

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

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## About this report

This annual report is prepared in accordance with sections 516 and 518 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It covers the operation of the Act from 1 July 2007 to 30 June 2008.

The EPBC Act contains specific requirements to report annually on the operation of the Act in regulating significant impacts on matters of national environmental significance. This report fulfils those requirements and includes case studies to highlight the stories behind the statistics.

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

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

The Act requires the annual report to include extensive statistics on the operation of the Act, including compliance with statutory timeframes. These statistical tables are at Appendix A and Appendix D and are referred to throughout the report.

## Overview

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of environmental legislation. The EPBC Act provides a legal framework to regulate significant impacts on matters of national environmental significance.

The seven matters of national environmental significance are:

- World Heritage sites
- National Heritage places
- wetlands of international importance (often called Ramsar wetlands, after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- nuclear actions.

The EPBC Act also provides protection for the environment in relation to proposals involving Commonwealth land. It regulates activities of Australian Government agencies that might significantly affect the environment.

The report this year demonstrates how the Act's operation has been strengthened and streamlined since the Australian National Audit Office's report (Audit Report No. 31 2006-07 Performance Audit of the Conservation and Protection of National Threatened Species and Ecological Communities) and the amendments to the Act, which came into effect in February 2007.

The audit's purpose was to assess and report on the department's administration of the Act in protecting and conserving threatened species and ecological communities in Australia. The audit report identified three issues constraining progress and limiting the achievement of the objectives of the Act. They are: the scale of the task required by the legislation; the technical expertise needed to assess, protect and conserve over 1,000 individual species and hundreds of ecological communities; and the limited resources available to the department to conduct this work.

The report made several recommendations, in particular concerning progress in commercial fish nominations; the comprehensiveness of lists of species and ecological communities; recovery planning; completion rates; review rates; reporting and compliance, especially the promotion and auditing processes.

The department welcomed this independent audit of the Act's operation over its first six years. It is committed to implementing all recommendations in the report. The implementation of some recommendations requires the department to work closely with state, territory and local governments. This year the department has taken steps to strengthen working relationships with agencies at all levels of government.

The Australian Government responded to the audit's recommendations, with a substantial injection of funds in the 2007-08 Budget. The department has used these funds to apply new strategies and processes to address the audit recommendations.

Following legislative amendments, the department has established an annual assessment cycle for species listing nominations. Four marine fish species have been included in the first Finalised Priority Assessment List. A new Species Information Section was created to improve the quality of information available on threatened species, and an audit of state and territory ecological community lists has begun. The department has established timetables for completing and reviewing recovery plans; created a new Compliance and Enforcement Branch to promote awareness of, and compliance with, the EPBC Act; and doubled the resources applied to strategic approvals to improve the quality of partnerships with state/territory and local governments. An audit program has also been established to audit compliance with conditions applied to approvals under the EPBC Act. Audit outcomes are used to improve decision-making across the department, for example by changing assessment guidelines.

This year marked a new stage in the operation of the EPBC Act. A substantial package of amendments passed in 2006 came into force in February 2007. This was the first full year of operation of those amendments, which seek to:

- 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.

Highlights of the reporting year included:

- In September 2007 the minister released the first Finalised Priority Assessment List for nominations to list species, ecological communities and key threatening processes under the amended Act. The list included 20 species, 11 ecological communities and four threatening processes. Assessments are to be completed within one to three years.
- In August 2007 the minister released the first Finalised Priority Assessment Lists for nominations to add places to the National and Commonwealth Heritage lists under the amended Act. In May 2008 the minister released the second Finalised Priority Assessment Lists of nominations.
- During the year the minister added 20 places to the National Heritage List. These include places as diverse as the Myall Creek Massacre Site, Bondi Beach, and the Dampier Archipelago (including Burrup Peninsula) in Western Australia.
- In 2007–08 the department managed 418 referrals, 238 assessments and 53 approvals.
- An agreement was signed under the EPBC Act between the Australian and Western Australian governments, for the strategic assessment of natural, Indigenous and historic heritage values of the west Kimberley, a specific assessment of a plan for a common user liquefied natural gas hub to service the Browse Basin.
- A new process developed with selected local councils in Western Australia will provide a better understanding of the local issues associated with projects. The councils involved are in areas that are under high development pressures. The new process will ensure that any approval conditions will achieve the desired outcomes without contravening council rules,

imposing financial constraints on councils or missing key issues. The department will discuss each project in selected council areas with the local council, and the councils will inform the department of any new developments they believe should be considered under the EPBC Act.

- The department worked with state and local authorities to minimise effects on listed threatened species during construction and maintenance of proposed fire breaks around Melbourne's water catchments. Effects will be minimised by implementing construction and environmental management plans.
- The department released revised national seismic guidelines on the interaction between offshore seismic activity and whales, following concerns from both industry and conservation groups about the efficacy of the previous 2001 seismic guidelines. The revised guidelines take into account extensive consultation with scientific experts, industry, conservation groups and other Australian Government departments.
- On 4 October 2007 the minister approved the proposed Gunns Pulp Mill, to be established in northern Tasmania, imposing 48 stringent environmental conditions. The department has established a task force to oversee the post-approval management of the project.
- The department allocated significant new resources to compliance in response to the recommendations of the Australian National Audit Office report on the administration of the EPBC Act. The department worked closely with state and territory environmental regulatory agencies, and dealt with almost twice the number of incident reports handled in the previous year.
- The department significantly expanded its post-approvals monitoring, including site inspections for selected higher risk projects. A targeted audit program is evaluating the effectiveness of approval conditions and 'particular manner' decisions since the commencement of the EPBC Act in 2000. The aim is to improve the department's processes and systems. Summaries of the audit findings are published on the department's website.
- The fourteenth conference of the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (The Hague, June 2007) agreed on several amendments to Appendices I and II, which list species that are either endangered, or may become endangered by international trade. These amendments came into effect in September 2007.
- 2,383 wildlife trade permits were issued, and 7,016 seizures were made under Part 13A of the EPBC Act.
- The minister approved wildlife trade management plans for the commercial harvest of kangaroos in Queensland, South Australia and Western Australia. The decision to approve the New South Wales kangaroo management plan was appealed to the Administrative Appeals Tribunal. The hearing took place 31 March–4 April 2008 and a decision was pending as at 30 June.
- A working group reviewed the Code of Practice for the Humane Shooting of Kangaroos and developed a revised draft code.
- On 9 September 2007 Australia listed its sixty-fifth Wetland of International Importance ("Ramsar site"), the Paroo River Wetlands in north-western New South Wales.
- The Natural Resource Management Ministerial Council endorsed national guidelines on developing ecological character descriptions and national guidelines for preparing Ramsar site maps, to provide a more coherent framework for Ramsar implementation in Australia.

- The department commissioned a 'Ramsar Snapshot' to provide an initial assessment of the current status of Australia's Ramsar sites and the major threats and management issues facing the sites.
- The Mawson's Huts Historic Site Management Plan 2007–2012 was approved by the minister on 8 January 2008. This place was included on the National Heritage List in 2005 for its outstanding historic significance, and on the Commonwealth Heritage List for its historic values in 2004. It had been on the Register of the National Estate since 1980.
- Thirteen new Commonwealth reserves in the South-east Commonwealth Marine Reserve Network came into effect on 3 September 2007, having been proclaimed late the previous financial year.

# 1 Protecting environment and heritage

## 1.1 Protecting matters of national environmental significance

### *Highlights*

- A total of 435 matters of national environmental significance were protected under the *EPBC Act*.
- More strategic approaches were adopted, providing better results all round for the environment, project proponents and communities.
- The Environmental Stewardship Program got under way. The program will engage land managers in protecting matters of national environmental significance on private land.

'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. The Act also allows the minister to require certain actions to be undertaken in a 'particular manner', to avoid significant impacts on matters of national environmental significance. The matters of national environmental significance are: nationally listed threatened species and ecological communities; listed migratory species; Ramsar wetlands of international importance; the Commonwealth marine environment; World Heritage properties; National Heritage places; and nuclear actions.

In 2007–08 435 matters of national environmental significance were protected. Where proposals involved Commonwealth land or agencies, the environment more broadly was protected. Across Australia, the number of times an action would potentially have had effects on a matter of national environmental significance is set out in Table 5. 418 projects were received for assessment under the legislation and almost 1000 incidents were reported to the department and assessed for compliance with the EPBC Act (see details provided in section 4).

Impacts on threatened species and ecological communities were the most common trigger in every state and territory and for every activity category. The most common activity categories for referrals were residential development, marine exploration (mineral, oil and gas) and mining (see Table 4).

For example, in Western Australia the western ringtail possum, Carnaby's and Baudin's black cockatoos were threatened most often by urban development, and in Victoria the growling grass frog was the species most frequently threatened by urban development. On Commonwealth land and marine areas, threatened species and ecological communities were also the most common trigger, but no particular activity was responsible: there was an even spread between residential development, sale of Defence land, aquaculture, seismic surveys, and work on heritage buildings.

