part 2)
- managing heritage and protecting significant areas (part 3)
- implementing an excellent monitoring and compliance regime (part 4).

Overview

The Australian Government, through the operation of the EPBC Act, protects matters of national environmental significance—namely the ecological character of internationally important wetlands, nationally listed threatened species and ecological communities, listed migratory species, the Commonwealth marine environment, the values of properties in the World Heritage List, the values of places in the National Heritage List and protection of the environment from the impact of nuclear actions. The EPBC Act also provides protection for the environment in relation to proposals involving Commonwealth land and regulates activities of Australian Government agencies that might significantly impact on the environment.

In 2006–07 the Australian Government put in place significant changes to improve the operation the EPBC Act.

The EPBC Act has been in operation for nearly seven years and during this time the Act has gained wide acceptance by the Australian community, and has achieved real results in protecting the environment. Nevertheless any piece of legislation can be improved



and on 7 December 2006 amendments to the Act were passed by parliament. The bulk of the amendments commenced on 19 February 2007. The amendments:

- strengthen environment and heritage protection while streamlining some of the provisions of the Act
- provide greater capacity and flexibility for more strategic approaches to be employed for the protection of Australia's environment and heritage
- eliminate unproductive 'red tape'
- enable quicker and more strategic action to be taken on emerging environmental issues
- make environmental decision-making more efficient and cost-effective
- provide greater certainty for industry, but in a way that ensures ecologically sustainable development becomes an ongoing reality for Australia.

Further details are outlined throughout this report.

In the 2007–08 Budget the Australian Government Department of the Environment and Water Resources received \$70.6 million over four years in new funding to strengthen protection for the environment. From this funding the Approvals and Wildlife Division, which has principal responsibility for administering the EPBC Act, will receive \$16 million in 2007–08 (a 60 per cent increase over funds available in 2006–07).

The funding will be used to improve administration of the Act, including by addressing the findings of the Australian National Audit Office report on the administration of the EPBC Act (The Conservation and Protection of National Threatened Species and Ecological Communities, Audit Report No. 31, 2006–07). (For more information on the audit, see the section on external scrutiny in the first volume of this set of annual reports.)

Specifically, the increased funding will deliver substantial benefits in EPBC Act administration by:

- improving timeliness and quality of assessments and approvals
- increasing compliance and investigation activity
- improving strategic planning and assessment tools such as bilateral agreements with states and territories, strategic assessments, accredited plans and policy advice
- improving quality, accuracy and currency of threatened species and habitat data, and the statutory records required for impact assessment
- improving environmental data and information for proponents and assessors, particularly targeting key growth regions.

In relation to the recommendations made in the Australian National Audit Office report, the following matters will also be addressed:

- improving the accuracy and completeness of the threatened species list
- reviewing the state and territory lists of threatened ecological communities



- increasing flexibility for the type of recovery documents or plans that are required for listed species and ecological communities. For example, the Australian Government Minister for the Environment and Water Resources can now choose to simply require conservation advice to be prepared, or if a recovery plan is required, it can now be prepared as a single species/community, multi-species/multi-community or regional recovery plan
- strengthening the department's auditing, compliance and enforcement capacity.

As at 30 June 2007 a restructure of the Approvals and Wildlife Division was being undertaken to implement these improvements.

The 2007 amendments to the EPBC Act established the List of Overseas Places of Historic Significance to Australia. This list provides for symbolic recognition of overseas places which are of outstanding historic significance to Australia. The minister subsequently entered Anzac Cove, Turkey; the Kokoda Track, Papua New Guinea; and Howard Florey's laboratory, United Kingdom, in the list.

It is now possible for police and other law enforcement agencies authorised under the EPBC Act to pursue criminal offences for conduct that are prosecuted by the Commonwealth Director of Public Prosecutions or state prosecutors. Previously, that conduct could only be dealt with via a civil penalty application in the Federal Court. This new power should provide greater access and deterrence to illegal activities and has the potential to significantly improve the protection of biodiversity and heritage in Commonwealth reserves.

The amendments also reduce duplication in the assessment of applications to export or import wildlife and wildlife products. International trade provisions for cetaceans were consolidated under Part 13A. To coincide with these amendments, a legislative instrument was gazetted on 14 February 2007 having the effect of uplisting all cetacean (whale and dolphin) species to CITES Appendix I (Convention on International Trade in Endangered Species of Wild Fauna and Flora) as a stricter domestic measure.

For imports of CITES Appendix II species for commercial purposes, the requirement for a commercial import programme to be approved before import can take place has been removed other than for species specified by the minister.

A legislative instrument was gazetted on 26 February 2007 establishing a list of CITES Appendix II specimens which require a commercial import programme. The specimens are:

- ramin (*Gonystylus* spp.), a hardwood timber
- beluga sturgeon (*Huso huso*) originating from the Caspian Sea
- South African ghaap (*Hoodia gordonii*), a succulent plant
- all specimens originating from countries not parties to CITES.

In 2006–07 there were a number of matters brought to the Administrative Appeals Tribunal and the Federal Court relating to the EPBC Act (see part 4 of this report).



The Administrative Appeals Tribunal upheld the minister's decision in relation to kangaroo commercial harvesting on King and Flinders islands. At 30 June 2007, dates are yet to be set for the appeals against the New South Wales kangaroo management plan and the Southern and Eastern Scalefish and Shark Fishery wildlife trade operations. A decision was also still pending on the minister's decision to declare the harvesting of specimens taken in the New South Wales Ocean Trap and Line Fishery as an approved wildlife trade operation.

To ensure that proponents are required to submit only one set of assessment documentation, the Australian Government has put in place environmental impact assessment bilateral agreements with several states and territories including Western Australia, Tasmania and Queensland. In January 2007 an environmental impact assessment bilateral agreement under the EPBC Act was entered into with the New South Wales Government. The agreement will allow the minister to rely on environmental impact assessment processes specified by New South Wales in assessing actions under the EPBC Act.

In 2006–07 the bilateral agreement between the Australian Government and the Northern Territory relating to environmental impact assessment was reviewed after five years of operation. As a result of the review report minor amendments were made to the bilateral agreement and the agreement continues to operate.

In 2006–07 the department initiated two significant projects to help meet wetland management commitments under the Ramsar Convention and responsibilities under the EPBC Act:

- a snapshot review of the current status and management of Ramsar-listed wetlands, which will help identify management priorities
- development of national guidelines for Ramsar wetlands, providing a more coherent framework for Ramsar implementation in Australia including guidance on the Ramsar listing process and development of management plans.

An assessment of Commonwealth heritage values is being undertaken in accordance with the requirements of the EPBC Act for the Australian Antarctic Territory, the Territory of Heard Island and McDonald Islands and places owned or controlled by the Commonwealth on Macquarie Island. A management plan is also in preparation for the national heritage listed Mawson's Huts Historic Site at Cape Denison, as required by the EPBC Act. The draft plan will be available for public comment in July 2007.

The Australian Government's world-leading programme of marine bioregional planning gained pace in 2006–07 with planning under section 176 of the EPBC Act beginning in four of Australia's five marine regions—the South-west, North, North-west and East. The first planning process to be progressed is the South-west, taking in Commonwealth waters from Kangaroo Island off South Australia to Kalbarri off the mid Western Australian coast. A regional profile is well



advanced for this marine region and a memorandum of understanding was signed between the Australian and Western Australian governments for cooperation in marine planning.

Since the EPBC Act came into force in 2000, 122 fisheries have been assessed against the Guidelines for the Ecologically Sustainable Management of Fisheries. The minister has declared all of these fisheries as either exempt from the export provisions of the EPBC Act for five years, or as approved wildlife trade operations for periods of up to three years. The outcomes of each fishery assessment are published in detailed reports on the department's website.

In 2006–07 assessments were completed for 15 fisheries. Two fisheries were assessed for the first time under the EPBC Act and both were declared as wildlife trade operations for three years. Thirteen fisheries were assessed for the second time, six of which were declared exempt and seven as wildlife trade operations. Eleven short-term wildlife trade operations were reviewed and extended.

The department funded a joint research project to study the impact of marine debris on marine turtle survival and behaviour around northern Australia. The research was a partnership between Dhimurru Land Management Aboriginal Corporation, Parks and Wildlife Service Northern Territory, and the North Australian Indigenous Land and Sea Management Alliance. Marine debris that causes death or damage to marine species by entanglement and ingestion is listed as a key threatening process under the EPBC Act. The project will increase knowledge of the impact of marine debris on protected marine turtle species and test measures for implementing the marine debris threat abatement plan.

This year 28 places were added to the National Heritage List bringing the number of places in the list to 59 at 30 June 2007. Places added to the list include the Sydney Harbour Bridge, the world's largest and widest single-span steel arch bridge. One place was added to the Commonwealth Heritage List, bringing its total to 340 places at 30 June 2007.

1. Protecting environment and heritage

1.1 Matters of national environmental significance

Matters of national environmental significance are identified under the EPBC Act as controlling provisions for actions that are likely to have significant environmental impacts upon them and therefore require assessment and approval. Provisions of the EPBC Act also require certain actions to be undertaken in a particular manner to avoid adverse impacts on matters of national environmental significance. In 2006–07, 276 matters of national environmental significance were protected through these processes. Where proposals involved Commonwealth land or agencies, the environment more generally was protected.

The most frequent controlling provision was listed threatened species and ecological communities, followed by listed migratory species. Listed threatened species and ecological communities were determined to be a controlling provision for 65 proposed actions, or 89 per cent of all actions determined to require approval. Listed migratory species were determined to be a controlling provision for 23 proposals. There were 17 controlled action decisions where the ecological character of a Ramsar wetland was the matter protected, and 12 proposed actions where world heritage values were determined to be a controlling provision. There were five decisions where the controlling provision was the Commonwealth marine environment; these were projects relating to tourism, recreation and conservation management, energy generation and supply, and mining.

More than one matter protected under Part 3 of the EPBC Act was determined to be a controlling provision for 35 of the 73 proposals determined to require approval. These actions typically involved potential impacts on species listed as both threatened and migratory, or listed species found in or near the Commonwealth marine environment, world heritage properties or Ramsar wetlands, for example, a proposal to develop the Gold Coast Hinterland Great Walk. The relevant matters in that case were listed threatened species and communities and the world heritage values of the Central Eastern Rainforest Reserves World Heritage Area.

A total of 44 actions were approved in 2006–07 with a range of conditions to ensure that matters of national environmental significance and the environment were protected. No proposals were approved without conditions and one proposal was rejected. At 30 June 2007, 110 actions affecting matters protected by the EPBC Act were under assessment; that is, a decision had been made on the assessment approach, but the assessment was still to be completed. These ongoing assessments include 39 assessments conducted under bilateral agreements and 25 assessments conducted under state or territory processes that have been accredited on a case-by-case basis.





The focus of the EPBC Act on protecting matters of national environmental significance continues to positively influence the way in which developers design projects, using best practice methods and measures to minimise potential impacts on these protected matters thereby avoiding or minimising the need for assessment and approval under the EPBC Act.

1.2 Proposals involving Commonwealth land and/or actions

Actions by the Australian Government and actions on Commonwealth land

In 2006–07, three actions were determined to require approval under the EPBC Act because of likely significant impacts on the environment on Commonwealth land, and a single action by an Australian Government agency was determined to be a controlled action.

One of these actions, the installation of a 70 kilometre optical fibre cable between Jabiru and Rikurdji in the Northern Territory, was deemed a controlled action under the EPBC Act on 14 July 2006. The proposal was considered likely to have a significant impact on the environment, including impacts on Aboriginal cultural values related to archaeology and sacred sites, and impacts on the natural environment through clearing vegetation and the introduction of invasive species. The optical fibre cable installation was approved on 5 June 2007. The proponent is required to provide an environmental management plan for approval, which minimises impacts on environmentally sensitive areas, ensures the route avoids sacred sites and archaeological areas, and prevents the spread and introduction of weeds. The proponent will also provide an offset to Parks Australia North to assist in the management of weeds within Kakadu National Park.

Another example of an action considered likely to have a significant impact on Commonwealth land was the Nobbys Lighthouse redevelopment, Newcastle, New South Wales. That proposal involves the construction of a restaurant and other facilities around Nobbys Lighthouse, which is the earliest surviving lighthouse in New South Wales and is on the Commonwealth Heritage List for its historic values. The proposal is currently under EPBC Act assessment.

Advice on authorising actions

Section 160 of the EPBC Act requires Australian Government agencies, or employees of the Australian Government, to obtain and consider advice from the minister in relation to authorisation for specific actions, where those actions are likely to have a significant impact on the environment. Actions on which advice has been sought have involved proposals on Commonwealth airports, dredging sea bed materials and sea dumping.

In 2006–07 advice was sought under section 160 on 11 occasions. These projects included the proposal to build an office building complex at Canberra

International Airport, Australian Capital Territory. Advice was provided to the Minister for Transport and Regional Services that there were no significant environmental concerns associated with this project.

1.3 Intergovernmental cooperation

Bilateral agreements

In January 2007 an environmental impact assessment bilateral agreement under the EPBC Act was entered into with the New South Wales Government. The agreement will allow the Australian Government Minister for the Environment and Water Resources to rely on specified environmental impact assessment processes of the State of New South Wales in assessing actions under the EPBC Act.

The assessment bilateral agreement with the Northern Territory was reviewed, prior to its expiry on 30 May 2007 after five years of operation. The review demonstrated that the agreement was meeting its objectives and recommended that the agreement continue to operate. As a result of the review report, minor amendments were made and the bilateral agreement continued.

Assessment bilateral agreements are also in place with Western Australia, Tasmania, and Queensland. The agreements ensure that proponents are required to prepare and submit only one set of assessment documentation, with the transparency of the process maintained through comprehensive public consultation requirements. Australian Government scrutiny is maintained through the minister still being required to grant approval and set conditions for the projects. This year 51 projects were assessed under a bilateral agreement.

Development of assessment bilateral agreements with the other states is progressing. In late June 2007 public comments were sought on an assessment bilateral agreement the Commonwealth proposes to enter into with the South Australian Government. In the absence of an assessment bilateral agreement, duplication of Australian Government and state or territory assessment processes continues to be significantly reduced through the use of case-by-case accreditation and coordinated assessments. Accredited assessments meet at least those standards that would be required under a bilateral agreement. This year 28 projects were assessed under state or territory processes accredited on a case-by-case basis.

Heritage management

As a signatory to the World Heritage Convention, the Australian Government cooperates closely with state authorities to ensure that the protection and promotion of state-managed world heritage properties is consistent with Australia's undertakings under the convention. The Australian Government is





working with state authorities to review existing world heritage management plans for the Tasmanian Wilderness and the Wet Tropics of Queensland, and to develop a world heritage strategic plan for the Greater Blue Mountains. For the Tasmanian Wilderness, the mid-term review of the 1999 management plan has progressed and the revised draft plan is being finalised for public comment in the latter half of 2007. The draft zoning regime has progressed as part of the review of the Wet Tropics management plan. For the Greater Blue Mountains, the new strategic plan has been approved by the Greater Blue Mountains World Heritage Authority Management Committee, and will soon be considered for approval for publication by the relevant Australian and New South Wales government ministers.

The department is also cooperating with state authorities and owners on management plans for the following places in the World Heritage List and/or National Heritage List: the Royal Exhibition Building and Carlton Gardens World Heritage Area (Victoria), Richmond Bridge (Tasmania), the Batavia Shipwreck Site and Survivor Camps Area 1629 – Houtman Abrolhos (Western Australia), Recherche Bay North-east Peninsula (Tasmania), and Brewarrina Aboriginal Fish Traps (Baiames Ngunnhu), New South Wales.

Species Information Partnerships

Through Species Information Partnerships the department, with the Threatened Species Scientific Committee, continued to work for consistency between lists held by the Australian Government and those held by the states and territories, and to increase the exchange of information to support the listing and recovery of threatened species.

Species Information Partnerships allow for targeted expenditure of limited conservation resources and facilitate the best possible conservation outcomes for threatened species.

In 2006–07, information provided by the states and territories under the agreements supported listing decisions under the EPBC Act for nine South Australian species, 28 Northern Territory species and 37 Western Australian species. Species Information Partnership agreements were also signed with Tasmania and Victoria, and listing decisions under the EPBC Act are expected to be made as a result of these agreements.

Marine

To assist the bioregional planning process for the Commonwealth marine environment, a memorandum of understanding was signed in 2006–07 between the department and relevant Western Australian Government agencies to facilitate marine bioregional planning in the North-west and South-west marine regions.



In addition, a financial agreement was entered into with the Western Australian Marine Science Institution to conduct an inventory of marine and coastal research for north Western Australia. The project involves Western Australian Government agencies, research and tertiary education institutions, and the private sector.

The February 2007 amendments to the EPBC Act inserted Schedule 1 into the Act which enables the detention of non-citizens suspected of EPBC Act offences. Such issues commonly arise at the Ashmore Reef National Nature Reserve. Regulations for the detention arrangements are being drafted, and arrangements are being made with other Australian Government agencies to enable streamlined implementation. These new detention arrangements are expected to become operational in 2007–08.

To strengthen enforcement at the Ashmore Reef National Nature Reserve, \$31.7 million funding over four years was secured by the Australian Customs Service to procure a vessel to provide a constant enforcement presence. The vessel will have Customs officers on board, all of whom are ex-officio wardens.