## Strategic approaches

The department worked with state, territory and local governments to promote and encourage the use of the strategic provisions of the Act to achieve better environmental outcomes. The provisions encourage early consideration of matters of national environmental significance in planning processes; provide certainty to communities and developers over future development; eliminate unproductive red tape and reduce the administrative burden for proponents and government; and achieve better environmental outcomes than assessment of projects on a case-by-case basis.

Strategic approaches, policy statements and guidelines enable the department to see and address the cumulative effects of individual proposals on the landscape. In February 2008, the minister signed an agreement with the Western Australian Government to undertake a joint strategic assessment of the site selection and management of a common-user liquefied natural gas hub to service the Browse Basin gas reserves.

An EPBC Act policy statement for Magnetic Island is in preparation to provide guidance on matters of national environmental significance listed under the Act, including values of the Great Barrier Reef World Heritage Area. The department will negotiate with the local council to align planning processes and requirements with EPBC Act requirements where possible. Similar policy statements are also in preparation for the protected western ringtail possum and Carnaby's and Baudin's black-cockatoos in the Southern Swan Coastal Plain region of Western Australia.

The department funded information gathering to strengthen its decision-making ability on matters of national environmental significance in key regional areas. Studies have provided important information:

- on the range of the western ringtail possum in the Southern Swan Coastal Plain, Western Australia
- on the presence of the quokka in the Muddy Lakes region of Western Australia
- to refine existing matters of national environmental significance mapping for far north Queensland, including for the Mission Beach area. This was undertaken as part of the department's contribution to development of the state government's Far North Queensland 2025 Statutory Regional Plan.

The department funded development of a rapid landscape assessment methodology for mapping and defining biodiversity values, including EPBC Act listed grassy woodlands. The methodology allows identification of biodiversity values at a local level in a relatively simple and cost effective manner.

## Environmental Stewardship Program

The Australian Government's Environmental Stewardship Program will purchase environmental services from land managers to improve the extent and quality of targeted matters of national environmental significance on private land. The program's first priority will be the critically endangered Box Gum Grassy Woodland ecological community. The program will begin delivery in 2008–09, with additional matters of national environmental significance to be targeted as the program matures and assessment and payment methods are refined.

## 1.2 Proposals involving Commonwealth land and/or actions

### Highlights

- The department worked with other Australian Government agencies to ensure that actions by the Commonwealth, or on Commonwealth land, did not adversely affect matters of national environmental significance.
- Species and ecological communities protected included the grasslands earless dragon, golden sun moth and an area of natural temperate grasslands.

### Actions by the Australian Government and actions on Commonwealth land

In 2007–08, four actions were determined to require approval under the EPBC Act because of likely significant impacts on the environment on Commonwealth land, and a further six actions by Australian Government agencies were determined to be controlled actions.

One action involved the transfer of Defence land at Majura in the Australian Capital Territory. The proposal to construct a road after the transfer had the potential to affect the grasslands earless dragon and the golden sun moth and an area of natural temperate grasslands. Mitigation measures included the requirement for a conservation agreement between the minister and any future lessee of the land. Conservation agreement conditions cover future development on the land and include retention of habitat on the site.

### Advice on authorising actions

Advice under section 160 of the EPBC Act was requested nine times by the Department of Infrastructure, Transport, Regional Development and Local Government for proposals on Commonwealth airports. Of these nine requests, five did not require advice because their effect on the environment would be low, and three are still being assessed to determine if advice will be required.

One proposal—to develop a fourth runway, a commercial development and to expand existing aviation facilities at the Jandakot Airport in Western Australia—required advice and was assessed on preliminary documentation. For this proposal the referring department was advised to refuse the proposal to avoid unacceptable impacts on the grand spider-orchid (*Caladenia huegelii*), glossy-leaved hammer-orchid (*Drakaea elastica*), Carnaby's black-cockatoo (*Catyptorhynchus latirostris*) and species of state conservation significance including the western brush wallaby (*Macropus irma*).

## 1.3 Intergovernmental cooperation

### *Highlights*

- The department now has assessment bilateral agreements in place with six of the states and territories, following the commencement of the South Australian bilateral agreement in July 2008. The Western Australian bilateral agreement has been operating successfully and the original five-year term of the agreement has been extended to 30 years.
- The department has actively sought to work with state and territory governments to identify opportunities for collaboration where it would result in early consideration of matters of national environmental significance under a jurisdiction's planning regimes, a reduction in duplication of environmental assessment and approval processes, and greater certainty for developers.
- The department worked to align state/territory and Australian Government species and ecological community lists.
- The department worked with the Department of Agriculture, Fisheries and Forestry on identifying noxious ornamental fish species and developing Australia's biosecurity system. Both issues potentially threaten both the environment and primary industry.
- The department doubled resources applied to strategic approvals to improve the quality of partnerships with state/territory and local governments.

### **Bilateral agreements**

The EPBC Act provides for the Australian Government to enter into bilateral agreements with states and territories. There are two forms of bilateral agreement: assessment agreements and approval agreements.

*Assessment bilateral agreements* are in place with Tasmania, the Northern Territory, Western Australia, Queensland, New South Wales and South Australia. The agreements recognise the environmental assessment processes of a state or territory for certain actions. This means that certain actions that would require assessment under both the EPBC Act and state or territory legislation can be assessed using a single assessment and public consultation process. Proponents prepare and submit one set of assessment documentation, with the transparency of the process maintained through comprehensive public consultation requirements. The Australian Government minister is still required to decide whether to approve and impose conditions for projects that will, or are likely to, have a significant impact on matters of national environmental significance. This year 75 projects (including five completed and four withdrawn) were assessed under bilateral agreements, an increase of 24 from the previous year.

The agreement with Western Australia was reviewed before its expiry on 14 August 2007 after five years of operation. The agreement was found to be meeting its objectives including minimising duplication of Australian Government and Western Australian assessment processes. As a result of the review, the agreement was extended from five to 30 years. Other minor amendments were made and the agreement has continued to operate effectively.

The department made substantial progress with development of assessment bilateral agreements with the other states and territories. The South Australian bilateral agreement was negotiated during the reporting year and subsequently commenced on 2 July 2008. It is expected that a bilateral agreement with the Australian Capital Territory will be soon

finalised, following the completion of the public notification period on 26 June 2008. Substantial progress was also made in discussions with Victoria on a draft agreement. Prior to finalisation of agreements with South Australia, the Australian Capital Territory and Victoria, duplication was significantly reduced through using case-by-case accreditation of assessment approaches. This year 34 projects (including five completed and three withdrawn) were assessed in this way, an increase of six from the previous year.

An *approval bilateral agreement* allows the minister to recognise the approvals processes of a state or territory for a certain class of actions that would otherwise potentially trigger the referral, assessment and approval requirements of the EPBC Act. Where an approval bilateral agreement is in place, an action of a kind covered by the bilateral agreement would be subject to assessment and approval under the applicable state or territory legislation—the action would not need to be referred to, assessed or approved by, the minister under the EPBC Act.

There is currently an approval bilateral agreement in place with New South Wales for the National Heritage and World Heritage-listed Sydney Opera House. Under the agreement, the minister accredited the New South Wales management plan for the Sydney Opera House. Actions approved and taken in accordance with the management plan do not require separate approval under the EPBC Act.

The department is working with the Western Australian Government to develop an approval bilateral agreement for the National Heritage listed Dampier Archipelago (including the Burrup Peninsula).

### **Working strategically with states and territories**

The department engaged with all state and territory governments to promote the benefits of using strategic approaches for addressing cumulative effects early in planning processes. The resources applied to strategic approvals were doubled to improve the quality of partnerships with state/territory and local governments.

In 2007–08 the department provided, for the second year, an expert geographic information systems officer to the New South Wales Department of Environment and Climate Change, to identify EPBC Act matters of national environmental significance during biodiversity mapping in that state. The resultant biodiversity maps include EPBC Act protected matters and are being used by 13 local governments in reviewing and developing new local planning and development schemes.

The department held ongoing discussions with the Western Australian, Victorian and New South Wales governments on opportunities to encourage greater consideration of matters protected under the EPBC Act in state planning processes. Discussions and early scoping work have focused on supporting the protection of matters of national environmental significance, within a framework that reduces duplication between Australian Government and state processes, provides certainty for developers and makes allowance for metropolitan growth.

This is consistent with the department's work on the Council of Australian Government's reform agenda, aimed at achieving a more harmonised and efficient system of environmental assessment and approval that meets all Australian Government and state and territory requirements.

## Species Information Partnerships

Species Information Partnerships aim to achieve consistency between threatened species lists held by the Australian Government and those held by the states and territories, and to increase exchanges of information in the listing and recovery of threatened species. The Australian Government has contracts in place with South Australia, Western Australia, the Northern Territory, Tasmania and Victoria to prepare data sheets for threatened species listed under state and territory legislation. The partnerships help to focus limited conservation resources to achieve the best possible conservation outcomes for threatened species.

The data sheets are being used as the basis for assessment of species by the Threatened Species Scientific Committee, for listing under the EPBC Act.

In 2007–08, information provided by the states and territories under the partnerships supported listing decisions under the EPBC Act for one Western Australian species and four Tasmanian species. State and territory information was used by the Threatened Species Scientific Committee to assess a further 11 species for which recommendations are expected to be made to the minister in 2008–09.

## Aligning ecological community lists

In 2007–08 the department made progress on aligning national ecological community listings under the EPBC Act with state and territory listings. It is important to note that many of the ecological communities already listed under the EPBC Act, and those on the 2007 Finalised Priority Assessment List that are being considered for national listing, cross state boundaries and/or equate to many more smaller communities or regional ecosystems that receive varying levels of protection by the states and territories. From 2007–08 onwards additional effort is also being made in EPBC Act listing advices to make clear cross-references to state and territory vegetation classification systems and listings that coincide with nationally listed ecological communities. The department is working with state agencies to develop a process for better aligning lists in the future. This includes prioritisation for future national listing of ecological communities already listed by states and territories that are under the greatest threat and would benefit most from additional protection under the EPBC Act.

## Ornamental Fish Management Implementation Group

The department contributed to the Strategic Approach to the Management of Ornamental Fish in Australia (Department of Agriculture, Fisheries and Forestry, 2007) by participating in the Ornamental Fish Management Implementation Group and also by contributing funds to help implement the Strategic Approach to the Management of Ornamental Fish in Australia in 2007–08. The strategy is endorsed by the Natural Resource Management Ministerial Council. It brings together the states and territories, the Australian Government, and representatives of the ornamental fish industry, to identify noxious ornamental fish species and to increase awareness of the potential risks posed to the Australian environment by such species should they escape and establish.

In 2007–08 the Ornamental Fish Management Implementation Group focused on harmonising legislation by having each state and territory commit to reflecting the agreed list of noxious species in their respective legislation. The group began the major task of reviewing identified ornamental fish species in Australia (the 'grey list') to determine their status as potentially noxious or invasive species in the Australian environment. The review

of the 'grey list' is expected to be completed by December 2008 and recommendations considered for adoption early in 2009. The outcomes will help inform the ornamental fish industry on freshwater species that could be considered for live import into Australia through industry or individual applications to amend the EPBC Act live import list.

### **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 has continued to work with state authorities to review existing World Heritage management plans for the Tasmanian Wilderness and the Wet Tropics of Queensland, and to develop World Heritage strategic plans for the Greater Blue Mountains and Shark Bay.

The interim review of the 1999 management plan for the Tasmanian Wilderness has progressed through a public comment phase. It will be finalised for ministerial endorsement shortly.

Revisions to the zoning regime are currently being considered as part of the review of the Wet Tropics of Queensland management plan.

The new strategic plan for the Greater Blue Mountains World Heritage Area has been approved by the Greater Blue Mountains World Heritage Area Management Committee, and is expected to be approved for publication by the relevant Australian and New South Wales government ministers in late 2008.

The final Strategic Plan for the Shark Bay World Heritage Property (2008–2020) has been released.

The department is also cooperating with state authorities and owners on management plans for the following World Heritage List and/or National Heritage List places: the Royal Exhibition Building and Carlton Gardens, the former ICI Building and the former High Court of Australia, all in Victoria; the Richmond Bridge in Tasmania; the Batavia Shipwreck Site and Survivor Camps Area 1629–Houtman Abrolhos, and the Dirk Hartog Landing Site 1616–Cape Inscription both in Western Australia; and Brewarrina Aboriginal Fish Traps (Baiames Ngunnhu) in New South Wales.

### **Australian Environmental Law Enforcement and Regulators Network**

The department participated in and provided funding for the secretariat for the Australian Environmental Law Enforcement and Regulators Network. This network promotes cross-jurisdictional dialogue and cooperation for environmental law enforcement. The network supports agencies working together through sub-committees, such as training, best practice, and compliance and audit. It also engages local government agencies through state-based forums and the department participates in these forums by invitation (see Section 4 for more details).

### **Wetlands and Waterbirds Taskforce**

The Wetlands and Waterbirds Taskforce, consisting of wetland experts from the relevant Australian and New Zealand state and territory government agencies, continued to advise the Natural Resource Management Standing Committee on the implementation of the Ramsar Convention and migratory bird agreements.

## **Migratory birds**

The bilateral agreement between the Republic of Korea and Australia to protect migratory birds (ROKAMBA) came into effect in July 2007 and China endorsed the multilateral Partnership for the Conservation of Migratory Waterbirds and the Sustainable Use of their Habitat in the East Asian-Australasian Flyway.

## **Dugongs**

The first meeting to sign the Memorandum of Understanding (MoU) on the Conservation and Management of Dugongs and their Habitats throughout their Range, made under the Convention on Migratory Species, was held in the United Arab Emirates from 28 to 31 October 2007. Australia attended the East Indian Ocean and Pacific region technical workshop and signed the MoU on 31 October 2007. Other countries that signed included United Arab Emirates, Iran, Tanzania, France, Eritrea, Madagascar and Myanmar.

## **AusBIOSEC**

The department continued to work with the Department of Agriculture, Fisheries and Forestry to enhance Australia's biosecurity system for primary production and the environment. Both departments supported this work through the AusBIOSEC steering group, which completed its terms of reference. Natural Resource Management and Primary Industry ministerial councils endorsed a draft intergovernmental agreement encompassing the AusBIOSEC developments.

## 1.4 Referral, assessment and approval process

### *Highlights*

- 435 matters protected under the Act were protected through the referral, assessment and approval process. This is an increase of 159 matters from 2006–07.
- The department managed 418 referrals (347 in 2006–07) and made 53 approval decisions (45 in 2006–07).
- The department improved its timeliness in processing referrals, assessments and approvals. 96 per cent of all decisions made under the Act were made within statutory timeframes.
- 32 fisheries were comprehensively assessed for the second time. All assessments were completed within statutory timeframes.

### **Referrals**

In 2007–08, 418 actions were referred to the Australian Government for a decision on whether approval was required under the EPBC Act (347 in 2006–07). Of these referrals, 34 were the result of compliance action taken by the department (8 per cent compared to 15 per cent in 2006–07). A total of 108 actions were determined to be controlled actions and a further 89 were determined not to be controlled actions if taken in a particular manner. 175 referrals were found not to be controlled actions and required no further assessment (see Tables 1 and 2). 26 referrals (a total of 142 since commencement of the Act in July 2000) were withdrawn or lapsed after a controlled action decision.

### *Profile of referrals*

As in previous years the largest number of referrals came from Queensland, which continues to have the highest number of controlled action decisions (see Table 3). Across Australia, referrals were most common in the residential development, exploration (in marine areas, for minerals, oil and gas), land transport and mining activity categories, with a marked increase in the number of referrals in the exploration category. The categories with the highest number of controlled action decisions were residential development, mining and non-renewable energy generation and supply (see Table 4).

### Example: Rocky Springs Masterplanned Community, Townsville, Queensland

Delfin Lend Lease is proposing to develop the Rocky Springs Masterplanned Community, located 15 kilometres south-east of Townsville in North Queensland. On 29 August 2007 the proposed action was determined to be a controlled action, requiring approval under the EPBC Act.

The proposal is to develop a large-scale residential and commercial planned community with a population of at least 37,000 people and up to 13,000 residential lots. The development covers 1,594 hectares and would be staged over 30 years.

The nominated controlling provisions (that is, matters of national environmental significance that may be affected by the proposed action) are:

- World Heritage properties
- National Heritage places
- wetlands of international importance
- listed threatened species and ecological communities
- listed migratory species.

The proposed action has the potential to affect the values of the nearby Great Barrier Reef World Heritage Area, migratory species such as the dugong and marine turtles, the Bowling Green Bay Ramsar site, and the listed endangered black-throated finch (southern).

The proposed action has been identified as a project of state significance under the *Queensland Integrated Planning Act 1997* (IPA Act). It is being assessed through an environmental impact statement under the Commonwealth and Queensland bilateral agreement. The proposal is the first under the state IPA Act to be assessed under the bilateral agreement.

Delfin Lend Lease has prepared a draft environmental impact statement, which was released for a six week public review period on 4 August 2008. A decision on whether to approve the development is expected by mid-2009.

### Example: Cape Lambert Port B Development, Pilbara region, Western Australia

The proposal, by Pilbara Iron Pty Ltd, is to develop a brownfield port at Cape Lambert to accommodate an expected increase in iron ore production in the Pilbara region of Western Australia. The proposed development is adjacent to the existing Cape Lambert Port.

New ship loading facilities are proposed. Construction of these facilities will require dredging to establish berth pockets, swing basins, a heavy offloading facility and tug harbour, and a connection to the existing shipping channel. The dredged material will be transported to existing or new spoil grounds. Laydown and storage areas, offices, a heavy offload facility and minor roads will be required to support the construction activities.

The nominated controlling provisions (that is, matters of national environmental significance that may be affected by the proposed action) are :

- Listed threatened species and communities
- Listed migratory species
- Commonwealth marine areas.