National Partnership Approach for the Sustainable Harvest of Marine Turtles and Dugongs in Australia

Two meetings of the National Partnership Approach for the Sustainable Harvest of Marine Turtles and Dugongs in Australia were held in 2006–07. The meetings were well attended by Indigenous members from the Northern Territory, Torres Strait and Queensland and government members from the Western Australian Department of Environment and Conservation, Northern Territory Department of Natural Resources, Environment and the Arts, Queensland Environment Protection Agency, Great Barrier Reef Marine Park Authority, Torres Strait Regional Authority and Australian Government Departments of the Environment and Water Resources and Agriculture, Fisheries and Forestry. A number of themes were identified to provide the focus for future meetings. These themes included building strong partnerships between Indigenous communities, government agencies, researchers, conservation groups and other stakeholders; having a holistic approach to management as this leads to wider social, cultural and economic benefits for communities; recognising that the results of management actions will only be evident over long timeframes, both from an ecological and community perspective; addressing and minimising, wherever possible, non-harvest impacts on turtle and dugong; and sharing case studies and information on existing and potential management actions.

The second meeting established a working group of Indigenous members to provide strategic direction for the partnership. The department will provide the secretariat for the working group.



1.4 Assessment and approval process

Referrals

In 2006–07, 347 actions were referred to the Australian Government for a decision on whether approval was required under the EPBC Act. Approximately 15 per cent of these referrals were the result of compliance action taken by the department. A total of 74 actions (73 after reconsideration by the minister or his delegate) were determined to be controlled actions and a further 74 (75 after reconsideration) were determined not to be controlled actions if taken in a particular manner. A total 188 of these referrals were deemed not to be controlled actions and required no further assessment.

Profile of actions referred under the EPBC Act

As in previous years the largest number of referrals came from Queensland, which continues to have the highest number of controlled action decisions. This reflects the continuing development along the Queensland coast, potentially impacting on the Great Barrier Reef and Wet Tropics world heritage properties and a number of Ramsar wetlands.

Referrals were most common in the residential development, mining, and water management and use sectors.

Meeting statutory timeframes (referrals)

The EPBC Act allows 20 business days from receipt of a referral for deciding whether an action requires approval. This includes a 10-day public comment period. This year there were 73 late decisions, or 22 per cent of the total. This compares with 64 late decisions last year (19 per cent of the total). Referral decisions were late an average 3.28 business days in 2006–07, compared to an average 3.4 business days in 2005–06.

Where the statutory timeframe was not met, this was due to delays in obtaining sufficient information to make a decision and the complexity of proposals received.

The 20-day timeframe for decision-making on referrals was suspended 45 times in 2006–07. This was due to the need to seek further information before a decision could be made.

Decision trends—'particular manner' decisions

The EPBC Act provides for the minister to decide that a referred proposal is not a controlled action provided it is undertaken in a particular or specified manner. This provision may be used when there is clear evidence that a particular mitigation or avoidance measure will be employed to avoid significant impacts. Under section 77A of the EPBC Act, penalties apply to breaches of 'particular manner' decisions.

This year 75 referrals were decided to be not-controlled actions provided they were carried out in a particular manner.

Through ongoing education, the department encourages proponents to design projects and activities in a manner that avoids impacts on matters of national environmental significance. The particular manner provision allows the minister to support this design approach. The particular manner provision promotes and supports industries and individual developments that are shifting to better environmental practices.



Case study: Capture of juvenile Tasmanian devils for conservation purposes

In January 2007 the Tasmanian Department of Primary Industries and Water referred a proposal under the EPBC Act to capture Tasmanian devils to establish an ‘insurance’ population.

An infectious cancer, known as devil facial tumour disease, is the major threat to the survival of the Tasmanian devil. The disease was first reported in 1996 in the north-east of the state and is progressively spreading westward at approximately 10 kilometres per year. It is likely that the entire range of the species will be exposed to infection within two or three years. The disease is invariably fatal once clinical signs are observed and has led to substantial population declines (of up to 90 per cent) in infected populations.

It is likely that the disease will result in local population extinctions. As a consequence, this once common and widespread species is now listed as a vulnerable species under the EPBC Act and state legislation.

The referred proposal involved the capture of up to 30 newly independent juvenile Tasmanian devils from a currently disease free area in north-west Tasmania to establish a population for the conservation of the species. Following capture, animals were physically examined and suitable individuals transferred to a quarantine facility managed by the Department of Primary Industries and Water at Taroona, Hobart. They will be used to establish a disease free population at Maria Island or another suitable location.

To reduce the risk of capturing diseased animals, the capture programme maintained a buffer of at least 50 kilometres from the known western extremity of the disease front. Trapping was conducted across a large area (approximately 4,000 square kilometres) to maximise genetic diversity. As soon as a suitable juvenile devil was caught at a particular location, the trap was relocated to reduce the chance of capturing siblings. The entire trapline was moved every three to four days to minimise the impact on local populations.

These measures were all specified in the referral. Taking these into account, the minister considered that the capture of a relatively small number of juvenile Tasmanian devils over a large area with a population estimated to be in excess of 1,000 individuals would not have a significant impact on the species and therefore the proposal did not require EPBC Act approval provided it was undertaken in the manner specified.



Statements of reasons

Subsection 77(4) of the EPBC Act allows a person taking an action that the minister has decided is a controlled action to request reasons for the decision. During 2006–07 the department handled eight such requests.

Reconsideration of decisions

In 2006–07, seven referral decisions were reconsidered (by the minister or his delegate) and four decisions were revoked and a new decision made. The number of reconsiderations is small in comparison with the total number of referral decisions and, through consultation with key stakeholders and interest groups, the department ensures that reconsiderations maintain the transparency and public accountability inherent in the overall framework of the EPBC Act. Reconsideration can be justified where there is substantial new information on likely impacts on matters protected by the EPBC Act or on the potential impacts of the proposed action.

Assessment of controlled actions

The assessment of potential environmental impacts of proposed actions uses the best available science, with comments and analysis sought from relevant experts within the department, other Australian Government or state and territory government agencies and, when necessary, external scientific institutions and organisations.

The EPBC Act provides a range of assessment approaches to ensure that an environmental assessment reflects the nature of the proposed actions, the quality of the information already available, the level of public interest and the nature and scale of the likely impacts. Decisions on the level of assessment for controlled actions in 2006–07 are summarised in Table 6 at Appendix 1.

In 2006–07 the department completed 23 assessments following finalisation of relevant documentation by the proponent. A further 15 assessments were completed by states and territories. Decisions on the assessment approach and the status of the assessments are summarised in Table 6 at Appendix 1.

Meeting statutory timeframes (assessments)

Eleven out of 53 decisions on the appropriate assessment approach (21 per cent of the total) were made outside the statutory timeframe in 2006–07. The main factor contributing to late decisions was delays in obtaining sufficient information to make the decision.

The EPBC Act requires the minister to prepare written guidelines for the content of public environment reports and environmental impact statements within 20 business days from the date on which the assessment approach was decided. During 2006–07 the department prepared guidelines for four public environment reports. No guidelines for environmental impact statements were finalised.



Once the minister has accepted final preliminary documentation, a finalised public environment report, or a finalised environmental impact statement, an assessment report or recommendation report must be prepared for the minister prior to the end of the period specified in section 130 of the EPBC Act. In 2006–07 there were 12 late assessment reports out of 19 for assessment by preliminary documentation, two out of two for assessment by public environment report and one out of two for assessment by environmental impact statement. Delays in these cases mostly resulted from the need to adequately consider and test complex technical issues, and to ensure relevant jurisdictions were satisfied with the guidelines when conducting joint assessments with the states.

Approvals

In 2006–07, 44 controlled actions were approved; a further six were awaiting decision at 30 June 2007. Conditions attached to approvals include managing the environmental impacts of construction, providing compensatory habitat to offset impacts on listed species, monitoring programmes to ensure water quality is maintained, independent audits, and measures for managing impacts on cetacean species.

Meeting statutory timeframes (approvals)

Sixteen out of 45 approval decisions (36 per cent of the total) were made outside the statutory timeframe in 2006–07. These delays were due to the need for ongoing consultation with proponents/states over the content of final approval conditions. In a number of cases, additional independent work was also commissioned to help inform decisions.

Post referral and approval verification, monitoring and auditing

The department closely monitors projects referred and approved under the Act to ensure compliance with approval conditions as well as compliance with other decisions involving environmental commitments made by proponents e.g. ‘particular manner decisions’. The department has implemented a risk based random compliance audit programme and is developing a strategic audit programme.

The department also responds to all incident reports received from internal and external sources that may involve potential or actual contraventions of the EPBC Act.



Case study: Refusal of mining expansion on Christmas Island

A proposal to extend phosphate mining on Christmas Island required approval under the EPBC Act due to the potential for significant impacts on the environment. Christmas Island is home to 16 threatened and migratory species listed under the Act. Over 60 per cent of the island is set aside as national park, containing what is thought to be the world's largest and most diverse land crab community. The island is known around the world for its red crab migration.

In April 2007 the minister decided to refuse the action because of unacceptable impacts on the flora and fauna of Christmas Island, including its unique rainforest.

The minister took into account evidence that the future survival of a number of species on the island would be seriously threatened by expanded mining operations. Independent analysis suggested that an extension of mining works would most likely contribute to the extinction of a number of threatened species, including the critically endangered Christmas Island pipistrelle bat, and adversely impact on the remaining populations of the endangered Abbott's booby and Christmas Island frigatebird. Land clearing required for any expanded mining operations would also result in the permanent loss of primary rainforest on the island.

The decision took into account the principles of ecologically sustainable development. Economic benefits provided by the expanded mining would only be short-term (three to five years); however, the environmental impacts would be irreversible and could impact on the viability of alternative sustainable industries. The extension was opposed by the Christmas Island Chamber of Commerce who argued the need for Christmas Island to move to a new economic base.

In refusing the proposed extension, the minister emphasised that the Australian Government remained committed to a strong economic future for Christmas Island and will continue its substantial support to the island and its people.



Case study: Review of the seismic exploration and whales policy

During the year the minister released for public comment a revised Policy Statement on the Interaction between Offshore Seismic Exploration and Whales. Developed with the involvement of the oil and gas industry, conservation groups and Australia's best whale research scientists, the comprehensive policy reflects new scientific knowledge and operational experience since the first edition was released in 2001.

Seismic surveying (i.e. the use of high-intensity sound and recorders) is widely used by the oil and gas exploration industry to map geological structures below the sea floor and to identify areas where oil and gas deposits may occur. However, human-made sound in the marine environment (including sound produced by seismic surveys) is a concern because of its effect on whales and dolphins, which use sound for hunting, navigation and communication.

The policy statement provides practical standards to minimise the risk of acoustic injury to whales from seismic operations, and advises the seismic industry on their legal responsibilities under the EPBC Act. It reinforces Australia's position as a world leader in whale protection and research and represents global best practice in minimising the potential impacts of seismic survey activities on whales.

Changes to the policy from the 2001 edition include:

- clearer advice on where and when significant impacts on whales may occur and the need to plan seismic operations to avoid important habitats and times when whales may be present
- alterations to provisions for exploration at night-time or other times of poor visibility
- revised 'safety (power-down) distances' based on precautionary sound levels at which whales are likely to be seriously affected from acoustic power sources
- improved advice on adaptive measures should whales be encountered.

The policy will be immediately implemented by the Australian seismic exploration industry with a view to refining the policy based on operational experience and public comments (due 31 August 2007).



Fisheries assessment and approval processes

Under the EPBC Act, the department assesses the environmental performance of fisheries management arrangements to ensure that fisheries are managed in an ecologically sustainable way and to identify areas for improvement. All Commonwealth-managed fisheries and all state and territory fisheries with an export component are required to undergo assessment.

In 2006–07, 15 fisheries were comprehensively assessed, including two Commonwealth-managed fisheries and 13 state-managed fisheries in New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia. Two were assessed for the first time and 13 for the second time. All received export approval.

Eleven short-term wildlife trade operations were reviewed and extended, allowing export of product from the fisheries to continue while their management arrangements improved.

A total of 122 fisheries have been declared as either exempt from the export provisions of the EPBC Act for five years, or as approved wildlife trade operations for periods of up to three years.

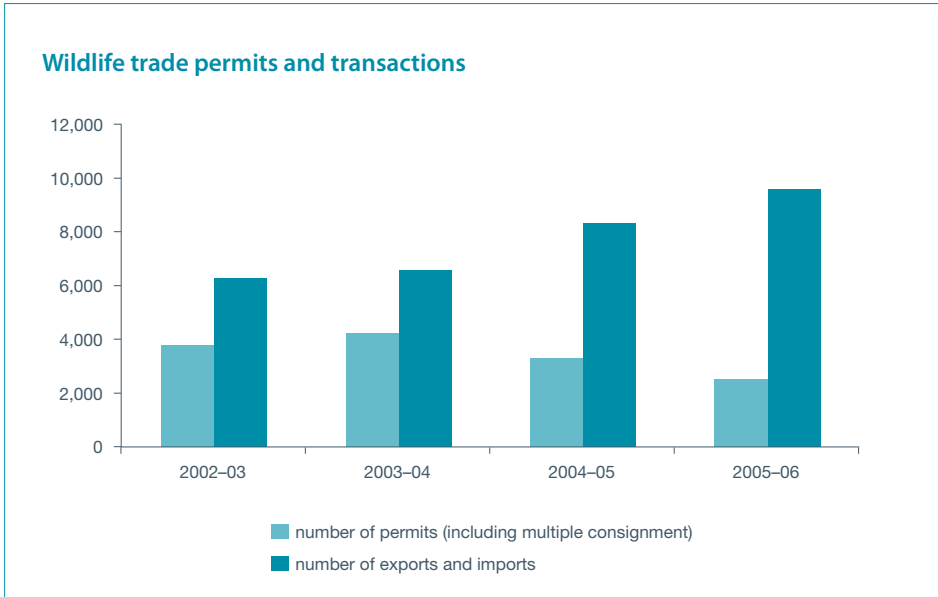
As a result of the fisheries assessment process, recommendations were agreed between the department and fisheries management agencies that require the agencies to demonstrate improved environmental performance, and actively enhance the ecologically sustainable management of fisheries in the short to medium term. The outcomes are published in detailed reports on the department's website at <http://www.environment.gov.au/coasts/fisheries/index.html>.

In 2007–08 it is expected that 39 fisheries will be assessed under the EPBC Act for the second time.

Wildlife trade

The department has continued to improve the wildlife trade permitting process in recent years. One area of improvement has been the introduction of a new product called multiple consignment permits. These allow the permit holder to make a number of export and import consignments for a limited period of time.

The department has also developed a more effective compliance framework, whilst also assisting legitimate industries to trade efficiently. The success of the streamlined system is reflected in the graph below. It shows a significant reduction in the number of permits needed by industry. At the same time a substantial increase in the number of trade transactions (exports and imports) has occurred. The reduction in permit assessments has allowed the department to develop an improved permit verification system for compliance with Part 13A of the EPBC Act.



1.5 Transparency and public awareness

Increasing stakeholder and public awareness

The department places a high priority on increasing stakeholder and public awareness of the EPBC Act and has developed a world-class internet site which provides information about the Act to meet the different needs of stakeholders.

In 2006-07 the department upgraded databases and websites supporting the EPBC Act, improving both public access to information and transparency of decision-making. The EPBC Act website was upgraded to make it easier to use and to streamline access to key information.

Following the amendment of the EPBC Act in February 2007 stakeholder information sessions on the impact of the amendments to the EPBC Act were held in every state and territory capital city. The 14 sessions were presented by departmental officers. Over 360 people attended representing approximately 100 non-government organisations and state and territory government agencies.

Wildlife trade

The department continued to raise awareness about international wildlife trade. Activities in 2006-07 included:

- cooperation with the Australian Acupuncture and Chinese Medicine Association on a certification scheme for members, where they undertake to become aware of, and to actively oppose, the illegal trade in wildlife that may be used as ingredients in complementary medicine



- sponsorship (chief supporter category) of *The Thin Green Line*, a documentary movie about the work of park rangers around the world in protecting many of the species threatened by illegal international trade
- advertisements in nationally distributed magazines about the illegal import of weight loss products derived from *Hoodia gordonii* (a succulent plant endemic to the African Kalahari Desert). Approximately 30 per cent of all seizure notices issued in 2006–07 related to personal-use quantities of hoodia (listed on CITES Appendix II), most being imported in the form of bottled capsules or tablets.
- education and awareness for importers of timber products about ramin timber (a protected tropical hardwood tree listed on CITES Appendix II) under the ramin compliance plan
- loans of seized specimens to institutions, such as zoos and aquaria, universities and museums, for education or research purposes. It is a condition of display that these items are referenced as having been seized as illegal imports.

Listed threatened species and ecological communities

The department continued to publish new nominations of threatened species, threatened ecological communities and key threatening processes on its website, and to provide a formal two-month public comment period. The website also provides information on amendments to the lists of threatened species, threatened ecological communities and key threatening processes. The Threatened Species Scientific Committee's advice to the minister is also published.

The department hosts an online natural resource management tool for people to search for conservation advice on threatened species and ecological communities by specific natural resource management regions. This information helps regional planning bodies, community groups, landholders and other stakeholders to plan activities that can be undertaken to assist the conservation and recovery of newly listed threatened species and ecological communities. Information sheets on listed ecological communities also include this advice.

The department continued its *Communities for Communities* newsletter to keep the public informed about threatened ecological communities nominated for listing, listings made under the EPBC Act, and information and resources available on the department's website. Community groups are encouraged to use *Communities for Communities* as an information source when compiling their own newsletters.

Migratory and marine biodiversity

Recovery plans for listed marine species were developed and implemented in conjunction with relevant representatives from Australian, state and territory governments, industry, non-government organisations, and the Indigenous and research communities, who advise the department on these plans. In 2006–07 advice was provided on listed shark and marine turtle species.



Marine bioregional planning

The department produced information products on developments in marine bioregional planning under section 176 of the EPBC Act. The products covered marine bioregional planning in the South-west, North-west, East and North marine regions; information on ecological features; and details of the marine bioregional planning process.

Discussions with key interest groups commenced in late 2006 on the South-west Marine Region to set out the marine bioregional planning process and opportunities for input from stakeholders during development of the plan. In addition, scientists with expertise in the South-west Marine Region are providing input to develop a better understanding of the region's marine ecosystems and environment.

Heritage

Public consultations were held on the proposed listing of the Dampier Archipelago in the National Heritage List, including an additional public comment period announced by the minister on 29 September 2006, under section 324H of the EPBC Act. The department sought public submissions on the boundary proposed by the Australian Heritage Council and management ramifications arising from that boundary. Over 50 submissions were received. The Dampier Archipelago, including Burrup Peninsula, was included in the National Heritage List on 3 July 2007.

Presentations and workshops

In 2006–07 the department continued to hold information sessions around Australia on request from local and state government agencies and community groups interested in understanding more about the EPBC Act. The department also supported activities to enhance understanding of the EPBC Act for the community, farmers and rural stakeholders.

Strategic assessments and regional planning

The development of strategic regional plans on a trial basis in selected regions of Australia continued in 2006–07. Pilot regions were initially chosen because of the high level of EPBC Act referral and compliance activity, current growth rates and development pressures, and the presence of matters of national environmental significance. Strategic regional plans will increase certainty for both proponents and the department's staff about the application of the EPBC Act, and increase understanding of the regional and cumulative impacts on matters of national environmental significance in given regions. Planning in three regions progressed in 2006–07. They are:

- Southern Swan Coastal Plain, Western Australia
- Cardwell and Johnstone Shires, Queensland
- Magnetic Island, Queensland.



A comprehensive and consultative planning process with state and local government agencies and scientific experts has been a key element in developing these regional plans. An account of major milestones follows:

Southern Swan Coastal Plain, Western Australia: This pilot draft regional plan is near completion. Preliminary discussions are under way to use the plan as a platform for bilateral agreement with the Western Australian Government for cooperative approaches to planning and environmental approvals. If successful, this would allow for EPBC Act issues in the region to be dealt with through the Western Australian planning system, and would reduce the need for Australian Government environmental approvals. In 2007–08 the department will finalise the strategic regional plan and continue discussions with the state government and local councils in the region to consider the alignment of planning processes and requirements.

Cardwell and Johnstone Shires, far north Queensland: The focal point in this region has been the Mission Beach development zone which is a hotspot for referral activity and compliance investigations related to potentially significant impacts on threatened species such as the cassowary and on the Wet Tropics and Great Barrier Reef world heritage areas. The planning work will help identify environmental conservation areas and land predominately allocated to accommodate urban development in the state government's draft Far North Queensland 2025 Statutory Regional Plan, which is due to be released for public comment in April 2008.

Magnetic Island, Queensland: At the invitation of the Townsville City Council, a departmental staff member was seconded to the council to foster a strong intergovernmental relationship and gain a greater understanding of the council's planning processes and framework. This also assisted identification of areas for future cooperation and alignment of processes. In addition, the department, with state agencies, scientific experts and other key stakeholders, developed a draft strategic regional plan for Magnetic Island. The plan is expected to be finalised in 2007–08 and the department will negotiate with the local council to align planning processes and requirements where possible.

Strategic state and local planning

The department is working closely with the NSW Department of Environment and Climate Change to ensure EPBC Act matters of national environmental significance are adequately protected in biodiversity assessments of regional growth areas and local government areas of NSW. Plans or policies such as local environment plans that achieve a 'maintain or improve' standard for biodiversity matters can be 'biodiversity certified' under NSW environmental legislation and avoid further environmental assessment under state processes. Where those plans also provide adequate protection against significant impacts for EPBC Act matters of national



environmental significance, the federal minister can accredit the plan or make an approval bilateral agreement thereby avoiding the need for a separate EPBC Act referral. Currently, the department is in preliminary discussion to assess the merit of biodiversity certification for proposals in the Albury Shire and Sydney Region growth centres.

On request, the department assists local and state governments throughout Australia in reviewing their planning arrangements to improve strategic environmental planning and protection outcomes in relation to the EPBC Act.

National Farmers' Federation EPBC Act Information Officer

The National Farmers' Federation EPBC Act Information Officer provided valuable assistance to many farmers and rural stakeholders needing legal certainty in relation to the EPBC Act. This included presentations to the National Farmers' Federation, state farming organisations, catchment management groups, commodity groups and state and territory government agencies in New South Wales, South Australia, Tasmania, Queensland, Victoria and Western Australia. From February 2007 the role was expanded to include provision of a direct liaison point (for National Farmers' Federation members) to the entire department. This expanded position creates numerous opportunities for rural stakeholders, including:

- stakeholder access to all areas of the department, including funding streams, programme and policy areas
- provision of general information and training on the processes and outputs of the department
- free advice and clear explanations regarding the EPBC Act
- practical assistance with aspects of referral, assessment and approval processes and other features of the EPBC Act
- information and training on the EPBC Act to assist National Farmers' Federation staff, organisations and rural landowners and farmers to work with the legislation and other departmental matters
- assistance with consultative processes, such as comments on nominations for threatened species, ecological communities, key threatening processes and recovery plans under the EPBC Act
- provision of feedback to both the National Farmers' Federation and the department about the operation of the EPBC Act.

The position is seconded to the National Farmers' Federation in the Australian Capital Territory.

Advisory committees

The EPBC Act established three committees to assist the minister in the administration of the Act. The functions, terms of reference and current membership for each of these committees are listed in Appendix 3 of this report.



Threatened Species Scientific Committee

The Threatened Species Scientific Committee is established under subsection 502(3) of the EPBC Act. The committee's role is to advise the minister on amending and updating the lists of threatened species, threatened ecological communities and key threatening processes and on making or adopting recovery plans and threat abatement plans. The committee may also provide additional advice to the minister on issues relating to these responsibilities.

The committee met four times in 2006–07: 5–7 September 2006, 28–29 November 2006, 6–8 March 2007 and 26–28 June 2007. The committee focused on assessing the conservation status of a number of Western Australian and Tasmanian species as part of the Species Information Partnerships with those states. The conservation status of many of these species differs between the EPBC Act and state legislation. Information to support the committee's assessments was provided by the relevant state governments.

The committee re-assessed the conservation status of several other species, including the orange-bellied parrot and the Christmas Island pipistrelle. It also provided advice to the minister on the eligibility for listing of a number of nominated species and ecological communities.

In the latter part of 2006–07 the committee focused on drafting new procedures to implement the amendments to the EPBC Act. The committee prioritised public nominations received during the first call for nominations under the amended EPBC Act.

Biological Diversity Advisory Committee

The Biological Diversity Advisory Committee met three times in 2006–07.

On 20 November 2006, the committee considered ways in which climate change may influence how invasive species threaten biodiversity. The key message was that climate change is likely to result in invasive species becoming more opportunistic in competing with native species. The committee met again on 21 November 2006 and agreed that it would continue to progress key topics identified in previous meetings, including the role of climate change on invasive species, taxonomy and incentive-based programmes to support biological diversity outcomes.

The committee met on 25 January 2007 to formulate its response to the review of the 1996 National Strategy for the Conservation of Australia's Biological Diversity. The key recommendations made by the committee included in-principle support for a national environmental stewardship programme, of which the strategy should take full advantage; more detailed and explicit recognition of major threats to biodiversity (e.g. climate change, spread of both established and emerging invasive pest species); improved monitoring and evaluation practices and increased funding for taxonomy resources.



Indigenous Advisory Committee

The Indigenous Advisory Committee meets at least twice a year. Meetings are rotated around states and regions. In 2006–07 the committee met in October 2006 at Nhulunbuy in the Northern Territory and in April 2007 in Canberra.

The committee advises the minister on the operation of the EPBC Act, taking into account the significance of Indigenous peoples' knowledge of land management and the conservation and sustainable use of biodiversity. The committee is the key advisory group for the department's new Working on Country programme.

In 2006–07 the committee provided advice on:

- the Dhimurru Indigenous Protected Area, Northern Territory, including both junior and senior ranger programmes and a scholarship concept
- the Northern Territory Healthy Country, Healthy People Schedule under the Bilateral Agreement on Indigenous Affairs between the Australian and Northern Territory governments
- the national partnership approach for the sustainable harvest of marine turtles and dugongs
- National Heritage List nomination for the Burrup Peninsula
- the committee's terms of reference and operational guidelines
- the new Working on Country programme design and implementation
- the development of a National Indigenous Caring for Country Strategy
- Indigenous engagement in freshwater issues
- Indigenous engagement in marine recovery planning
- the review of the National Biodiversity Strategy.

Australian Heritage Council

The Australian Heritage Council is established under section 4 of the *Australian Heritage Council Act 2003*. It is the Australian Government's principal adviser on heritage matters.

In 2006–07 the Australian Heritage Council met seven times. It held face-to-face meetings in Melbourne, Canberra, Brisbane, Sydney, Portland (Victoria), and Parramatta (New South Wales), and also held a teleconference. The council provided the minister with 21 assessments for the National Heritage List, one for the Commonwealth Heritage List and five for the List of Overseas Places of Historic Significance to Australia. The council also considered several strategic issues related to its functions, including raising the profile of the National Heritage List and the Productivity Commission's report, Conservation of Australia's Historic Heritage Places.

The Australian Heritage Council produced a report on its first three years of operation, outlining its role in the successful implementation of the new national heritage system. The council presented the report to the minister under section 24A of the *Australian Heritage Council Act 2003* and the report was tabled in parliament on 24 May 2007.



2. Conserving biodiversity

2.1 Identifying and monitoring biodiversity and making bioregional plans

Inventories of listed threatened species etc. on Commonwealth land (section 172)

Parks Australia Division continued to improve the comprehensiveness and accuracy of inventories of species in Commonwealth reserves.

Surveys of cetaceans, listed threatened species etc. in Commonwealth marine areas (section 173)

The Australian Centre for Applied Marine Mammal Science was established in 2006 and is the first major national research centre focused on understanding, protecting and conserving the whales, dolphins, seals and dugongs in Australia's region. The centre is based in Hobart in the Australian Antarctic Division and has an extensive network of science partners throughout Australia.

The centre was established with initial funding from the Australian Government's \$100 million Commonwealth Environment Research Facilities programme and existing staff and resources from the Australian Antarctic Division's marine mammal research group.

The Australian Government provided \$400,000 from the Natural Heritage Trust and the Commonwealth Environment Research Facilities programme for research projects in 2006–07 to improve knowledge of the distribution, abundance and habitat requirements of whales and dolphins. These projects included:

- monitoring medium and large-scale movements of baleen whales using satellite telemetry
- estimation of marine mammal age by measurement of accumulated mitochondrial DNA mutations
- modelling habitat suitability of Australian snubfin and Indo-Pacific humpback dolphins to provide the scientific basis for their conservation and management
- studying genetic structure of long-finned pilot whale populations in Tasmania and social dynamics of mass strandings
- identifying genetic stock of southern right whales off the south coast of Australia
- studying population dynamics of right whales off southern Australia
- researching novel genetic markers for stock identification of blue whales and genetic differentiation between the two main Australian feeding aggregations
- determining critical habitat of blue whales and seismic impacts in the Bonney Upwelling
- estimating abundance of the east Australian humpback whale population.



Recent data from research funded through the Natural Heritage Trust indicate that populations of two out of the five threatened species of large whales found near Australia's coastline are increasing. While still much lower than pre-whaling numbers, the Australian populations of southern right whales and humpback whales continue to increase. Currently there are around 2,400 southern right whales and 33,000 humpback whales. There are no current estimates for the abundance of the other three threatened species of large whales, the blue, fin and sei whales. (See whales and other cetaceans in section 2.2.)

Bioregional plans (section 176)

Under section 176 of the EPBC Act, the Australian Government is preparing marine bioregional plans and establishing networks of marine protected areas in Commonwealth waters as part of the Commonwealth's contribution to the National Representative System of Marine Protected Areas.

Information on the status of the marine bioregional plans is in the chapter on coast and oceans in the first volume of this set of annual reports.

2.2 Protecting species and ecological communities

Listed threatened species and ecological communities

Thirty nominations were received during 2006–07 for the listing of threatened species (22), ecological communities (four) and key threatening processes (four). The timeframes for listing processes mean that very few nominations are determined within the year of their nomination. During 2006–07, the minister made 92 decisions based on public and other nominations, such as those generated by the department. These decisions resulted in 89 amendments to the lists, detailed in Table 9.

The February 2007 amendments to the EPBC Act establish a new process for listing nationally threatened species and ecological communities. The new listing process is designed to improve the effectiveness of listing, focusing on species and ecological communities that are in greatest need of protection.

One key change made by the amendments is that the minister may determine a conservation theme, and invite nominations for species, ecological communities and key threatening processes that reflect this theme. Themes could include, for instance, particular species or groups of species, or geographic regions, which would benefit from particular attention. The minister may consider advice from the Threatened Species Scientific Committee in determining the theme.

Another important change is the establishment of an assessment cycle. Stages of the new process are:

- The cycle commences with a public call for nominations, giving notice of at least 40 business days. Nominations for listing can be submitted during this time.



- Nominations are forwarded to the Threatened Species Scientific Committee, which will prepare a proposed priority assessment list.
- Public nominations that were still under assessment at February 2007 were considered by the committee for inclusion in the proposed priority assessment list.
- The minister considers the proposed priority assessment list and may make changes to the list. The minister then approves a final list which will be made publicly available. The minister's final decision on the proposed priority assessment list provided by the committee in 2006–07 will be made in 2007–08.
- All nominations on the final list will be assessed within the assessment period (likely to be 12 months in most cases). The assessment cycle includes an invitation for public and expert comment on the nominations.
- At the end of the assessment period, the committee will provide its advice to the minister, who will make a decision regarding eligibility for listing under the EPBC Act.

In 2006–07 the department held technical workshops for two ecological communities (sedge rich *Eucalyptus campbora* swamp community and the bluegrass-dominated grasslands of the Brigalow Belt, north and south). Technical workshops are a way to obtain expert opinion on the nature and extent of a nominated ecological community. The outcomes inform the Threatened Species Scientific Committee in its deliberations on the nominated ecological community.

The outcomes of technical workshops are now made available on the department's website for public comment.

Permits for listed threatened species and ecological communities

Four applications were received under Part 13 of the EPBC Act to 'move, take, kill, injure, trade or keep listed threatened species and ecological communities on or to Commonwealth land'. Four permits were issued for:

- a survey of the golden sun moth (*Synemon plana*) population in Barton, Australian Capital Territory. The species is listed as critically endangered under the EPBC Act. The survey will be compared with similar surveys carried out during the 1980s to learn the effect of site management and environmental conditions on the population since that time
- a survey of the grassland earless dragon (*Tympanocryptis pinguicolla*) at Canberra International Airport, Australian Capital Territory. The survey will determine the presence and distribution of grassland earless dragons in the area. The results will be compared with similar monitoring work carried out in previous years and will provide information to assist in conservation of the species
- an exemption from the use of mandatory turtle exclusion devices during deep sea trawling for crustaceans in the Coral Sea Fishery



- the removal of plant clumps of *Rulingia prostrata* (dwarf kerrawang) and some *Eucalyptus parramattensis* subsp. *decadens* (Earp's gum) for the purposes of construction of an ordnance loading apron facility by the Department of Defence at the RAAF base at Williamtown, New South Wales.

The Australian Antarctic Division issued two permits in 2006–07, one to collect moulted elephant seal hair and the other an opportunistic permit to collect dead listed species.

Permits for migratory species

Parks Australia Division received four permit applications and issued all four permits as follows:

- keeping and releasing orphaned booby bird chicks from Pulu Keeling National Park
- taking/moving for banding small numbers of listed birds on Christmas Island
- transporting through Kakadu National Park crocodile eggs collected under permit from the Arnhem Land Trust
- transporting through Kakadu National Park crocodile eggs and carcasses collected from Arnhem Land.

The Australian Antarctic Division issued one permit in 2006–07, to opportunistically collect dead listed species.

Marine species

Permits for listed marine species

Three applications were received under Part 13 of the EPBC Act to kill, injure, take, trade, keep or move a listed marine species in or on a Commonwealth area. Three permits were issued for:

- the taking, keeping and moving dead specimens of sea snakes (in the families Hydrophiidae and Laticaudidae), taken in the Northern Prawn Trawl Fishery in Commonwealth waters off the Northern Territory coast, for scientific purposes
- the taking, keeping and moving dead specimens of sea snakes (in the family Hydrophiidae) landed dead as bycatch on trawlers in the Northern Prawn Trawl Fishery and the Torres Strait Fishery, for scientific purposes
- collecting samples of the families Syngnathidae or Solenostomidae (seahorse, pipefish, sea dragons and ghost pipefish) and the families Hydrophiidae or Laticaudidae (sea snakes) landed dead by a commercial fishing operation in waters off the Queensland coast for scientific purposes.

The Australian Antarctic Division issued six permits relating to emperor penguins, Adélie penguins and Weddell seals. Activities include collecting abandoned eggs, capturing and releasing to attach satellite trackers and/or tags, and collecting samples and other information. An opportunistic permit was issued to collect dead listed species. The ethics committee modified the Weddell seal proposal before a permit was issued.



Whales and other cetaceans

The EPBC Act requires people who have an interaction with a cetacean or a species listed as threatened, migratory or marine to notify the details to the department within seven days. A memorandum of understanding is being finalised with the Victorian Department of Primary Industries who will submit quarterly reports on behalf of the fishers instead of the individual fisher being required to report within seven days as it was found that this requirement was not being met. Similar arrangements have already been agreed with the Australian Fisheries Management Authority and Queensland Department of Primary Industries and Fisheries to cover fisheries under their jurisdiction.