The project requires approval under the EPBC Act, the *Western Australian Environmental Protection Act 1986* and the *Commonwealth Environment Protection (Sea Dumping) Act 1981*. The Australian Government and the Western Australian Government have agreed to coordinate their assessment processes, so the proponent only prepares one assessment document, with one public comment period. Separate decisions on whether to approve the action will be made at the conclusion of the assessment (a public environment report under the EPBC Act).

Assessment guidelines for the public environment report have been approved. Pilbara Iron Pty Ltd wish to release the public environment report for public comment in September 2008, with a decision on whether to approve the development sought by mid-2009.

### *Meeting statutory timeframes for 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 two late decisions, or 0.5 per cent of the total. This compares with 73 late decisions last year (22 per cent of the total). Where the statutory timeframe was not met, this was due to delays in obtaining sufficient information to make an informed decision.

The 20-day timeframe for decision-making on referrals was suspended 121 times. This was primarily due to the need to seek further information to be able to make an informed decision.

### *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 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. Penalties apply to breaches of 'particular manner' decisions.

This year 89 referrals were determined not to be controlled actions, provided they were carried out in a particular manner.

The department encourages proponents to design projects to avoid adverse impacts on matters of national environmental significance. The 'particular manner' provision promotes and supports industries and individual developments that are shifting to better environmental practices.

### Example: Point Cook Coastal Park Trail, Victoria, Stage 3

The proposal was to construct and operate the northern section of stage 3 of a trail in Point Cook Coastal Park forming part of a 253 kilometre continuous, shared use (commuting and recreational) trail around Port Phillip Bay. This section of the trail is approximately 1.5 kilometres long; it is immediately adjacent to the Sanctuary Lakes residential housing development and lies along the western edge of the Cheetham Wetlands, a part of which is Ramsar listed. The project area is approximately 1.5 hectares.

The matters of national environmental significance potentially affected by the proposed action were:

- wetlands of international importance
- listed threatened species
- listed migratory species.

In the referral, the proponent specified that the following actions would be undertaken to ensure that the project would not have a significant impact on matters of national environmental significance:

1. A documented project environmental management system must be in place before commencement of construction.
2. Stormwater management measures will be designed and implemented in accordance with the Commonwealth Scientific and Industrial Research Organisation's (CSIRO) Urban Stormwater Best Practice Environmental Management Guidelines.
3. Sediment sampling will be undertaken to detect potential acid sulphate soils and contaminants and necessary remediation (for example, developing an environmental management plan to manage the acid sulphate soils) that addresses the Victorian Industrial Waste Management Policy (Waste Acid Sulfate Soils) if indicated.
4. Refuelling all vehicles and storage of hazardous materials to be done off-site.
5. Spills from machinery or similar to be addressed in accordance with Parks Victoria's marine pollution incident procedure, which includes Environment Protection Authority notification.
6. Contractors must have spill kits.

The project was determined to be not a controlled action if done in the particular manner as detailed above. The particular manner in which it is to be done will ensure that water quality is protected, thereby managing any potential issues with the Ramsar wetlands and the species that inhabit the wetlands.

### Example: Labatt 3D Seismic Survey, T/47P Bass Strait, Tasmania

Implementation of the department's seismic guidelines (EPBC Act Policy Statement 2.1, Interaction between offshore seismic exploration and whales, May 2007) has been a requirement for almost every seismic survey referred under the EPBC Act since the release of the guidelines in July 2007.

The Labatt 3D Seismic Survey is a typical example of application of the guidelines. The project involved Tap Oil Ltd acquiring sub-seabed geological seismic data by operating an acoustic source, towed by a survey vessel. The seismic data will be used to interpret the geology of the region and to identify potential hydrocarbon reserves. The survey area was 520 square kilometres, approximately 100 kilometres north of Tasmania. The survey was conducted over 33 days between December 2007 and January 2008.

The department assessed the potential impacts of the seismic survey and found that the timing of the survey was outside peak migratory periods for the humpback whale (*Megaptera novaengliae*) and the southern right whale (*Eubalaena australis*) and away from the feeding grounds of the blue whale (*Balaenoptera musculus*). The department concluded that provided the survey was undertaken in a particular manner, covered by Part A of the seismic guidelines, any significant impact on these species was unlikely.

Part A of the seismic guidelines includes a range of mitigation measures, such as gradually 'ramping up' the acoustic source; undertaking visual observations for whales within three kilometres of the seismic source; delaying start-up if whales are observed within two kilometres of the source; and reducing the power of the source or shutting down if whales are observed within two kilometres and 500 metres respectively during operations.

Upon completion of the survey, Tap Oil Ltd submitted a marine mammal observation report to the department in accordance with the guidelines. A total of two humpback whales, 15 common dolphins (*Delphinus delphis*) and one unidentified large cetacean were recorded during the survey. One power-down was initiated during the survey operations when a humpback whale approached to within two kilometres of the seismic source.

### *Statement of reasons*

A statement of reasons may be requested by an ‘aggrieved person’ or by a person who is formally notified of a decision.

Thirty-seven requests for statements of reasons were received, three under the EPBC Act and 34 under the *Administrative Decisions (Judicial Review) Act 1977*. Statements of reasons were requested by more than one party for the following projects:

- Sugarloaf Water Pipeline, Victoria (three requests)
- Duffy’s Forest Residential Development, New South Wales (two requests)
- Gunns Pulp Mill, Tasmania (five requests).

Nine statements of reasons were provided outside statutory timeframes for a number of reasons, including delays because of the need to seek legal advice.

### *Reconsideration of decisions*

In 2007–08, one referral decision was reconsidered (by the minister or his delegate) and no 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 EPBC Act. Reconsideration can be justified where there is substantial new information on, or a substantial change in, circumstances regarding the likely effects on matters protected by the EPBC Act or on the potential effects of the proposed action.

#### **Example: Aerial mosquito spraying Vasse–Wonnerup Wetlands, Western Australia**

The proposal to apply ‘Altosid’, a synthetic hormone, to control mosquito breeding sites in the Vasse–Wonnerup Ramsar site, was determined to be not a controlled action if undertaken in a particular manner on 22 April 2005. The original approval allowed spraying for a three year period, with monitoring to determine if the impacts were acceptable for long-term application. However, spraying occurred during only one year due to drought conditions making mosquito breeding less favourable. On 14 April 2008, the proponent requested the minister to reconsider the original decision and extend the spraying period. On 30 June 2008 the delegate decided that the request for reconsideration be accepted by revoking the original decision and substituting a new decision that the proposal is not a controlled action provided it is undertaken in an amended particular manner. The decision allows spraying for a maximum of two years prior to 31 December 2012 and requires monitoring and a report on the impacts of spraying.

## 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 effects. Following the amendments to the EPBC Act that came into force in February 2007 assessment on referral information is now another option for assessing proposed actions. This approach is appropriate for projects where the degree of public concern is relatively low and where likely significant impacts are relatively confined. Decisions on the level of assessment for controlled actions in 2007–08 are summarised in Table 6.

The amendments mean that the decision on which assessment approach to take for controlled actions, is now made at the time of the controlled action decision rather than the department requesting preliminary information from the proponent. This has made the process more timely and efficient for both proponents and the department.

In 2007–08 the department completed three assessments by assessment on referral information, 35 by preliminary documentation, three by a public environment report, none by an environmental impact statement and 10 under an accredited process or a bilateral agreement. A further 156 assessments were in progress at 30 June 2008. Decisions on the assessment approach and the status of assessments are summarised in Table 6.

### *Meeting statutory timeframes for assessments*

There were 35 out of 82 decisions on the appropriate assessment approach (43 per cent of the total) made outside the statutory timeframe. The main factors contributing to late decisions were administrative delays and the need to wait for states to provide advice as to whether or not the project would be assessed under a bilateral agreement.

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. The department prepared guidelines for two public environment reports. Three 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, a recommendation report must be prepared for the minister prior to the end of the period specified in section 130 of the EPBC Act. Where an assessment is being done under a bilateral agreement, the state must prepare an assessment report. When the minister has received the assessment report, he must make a decision within the specified timeframe. This year there were 14 late recommendation reports out of 35 for assessment by preliminary documentation. There were no late reports for assessment by public environment report and assessment by environmental impact statement. Delays in these cases generally arose from the need for additional stakeholder consultation and to consider all relevant material. This material covers a diverse and complex range of issues and points of view (see Table 18).

## Approvals

A total of 108 controlled actions were approved; a further 16 were awaiting decision at 30 June 2008. Conditions attached to approvals include managing the environmental effects of construction, providing compensatory habitat to offset effects on listed species, monitoring programs to ensure water quality is maintained, independent audits, and measures for managing effects on cetacean species.

### Example: Wiggins Island Coal Terminal, Port Curtis, Queensland

In April 2008 approval was given to Central Queensland Ports Authority and Queensland Rail for the development of a new coal export terminal, rail infrastructure and supporting infrastructure. The main effects of the project are on water quality in the Great Barrier Reef World Heritage Area and resulting effects on the heritage values of the area, and direct and indirect effects on threatened and migratory species.