The department receives other reports of interaction with listed species. The information is recorded in a database and published on the department's website.

The Australian National Guidelines for Whale and Dolphin Watching 2005 were developed jointly by all Australian, state and territory governments through the Natural Resource Management Ministerial Council, and represent a consistent national policy for the management of whale and dolphin watching. The guidelines set out Tier 1 and Tier 2 standards for whale and dolphin watching. Tier 1 standards outline general requirements for protecting animals that apply to all people. Tier 2 standards primarily apply to the commercial whale and dolphin watching industry that may require alternative levels of management.

In 2006–07 the department held discussions with the Victorian and South Australian governments to consider implementing a Tier 2 whale watching management area for blue whales in the Bonney Upwelling off the Victorian coast to ensure proper management and minimise any impacts of whale watching.

Permits for whales and other cetaceans

Amendments to the EPBC Act enacted in February 2007 implement new arrangements for issuing permits relating to cetaceans in the Australian Whale Sanctuary. The amendments change and streamline processing of Part 13 permit applications, which are no longer treated as controlled actions under section 165(2)(b) of the Act.

Section 266A of the EPBC Act has been repealed. The department is no longer required to inform subscribers to the section 266A register of new permit applications. Applicants are no longer required to place an advertisement in a newspaper requesting public comment on their application. Instead, the department will invite comment on permit applications through notification on the internet at www.environment.gov.au/epbc/invitations-to-comment.html.

The department received nine applications for interference with whales and other cetaceans in 2006–07. Two permits were issued, two were withdrawn, three are still under consideration, and two were for whale watching permits. Other activities

authorised under the permits included scientific research, and approaching cetaceans for documentary filming and photography. Under the amended provisions of the EPBC Act, whale watching permits are no longer required for Tier 1 areas. The department has not yet declared any Tier 2 areas for which permits are required.

The amendments to the EPBC Act removed requirements for export and import permits for cetacean items. These items are now treated in the same manner as all other Australian native wildlife listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). To ensure no relaxation in controls, steps were also taken to introduce stricter domestic measures to treat all cetaceans as though they are listed on Appendix I to CITES. Other amendments brought cetacean permit applications and processes into line with other threatened, migratory and marine species and removed the requirement for them to be treated in the same manner as a referral process. This had been found to be overly bureaucratic, costly and unnecessary given the small amount of feedback received from the public on these proposals. Public notification and comment is now provided on the department's website.

Recovery plans and threat abatement plans (section 284 report)

Recovery planning

Under the amendments to the EPBC Act the minister must decide whether to have a recovery plan for a species within 90 days of it becoming listed as a threatened species.

The department continued to make substantial investment in recovering threatened species through developing and implementing recovery plans. Over 820 nationally threatened species and ecological communities now have recovery plans in place or in preparation, including 80 per cent of critically endangered species and 64 per cent of endangered species. The EPBC Act has now been in operation for nearly seven years, and there is an increasing number of recovery plans due for review. In 2006–07, 26 recovery plan reviews were under way. (See page 71.)

In 2006–07, 66 recovery plans covering 106 terrestrial threatened species were made or adopted under the EPBC Act. Species covered include 40 Victorian flora species, the Gouldian finch in northern Australia, the Tasmanian wedge-tailed eagle and forty-spotted pardalote, the orange-bellied parrot, the south-eastern red-tailed black-cockatoo, the buff-banded rail on the Cocos (Keeling) Islands, the Tasmanian giant freshwater lobster and the northern and southern marsupial moles.

Testing more integrated approaches than the single-species approach to threatened species recovery continued in 2006–07. Regional recovery plan pilot projects that adopt a landscape approach to threatened species recovery are progressing well in the Border Ranges region in New South Wales and Queensland,





the south coast of Western Australia, the Mount Lofty–Murray Darling Basin region in South Australia and on Norfolk Island. New pilot projects began in the Northern Rivers region in New South Wales and on Christmas Island.

Implementation of priority actions identified in recovery plans continued across Australia and the external territories. Projects will assist in protecting and recovering habitat through fencing and revegetation, on-ground surveys and population monitoring, captive breeding programmes, weed and feral pest control, and community education.

New funding was provided to assist such species and ecological communities as the black-flanked rock wallaby, the giant freshwater lobster, the Tasmanian devil, Kangaroo Island threatened flora, marsupial moles, the shrike-tit in northern Australia, and the Cumberland Plain woodlands in the Sydney Basin bioregion.

For marine species, recovery plans are in place for:

- the great white shark, grey nurse shark (both due for review in 2007) and whale shark
- the subantarctic fur seal and southern elephant seal
- marine turtles
- 10 seabird species
- four handfish species.

A recovery plan for the Australian sea-lion and a multiple species recovery plan for *Pristis microdon* (freshwater sawfish), *Glyphis* sp. A (spartooth shark) and *Glyphis* sp. C (northern river shark) are under development.

Threat abatement planning

Ten threat abatement plans are in place to address the impacts of feral goats, rabbits, cats, foxes, pigs, root-rot disease *Phytophthora cinnamomi*, chytrid fungus, tramp ants, long-line fishing on seabirds and beak and feather disease of parrots. Plans for the feral goat, rabbit, cat, fox and *Phytophthora* are being revised.

Two threat abatement plans are currently in preparation, one for injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris and another for exotic rodents on Australian offshore islands of less than 100,000 hectares. Both are expected to be approved in early 2008.

In 2006–07 the updated threat abatement plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations received ministerial approval. The plan, developed by the Australian Antarctic Division in consultation with other government agencies, fishing and conservation interests, replaces the first plan approved in 2001. The new plan recognises the substantial progress made in Australian fisheries since 2001 in reducing seabird bycatch and requires government agencies to take a range of actions to further decrease bycatch in domestic and international fisheries. These include applying mitigation measures

and seabird bycatch limits to Australian fisheries, and promoting mitigation at international forums.

For information on threat abatement projects funded in 2006–07 refer to the chapter on land and inland waters in the first volume of this set of annual reports.

Wildlife conservation plans (section 298 report)

The Wildlife Conservation Plan for Migratory Shorebirds was made in February 2006 and is the first wildlife conservation plan developed under the Act. The plan outlines the range of research and management activities to be implemented over the next five years in support of the conservation of 36 species of migratory shorebirds. The plan also represents national level action within the broader Implementation Strategy for the East–Asian Australasian Flyway Partnership 2007–2011.

In 2006–07 the department contributed over \$350,000 to the implementation of the plan. Projects funded included \$165,000 towards a nationally coordinated monitoring programme. An additional \$140,000 was provided to support Australia’s international efforts to conserve migratory shorebirds and their habitats across their full range. These efforts include bilateral treaties with China, Korea and Japan and a multilateral partnership for the conservation of migratory shorebirds in the East–Asian Australasian Flyway.

Exemptions under section 303A

No applications under section 303A were received for exemptions from Part 13 of the Act.

2.3 International movement of wildlife

The EPBC Act regulates the export of Australia’s native wildlife and the import of live exotic species. The EPBC Act also regulates the movement of internationally recognised endangered species, thereby fulfilling Australia’s obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The EPBC Act provides good conservation outcomes and supports sustainable commercial activity by:

- promoting the humane treatment of animals
- requiring an assessment of any proposal to import a new live species to determine the potential for that species to have a significant impact on the Australian environment
- ensuring that any commercial use of Australian native wildlife for export is managed in an ecologically sustainable way





- providing a streamlined and transparent system for commercial operators
- strictly controlling the commercial export of live native mammals, birds, amphibians and reptiles
- requiring that the assessment of permit applications for wildlife trade includes proper consideration of broader ecosystem impacts
- ensuring that any other requirements under the EPBC Act in relation to environmental assessment and approvals or other permits are met before making a decision to issue a permit.

Sustainable wildlife industries

In 2006–07 representatives for the Australian Government and all state and territory governments prepared national guidelines for the harvesting of tree ferns and grass trees. Both of these are slow-growing and maturing species, valuable in the horticultural trade. The guidelines cover best practice for regulation and harvesting of these species to meet the sustainability requirements of the EPBC Act Part 13A and to facilitate the development of consistent harvesting practices across states and territories.

Wildlife trade management plans and wildlife trade operations approved under the EPBC Act govern the sustainable wild harvest of wildlife and the humane treatment of animals. During the year, two wildlife trade management plans (for the commercial harvest of tree ferns in Tasmania and the commercial harvest of kangaroos in New South Wales) were submitted. The latter was approved, but the former is still being considered. Wildlife trade management plans enable the Australian Government to ensure that wildlife use is renewable.

Amendments to the EPBC Act of direct relevance to international wildlife trade maintain the requirement for a wildlife trade import permit, but limit the need for imports to be part of a commercial import programme. A commercial import programme is now required only for specimens that have been identified as declared specimens through publication of a gazette notice, and where the specimen is not, or is not derived from, an animal bred in captivity or from a plant that has been artificially propagated. The specimen must still be accompanied by an export permit from the relevant CITES management authority of the exporting country. This added regulation ensures a higher level of protection is provided where required for CITES listed species.

Other amendments to the EPBC Act now require a cooperative conservation programme to be established for the international movement of all cetacean species, as they are now regarded as being listed in Appendix I of CITES. This is a stricter domestic measure allowed by, but not required under, CITES.

Forty-eight applications were received to amend the list of specimens suitable for live import and 20 amendments to this list were registered on the Federal Register of Legislative Instruments and tabled (including two corrections).



Wildlife trade permits and programmes

For information on wildlife trade permit efficiencies, see Part 1.4 of this report.

In 2006–07, 2810 wildlife trade permits and 24,908 personal accompanied baggage permits were issued.

A total of 240 non-commercial wildlife trade permits were issued to zoological institutions and scientific researchers. Three cooperative conservation programmes (breeding programmes that are operated with the intention of conserving a species) for a number of CITES I listed species were developed. This enabled the export of gorillas to zoos in Portugal, Germany and Japan and approval for Perth Zoo to export a female captive-born orang-utan for rehabilitation and release into the wild under the Sumatran Orang-utan Conservation Project at Bukit Tigapuluh National Park in Indonesia.

This is the first approved cooperative conservation programme that has included the release of an animal into the wild. It represents an important step towards establishing new populations and achieving increased gene diversity for this critically endangered species. In 2006–07 the Australian Government provided funding for the rehabilitation programme in Bukit Tigapuluh National Park under the Regional Natural Heritage Programme.

The import of Asian elephants in 2006 raised some concerns over welfare aspects associated with international wildlife trade. The department continued to consult with key stakeholders, in particular the Australasian Regional Association of Zoological Parks and Aquaria (ARAZPA) and the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in relation to this issue.

As a result of the increasing number of requests to import or export live wildlife specimens from persons interested in starting up new zoos, aquaria and wildlife parks, the department developed guidelines and assessment criteria. These will provide a more simplified and consistent method for assessing such applications in the future.

The department enters into ambassador agreements with overseas countries to export native species including koalas, wombats and EPBC Act listed threatened species. These agreements require the receiving institution to comply with specific conditions on husbandry requirements, health and the transfer of an animal and its progeny. Agreements entered into in 2006–07 include the export of common wombats to Dusit Zoo in Thailand and four koalas to Chiang Mai Zoo in Thailand.

The department is working closely with ARAZPA to develop policies, within the legislative framework, on assisted reproductive technologies such as in-vitro fertilisation, sperm sorting and embryo transfer. These techniques are becoming an important option to manage the future demography and genetic diversity of animal populations in Australian and overseas zoos.



The minister refused an application for a commercial import programme for ramin timber from Peninsula Malaysia, based on concerns raised within CITES on the sustainability of the ramin harvest and the establishment of an effective harvesting management regime.

The following wildlife programmes were approved:

- three cooperative conservation programmes
- one wildlife trade management plan
- 12 individual wildlife trade operations (non-fisheries)
- 30 artificial propagation programmes
- one aquaculture programme.

The department has enhanced its permit verification system as part of its efforts to ensure compliance with the EPBC Act. The system combines desk top reviews and site visits to measure the level of compliance by individuals and businesses involved in the international trade of regulated species. The system provides an opportunity for departmental staff to learn of issues faced by industry in complying with the legislation, while educating business operators about international trade requirements under the EPBC Act.

The department continued to cooperate with the Australian Customs Service in regulating international wildlife trade, under an established memorandum of understanding. Customs provide a range of border and post-border enforcement services in partnership with the department. The department provides Customs with training and decision support tools; 175 Customs officers attended training sessions during the year. Training in international wildlife trade regulation was also provided to 95 Australian Quarantine and Inspection Service officers.

2.4 Conservation agreements

The EPBC Act enables the environment minister to enter into conservation agreements with another party to protect and conserve biodiversity or heritage. Since the EPBC Act came into force in 2000, 10 conservation agreements have been entered into to protect matters of national environmental significance, such as threatened species and ecological communities, including the mountain pygmy possum, the giant barred frog and the world heritage values of the Great Barrier Reef. More information is at <http://www.environment.gov.au/epbc/species/conservationagreements.html>.

3. Managing heritage and protecting significant areas

Listing and managing heritage places in Australia

The Australian Government's heritage system provides protection for national heritage places as a matter of national environmental significance, complementing the world heritage provisions within the EPBC Act.

The *Australian Heritage Council Act 2003* established the Australian Heritage Council as the Australian Government's principal advisory body on heritage matters. The Australian Heritage Council has responsibility under the EPBC Act for assessing the heritage values of places for the National Heritage List and the Commonwealth Heritage List.

Amendments to the EPBC Act and *Australian Heritage Council Act 2003*, which came into effect on 19 February 2007, introduced some changes to the nomination process and the role of the Australian Heritage Council. The amendments also introduced a process under which the minister makes an annual call for public nominations for the lists and decides on a finalised priority assessment list of nominations which the council will assess in the forthcoming year. The council provides its assessments to the minister who makes the decision on whether places are listed.

World heritage

There are 17 Australian properties inscribed on the World Heritage List. The Sydney Opera House was inscribed on the World Heritage List on 28 June 2007.

Under the EPBC Act, the Australian Government must use its best endeavours to ensure that a plan for managing a world heritage property is prepared and implemented cooperatively with the state or territory in which the property is situated. The plan should be consistent with Australia's obligations under the World Heritage Convention and the Australian World Heritage Management Principles.

Fifteen of the 17 Australian properties in the World Heritage List have management plans. A number of management plans for Australia's world heritage properties were prepared before EPBC Act requirements applied. In 2006–07 work was undertaken to bring several of these plans into line with EPBC Act requirements as they become due for renewal under state statutory timeframes and processes. They include:

- upgrades of the existing management plans for the Royal Exhibition Building and Carlton Gardens
- a mid-term review of the 1999 Tasmanian Wilderness World Heritage Area Management Plan





- revision and updating of the 1996 Plan of Management for the Willandra Lakes region
- development of new management plans for Purnululu and Kakadu National Park, given the expiry of the previous plans
- development of a new plan for Macquarie Island, given the expiry of the previous plan
- a review of the Wet Tropics of Queensland World Heritage Plan
- development of a strategic plan for the Greater Blue Mountains World Heritage Area
- release of the Shark Bay World Heritage Property Draft Strategic Plan for public comment in October 2006. The Western Australian Department of Environment and Conservation is now in the process of reviewing public submissions.

Serial nomination of convict places to the World Heritage List

The Australian Government is currently preparing an Australian convict sites world heritage nomination. The proposed serial listing includes 11 places from around Australia. Two are already in the National Heritage List (Port Arthur and Fremantle Prison). As of 30 June 2007, the Australian Heritage Council has assessed eight others:

- Cockatoo Island Convict Site
- Hyde Park Barracks
- Old Government House and the Government Domain, Parramatta
- Old Great North Road
- Cascades Female Factory, Yards 1, 3, and Yard 4 South
- Darlington Precinct
- Coal Mines Historic Site
- Kingston and Arthurs Vale Historic Area, Norfolk Island.

The remaining place (Brickendon and Woolmers, Tasmania) is still under assessment by the Australian Heritage Council. The intention is to submit the nomination to the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2007.

Most of the management plans for the individual places are in the process of review or preparation. In 2006–07 the department provided \$20,000 funding to update the conservation management plan for Woolmers Estate and committed approximately \$70,000 for a management plan for Brickendon Estate.

The department provided comments on management plans being prepared for the Cascades Female Factory in Hobart and the Kingston and Arthurs Vale Historic Area on Norfolk Island, and contributed to the management plan for the Fremantle Prison currently in preparation.



List of Overseas Places of Historic Significance to Australia

The 2007 amendments to the EPBC Act established the List of Overseas Places of Historic Significance to Australia. This list provides for symbolic recognition of overseas places which are of outstanding historic significance to Australia. The minister subsequently entered Anzac Cove, Turkey; the Kokoda Track, Papua New Guinea and Howard Florey's laboratory, United Kingdom in the list.

National heritage

As at 30 June 2007 there were 59 places in the National Heritage List, with 28 places added to the list in 2006–07 following assessments by the Australian Heritage Council. These include 16 places added to the list following new legislative provisions that allow the inclusion in the National Heritage List of places in the World Heritage List. These places were:

- Lord Howe Island Group, New South Wales
- Central Eastern Rainforest Reserves, New South Wales
- Willandra Lakes Region, New South Wales
- Greater Blue Mountains Area, New South Wales
- Australian Fossil Mammal Sites (Naracoorte), South Australia
- Great Barrier Reef, Queensland
- Fraser Island, Queensland
- Wet Tropics of Queensland
- Australian Fossil Mammal Sites (Riversleigh), Queensland
- Purnululu National Park, Western Australia
- Shark Bay, Western Australia
- Macquarie Island, Tasmania
- Tasmanian Wilderness
- Kakadu National Park, Northern Territory
- Uluru–Kata Tjuta National Park, Northern Territory
- External Territory of Heard Island and McDonald Islands.