The project was approved with the following conditions:

- The proponent must prepare an environmental management plan, including water quality monitoring, adaptive management options, acid sulphate soils management, noise reduction, turtle and dugong protection, management measures for introduced marine pests and monitoring and reporting information.
- The proponent must prepare a fauna management plan. The project's detailed design phase would clarify the necessary measures to protect migratory birds, dugong and marine turtles. The proponent committed to rehabilitating intertidal wetland and mangrove communities, and will determine the extent of measures required in the detailed design phase.
- Sediment control measures must be in place, and any sedimentation dam must be of a pre-determined capacity. Stormwater runoff must be monitored and must meet recommended discharge limits.
- Acid sulphate soils must not be directly or indirectly released to the Great Barrier Reef World Heritage Area.
- The proponent must prepare a dust management plan that identifies dust control measures, dust emission thresholds and management options, monitoring programs for dust emissions, and reporting protocols.

### *Meeting statutory timeframes for approvals*

In 2007–08 20 out of 36 approval decisions (55 per cent of the total) were made outside the statutory timeframe. These delays were largely due to ongoing negotiations with the proponent over the conditions of the approval (see Table 18).

### Post referral and approval verification, monitoring and auditing

This year the department set up a team dedicated to undertaking post-approval monitoring, introduced a program of post-approval monitoring site inspections and expanded its audit program. This is discussed in more detail in Section 4.

## Fisheries assessments and approvals

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.

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.

In 2007–08, 34 fisheries were comprehensively assessed for the second time; seven Commonwealth-managed fisheries and 27 state-managed fisheries. These assessments were completed within statutory timeframes and each received export approval, except for one fishery (the Joint Authority Northern Shark Fishery), which had its existing export approval revoked in 2007–08.

Eleven fisheries were exempted from the export provisions of the Act and 23 were approved as wildlife trade operations. Two short-term exemptions and one short-term wildlife trade operation approval were granted, while the management arrangements were being negotiated and improved.

As a result of the fisheries assessment process, conditions and recommendations were agreed between the department and fisheries management agencies. They 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>.

It is anticipated that 40 fisheries will be assessed for the second time under the EPBC Act in 2008–09.

## 1.5 Transparency and public awareness

### *Highlights*

- The department values the role of local government in reaching the wider community. It sees local government as a key to success in protecting matters of national environmental significance and funded a compliance assurance project this year, working with several local government areas.
- The department used investigations into compliance incidents as opportunities to engage with local government and state environment agencies, and to raise awareness within the community.
- Nominations for the first Finalised Priority Assessment List were widely publicised. The list, prepared this year, reflected input from interested parties across Australia. The new system is both more extensive and more transparent in its consultation arrangements. A similar system is in place for heritage listing (see Section 3).
- The department consults widely among interested parties, and this year held policy statement workshops to gather expertise and advice on the growling grass frog, golden sun-moth, spiny rice-flower and black-throated finch. The workshops involve regulators, consultants, policy makers and experts, and are designed to guide decision-making with the best available information.

### **Referral, assessment and approval process**

The following examples show how transparency and public participation are built into the referral, assessment and approvals process.

#### **Example: Sugarloaf Pipeline—Goulburn River to Sugarloaf Reservoir, Victoria**

The proposed Sugarloaf Pipeline project in Victoria involves the construction and operation of a 70 kilometre long water pipeline and associated infrastructure to transfer up to 75 gigalitres (or 75 billion litres) of water per year from the Goulburn River for treatment and distribution into the Melbourne metropolitan water grid.

The Sugarloaf Pipeline project is controversial and the extraction of water from the Goulburn River to supply Melbourne's future requirements is opposed by many residents in downstream rural areas. One hundred and twelve public comments (including 39 campaign letters) were received on the referral. The submissions express doubt about the magnitude of water savings from the Food Bowl Modernisation Project, and raise concerns about the uncertainty of the final pipeline route, downstream environmental effects, effects on EPBC Act listed species and the proposed environmental assessment process. All submissions were taken into account in determining the proposal to be a controlled action requiring assessment under the EPBC Act. The issues raised will be addressed in the final assessment.

### Example: Satori Resorts Ella Bay Pty Ltd development, Queensland

The development site has an area of 450 hectares. The site is located at Ella Bay and is surrounded by the Wet Tropics of Queensland and Great Barrier Reef World Heritage areas. The proposal includes the staged development of a residential area and a tourism resort, including an 18-hole golf course. Overall, a total of 1,400 dwellings (540 residential and 860 resort units and villas) will be built. It is proposed to be fully operational in 10 to 15 years at an estimated cost of \$1.8 billion.

The proposal is being assessed under the bilateral agreement with Queensland at the level of an environmental impact statement. The proposal was determined to be a controlled action for its likely significant impacts on listed threatened species and World Heritage values of the Wet Tropics of Queensland World Heritage Area and the Great Barrier Reef World Heritage Area.

The environmental impact statement attracted 81 public and agency submissions, including 28 petitions with 191 signatures, during the public exhibition period. Given the numerous issues raised in the submissions, the developer was required to prepare a supplementary environmental impact statement addressing the issues and to publicly exhibit the supplementary documentation, which is outside the normal Queensland assessment process.

Consideration of the project for approval by the minister will occur following receipt of the assessment report from the Queensland Department of Infrastructure and Planning.

### Strategic assessments

The department promoted use of the strategic assessment options available under the EPBC Act. Departmental staff took part in workshops and conferences on national environmental and assessment issues, including the World Wide Fund for Nature's Kimberley Coast Natural Values Workshop in Broome and the International Association for Impact Assessment Conference in Perth. In Queensland strategic work in the Mission Beach region has been subsumed into development of the state government's draft Far North Queensland 2025 Statutory Regional Plan. The department was a member of a technical working group that provided comments on the draft plan.

### Liaison officers

A specialist EPBC Act officer was appointed, based in Perth, to promote the strategic provisions of the Act and provide expert EPBC Act advice and support to stakeholders in Western Australia, including local and state government, industry and the community.

The National Farmers' Federation Environment Liaison Officer, outposted with the National Farmers' Federation in Canberra, provided personal assistance, often on-ground, to farmers and rural stakeholders, farming organisations, natural resource management groups, commodity groups and state/territory government agencies across the country on referral, assessment, approval and listing processes, conservation agreements, recovery planning, strategic assessments and compliance. The officer now also liaises on the broader environment programs managed by the department, including natural resource management, stewardship, water, weeds and feral animals.

## Wildlife trade and regulation

Transparency in decision-making is a key element of the EPBC Act. The department is committed to ensuring that all interested parties have accurate and up-to-date information. It uses all available means of reaching people with this information. Before decisions are made on commercial wildlife harvesting programs, live import list amendments, and exceptional circumstances permits, the department consults relevant state governments, stakeholders and the public.

This year the department:

- launched the Australian Acupuncture and Chinese Medicine Association Endangered Species Certification Scheme in May 2008. The scheme recognises practitioners, traders and users of complementary medicines who ensure they do not use endangered species in their complementary medicines, and promote compliance with wildlife trade laws
- advertised in the popular press on wildlife issues and in the Australian Acupuncture and Chinese Medicine Association magazine on complementary medicines
- produced a wall chart on complementary medicines
- advertised in the Australian Federation of Travel Agents Travel Industry Yearbook, the Department of Foreign Affairs and Trade's Hints for Travellers website and handbook and Australian Quarantine and Inspection Service Travel Guides
- sponsored (chief supporter category) *The Thin Green Line*, a documentary highlighting the issues of illegal wildlife trade
- advertised in all regional editions of the Pet Directory, a definitive resource for pet owners and suppliers in Australia
- advertised in in-flight magazines targeting outgoing passengers
- reviewed the *If in Doubt – Check it Out* brochure and distributed the revised version to Australian ports and travel industry professionals Australia wide
- loaned 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
- improved the exotic species regulation information on web pages, updating the live import assessment processes flowcharts and adding information on the exotic bird record-keeping scheme
- promoted a free call (1800 number) service for exotic bird keepers to use for information on the exotic bird record-keeping scheme
- advertised in bird-keeping magazines on the benefits of the exotic bird record-keeping scheme
- on request, distributed information packs on the exotic bird record-keeping scheme.

## Threatened species and ecological communities

The 2007 amendments to the EPBC Act set new timelines for assessing nominations to list threatened species, ecological communities and key threatening processes, and more extensive requirements for public consultation.

In March 2007 the minister invited the public, for the first time under the new arrangements, to nominate species, ecological communities and key threatening processes for listing. The department published this invitation in state and territory newspapers and on its website. The Finalised Priority Assessment List for the assessment period commencing 1 October 2007 was published on the department's website in September 2007. All nominations included in the Finalised Priority Assessment List were available on the department's website for two months. As part of the assessment process, the Threatened Species Scientific Committee also consulted scientific experts and other interested parties for each assessment. Members of the public were invited to comment on the nominations.

The department undertook extensive expert and public consultation on nine ecological communities undergoing assessment. The process included inviting comments on: original nominations, technical workshop reports and draft diagnostic characteristics, conditions, land management actions and maps for these communities. Methods of consultation included: publishing technical workshop reports on the department's website; emails and letters; meeting with state governments, non-government organisations and land managers, including conservation groups and farmers (consulted in conjunction with farmer groups and the National Farmers' Federation EPBC Act Information Officer).

The department continued to publish the Threatened Species Scientific Committee's listing advice on species, ecological communities and key threatening processes on its website.

The department publishes policy statements and information sheets for many listed ecological communities. This year it distributed a policy statement on the listing of two remnant ecological communities in South Australia: the Peppermint Box (*Eucalyptus odorata*) Grassy Woodland and the Iron-Grass Natural Temperate Grassland. These ecological community listings were also the subject of the Northern and Yorke Natural Resource Management Region EPBC Act workshop in South Australia in October 2007.

The department published three issues of the *Communities for Communities* newsletter, which informs the public about threatened ecological communities listed under the EPBC Act or nominated for listing. The newsletter also provides information on other departmental work to conserve biodiversity. Community groups are encouraged to use *Communities for Communities* as an information source when compiling their own newsletters.

The department hosts an online natural resource management tool that enables people to search for conservation advice on threatened species and ecological communities by specific natural resource management regions. In 2007–08, new conservation advices were added. This information helps regional planning bodies, community groups, landholders and others to plan activities to assist the conservation and recovery of newly listed threatened species and ecological communities.

### Ramsar wetlands

Consultation is an integral component in developing new site listings and management plans for Ramsar sites. The department held a workshop on 13–14 May 2008 to assist in establishing national guidelines on developing Ramsar management plans and guidelines for nominating Ramsar sites. The National Framework and Guidance for Describing the Ecological Character of Australia's Ramsar Wetlands and the Mapping Specifications for Australian Ramsar Wetlands have been endorsed by the Natural Resource Management Ministerial Council.

The department produces the *Wetlands Australia National Wetlands Update* each year, as part of its commitment to enhancing management of wetlands and awareness of their protected status under the EPBC Act. The update is released to coincide with World Wetlands Day, which is celebrated on 2 February each year. The *Wetlands Australia National Wetlands Update* brings together information from across Australia on wetlands conservation, management and education.

### Advisory committees

Functions and membership for each committee are listed in Appendix B of this report.

#### *Threatened Species Scientific Committee*

The committee met four times in 2007–08: in September 2007, December 2007, March 2008 and June 2008. The committee focused on assessing the conservation status of species and ecological communities on the Finalised Priority Assessment List for the assessment period commencing 1 October 2007, as well as continuing its work on aligning lists of threatened species at national, state and territory levels. The committee provided advice to the minister that led to the listing of seven new species and the Natural Temperate Grassland of the Victorian Volcanic Plain ecological community.

Under the conservation advice project, the committee considered 306 conservation advices for species and ecological communities already listed as threatened under the EPBC Act. The committee also considered a number of recovery plans and threat abatement plans. At its meeting in September 2007, the committee discussed national monitoring and reporting on significant species and ecological communities.

The committee continued to refine procedures to implement amendments to the EPBC Act. Late in 2007–08 it prioritised public nominations received during the assessment period commencing 1 October 2008, and determined its Proposed Priority Assessment List for consideration by the minister.

#### *Indigenous Advisory Committee*

The committee meets at least twice a year. Meetings are rotated around states and regions. This year the committee met in October 2007 at Cardwell in Queensland and in March 2008 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 Working on Country program. The committee provided advice on:

- the Northern Territory Emergency Response and employment of Indigenous rangers, under the Australian Government's flexible funding pool
- the Northern Territory Healthy Country Healthy People Schedule under the Australian and Northern Territory governments' bilateral agreement on Indigenous affairs
- the Indigenous national Caring for Country strategy
- the review of the National Biodiversity Strategy
- the *Great Barrier Reef Marine Park Act 1975* as it relates to Indigenous representation on the Great Barrier Reef Marine Park Authority

- Traditional Use of Marine Resource agreements
- terms of reference for the strategic assessment of a plan for a common-user liquefied natural gas hub precinct in the Kimberley region
- the Harmful Marine Debris Threat Abatement Plan.

Committee member Mr Rocky Sainty attended the ninth meeting of the council of the parties to the Convention on Biological Diversity (Bonn, May 2008) to advise the Australian delegation on Indigenous issues related to the convention.

#### *Australian Heritage Council*

The Australian Heritage Council met five times in 2007–08. It held face-to-face meetings in Canberra, Portsea (Victoria), and Norfolk Island and one teleconference. The council provided the minister with 12 assessments for the National Heritage List, and seven for the Commonwealth Heritage List. It considered strategic issues within its functions, including exploring consistency and difference across Australian Government, state/territory and local government jurisdictions, on heritage criteria and thresholds; and raising the profile of the National Heritage List.

#### *Biological Diversity Advisory Committee*

The committee's membership lapsed in 2007 and the minister is currently considering a forward work plan and candidates for appointment to the committee.

#### **Freedom of information**

The department received 71 requests under the *Freedom of Information Act 1982* during 2007–08. Twelve of these requests related to EPBC Act decision-making procedures.

## 2 Conserving biodiversity

### 2.1 Identifying and monitoring biodiversity and making bioregional plans

#### *Highlights*

- The department funded a variety of cetacean research, recognising that knowledge of these long-lived and vulnerable species must be improved to underpin decisions on their conservation.
- Work progressed on marine bioregional plans that will cover Australia's 14 million square kilometre ocean jurisdiction. All plans are on track to meet their deadlines.

#### **Inventories of listed species on Commonwealth land**

Work continued during the year to improve the comprehensiveness and accuracy of inventories of species in Commonwealth reserves. Booderee National Park and Australian National University staff continued to collect data on the park's biodiversity under an Australian Research Council linkage grant. This work covered threatened species and more broad-ranging work on identifying and monitoring the park's biodiversity.

#### **Cetacean research**

The Australian Government provided over \$600,000 for cetacean research projects in 2007–08 to improve knowledge of cetaceans in Australian waters. These projects included:

- population studies of west and east coast humpback whales, including a new computerised fluke matching system to identify individuals
- testing the use of unmanned aerial vehicles for marine mammal surveys
- acoustic studies including the impact of noise on humpback whales and the population structure of western South Pacific humpback whales
- population size and distribution of Western Australian blue whales
- modelling habitat for Australian snub-fin and Indo-Pacific humpback dolphins
- population dynamics of southern right whales
- genetic studies on marine mammal age.

The Australian Centre for Applied Marine Mammal Science convened two workshops on distance-sampling techniques and on integrating humpback whale research. These workshops will improve the way scientists study whale populations and integrate information from researchers on the west and east coasts of Australia.

The National Marine Mammal Advisory Committee met in May 2008 to set priorities for future Australian Centre for Applied Marine Mammal Science funding.

## Marine bioregional planning

Under the EPBC Act, marine bioregional plans are being established to provide a clearer focus on conservation and sustainable management of the marine environment and offer greater certainty for industry. The plans will guide the minister, sectoral managers and industry in making decisions about the key conservation issues and priorities in each marine region.

The plans will cover Australia's 14 million square kilometre ocean jurisdiction. The plans are being implemented by region, with four currently under way.

Marine bioregional plans comprise three elements: firstly a marine profile of the region's characteristics is drawn up; secondly a draft plan; and finally a marine bioregional plan that includes a network of marine protected areas. Completion of four marine bioregional plans is scheduled for mid-2010.

The department released a marine bioregional profile for the South-west Marine Region in October 2007 (see <http://www.environment.gov.au/coasts/mbp/south-west/index.html>).

The development of marine bioregional profiles for the North, North-west and East Marine Regions is nearing completion in accordance with agreed timeframes and they are expected to be released in early 2008–09.

## 2.2 Protecting species and ecological communities

### *Highlights*

- The minister approved the first Finalised Priority Assessment List under the amendments to the EPBC Act. The list includes four marine fish species. The new arrangements streamline assessment and listing, and provide a clearer and more open process.
- The first matter of national environmental significance chosen to be trialled under the Environmental Stewardship Program is an EPBC Act listed ecological community, the White Box–Yellow Box–Blakely’s Red Gum Grassy Woodlands and Derived Native Grasslands (or Box–Gum Grassy Woodland).

### **Listed threatened species and ecological communities**

The February 2007 amendments to the EPBC Act established a new process for listing nationally threatened species, ecological communities and key threatening processes. The new listing process was fully implemented in 2007–08. It aims to improve the effectiveness of listing, set timeframes for assessment and focus on species and ecological communities that are in greatest need of protection.

In September 2007, following advice from the Threatened Species Scientific Committee, the minister approved the first Finalised Priority Assessment List under the new arrangements. The list detailed which nominations would be included in the assessment period commencing 1 October 2007 and their timeframe for completion. Timeframes for assessment are from one to three years. As part of the government’s commitment to meeting obligations to protect marine species, the list included four marine species: the eastern gemfish, school shark, southern bluefin tuna and green sawfish.