The other places added to the National Heritage List in 2006–07 were:

- Warrumbungle National Park, New South Wales
- Sydney Harbour Bridge, New South Wales
- Ku-ring-gai Chase National Park, New South Wales
- Lion, Long and Spectacle Island Nature Reserves, New South Wales
- Royal National Park and Garawarra State Conservation Area, New South Wales
- Grampians National Park (Gariwerd), Victoria
- Echuca Wharf, New South Wales–Victoria border
- Flora Fossil Site, Yea, Victoria
- Flemington Racecourse, Victoria
- Rippon Lea House and Garden, Victoria
- Ediacara Fossil Site (Nilpena), South Australia



- Glass House Mountains National Landscape, Queensland
- Stirling Range National Park, Western Australia.

The minister decided not to include seven places in the national list in 2006–07.

Under the EPBC Act prior to 19 February 2007, the Australian Heritage Council was requested by the minister to undertake 54 new assessments of places for the National Heritage List. Following the amendments, 23 nominations were forwarded to the Australian Heritage Council for consideration for inclusion in the first proposed priority assessment list under section 324JA. As at 30 June 2007 the council had completed a total of 97 assessments for the National Heritage List (21 in 2006–07).

Provisions in the EPBC Act enable the minister to include in the National Heritage List a place that the minister believes may have national heritage values which are under threat. In 2006–07 the minister received requests to emergency list six places in the National Heritage List. As at 30 June 2007 no places were emergency listed, two had been rejected, and four had been withdrawn or had not proceeded.

One of these emergency listing requests related to the Burrup Peninsula. The request was to include the entire Dampier Archipelago in the list. The minister declined the request. However, under the standard listing provisions of the EPBC Act, the minister included the Dampier Archipelago, including Burrup Peninsula, in the National Heritage List on 3 July 2007 ensuring protection of Indigenous heritage without compromising the viability of nationally important industries.

Progress in developing management plans for national heritage places

To ensure the protection of a national heritage place, the EPBC Act provides for the preparation of management plans which set out how the significance of the site will be protected or conserved. Where a national heritage place is not entirely within a Commonwealth area and is in a state or territory, the Australian Government must use its best endeavours to ensure that a management plan is prepared and implemented in cooperation with the relevant state or territory government. The minister is responsible for preparing management plans for national heritage places in Commonwealth areas.

Many of the places included in the National Heritage List have management plans prepared under state or territory legislative arrangements which may not fully satisfy the requirements of the EPBC Act. Sometimes multiple plans exist for the same place, often because of the different institutional owners involved. A study commissioned by the department and completed in December 2006 (Management Plans for National and World Heritage Properties) noted that most national heritage places had some form of management plan in place. However, as the great majority of management plans pre-date the Act, most plans do not meet its requirements. The study also found that while a management plan may not meet the requirements of the Act, a number were effective in complying with current



conservation planning best practice and were likely to lead to the conservation of national heritage values.

As a result of the study, and the development of a priority list for the development of management plans, the Australian Government provided financial assistance (in accordance with section 324ZB of the Act) towards the development of management plans for Richmond Bridge (Tasmania), *Batavia* Shipwreck Site and Survivor Camps Area 1629 – Houtman Abrolhos (Western Australia), the Dirk Hartog Landing Site 1616 – Cape Inscription Area (Western Australia) and Recherche Bay North-east Peninsula (Tasmania).

Work began on two management plans for the Point Nepean Defence Sites and Quarantine Station Area after the place was added to the National Heritage List. The Quarantine Station is also on the Commonwealth Heritage List. The plans, prepared by Parks Victoria, the Mornington Peninsula Shire Council, and the Point Nepean Community Trust, include an integrated management plan for the entire area and a conservation management plan for the Quarantine Station. The plans address the requirements of the Act for national and Commonwealth heritage listed places. It is anticipated that the plans will be finalised by the end of 2007.

In 2006–07 the department was involved in consultations over the development of plans for other national heritage places: Mawson's Huts Historic Site (Australian Antarctic Territory), Recherche Bay North-east Peninsula (Tasmania), and Old Parliament House (Australian Capital Territory).

National Heritage List communications themes

One of the objectives of the National Heritage List is to achieve greater protection through promoting greater public awareness and understanding of Australia's heritage and its importance to Australia's national identity. A branding framework and four-year communication strategy have been developed to help the long-term protection of places on the National Heritage List by increasing Australians' involvement in, understanding of, and commitment to Australia's heritage. As part of this strategy, additions to the National Heritage List have achieved extensive media coverage of the list and individual sites.

The first half of 2006–07 saw the completion of the 2006 national heritage theme, 'coastal and maritime heritage'.

The Australian Government sponsored part of the voyage of the *Duyfken* (a replica of a small Dutch ship which in 1606 landed on the western side of Cape York) to mark the 400th anniversary of the first documented European contact with and mapping of Australia. The voyage also served as the centrepiece of the government's coastal and maritime heritage theme for 2006. The *Duyfken* stopped in 25 ports around Australia, and was open for tours by the public and schools in each port. It is estimated that 80,000 people toured the ship over the 10-month period, and 376 media stories and interviews featured in metropolitan and regional media.



The second half of 2006–07 saw the development and implementation of the 2007 annual national heritage theme, ‘the Australian spirit’. The objective was to honour the people, events, and places significant to all Australians using three sub-themes: ingenuity, courage under adversity, and unique lifestyle.

Activities included:

- a partnership with the Australian Football League to promote Australia’s military heritage through the ANZAC Day game at the Melbourne Cricket Ground
- a travelling photographic exhibition featuring key stories under the three sub-themes
- a calendar based on the theme
- a partnership with Qantas (which will reflect the theme in its magazine and in-flight video)
- a partnership with the National Archives of Australia (which will promote theme stories through its existing public exhibitions).

Commonwealth heritage

The Commonwealth Heritage List includes natural, Indigenous and historic places in Commonwealth areas (land and waters owned or leased by the Commonwealth) identified by the minister as having Commonwealth heritage values.

Amendments to the EPBC Act which came into effect in early 2007 also changed the nomination and assessment process for the Commonwealth Heritage List. The changes are similar to changes to the national heritage listing process, with the exception that there is no provision for a statutory theme for the Commonwealth Heritage List.

By 30 June 2007 the Commonwealth Heritage List included 340 places. One place was added in 2006–07: the Tasmanian Seamounts.

In 2006–07 three places were nominated for inclusion in the Commonwealth Heritage List. Two nominations were in response to the public call for nominations. These were for the RAAF Williams Base, Laverton, Victoria, and for the Eastern ACT Grasslands. The third nomination came in before the amendments were passed; it is for the Officers Mess, Glenbrook RAAF Base, New South Wales. All are being considered by the Australian Heritage Council for inclusion in its first proposed priority assessment list.

Provisions in the EPBC Act enable the minister to directly include a place in the Commonwealth Heritage List when the minister believes it may have Commonwealth heritage values which are under threat. In 2006–07 the minister received no such listing requests.



Progress in developing management plans for Commonwealth heritage places

The department continued to advise and work with Australian Government agencies on their responsibilities to prepare management plans for Commonwealth heritage places under their ownership or control. Before an agency finalises a plan, it must invite members of the public, Indigenous people with rights and interests in the place and, where relevant, a state or territory to comment on the draft plan.

If plans are already in place and are consistent with the new Commonwealth heritage management principles prescribed in Regulations to the EPBC Act, a new plan may not be required.

In 2006–07 the minister advised the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the National Capital Authority that their management plans for two places under their responsibility satisfy Commonwealth heritage management principles. The places are CSIRO's Building 101 (Entomology) at Black Mountain, and the National Capital Authority's High Court–National Gallery Precinct.

The department consulted with Commonwealth agencies on draft management plans for Lady Elliott Island in Queensland; the National Gallery of Australia, Old Parliament House Gardens, Old Parliament House, and York Park in the Australian Capital Territory; the Perth General Post Office and Kalgoorlie Post Office in Western Australia; the Defence Explosives Factory at Maribyrnong, and Point Nepean Quarantine Station in Victoria; Mawson's Huts Historic Site in the Australian Antarctic Territory; and Kingston and Arthurs Vale Historic Area on Norfolk Island.

Progress in preparing heritage strategies for Commonwealth heritage values

Australian Government agencies that own or control one or more places with Commonwealth heritage values must prepare a written heritage strategy for managing the places to protect and conserve their values. The principal objective of a heritage strategy is to outline a strategic approach for the agency to effectively manage places which it owns or controls for the long-term protection and conservation of their Commonwealth heritage values. Before developing a heritage strategy, the agency is required to consult the Australian Heritage Council and take its advice into account.

A heritage strategy must address the matters set out in the Regulations under the EPBC Act. In 2006–07 heritage strategies for the National Library of Australia, the Office of the Official Secretary to the Governor-General, and Parks Australia were completed. The Australian Heritage Council provided advice on heritage strategies for the Australian National University and the Australian Customs Service. The department provided comment on draft heritage strategies for the Australian Broadcasting Commission, the Australian Film Commission, the Department of



Parliamentary Services and the National Gallery of Australia. Twelve agency heritage strategies have been completed.

The department also held discussions with the Department of Immigration and Citizenship, the High Court of Australia and the Office of Australian War Graves about the preparation of their heritage strategies.

By 30 June 2007 the department had reminded all Australian Government agencies of their obligations under the EPBC Act to prepare heritage strategies.

Wetlands of international importance

Ramsar sites are wetlands of international importance listed through an Australian Government nomination on the Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention).

The department continued to assist in the development and review of management plans for Australian Ramsar sites. Under the EPBC Act all Ramsar sites in Commonwealth areas are required to have, and do have, management plans. To date 55 of the 64 listed Australian Ramsar wetlands have management plans or draft plans. The management status of Australia's Ramsar sites including their management plans is currently under review.

In December 2006 the department notified the Ramsar secretariat of a change in the ecological character of the Coorong and Lakes Alexandrina and Albert Ramsar site, in accordance with Article 3.2 of the Ramsar Convention.

Section 336 of the EPBC Act allows the Commonwealth to provide assistance for the protection or conservation of a Ramsar wetland. No direct assistance has been provided under this section of the Act. However, projects have been funded under the national and regional components of the Natural Heritage Trust and the Coastal Catchments Initiative to assist the conservation and management of Ramsar wetlands in Australia, including descriptions of the ecological character of a number of Ramsar wetlands. These projects will inform future management of the wetlands and EPBC Act decision-making.

The details of these projects are in the section on water strategies in the chapter on land and inland waters in the first volume of this set of annual reports

Biosphere reserves

A biosphere reserve is a unique concept which includes one or more protected areas and surrounding lands that are managed to combine both conservation and sustainable use of natural resources. 'Biosphere reserve' is an international designation made by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The department is the focal point for biosphere reserves in Australia, while the Australian National Commission for UNESCO has overall responsibility for UNESCO activities.

The EPBC Act allows the minister to cooperate with states and territories on biosphere reserves while the Regulations contain principles for the management of biosphere reserves.

A nomination for a new biosphere reserve in Noosa was submitted in 2006–07. The Noosa nomination was considered at the International Advisory Committee for biosphere reserves meeting in June 2007 with a final decision due to be made by the International Coordinating Council of Man and the Biosphere meeting in February 2008. The international Man and the Biosphere Programme is a UNESCO initiative.

Technical advice was provided to community and other organisations and groups involved in biosphere reserve development.

Commonwealth marine reserves

The Australian Government establishes and manages an estate of marine protected areas that are Commonwealth reserves under the EPBC Act.

The Cod Grounds Commonwealth Marine Reserve was declared on 28 May 2007 to protect a key aggregation site for the critically endangered grey nurse shark. The reserve is located off the coast of northern New South Wales near Laurieton.

The South-east Commonwealth Marine Reserve Network, comprising 13 individual reserves, was declared on 28 June 2007 and will take effect 3 September 2007. It is the world's first network of temperate deep sea marine reserves.

For more information on the South-east Commonwealth Marine Reserve Network and the marine bioregional planning process, refer to the chapter on coasts and oceans in the first volume of this set of annual reports.

In accordance with the February amendments to the EPBC Act, new Commonwealth reserves will be managed under approvals issued by the Director of National Parks until management plans are developed and come into operation following a period of public consultation. The interim management arrangements commence when the network comes into effect. The management plan for the network will be developed in accordance with section 176 of the EPBC Act, and is expected to take approximately 12 months to prepare.





4. Monitoring and compliance

The department's post referral and approval verification, monitoring and auditing effort increased. Teams of audit staff were trained and a full programme of audits undertaken. Amendments to the EPBC Act introduced important new investigative powers, increased the Act's effectiveness and increased the range of enforcement responses.

In-house compliance and enforcement training increased. Investigation and monitoring operations conducted in collaboration with others increased. This has meant a more effective use of resources in Australia and overseas.

Australasian Environmental Law Enforcement and Regulation Network

The Australasian Environmental Law Enforcement and Regulation Network, launched in 2004, continued to successfully promote cross-jurisdictional dialogue and cooperation for environmental law enforcement and regulation. The network now has 24 agency members, including at least one agency in every Australian jurisdiction.

The network held its 3rd national conference in Sydney in November 2006 on the theme 'working together for regulatory compliance'. The conference drew over 250 delegates, another record registration. Participants attended almost 60 presentations on such issues as regulatory management and theory, audit and monitoring, training, and evidence collection.

The network has several working groups, and through the Audit Working Group the department worked with partner agencies to develop a national training programme for member agencies and agreed national standards for compliance audits. The network is an excellent forum for sharing experience and provides a range of benefits through co-regulation and joint compliance activities.

Audit programme

The department commenced its compliance auditing programme in July 2006 to:

- monitor compliance with conditions of approval and particular manner requirements
- evaluate the conditions and requirements attached to audited projects in relation to their ability to be understood and complied with
- evaluate the effectiveness of the conditions and requirements in protecting the relevant matter of national environmental significance for each audited project
- review the department's processes and systems with a view to continual improvement.

The initial compliance audit programme involved 110 projects. These were projects judged at the time of approval to have a higher than average risk of

non-compliance. From these, 12 randomly selected projects were audited. These included a seismic survey, aerial baiting, construction of a school building, extension of an existing coal mine, a new mining operation, replacement of bridges, rail link construction, road works, sewerage and irrigation.

In general, the audits identified a high level of compliance with conditions. Some non-compliances were identified and rectified. The audits' recommendations enabled the department to improve its processes, develop more effective conditions and improve compliance with the EPBC Act. Another benefit of the audit programme was increased liaison with co-regulators such as state and local government agencies, enabling joint audits to be carried out and improving information sharing.

All employees involved in undertaking audits have received training, including taking part in audits by state agencies.

Compliance

In 2006–07 the department worked to develop a database to streamline and support its procedures for responding to the growing number of reports of alleged breaches of Part 3 of the EPBC Act. As a result of increased awareness of the Act and an improved capacity to respond to reports, the department dealt with over 580 reports about 370 incidents or activities potentially in breach of provisions relating to activities that may have a significant impact on matters of national environmental significance. These reports come from a variety of sources and each report is carefully investigated to determine whether or not the Act does or should apply. The department works cooperatively with state and local government agencies to improve compliance with the Act.

The department receives many reports of activities that are primarily of state or local concern, but which nevertheless need to be investigated sufficiently to establish that the EPBC Act does not apply. As a result of the enhanced procedures to manage the volume of compliance work, recording and tracking of all new reports and cases through the relevant databases is now comprehensive.

Consistent with the department's compliance and enforcement policy, a range of flexible and targeted measures are used to promote compliance and to respond to breaches. Where compliance approaches fail, enforcement sanctions are applied. The recent amendments to the EPBC Act have considerably increased the investigative tools, compliance approaches and enforcement sanctions available.

Many compliance incidents dealt with by the department involve actions that have not yet taken place. In these cases, the department investigates to determine whether or not the activity should be regulated by the EPBC Act. In 2006–07, approximately 15 per cent of all referrals received by the department resulted from active compliance intervention.





Case study: Facilitating voluntary compliance

The department encourages and assists people planning developments which may impact on protected matters to engage with the requirements of Part 3 of the EPBC Act.

The department often receives reports about developments which may require regulation under the Act. Such reports come from many sources including neighbouring residents, local environment groups, environmental experts, rival companies, and local and state governments.

In March 2007 the department was notified that a subdivision that could affect a substantial area of known southern cassowary habitat was proposed near Kuranda, Queensland. The southern cassowary is listed as endangered under the Act. The subdivision had the potential to isolate about 150 hectares of essential habitat in addition to alienating the 50 hectares of the subdivision itself.

The department contacted the developer's planning consultant to alert them to the potential application of the Act. The consultant responded with appreciation, as these requirements had been overlooked in the planning process, which to date had been concerned with local and state development controls.

Subsequently, the proposal was referred under Part 7. The proposal was determined to be a controlled action as it would be likely to have a significant impact on the southern cassowary. Assessment under Part 8 of the Act began immediately.

This sequence is typical of many reports that the department investigates each year before the substantial action has taken place. The department's capacity to respond to reports in this way ensures that proposals such as this are captured before a breach occurs and enables proper consideration to be given to impacts on matters of national environmental significance through environmental impact assessment.

The department undertook a risk assessment of administration of Parts 3, 7, 8 and 9 and related sections of the Act. The assessment documented known risks and established a framework for reducing potential risks. A major factor identified in the risk assessment and in the Australian National Audit Office's audit of the administration of the EPBC Act was the lack of resources available for compliance and enforcement work. Additional resources were therefore provided in the 2007–08 Budget. The department has developed plans for the most effective use of the additional resources that will enable a considerable increase in compliance and enforcement in 2007–08.