In 2007–08, the Threatened Species Scientific Committee finalised its assessment of 20 publicly nominated species, two committee nominated species and two threatening processes on the list. This included the green sawfish, which the minister decided to list as vulnerable. The remaining four publicly nominated species on the 2007 Finalised Priority Assessment List will be assessed by 30 September 2008, aside from the southern bluefin tuna, which will be assessed by 30 September 2009. The remaining two threatening processes on the 2007 list will be assessed by 30 September 2009. The Committee also assessed 11 species using information provided under Species Information Partnerships with state and territory governments.

Eleven assessments for potential ecological community listings were in progress during 2007–08 and most assessments will be completed in 2008–09. One assessment of an ecological community was finalised, and this led to the listing of the Natural Temperate Grassland of the Victorian Volcanic Plain. This community is in a National Biodiversity Hotspot and was formerly widespread over the basalt plain of western Victoria from Hamilton to western Melbourne. It is now very severely reduced in extent and mostly occurs as small, highly fragmented remnants. Although critically endangered itself, the remaining grassland still provides very important wildlife habitat, supporting a diversity of species such as small mammals, skinks, snakes, birds of prey and ground-dwelling birds, including many threatened species such as the spiny rice-flower, golden sun-moth, striped legless lizard and southern brown bandicoot. Listing the community will provide protection through the EPBC Act, help build awareness and allow for more targeted conservation management and recovery actions

in conjunction with local land managers. Further appropriate management regimes and rehabilitation of the community could even lead in the future to the careful reintroduction of other species once prevalent in the area, such as bettongs and the eastern barred bandicoot.

In 2007–08, the department held three technical workshops for ecological communities with the aim of defining the national extent, a description and ideal state for each community (see case study).

As an example of how natural resource management programs can work alongside EPBC Act listings to conserve native vegetation, the first matter of national environmental significance to be trialled under the Australian Government's Environmental Stewardship Program is the EPBC Act listed ecological community the White Box–Yellow Box–Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands (or Box–Gum Grassy Woodland). This community was formerly widespread along the western slopes and tablelands of the Great Dividing Range, throughout southern Queensland, western New South Wales, the Australian Capital Territory and Victoria.

Now it is critically endangered, with less than 5 per cent remaining in good condition and much of this occurring in isolated patches. The remaining patches are still being lost due to clearing, weed invasion and inappropriate grazing regimes. Despite losing approximately 95 per cent since European settlement, there are still around 400,000 hectares remaining in remnants. These remnants provide important habitat for a large number of plants and animals, including superb parrots, regent honeyeaters and squirrel gliders. In 2008, the program will invite land managers to bid for stewardship funding to manage some of the best Box-Gum Grassy Woodland remnants in the Lachlan and Murrumbidgee catchment under contracts for up to 15 years. Additional high quality patches of Box-Gum Grassy Woodland from across the community's geographical distribution are also likely to be targeted using a separate process.

In 2007 the minister announced the conservation theme for the 2008 assessment period: 'Rivers, wetlands and groundwater dependent species and ecosystems of inland Australia'. In November 2007, the minister invited nominations for listing of threatened species, ecological communities and key threats, particularly those that reflect this theme. Thirty-five nominations were received, including 21 species, nine ecological communities and five threats. Of these, 12 strongly met and five partially met the conservation theme.

Under the new process the minister is now required to ensure there is an approved conservation advice, as set out in the EPBC Act, for each listed species and ecological community. Each new assessment of a Finalised Priority Assessment List species or ecological community by the committee includes a conservation advice, which contains information on key threats to species or communities and actions needed to aid in the species' or community's recovery.

The conservation advice project aims to develop advices for already listed threatened species and ecological communities. In 2007–08 the committee considered 306 conservation advices under this project and referred them to the minister.

During 2007–08 the minister made 13 decisions based on public and other nominations, including those generated through information partnerships with state and territory governments (for more information see Species Information Partnerships under Section 1.3). These decisions resulted in 13 amendments to the lists, detailed in Table 10.

## Recovery plans and threat abatement plans

### *Recovery plans*

Under the amendments to the EPBC Act, which commenced in February 2007, the minister must decide whether to have a recovery plan for a species or ecological community within 90 days of it being listed as threatened.

The department continued to make substantial investment, in recovering threatened species and ecological communities through developing and implementing recovery plans. A total of 826 nationally threatened species and ecological communities now have recovery plans in place or in preparation; including 77 per cent of critically endangered species and 64 per cent of endangered species. The EPBC Act has now been in operation for more than eight years, and an increasing number of recovery plans are due for review. In 2007–08, 52 recovery plan reviews were completed or under way, covering 55 species and two ecological communities.

In 2007–08, 20 recovery plans covering 38 terrestrial threatened species were made or adopted under the EPBC Act. These include the first regional recovery plan for Lord Howe Island, a multi-species plan for six Queensland cycads, another covering four central Australian acacias and a plan for the Wollemi pine. Fauna species covered by national recovery plans include the southern cassowary, mahogany glider, Hastings River mouse, trout cod and Gove crow butterfly.

The department continued to test more integrated regional approaches to threatened species recovery. Regional recovery plan pilot projects that adopt a landscape approach to threatened species recovery plans, are progressing well for the Border Ranges region in New South Wales and Queensland, the Mount Lofty–Murray Darling Basin region in South Australia, the Northern Rivers region in New South Wales, and for Norfolk Island and 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 programs, weed and feral pest control, and community education.

New funding was provided to assist such species and ecological communities as the malleefowl, Carnaby's black-cockatoo, trout cod, growling grass frog, threatened flora of Western Australia's Esperance district, and Box-Gum Grassy Woodland in New South Wales and Victoria. Referral guidelines were developed for the western ringtailed possum and Carnaby's and Baudin's black-cockatoos in the Bunbury–Busselton region of south-west Western Australia.

Of the 30 marine species listed as threatened, 25 (83 per cent) have recovery plans in operation.

The Recovery Plan for Marine Turtles in Australia is being reviewed. Five projects were funded for a total of \$280,000 to implement recovery actions for marine turtles. The projects were:

- estimating recruitment rates of Olive Ridley turtles in northern Australia
- monitoring hawk's-bill turtle nesting at Sassis Island, Torres Strait
- monitoring marine turtles in the Kimberleys
- assessing disease and environmental effects on marine turtles in Queensland

- providing a knowledge base for implementing the national partnership approach to marine turtle and dugong management in the Gulf of Carpentaria, by integrating traditional ecological knowledge and western science.

Recovery plans are in preparation for the Australian sea lion, and a multiple species plan incorporating the freshwater sawfish, green sawfish, speartooth shark and northern river shark.

Six projects were funded, for a total of \$435,000, focusing on recovery actions for threatened shark and seal species. The projects were:

- population estimate for the east-coast population of grey nurse sharks
- migration patterns and population status of whale sharks
- developing non-lethal methods for estimating age and habitat use for Australian sawfish populations
- status and trends in abundance of the threatened sub-antarctic fur seal at Macquarie Island
- documentation of depth-related migratory movements, localised movements at critical habitat sites and the effects of scuba diving on the east-coast grey nurse shark population
- population size and structure of grey nurse sharks in east and west Australia.

There are five threatened whale species for which recovery plans are currently in place (effective 2005–2010): blue, southern right, humpback, fin and sei whales.

The minister made a decision on 21 May 2008 to have a recovery plan for albatrosses and giant-petrels. The previous recovery plan for these species, made in 2001, lapsed on 30 September 2006. The plan will be developed in 2008–09 in consultation with the states and territories in which the species occur. The draft plan will be made available for public comment.

### *Threat abatement plans*

For terrestrial species, nine threat abatement plans are in place to identify research, management and other actions needed to ensure the long-term survival of native species and ecological communities affected by key threats. In 2007–08:

- Threat abatement plans for four vertebrate pest species were varied: for rabbits, unmanaged goats, feral cats and the European red fox.
- A draft variation to the threat abatement plan for disease in natural ecosystems caused by *Phytophthora cinnamomi* was released for public comment.
- A draft threat abatement plan to reduce the impacts of exotic rodents on biodiversity on small offshore islands was released for public comment.
- \$2.4 million was invested to reduce threats from terrestrial invasive species, including researching wildlife diseases, the impacts of feral pigs on freshwater ecosystems and controls on feral cats.

For marine and migratory species, one threat abatement plan is currently in place—for the incidental catch (or by-catch) of seabirds during oceanic longline fishing operations—and a draft Threat Abatement Plan for Harmful Marine Debris was released for public comment.

## Wildlife conservation plans

The Wildlife Conservation Plan for 36 species of migratory shorebirds is now in its third year of implementation. The Australian Government supported a number of actions this year and the plan continues to provide strategic direction for stakeholders who also contribute to the plan's implementation.