Investigations

The department continued to operate its investigative activities in conjunction with the Australian Federal Police and Australian Customs Service, and hosts outposted officers from these agencies. Efforts to increase and improve cooperation with other environmental law enforcement agencies are ongoing and have already yielded improvements in protection of the environment.

In 2006–07 the department's Environment Investigations Unit investigated 44 cases. Investigations commenced following a variety of information reports that originated from the general public, and state, territory and Australian Government partner agencies. The unit uses multi-disciplinary teams drawing on knowledge from within the department and externally, depending on each specific investigation.

Matters of national environmental significance

At 30 June 2007 the department was investigating 19 allegations of non-compliance with Part 3 of the EPBC Act. The allegations relate to non-compliance with conditions of EPBC Act approvals and permits and taking of actions likely to have a significant impact on a protected matter without EPBC Act approval.

Allegations include impacts on listed threatened species and ecological communities, world heritage properties and wetlands of international importance, and allegedly occurred in Queensland, the Northern Territory, Western Australia, the Australian Capital Territory and New South Wales. Persons under investigation include individuals and companies.

Investigations comply with Australian Government Investigations Standards, and the department works with the Australian Federal Police to ensure policies and methodology are best practice.

Marine

The Environment Investigations Unit worked with the department's Marine Division, conducting investigations and training wardens throughout Australia. The unit advised the division on incident management, risk assessment and pre-operational issues.

A Marine Operations Team was formed to improve the department's management of incidents and investigations that breach marine provisions of the Act. The team worked with the Australian Fisheries Management Authority on investigations into illegal fishing in Commonwealth waters.

International wildlife trade

There was an increase in the number of monitoring warrants executed, mainly in the exotic bird keeping industry, to check for compliance with EPBC Act provisions.



The department participated in joint investigations with state co-regulators resulting in several prosecutions. The department has found that whilst joint investigations can provide some management challenges they are resource efficient and broaden the range of statutory responses.

The department provided investigative support to the United States Fish and Wildlife Service in relation to two allegations of unlawful hunting made against Australian citizens. The department has also jointly managed intelligence probes into exotic reptile smuggling, coordinating the activities of Australian Government and state and territory agencies with New Zealand's Wildlife Enforcement Group.

Education and policy development

The department continued to be a leader in developing educational and training tools for compliance and law enforcement. The department worked to refine the existing Certificate IV in Investigations and Statutory Compliance, aiming to make the course more streamlined, shorter and less disruptive to participants' work. The department has moved to develop a Diploma in Government (Investigations) to better equip senior investigations personnel. It is intended to offer the diploma through the Australasian Environmental Law Enforcement and Regulation Network.

Recognising that multidisciplinary teams outperform individuals acting alone or in larger organisational groupings, especially when performance requires multiple skills, judgment and experience, the department developed multidisciplinary team protocols in relation to departmental compliance and enforcement actions. The protocols will apply throughout the department, and across jurisdictions in the network.

The department is also developing guidelines for providing in-house expert opinion on the environmental legislation it administers. The guidelines incorporate current case law relating to expert witness evidence and will increase consistency in expert witness management across the department, and across jurisdictions in the network. After a period of field testing, the guidelines may be published for wider use next year.

Prosecutions

The Commonwealth Director of Public Prosecutions has responsibility for prosecuting criminal EPBC Act offences referred by investigating agencies. EPBC Act charges can be brought by state police and other agencies, and prosecutions can be conducted by state prosecutors.

Sixteen matters were commenced under the EPBC Act in 2006–07 and eight were commenced under the Regulations. Seventeen matters were successfully finalised under the Act and 17 of 18 proposed for prosecution under the Regulations were successfully finalised.



Requirements for environmental approvals (Part 3)

The department continued to be a responsive regulator resorting to prosecution in the most appropriate cases. The department monitors investigations by state and local government that have an EPBC Act component and decides whether additional action under the EPBC Act is appropriate. Such a case was the alleged clearance of native grassland containing the spiny rice-flower (*Pimelea spinosa*). A Victorian council sought an enforcement order that prevents further development and vests the site in the Crown. That application is currently subject to appeal.

Another investigation related to the alleged illegal clearing of a listed threatened ecological community and its associated impacts on a listed threatened species on an airport site. The matter has been referred to the Commonwealth Director of Public Prosecutions for consideration of criminal contraventions of the EPBC Act.

A third investigation related to a residential property developer in Western Australia. The developer engaged consultants who advised against the development proceeding without modification. The developer is alleged to have ignored this advice and completed the project. The matter has been referred to the Commonwealth Director of Public Prosecutions for consideration of criminal contraventions of the EPBC Act.

Particular manner decisions (Part 7) and conditions on environmental approvals (Part 9)

The department investigated a number of alleged breaches of particular manner decisions. In one example a residential property developer in northern Queensland agreed that he had not complied with the condition. The department is now seeking an enhanced environmental outcome.

The department also investigated a number of alleged breaches of conditions of approval.

It is expected that the enhanced audit programme will result in the department responding to more such instances in the coming year.

Species and communities (Part 13)

The department continued to work with the Australian Fisheries Management Authority in relation to illegal fishers and EPBC Act offences. Prosecutions against five alleged illegal fishers began. There is some overlap between the EPBC Act and fisheries legislation and the department is clarifying the circumstances in which an EPBC Act prosecution should be preferred.

International wildlife trade (Part 13A)

In 2006–07 two charges were laid under the EPBC Act by the department against two defendants and a further four defendants are expected to be charged with multiple wildlife offences following an extensive investigation into the illegal exotic bird trade in Australia. No charges were laid under the EPBC Regulations. A total of 7,533 seizure notices were issued.



The Australian Customs Service used the criminal offence provisions in the EPBC Act to prosecute individuals with offences relating to the illegal import and export of wildlife. The penalties for wildlife offences include fines and imprisonment.

Activities in protected areas (Part 15)

Twelve rangers and two wardens were appointed in 2006–07. Six people were prosecuted for taking squid in Booderee National Park in excess of the recreational limit of 10. Four prosecutions involved taking migratory species (red-footed boobies and frigatebirds) in the Territory of Cocos (Keeling) Islands contrary to the provisions of Part 13 of the Act. One person was convicted of seven offences in relation to commercial crabbing at Field Island, Kakadu National Park.

The department successfully made a civil penalty application against the skipper of a commercial fishing vessel for illegal fishing in the Mermaid Reef Marine National Nature Reserve. A pecuniary penalty of more than \$50,000 was imposed by the Federal Court.

In the amendments to the EPBC Act a new criminal penalty provision was created to broaden the range of regulatory options for deliberate commercial incursions into Commonwealth marine protected areas.

Review of decisions

High Court and Federal Court

The Wilderness Society and Investors for the Future of Tasmania challenged the validity of the delegate's decision regarding assessment of a referral submitted by Gunns Ltd of a proposal to construct and operate a kraft pulp mill in the Tamar Valley in Tasmania. This followed withdrawal of a previous referral which was to be assessed by the Tasmanian Resource Planning and Development Commission as part of an integrated impact assessment process. This matter is set down for hearing commencing 3 July 2007.

Anvil Hill Project Watch Association sought review of the minister's decision that the Anvil Hill coal project is not a controlled action. This matter is scheduled to be heard in August 2007.

Mr Lansen and others applied for review of the 13 February 2007 decision to approve with conditions the McArthur River mining proposal under the EPBC Act. The applicants are the registered native title claimants in the land affected by the mining proposal.

The Humane Society International applied for an injunction under the EPBC Act to restrain a Japanese company from conducting whaling activities in the Exclusive Economic Zone adjacent to the Australian Antarctic Territory. On 14 July 2006 the Full Federal Court upheld an appeal to allow Humane Society International to serve the application on Kyodo Senpaku in Japan, and to seek an injunction from the Federal Court. On 2 February 2007 the court made orders regarding the mode by which service of the originating process was to be effected. This matter was listed for further directions on 24 July 2007.



Senator Bob Brown applied for an injunction to restrain forestry operations by Forestry Tasmania in the Wielangta area on the basis that the operations contravene the EPBC Act. The Commonwealth was given leave to intervene to argue points related to the operation of the EPBC Act and the Tasmanian Regional Forest Agreement. The Federal Court held that the operations had a significant impact on threatened species and were not in accordance with the Tasmanian Regional Forest Agreement, and granted an injunction restraining Forestry Tasmania from conducting the operations without an approval under the EPBC Act. Forestry Tasmania appealed the decision to the Full Federal Court. The Commonwealth sought to be joined as a respondent to the appeal but the Court has instead allowed the Commonwealth the status of an intervener only. The appeal will be heard in the Full Court in Hobart in August 2007.

In 2005–06 applications for judicial review under the *Administrative Decisions (Judicial Review) Act 1977* were made in relation to the Bald Hills Wind Farm proposal. In particular, the Victorian Minister for Planning and Bald Hills Wind Farm Pty Ltd sought review of the minister's decision not to approve the wind farm proposal. On 4 August 2006 the minister and Bald Hills Wind Farm Pty Ltd agreed to settle the court case and for the minister to remake the approvals decision.

Administrative Appeals Tribunal

On 10 November 2006 the tribunal decided to uphold the minister's decision of 30 November 2005 to approve two wallaby management plans in Tasmania (for harvesting wallabies on King and Flinders islands) as approved wildlife trade management plans with the proviso that the management plans be amended to require the Tasmanian Government to gather and record information on the sex and estimated age of the harvested animals.

On 27 February 2007 the Wildlife Protection Association of Australia lodged an appeal against the minister's decision to approve the New South Wales kangaroo management plan. At the time of writing, the matter was yet to be listed for hearing.

Humane Society International sought review of the minister's decision to declare the Southern and Eastern Scalefish and Shark Fishery an approved wildlife trade operation under section 303FN of the EPBC Act. A hearing date on this matter had not been set as at 30 June 2007.

Nature Conservation Council of NSW Inc sought a review of the minister's decision of 27 July 2006 to declare the harvesting of specimens taken in the New South Wales Ocean Trap and Line Fishery to be an approved wildlife trade operation under section 303FN of the EPBC Act. A decision on this matter was still to be handed down as at 30 June 2007.

Freedom of information

Thirty-three requests under the *Freedom of Information Act 1982* were processed by the department during 2006–07. Eight of these requests related to EPBC Act decision-making processes.



5. Reporting

State of the Environment report

The EPBC Act requires that a report on Australia's environment be prepared every five years. The third State of the Environment report was published in December 2006.

Section 516A report

Section 516A of the EPBC Act requires Australian Government organisations to include in their annual reports a section detailing their environmental performance and the organisation's contribution to ecologically sustainable development.

The department's report under section 516A is in the first volume of this set of annual reports.

Appendix 1—Statistics on the operation of the EPBC Act in 2006–07



Table 1: Overview of referrals, assessments and approvals

Referrals	2006–07	Total ¹
Total referrals received	347	2,278
Referrals being processed at 1 July 2006	36	N/A
Referrals withdrawn or lapsed before decision	8	45
Action clearly unacceptable	0	0
Referral decisions made (after reconsideration)	336	2,194
Approval required—controlled action	73	495
Approval not required—action to be taken in a particular manner	75	358
Approval not required—no conditions on action	188	1,341
Referrals being processed at 30 June 2007	39	39
Controlled actions		
Total controlled actions (after reconsideration)	73	495
Assessments/recommendation reports completed	39	224
Under bilateral agreements	12	26
Preliminary documentation	20	142
Public environment report	2	8
Environmental impact statement	2	15
Referral information	0	0
Public inquiry	0	0
Accredited assessment	3	33
Approval decisions		
Total approval decisions	45	196
Approved with no conditions	0	10
Approved with conditions	44	182
Approval not granted	1	4

¹ Since the commencement of the EPBC Act in July 2000.

**Table 2: Referrals, referral decisions and reconsideration of decisions**

Referrals	
Referrals being processed at 1 July 2006	36
Referrals received 2006–07	347
Deemed referrals	0
Referrals withdrawn or lapsed before decision	8 ¹
Referral decisions made (initial decisions, before reconsideration)	336
Approval required—controlled action	74
Approval not required—action to be taken in a particular manner	74
Approval not required—no conditions on action	188
Referrals being processed at 30 June 2007	39
Reconsideration of decisions	
Reconsideration decisions being processed at 1 July 2006	0
Reconsideration requests received 2006–07	7
Reconsideration decisions made	7
No change in decision	3
Controlled action decision changed to not controlled action	0
Controlled action decision changed to action to be taken in a particular manner	3
Not controlled action decision changed to action to be taken in a particular manner	0
Particular manner decision changed to new manner	1
Controlled action decision changed to revised controlling provisions	0
Not controlled action decision changed to controlled action	0
Particular manner decision changed to not controlled action	0
Particular manner decision changed to controlled action	0
Reconsiderations pending at 30 June 2007	0

1 This number was wrongly reported in 2005–06. The correct number was 7 not 47.



Table 3: Referrals and referral decisions made by jurisdiction¹

	Referrals received in 2006–07	Decisions made in 2006–07			Total decisions
		Approval required	Approval not required		
		CA ²	PM ³	NCA ⁴	
Antarctica	1	0	2		2
Christmas Island	4	0	1	3	4
Cocos (Keeling) Islands	1	0	0	2	2
Commonwealth marine areas	19	1	10	7	18
Norfolk Island	5	0	1	2	3
ACT	9		1	6	7
NSW	49	18	9	19	46
NT	15	5	2	9	16
Qld	92	26	11	53	90
SA	24	3	1	15	19
Tas	15	2	1	13	16
Vic	60	5	20	41	66
WA	53	14	15	18	47
Total	347	74	74	188	336

- 1 The counts of referrals received and of decisions made relate to events occurring in 2006–07 before reconsideration. However some decisions made in 2006–07 may relate to referrals received in earlier years.
- 2 CA = controlled action.
- 3 PM = particular manner. Refers to decisions made by the minister under section 77(3) that an action is not a controlled action if taken in a particular manner.
- 4 NCA = not a controlled action.



Table 4: Referrals and referral decisions by activity category ¹

	Referrals received in 2006–07	Decisions made in 2006–07			Total decisions
		Approval required	Approval not required		
		CA ²	PM ³	NCA ⁴	
Agriculture and forestry	3	0	0	4	4
Aquaculture	3	0	0	3	3
Commercial development	23	7	4	11	22
Commonwealth	6	0	0	5	5
Energy generation and supply (non-renewable)	17	5	3	11	19
Energy generation and supply (renewable)	9	0	0	12	12
Exploration (mineral, oil and gas—marine)	31	0	21	7	28
Exploration (mineral, oil and gas—non-marine)	1	0	0	1	1
Manufacturing	3	1	0	3	4
Mining	46	15	3	29	47
Natural resources management	11	3	4	4	11
Residential development	66	24	14	23	61
Science and research	9	0	2	7	9
Telecommunications	3	1	1	2	4
Tourism and recreation	29	5	8	16	29
Transport—land	28	2	4	17	23
Transport—water	9	2	2	3	7
Waste management (non-sewerage)	3	0	1	2	3
Waste management (sewerage)	9	0	2	10	12
Water management and use	38	9	5	18	32
Total	347	74	74	188	336

¹ The counts of referrals received and of decisions made relate to events occurring in 2006–07 before reconsideration. However some decisions made in 2006–07 may relate to referrals received in earlier years.

² CA = controlled action.

³ PM = particular manner. Refers to decisions made by the minister under section 77(3) that an action is not a controlled action if taken in a particular manner.

⁴ NCA = not a controlled action.



Table 5: Number of matters protected by the EPBC Act for which adverse impacts have been addressed ¹

	Matter protected	Nominal controlled action ²	Controlled action
Division 1	Matters of national environmental significance		
Section 12	World heritage values of a world heritage listed property	7	12
Section 15B	National heritage values of a national heritage listed place	1	0
Section 16	Ecological character of a declared Ramsar wetland	9	17
Section 18	Listed threatened species or ecological community	64	65
Section 20	Listed migratory species	35	23
Section 21	Nuclear activities with a significant impact on the environment	0	1
Section 23	Commonwealth marine environment	23	5
Division 2	Proposals involving the Commonwealth		
Section 26	Commonwealth land	6	3
Section 27B	Activities involving Commonwealth heritage listed places overseas	0	0
Section 28	Commonwealth or Commonwealth agency activity	4	1
Total		149	127

1 Numbers of matters protected are after reconsideration of decisions.

2 Arising from decisions made by the minister under section 77(3) that an action is not a controlled action if taken in a particular manner.



Table 6: Decisions on assessment approach and assessments by type of assessment

	Level of assessment decided in 2006–07	Assessments completed in 2006–07	Recommendation reports completed in 2006–07	Assessments in progress at 30 June 2007	Recommendation reports in progress at 30 June 2007
Commonwealth assessments					
Preliminary documentation	44	19	1	29	4
Referral information	1	0	0	1	0
Public environment report	6	2	0	11	0
Environmental impact statement	1	2	0	5	0
Public inquiry	0	0	Not applicable	0	Not applicable
State/territory assessments					
Bilateral agreement	26	12	Not applicable	39	Not applicable
Accredited assessment	1	3	Not applicable	25	Not applicable
Total	79	38	1	110	4

Table 7: Approvals

Type of approval	Number of approvals
Approved with no conditions	0
Approved with conditions	44
Approval not granted	1
Total decisions	45
Awaiting approval at 30 June 2007	6
Awaiting section 130(1B) notice from state/territory ¹	13
Awaiting further information from proponent ²	4

1 Applies to the approval process in operation prior to the February 2007 amendments to the EPBC Act. The amended section 130(1B) no longer requires these notices. The new section 132A allows the minister to request notices from appropriate state/territory ministers about certain actions.

2 Where the minister believes, on reasonable grounds, that he or she does not have enough information to make an informed decision to approve an action, the minister may request further information under section 132. In these cases the approval process statutory timeframe is stopped until all of the information requested is received (section 130(5)).



Table 8: Advice requested and provided under section 160

Authorisation provision	Requests for advice	Advice not required	Assessment completed	Advice provided
Airspace management	0	0	0	0
Great Barrier Reef Marine Park Authority permit/authority	0	0	0	0
Airport major development plan	11	3	5	7
Sea dumping permit	0	0	0	0
Total	11	3	5	7

Approvals granted 2006–07

- Arafura Resources NL—Open cut gold mine, Pine Creek, NT
- Aztec Resources Ltd—Iron ore mine, Kimberley region, WA
- Baillie Lodges—Southern Ocean Lodge, Hanson Bay, Kangaroo Island, SA
- Boyd Cook Cove—Cooks Cove development project, Cooks Cove, NSW
- Callide Coalfields Pty Ltd—Coal mining lease 6993 (The Bluff), Biloela, Qld
- Cape View Developments WA Pty Ltd—Cape View Resort at Lot 190 Little Colin Street, Busselton, WA
- Cardwell Shire Council—Construction of breakwaters, Port Hinchinbrook Resort and Boat Harbour, Oyster Point, Qld
- Cedar Woods Properties Ltd—Laverton activity centre and residential development, Laverton, Vic
- Cooloola Shire Council—Construction of new landfill, Cooloola, Qld
- CSR Ltd—Industrial development on Lot 141 DP843899 and Lot 5 DP1094504, Erskine Park Employment Area, Erskine Park, NSW
- DBNGP (WA) Nominees Pty Ltd—Natural gas pipeline expansion, Dampier to Bunbury, WA
- Department of Defence—Operation of 17 Tiger helicopters at Robertson Barracks, Darwin, NT
- Department of Defence—Sale of Commonwealth land, Maribyrnong, Vic
- Emirates Hotels Australia—Emirates tourist resort and associated facilities, Wolgan Valley, NSW
- Ensham Resources P—Expansion of Ensham mine, Emerald, Qld
- FKP Commercial Developments Pty Ltd—Industrial estate Cooper Road, Cambellfield, Vic
- Forrester Residential Developments—Coolum Ridges subdivision and development, southern, Peregian Beach, Qld
- Fortescue Metals Group Ltd—Cloud Break open pit iron ore mine, Pilbara, WA
- Fraser Panarama Pty Ltd—Residential subdivision, Lot 2 on RP171875, Samarai Drive, Hervey Bay, Qld
- Gunson Resources Ltd—Coburn mineral sand project, Shark Bay, WA
- HEZ Pty Ltd—Development of the Hunter Economic Zone Industrial Estate, Hunter Valley, NSW
- Kinsmen Ltd—Meningie canal-based housing development, Meningie, SA
- Main Roads Western Australia—Construction of new Perth–Bunbury Highway project, Bunbury to Perth, WA



Matilda Minerals Ltd—Andranangoo Creek and Lethbridge Bay mineral sand mining, Tiwi Islands, NT

MIM Holdings Ltd—McArthur River mine expansion, McArthur River, NT

Mr Louis Campagnolo—Vegetation clearing, Kurrimine Beach, Qld

NCA Joint Venture—Wollombi open cut coal mine (Suttor Creek ML4761 Extension), near Glenden, Qld

New Acland Coal Pty Ltd—New Acland mine expansion, Darling Downs, Qld

Newcastle Port Corporation—Hunter River south arm dredging, Newcastle, NSW

Newnes Kaolin Pty Ltd—Newnes Kaolin friable sandstone mine project, Newnes Junction, NSW

Northern Territory Department of Planning and Infrastructure—Victoria Highway upgrade, Victoria River, NT

Oxiana Ltd—Prominent Hill copper–gold project, Prominent Hill, SA

Penola Pulp Pty Ltd—Pulp mill and associated infrastructure near Penola, SA

Queensland Department of Main Roads—Kuranda Range Road (Kennedy Highway) Upgrade, Kuranda, Qld

Queensland Parks and Wildlife—Gold Coast Hinterland Great Walk, Lamington National Park, Qld

Southern Regional Water Pipeline Company—Southern Regional Water pipeline, south-east, Qld

Stockland Developments Pty Ltd—Residential development on a 929 hectare site located adjacent to the Bohle River and Bruce Highway, Bohle, Qld

Telstra Corporation Ltd—Telstra optic fibre cable installation, Jabiru–Rikurdji, NT

Territory Iron Ltd—Frances Creek iron ore mine, Frances Creek, NT

Watsons Pty Ltd—Wyndham Cove marina and residential development, Werribee South, Vic

Westfield Management Ltd—Development of Plenty Valley Town Centre, South Morang, VIC

Wind Power Pty Ltd—Bald Hills Wind Farm 80 turbines, Bald Hills, Tarwin Lower to Cape Liptrap Road, Vic

Woodside Energy Ltd—Site preparations, Burrup Peninsula, WA

Worsley Alumina Pty Ltd—Efficiency and growth increase of alumina production, Darling Plateau, WA

Approvals not granted 2006–07

Phosphate Resources Ltd—East Christmas Island phosphate mines (9 sites), Christmas Island

Awaiting approval 30 June 2007

Australian Pipeline Trust Group—275 kilometre gas pipeline from Wadeye to existing Darwin gas pipeline, Wadeye to Amadeus Basin, NT

Barry Humfrey—Development of land based tourist facilities on Long Island, Houtman Abrolhos Islands, WA

Humfrey Land Development—Tourism facility and associated infrastructure, Houtman Abrolhos Islands, WA

Luddenham Management Pty Ltd—Twin Creeks Estate stage 4, 26 rural residential allotments, Luddenham, NSW

Meridien Marinas Horizon Shores—Horizon Shores marina redevelopment, Steiglitz, Qld

Stockland Developments Pty Ltd—Residential subdivision and town centre development, Vincentia, Jervis Bay, NSW

Assessments completed 2006–07

Assessed by preliminary documentation

Aztec Resources Ltd—Iron ore mine, Kimberley Region, WA
Boyd Cook Cove—Cooks Cove development project, Cooks Cove, NSW
Callide Coalfields Pty Ltd—Coal mining lease 6993 (The Bluff), Biloela, Qld
Cape View Developments WA Pty Ltd—Cape View Resort at Lot 190 Little Colin Street, Busselton, WA
Cardwell Shire Council—Construction of breakwaters, Port Hinchinbrook Resort and Boat Harbour, Oyster Point, Qld
Cedar Woods Properties Ltd—Laverton activity centre and residential development, Laverton, Vic
CSR Ltd—Industrial development on Lot 141 DP843899 and Lot 5 DP1094504, Erskine Park Employment Area, Erskine Park, NSW
DBNGP (WA) Nominees Pty Ltd—Natural gas pipeline expansion, Dampier to Bunbury, WA
Department of Defence—Operation of 17 Tiger helicopters at Robertson Barracks, Darwin, NT
Department of Defence—Sale of Commonwealth land, Maribyrnong, Vic
Kinsmen Ltd—Meningie canal-based housing development, Meningie, SA
Main Roads Western Australia—Construction of new Perth–Bunbury Highway project, Bunbury to Perth, WA
Meridien Marinas Horizon Shores—Horizon Shores marina redevelopment, Steiglitz, Qld
Mr Louis Campagnolo—Vegetation clearing, Kurrimine Beach, Qld
Penola Pulp Pty Ltd—Pulp mill and associated infrastructure near Penola, SA
Queensland Department of Main Roads—Toowoomba bypass highway corridor, Toowoomba, Qld
Stockland Developments Pty Ltd—Residential subdivision and town centre development, Vincentia, Jervis Bay, NSW
Telstra Corporation Ltd—Telstra optic fibre cable installation, Jabiru–Rikurdji, NT
Westfield Management Ltd—Development of Plenty Valley town centre, Vic

Assessed by environmental impact statement

ChevronTexaco Australia—Gorgon gas development, Gorgon, WA
Phosphate Resources Ltd—East Christmas Island phosphate mines (9 sites), Christmas Island

Assessed by public environment report

Emirates Hotels Australia—Emirates tourist resort and associated facilities, Wolgan Valley, NSW
HEZ Pty Ltd—Development of the Hunter Economic Zone Industrial Estate, Hunter Valley, NSW

Assessed through an accredited process

Australian Rail Track Corporation—South Sydney freight rail line, Sefton Park to Macarthur, NSW
Baillie Lodges—Southern Ocean Lodge, Hanson Bay, Kangaroo Island, SA
Oxiana Ltd—Prominent Hill copper–gold project, Prominent Hill, SA

Assessed under a bilateral agreement

Arafura Resources NL—Open cut gold mine, Pine Creek, NT
Australian Pipeline Trust Group—275 kilometre gas pipeline from Wadeye to existing Darwin gas pipeline, Wadeye to Amadeus Basin, NT





Barry Humfrey—Development of land based tourist facilities on Long Island, Houtman Abrolhos Islands, WA

Department of Tourism, Parks, Heritage and the Arts—Centralised sewage scheme, Cradle Valley, Tas

Ensham Resources P—Expansion of Ensham mine, Emerald, Qld

Humfrey Land Development—Tourism facility and associated infrastructure, Houtman Abrolhos Islands, WA

NCA Joint Venture—Wollombi open cut coal mine (Suttor Creek ML4761 extension), near Glenden, Qld

New Acland Coal Pty Ltd—New Acland mine expansion, Darling Downs, Qld

Northern Territory Department of Planning and Infrastructure—Victoria Highway upgrade, Victoria River, NT

Southern Regional Water Pipeline Company—Southern Regional Water pipeline, south-east, Qld

Territory Iron Ltd—Frances Creek iron ore mine, Frances Creek, NT

Woodside Energy Ltd—Site preparations, Burrup Peninsula, WA

Assessments in progress at 30 June 2007

Assessments by preliminary documentation

AcroPlan—Subdivision of portion of Lot 46, North Rothbury, NSW

ATA Environmental—Residential development at Shenton Park, Shenton Park in the City of Nedlands, WA

Bayeux Investments Pty Ltd—Construction of a dam, adjacent to Mount Cone, SA

Broadcast Australia Pty Ltd—Management and control of serrated tussock, Delahey, Vic

Bunbury Cathedral Grammar School—Construction of new sporting field, Gelorup, WA

Burtonia Pty Ltd and Carine Nominees—Peel's Retreat Estate residential development, Mandurah, WA

CabWater, Caboolture Shire Council—Groundwater extraction and treatment to supply to Bribie Island, Bribie Island, Qld

Content Living Pty Ltd—Residential development, Lot 3 and 4 Dorsett Street, West Busselton, WA

Everett Family Trust—Residential development and resort, Mount Separation Road, Bemerside, Qld

Flashpast Pty Ltd—Residential development Lots 8 and 9 King Street, West Busselton, WA

Folkestone Ltd—Industrial subdivision, 720–808 Kororoit Creek Road, Altona, Vic

Gunns Ltd—Kraft pulp mill and ancillary chemical production and infrastructure, Bells Bay, Tas

J&G Rover Holdings Pty Ltd—Country living residential development, Paringa, SA

JAG Marine Group Pty Ltd—Expansion of Bowen Marina, Lot 310 on SP143899, Bowen, Qld

Leopold Property Developments Pty Ltd—Residential estate, 251–319 Melaluka Road, Leopold, Vic

Mary Donald Nominees Pty Ltd—Residential/industrial subdivision, Lot 18 Vasse Highway, Shire of Busselton, Yalyalup, WA

Moolarben Coal Mines Pty Ltd—Moolarben coal mine project, Ulan north-east of Mudgee, NSW

Nobbys Lighthouse Pty Ltd—Nobbys Lighthouse redevelopment, Newcastle, NSW

Nonda Street Pty Ltd—Residential estate, Lot 97 Nonda Street, Mission Beach, Qld

Norman Properties Pty Ltd—Rural residential subdivision, Lot 1 RP728479, Douglas Track, Speewah, Qld



NSW Roads and Traffic Authority—Hume Highway upgrade, Mullengandra to Tarcutta, NSW
Pine Water—Redevelopment of waste water treatment plant, Murrumba Downs, Qld
Queensland Transport—Townsville port access project (road and rail), Townsville, Qld
R & E Developments Pty Ltd—Residential development, Wongalin Beach, Qld
R and E Plapp—Tourist—residential development off Jackey Jackey Street, South Mission Beach, Qld
ROCLA Ltd—Kurnell sand extraction and backfilling proposal, Kurnell Peninsula, NSW
Watermark Enterprises—Subdivision Lot 1 Dawesville Road, Dawesville, WA
Westerly Projects Pty Ltd—Residential subdivision of Lot 12 on SP105732, Bentley Park, Qld
Your Resort Home Pty Ltd—Lilliponds residential resort estate, Tully Mission Beach Road, Mission Beach, Qld

Assessments by environmental impact statement

AGL Petronas Consortium—Papua New Guinea—Queensland gas pipeline Gove Lateral, Cape York Peninsula Queensland to Gove NT, Commonwealth marine
Inpex Browse Ltd—Develop Ichthys gas-condensate field permit area WA-285-P R1 WA North-West Shelf, Browse Basin, WA
Shell Development (Australia) Pty Ltd—Floating liquefied natural gas facility, Timor Sea, Commonwealth marine
TransGrid—Electricity transmission line, Buronga (south-west NSW) to Robertson (mid-north SA), NSW
WMC (Olympic Dam Corporation) Pty Ltd—Expansion of the Olympic Dam copper, uranium, gold and silver mine, processing plant and associated infrastructure, Olympic Dam, SA

Assessments by public environment report

Apache Energy Ltd—Van Gogh petroleum field development, Exmouth sub-basin, Commonwealth marine
Cairns City Council—Groundwater extracted from Mulgrave River aquifer, bore field and associated infrastructure, Aloomba, Qld
Cultus Timor Sea Pty Ltd—Audacious oil field standalone development, Timor Sea, Commonwealth marine
GFB Developments Pty Ltd—Expansion of fish farm activities, Saltwater Creek, Qld
Heathgate Resources Pty Ltd—Beverley uranium mine extension, Beverley, SA
Mr K Williams and Cardwell Properties Pty Ltd—Port Hinchinbrook Resort stage II, Cardwell, Qld
PGP Developments Pty Ltd—Whitsunday Shores Estate residential subdivision, golf course, facilities and infrastructure, Bowen, Qld
Shoalhaven City Council—Rezoning of land and associated public works to facilitate residential development, Worrowing Heights (Heritage Estates), NSW
UP NCI Property Management Pty Ltd—Tourist resort and subdivision development, North Curtis Island, Qld
Waterman Agriculture Pty Ltd—Irrigated cotton development expansion, Pillicawarrina, Macquarie Marshes, NSW
Woodside Energy Ltd—Pluto gas project including site B, Burrup Peninsula—North-West Shelf, WA

Assessments through an accredited process

Astron Ltd—Donald mineral sands project, western Vic
Austeel Pty Ltd—Steel mill, Newcastle, NSW



Barro Group—Extension of Mountain View basalt quarry by 490 hectares (stage 2), Port Wilson, Vic
Brisbane Airport Corporation Pty Ltd—Brisbane Airport new parallel runway project, Brisbane Airport, Qld

Burnett Water Pty Ltd—Walla Weir raising of dam, Bundaberg, Qld

City of Cockburn—Extension of Beeliar Drive between the junction of Mayor and Fawcett Roads and Cockburn Road, City of Cockburn, WA

Compass Resources NL—Polymetallic project lead, copper, nickel, cobalt and silver, Rum Jungle/Browns, Browns East, NT

Iluka Resources Ltd—Mineral sands mining, Woorneck, Rownack, Rainlover, Pirro and Kulwin, Ouyen, Vic

Lake Wellington Estates—Wellington Waters canal estate, Wellington Lakes, Vic

LG Chem Ltd—Construction of a chlor-alkali/ethylene di-chloride (CA/EDC) plant, Gladstone State Development Area, Landing Road, Gladstone, Qld

Lonsdale Golf Club Inc—Lonsdale Golf Club redevelopment, Point Lonsdale, Vic

Michael Jolly and Classpoint Pty Ltd—Waterfront residential estate development (Narnu Waterways), Hindmarsh Island, SA

Mineralogy Pty Ltd—Binowee iron ore project, Cape Preston, WA

Orange City Council—Resource reprocessing facility, near Molong, NSW

Pacific Reef Fisheries (Bowen) Pty Ltd—Proposed Guthalungra aquaculture facility, Guthalungra, Qld

PF Formation—Sand extraction, Maroota, NSW

Port of Melbourne Corporation—Port Phillip Bay channel deepening, Port Phillip Bay, Vic

RMI Pty Ltd—Irrigated intensive crop production, Goondiwindi, NSW

Roads and Traffic Authority, NSW—Great Western Highway upgrade, section 1A, Lawson, NSW

Roads and Traffic Authority, NSW—Pacific Highway, Bulahdelah upgrade, Bulahdelah, NSW

Selwyn Mines Ltd—The Selwyn copper–gold project, Mount Isa–Carpentaria, Qld

Shute Harbour Management Pty Ltd—Construction of marina facility, Shutehaven, Qld

Stockland Development Pty Ltd—Residential and golf course development project, Point Lonsdale, Vic

Tarong Energy Corporation Ltd—Glen Wilga open cut coal mine, Surat Basin, Qld

Wind Power Pty Ltd—Wind turbines, Swan Bay, Vic

Assessments under a bilateral agreement

AGL Petronas Consortium—Ballera lateral gas pipeline, Qld

Albany Port Authority—Albany Port Authority dredging project, Port Albany, WA

BEMAX Cable Sands (WA) Pty Ltd—Mining of titanium mineral sands in Happy Valley north and south, on private land and state forest, Happy Valley, WA

BHP Billiton Mitsubishi Alliance—Norwich Park coal mine, development of east pit, Norwich Park Mine, Qld

BM Alliance Coal Operations Pty Ltd—Goonyella riverside coal mine expansion, Bowen Basin, Qld

Cadia Holdings Pty Ltd—Cadia East project, extension of copper–gold mine within mining lease 1405, Cadia Valley near Orange, NSW

Cape Bouvard Investments Pty Ltd—Rural subdivision of a 975.2 hectare property, Mandurah, WA

CBH Sulphur Springs Pty Ltd—Panorama copper–zinc mine, Pilbara, WA

Central Queensland Ports Authority and Queensland Rail—Wiggins Island coal terminal, Port of Gladstone, Qld

City Pacific Ltd—Townsville ocean terminal, Townsville, Qld

Dallis Park Residents' Association—Relocation of grey-headed flying-foxes from Dallis Park, Murwillumbah, NSW

Daracon Quarries—Ardglen Quarry extension, Murrundi, NSW

Darwin Clean Fuels Pty Ltd—Condensate processing facility, East Arm, Darwin Business Park, NT

East Wing Corporation Pty Ltd—Hummock Hill Island development, Hummock Hill Island, Qld

Enertrade—Install and operate gas pipeline, Moranbah–Gladstone, Qld

Gladstone Pacific Nickel—HPAL nickel plant, Gladstone, Qld

Gold Coast City Council—Hinze Dam upgrade, Nerang, Qld

Grange Resources Ltd—Open cut ore mine and 110 kilometres of pipeline, Wellstead, WA

Iluka Resources Ltd—Tutunup South mineral sands project, Busselton, WA

Karara Management Services Pty Ltd—Karara magnetite project, Shire of Morawa, WA

Kemerton Silica Sand Pty Ltd—Silica sand mine expansion, Kemerton, WA

Moly Metals Australia Pty Ltd—Spinifex Ridge molybdenum project, near Marble Bar, WA

Mount Gibson Mining Ltd—Open cut mine and associated infrastructure, Mount Gibson, WA

New Acland Coal Pty Ltd—Stage 3 expansion of New Acland coal mine, Darling Downs, Qld

Northeast Business Park—Northeast Business Park, Caboolture, Morayfield, Qld

Olympia Resources Ltd—Mineral sands mine, Keysbrook, WA

P3 Prestige Property Partnership—Ella Bay residential and tourism development, Ella Bay, Qld

Pacific Hydro Ltd—White Rock Ridge Wind Farm, Robbins Island, Tas

Queensland Water Infrastructure Pty Ltd—Traveston Crossing Dam, Mary River, Qld

Queensland Water Infrastructure Pty Ltd—Wyaralong Dam, Teviot Brook near Boonah, Qld

Rosecorp Ltd—Residential subdivision, Catherine Hill Bay and Gwandalan, NSW

Shute Harbour Marina Development Pty Ltd—Construction of marina facility, Shute Bay, Qld

Southern Regional Water Pipeline Company Pty Ltd—Borefield and new pipeline, North Stradbroke Island water treatment plant, North Stradbroke Island, Qld

Stanthorpe Shire Council—Construction of a dam at Emu Swamp, Stanthorpe, Qld

Straits Salt Pty Ltd—Yannarie solar salt project, Exmouth Gulf, WA

SunWater—Water for Bowen project, Clare Weir, Bowen, Qld

Walker Corporation—Lauderdale Quay waterfront housing and marina development, Ralphs Bay, Tas

Woodside Energy Ltd and Alcan Gove Pty Ltd—Trans-territory gas pipeline, Wadeye to Gove (Galupa), NT

ZeroGen Pty Ltd—Construct and operate a coal gasification plant and carbon dioxide capture and storage, Stanwell Energy Park, Qld





Recommendation reports completed 2006–07

Assessed by preliminary documentation

Fraser Panarama Pty Ltd— Residential subdivision, Lot 2 on RP171875, Samarai Drive, Hervey Bay, QLD

Recommendation reports in progress at 30 June 2007

Joan Busby—Dawson Beach Estate stage 2, Busselton, WA

Mr T and Mrs G Masella—Construction of residential dwelling, Ozone Terrace, Kalamunda, WA

TransGrid—High voltage electricity transmission line, Wollar to Wellington, NSW

VicUrban—Riverwalk project residential development, Werribee, Vic

Table 9: Processing of nominations and changes to the lists of threatened species, ecological communities and key threatening processes

	Species		Ecological communities		Key threatening processes	
	Yes	No	Yes	No	Yes	No
New public nominations received under the EPBC Act	22		4		4	
Nominations on which the Threatened Species Scientific Committee has provided advice to the minister	20		2		0	
Threatened Species Scientific Committee advice to the minister carried over from 2005-06	1		2		0	
Ministerial decisions made on Threatened Species Scientific Committee advice	90 ¹		2		0	
Number uplisted, downlisted, new, delisted, rejected	42, 6, 10, 29, 3		0, 0, 2, 0, 0		0	
Number of amendments to the list	87 ²		2		0	
Total number of listings as at 30 June 2007	1697		38		17	
Number of public nominations where an extension to the 12-month timeframe was required	16		28		4	
Number of ministerial decisions made on Threatened Species Scientific Committee Advice where the minister's 90-day deadline was met	Yes	No	Yes	No	Yes	No
	14	7	0	2	0	0

- 1 This number includes public nominations and species brought to the minister's attention via the Australian Government's Species Information Partnerships with WA, NT and SA, plus other consultancies.
- 2 This number represents all ministerial decisions made on the Threatened Species Scientific Committee's advice minus three species that were found not to be eligible for listing.



Table 10: Species and ecological communities covered by recovery plans (at 30 June 2007)

	Species				Ecological communities			Total
	Vulnerable	Endangered	Critically endangered	Extinct in the wild	Vulnerable	Endangered	Critically endangered	
Total number of listed entities ¹	861	639	90	1	1	28	7	1,627
Number covered by plans in preparation	174	196	30	0	1	9	4	414
Number covered by plans in place ²	137	215	42	1	0	15	0	410
Percentage covered by plans in place or in preparation	36%	64%	80%	100%	100%	86%	57%	51%

1 This figure does not include listings in the categories of 'extinct' or 'conservation dependent'.

2 This figure includes revised recovery plans currently in preparation.

Table 11: Number of recovery plans in preparation and in place (at 30 June 2007)

	Single species	Multi-species	Ecological communities	Multi-regional	Total
Number of plans in place	266	27	15	0	308
Number of plans in preparation	234	38	11 ¹	6	289
Number of plans made or adopted in 2006–07	60	6	0	0	66

1 This figure includes the revision of eight adopted recovery plans.



Table 12: Cetacean permits—applications received, decisions made on assessment approach and permits granted 2006–07

Sub-section of EPBC Act	Applications received	Decision made on assessment approach	Permits granted	Conditions varied or revoked	Suspended or cancelled
238 (3) (a)	3	1	1	0	0
238 (3) (b)	3	1	0	0	0
238 (3) (c)	0	0	0	0	0
238 (3) (d)	0	0	0	0	0
238 (3) (e)	0	0	0	0	0
Total	6	2	1	0	0

Table 13: Assessments of Commonwealth and state managed fisheries completed 2006–07

State/Commonwealth	Fishery	Decision date
Commonwealth	Southern and Eastern Scalefish and Shark Fishery	21 December 2006
Commonwealth	Heard Island and McDonald Islands Fishery	9 May 2007
New South Wales	Lobster Fishery	28 March 2007
Queensland	Developmental Jellyfish Fishery	14 June 2006 (Gazetted 6 September 2006)
Queensland	Spanner Crab Fishery	29 January 2007
South Australia	Giant Crab Fishery	12 March 2007
Tasmania	Giant Crab Fishery	14 July 2006
Tasmania	Octopus Fishery	7 August 2006
Tasmania	Rock Lobster Fishery	29 January 2007
Tasmania	Abalone Fishery	31 January 2007
Tasmania	Native Oyster Fishery	7 May 2007
Victoria	Syngnathid Fishery (PQ Aquatics)	14 December 2006
Victoria	Giant Crab Fishery	12 March 2007
Victoria	Jellyfish Fishery	10 April 2007
Western Australia	West Coast Deep Sea Crab Interim Managed Fishery	12 March 2007

Appendix 2—EPBC Act related publications in 2006–07

EPBC Act Policy Statement 3.7

Peppermint Box (Eucalyptus odorata) Grassy Woodland of South Australia and Irongrass Natural Temperate Grassland of South Australia

Booklets

Get the Facts on Hoodia

Keeping it Legal – Exotic Birdkeeping in Australia

National Tree Fern Harvesting Guidelines

National Grasstree Harvesting Guidelines

Newsletter

Communities for Communities issues 4–6. Online

Management plan

Kakadu National Park Management Plan 2007–2014

Report

Australian Heritage Council Periodic Report: March 2004–February 2007

Fact sheets

Australian Government and Western Australian Government Species Information Partnership

Australian Government–Northern Territory Government Species Information Partnership

Australian Government–South Australian Government Species Information Partnership

Caviar

Crocodiles

Elephants

Household Pets

Hunting Trophies

Kangaroos

Listing Threatened Species, Ecological Communities and Key Threatening Processes

Butterflies

Permits

What is CITES?

All Heritage Division fact sheets were updated due to changes to the EPBC Act.





Appendix 3—Functions and membership of advisory committees established under the EPBC Act

Threatened Species Scientific Committee

Under section 503 of the EPBC Act, the functions of the Threatened Species Scientific Committee are:

- to advise the minister in accordance with Division 5 of Part 13 in relation to recovery plans, threat abatement plans and approved conservation advice
- to advise the minister (on the minister's request or on the committee's initiative) on the amendment and updating of the lists established under Part 13
- to advise the minister, at the minister's request, on matters relating to the administration of this Act
- to give the minister such other advice as is provided for in this Act
- to perform such other functions as are conferred on the committee by this Act.

Table 14: Membership of the Threatened Species Scientific Committee as at 30 June 2007

Associate Professor Robert Beeton (Chair)	Dr Bill Humphreys
Associate Professor Peter Harrison	Dr Tony Lewis
Mr Guy Fitzhardinge	Dr Andrea Taylor
Professor Gordon Grigg	Dr Rosemary Purdie
Professor Graham Harris	Dr John Woinarski



Biological Diversity Advisory Committee

Under section 505 of the EPBC Act, the functions of the Biological Diversity Advisory Committee are:

- to advise the minister, at his/her request, on matters relating to the conservation and ecologically sustainable use of biological diversity
- to perform such other functions as are conferred on the committee by the EPBC Act or the Regulations.

Committee members can be appointed for up to five years.

Table 15: Membership of the Biological Diversity Advisory Committee during 2006–07

Name	Section of EPBC Act/group represented
Professor Ralf Buckley (Acting chair)	Tourism sector
Mr Kim Evans	504 (a) The body known as the Australian and New Zealand Environment and Conservation Council (now Natural Resource Management Ministerial Council)
Mr Alistair Graham	504 (4b) Conservation organisations that are not authorities of the Commonwealth or of any state or territory
Mr Tim Low	504 (4c) Scientific community 'terrestrial'
Dr Patricia Mather AO	504 (4c) Scientific community 'marine'
Mr Bill Sloane	504 (4d) Rural community
Dr Cecil Camilleri	504 (4e) Business community
Associate Professor Stephan Schnierer	504 (4ea) Indigenous community
Dr Charlie Zammit	504 (4f) Commonwealth
Dr Andrew Ash	504 (4b) Scientific community
Councillor Bill Mitchell	Local government

All positions on the committee lapsed at the end of their term in February 2007. The minister is currently considering candidates for appointment to the committee.



Indigenous Advisory Committee

Under section 505B of the EPBC Act, the Indigenous Advisory Committee provides advice to the minister on the operation of the EPBC Act, taking into account the significance of Indigenous people's knowledge of land management and the conservation and sustainable use of biodiversity. The committee:

- works with peak Indigenous bodies, experts, communities, and other stakeholders to ensure the views of Indigenous peoples are incorporated in the implementation and development of the Act
- works with key sections of the department to seek and provide advice and make recommendations to the minister and the department on Indigenous issues that are relevant under the Act
- monitors the implementation of bilateral agreements within the states and territories and advises the minister of their impact on Indigenous interests
- provides the minister with an annual report on Indigenous issues under the Act
- responds to any issues of urgency that arise during the implementation of the Act that require a response from the committee.

Table 16: Membership of the Indigenous Advisory Committee as at 30 June 2007

Name	State or territory
Ms Melissa George (Chair)	Queensland
Mr Dave Johnston (Deputy chair)	Australian Capital Territory
Mr Rocky Sainty	Tasmania
Mr Vic McGrath	Torres Strait Islands
Mr Damein Bell	Victoria
Ms Francine McCarthy	Northern Territory
Mr Joe Morrison	Northern Territory
Mr Glen Kelly	Western Australia
Mr Robert Carroll	New South Wales
Dr Ngiare Brown	Northern Territory
Mr Daniel Oades	Western Australia
Vacant	New South Wales



Australian Heritage Council

Under the *Australian Heritage Council Act 2003*, the functions of the Australian Heritage Council are to:

- make assessments of places under the national heritage criteria or the Commonwealth heritage criteria
- advise the minister on conserving and protecting places included in, or being considered for inclusion in the National Heritage List or Commonwealth Heritage List
- nominate places for inclusion in the heritage lists
- advise the minister on any heritage related matters, including promotion, research, training, national policies, the condition of places in heritage lists and historic shipwrecks
- promote the identification, assessment, conservation and monitoring of heritage
- keep the Register of the National Estate
- organise and engage in research
- provide advice generally
- prepare reports on any matters related to the functions of the council and provide them to the minister.

Amendments to the EPBC Act and the Australian Heritage Council Act 2003 which came into effect on 19 February 2007 made changes to the nomination and assessment process for the National Heritage List including the council's role in that process. The amendments also froze the Register of the National Estate.

Table 17: Membership of the Australian Heritage Council as at 30 June 2007

Mr Tom Harley (Chair)	Mr Rodney Dillon
Dr Jane Lennon AM	Dr Libby Matiske
Dr Denis Saunders AM	Mr Howard Tanner
Dr Gaye Sculthorpe	Mr Richard Lewis (associate council member)



Appendix 4—Compliance with timeframes (section 518 report)

The EPBC Act and Regulations specify timeframes within which decisions must be made and other actions completed. If the timeframes are not met, then in accordance with section 518 of the EPBC Act a statement must be provided setting out the reasons for the delay. Things that were not done within the statutory timeframes in 2006–07 are listed in Tables 16 and 17 below.

Table 18: Referrals, assessments and approvals in 2006–07

Section	Total	Late	Reasons for delay
75(1) Decision on referral	241	40	Delay in obtaining sufficient information to make decision
75(1) Decision on referral ¹	95	33	Delay in obtaining sufficient information to make decision
77(1)(b) Publishing notice of decision on referral	336	12	Delay in automated notification due to technical difficulties
77(4) Providing reasons for decision	8	3	Availability of decision-maker; need to obtain legal advice/review
88(1) Decision on assessment approach	23	5	Delay in obtaining sufficient information to make decision
88(1) Decision on assessment approach ¹	30	6	Delay in obtaining sufficient information to make decision
91(1) Publishing notice of decision on assessment approach	53	13	Delay in notification that the level of assessment had been made; proponents notified in writing by decision date but delay in automated notification due to technical difficulties
95(1) Preparation of assessment report for preliminary documentation	19	12	Need to adequately consider and test complex technical issues raised in both the information provided by proponent and in the assessment process
100(1) Preparation of assessment report for public environment report	2	2	Need to adequately consider complex technical issues
105(1) Preparation of assessment report for environmental impact statement	2	1	Joint assessment with state; need to ensure both jurisdictions satisfied with guidelines before finalising
130(1) Approval decision	43	15	Need for ongoing consultation with proponents/states over content of final approval conditions. Additional independent work commissioned to inform decision
130(1B)(a) Approval decision ¹	1	1	Need for ongoing consultation with proponents over content of final approval conditions

¹ Post 19 February 2007 timeframes.



Table 19: Other provisions

Section	Total	Late	Reasons for delay
Part 13 Species and communities			
189(4) Provide advice on nomination of species	13	1	Administrative error
189(5) Decision on listing	16	9	These nominations were given to the minister before commencement of amendments to the EPBC Act on 19 February. Their management through the relevant transitional arrangements technically made the minister's decision late for the purposes of the 19 February timeframe and this report. Through the transitional arrangements, however, the minister's decision will be made sooner than if the nominations were subject to each of the statutory requirements under the new Act
Part 13A International movement of wildlife specimens			
303EG Decision on proposed amendment to the list of specimens suitable for live import	7	4	Administrative delays
Part 15 Protected areas – managing national heritage places			
324E(3) Requesting the chair of the Australian Heritage Council to assess a nomination for the National Heritage List	54	2	Administrative delays
324J(2) Decision on national heritage listing after receipt of assessment report	19	11	Various reasons, principally timing of announcements to better provide for publicity for heritage listing, but also pressure of ministerial business and legal issues
324J(4) Providing to relevant persons and publishing on the internet advice that nomination rejected (including reasons)	7	1	Administrative delays
Part 15 Protected areas – managing Commonwealth heritage places			
341J(2) Decision on Commonwealth heritage listing after receipt of assessment report	7	6	Principally pressure of ministerial business