A wildlife conservation plan for dugongs is being developed. The plan will build on existing dugong protection measures and will assist in the coordination of local, state, national and international conservation and management activities.

## Permits

### *Cetacean research permits*

The department received six applications for cetacean research permits and issued six permits. All applications were posted on the web and public comments sought as required under the EPBC Act. No negative comments were received for any application. Two permit condition variations were issued after requests from applicants (see Table 13).

Activities authorised under the permits included scientific research, and approaching cetaceans for documentary filming and photography. The species studied included blue, southern right, humpback and sperm whales, as well as Indo-Pacific humpback dolphins, bottlenose and snub-fin dolphins and other small coastal cetacean species.

Following the February 2007 amendments to the EPBC Act, permit applications to interfere with a cetacean are now treated in the same manner as permit applications for threatened, migratory and marine species. That is, they are no longer treated as if they were a referral. Public notification procedures were also changed at the same time.

Under the EPBC Regulations, researchers are required to apply for a specific permit to collect biological material from native species found in Commonwealth areas. Most cetacean permit applications involve collecting biological samples from cetaceans, and processes to streamline the two permit requirements are currently being assessed.

### *Australian Antarctic Division permits*

The latest amendments to the EPBC Act provide exemptions for certain actions for which permits under the *Antarctic Treaty (Environment Protection) Act 1980* (ATEP Act) have been issued. The EPBC Act, amongst other exceptions, states that where an action is taken in accordance with a permit issued under the Antarctic Treaty Act and the permit is in force, certain actions involving listed threatened species and ecological communities, migratory species and listed marine species, are not offences. These include actions for which ATEP Act permits have been issued for killing or injuring, taking or trading a member of a listed threatened species or community, a listed migratory species or listed marine species.

Where a permit is held under the ATEP Act, a permit under Part 13 of the EPBC Act is not required. However, approval under Part 9 of the EPBC Act may still be needed for the purposes of provisions in Part 3, if the action is likely to have a significant impact on a matter protected by those provisions. No matters were referred by the Australian Antarctic Division under the EPBC Act in 2007–08.

### *Commonwealth reserve permits and approvals*

The department issued permits or approvals for research in Commonwealth reserves including the following:

- banding-based research under the Australian Bird and Bat Banding Scheme
- investigating the ecology of the seabird community of Christmas Island including the Christmas Island frigatebird
- population genetic analysis for the listed brown booby
- research into the endangered green and golden bell frog and giant burrowing frog
- research into the endangered eastern chestnut mouse
- a comparative marine biodiversity survey of the Rowley Shoals
- a seabird and cetacean survey at Ashmore Reef
- whale research at Mermaid and Ningaloo Reefs
- connectivity of fish populations in north-west Australia, including Mermaid and Ashmore
- coral population genetics and connectivity between reefs in east Australian sub-tropics, including Elizabeth and Middleton Reefs Marine National Nature Reserve
- a survey of shark species in the Great Australian Bight Marine Park
- benthic habitat mapping in the Lord Howe Island Marine Park (Commonwealth Waters)
- marine biodiversity monitoring and a community education program in the Cod Grounds Commonwealth Marine Reserve
- a study of the biodiversity and conservation ecology of the deep ocean environments within Huon, Tasman Fracture and South Tasman Rise Commonwealth Marine Reserves
- quantitative biological baseline surveys of continental shelf rocky reef biota in the South-east Commonwealth Marine Reserves off Tasmania
- a voyage to gather oceanographic data, collect sediment cores and investigate biological communities of the seamounts in the vicinity of Macquarie Island.

Another permit was to enable Pulu Keeling National Park staff to care for an orphaned red-footed booby. No conditions were varied or revoked and no permits suspended or cancelled. A permit application for research into sea sponges as a biological resource is under consideration.

## 2.3 International movement of wildlife

### Highlights

- The department began a program of international wildlife trade permit reviews, covering such industries as traditional medicines, food, cut flowers, clothing, timber, animal hides and hunting trophies.
- Training sessions were delivered by departmental staff throughout the country to 250 Australian Customs Service staff and 100 Australian Quarantine and Inspection Service staff. Customs and Quarantine detect wildlife trade breaches at Australia's borders.

The EPBC Act regulates the export of Australia's native wildlife and the import of live animals and plants. The Act also regulates the movement of species internationally recognised as threatened by trade, 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:

- regulating the harvest and export of native flora and fauna
- 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
- requiring that the assessment of permit applications for wildlife trade includes proper consideration of broader ecosystem effects
- ensuring that any other requirements under the EPBC Act for environmental assessment and approvals or other permits are met before making a decision to issue a permit
- requiring an assessment of any proposal to import a new live animal to determine the potential impact on the Australian environment.

### Sustainable wildlife industries

Appendix I of CITES lists species threatened with extinction; Appendix II lists species that may be threatened with extinction unless trade in them is strictly controlled. Appendix III lists species that a CITES party identifies as being subject to regulation within its jurisdiction to prevent or restrict exploitation and that require the cooperation of other countries in the control of trade.

The EPBC Act was amended to reflect the updates of CITES Appendices I and II species agreed by the CITES fourteenth conference of the parties held in June 2007. The minister tabled a National Interest Analysis of these amendments in Parliament in February 2008. These amendments include the listing of all species of sawfish (family: Pristidae) in Appendix I, with the exception of *Pristis microdon* which was included in Appendix II for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes; amendment of the annotation for the Appendix II listing of the African elephant to allow a one-off sale of government-owned ivory stocks to countries deemed to have sufficient trade controls; the removal of three genera of cactus from Appendix II; and the inclusion of two species of gazelle in Appendix I. Two legislative instruments updating Appendix III listings of CITES species were also gazetted.

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. This year five wildlife trade management plans were approved (for kangaroos in Queensland, South Australia and Western Australia, for flora in Western Australia and for tree ferns in Tasmania).

All wildlife trade management plans for kangaroos and wallabies require shooters to comply with a code of practise. A working group of the Natural Resource Management Ministerial Council, chaired by Western Australia, developed a revised draft National Code of Practice for the Humane Shooting of Kangaroos and Wallabies and invited public comment. It is expected to be finalised in 2008–09. Once finalised this will be the revised code.

### Exotic species regulation

The department received seven applications to amend the live import list. During 2007–08 the minister decided to make 19 amendments to the list and refused to make a further six.

### Wildlife trade permits and programs

In response to feedback from wildlife industry operators, the department has introduced measures to lower the costs and administrative burden associated with complying with international wildlife trade regulation. The department issues multiple consignment permits that allow business operators to make a number of shipments under the one permit. These permits are valid for a limited period of time and are subject to strict conditions. This has significantly reduced the number of permits issued to industry.

Control measures are in place to ensure trade is being undertaken at levels that are not detrimental to the survival of species in the wild, including the introduction of a permit review program. Under this program, the department monitors permit holder compliance with conditions that apply to international wildlife trade permits.

In 2007–08, the department issued 2,383 wildlife trade permits and 28,543 personal accompanied baggage permits.

The department issued 206 non-commercial wildlife trade permits to zoological institutions and scientific researchers. Two cooperative conservation programs (breeding programs that are operated with the intention of conserving a species) for CITES Appendix I listed species were developed (for chimpanzees) or reviewed (ring-tailed lemur).

The department enters into Ambassador Agreements with Australian and overseas institutions for the export of 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 transfer of an animal and its progeny. Agreements entered into in 2007–08 include wombat exports to Japan and the USA, Tasmanian devils to the USA, Lord Howe Island stick insects to the USA and sawfish to the USA and France.

The department finalised conditions for the overseas transfer of wombats and Tasmanian devils. These conditions aim to ensure the welfare these animals and to maximise the chances of establishing viable populations in captivity.

The department continued to work closely with the Australasian Regional Association of Zoological Parks and Aquaria to finalise new assessment arrangements for cooperative conservation programs.

The following wildlife programs were approved in 2007–08:

- 2 cooperative conservation programs
- 5 wildlife trade management plans
- 3 individual wildlife trade operations (non-fisheries)
- 13 artificial propagation programs
- 5 captive breeding programs.

### **Wildlife trade permit reviews**

The department has implemented a program of objective international wildlife trade permit reviews to assess permit holders' compliance with permit conditions. Under the review program, the department gathers information to determine the level of compliance with conditions set; communicates findings to the permit holder; and recommends appropriate remedial action where necessary.

Permit reviews will be conducted across industry sectors where international wildlife trade occurs. These include traditional medicines, food, cut flowers, clothing, timber, animal hides and hunting trophies.

The department seeks to work cooperatively with its clients to achieve satisfactory levels of compliance. Reviews may take the form of a desktop review of records available to the department or an on-site visit by departmental staff, with the permit holder's consent, to the permit holder's place of business.

Permit holders selected for review are contacted by departmental staff. They are advised that their permit has been selected for review, and the selected method of review. After the review, the permit holder is invited to respond to preliminary review findings. Permit holders also receive a final written report, which may refer to identified strengths or areas where compliance may need to be improved.

Where non-compliance is identified, the department will recommend appropriate remedial action in accordance with its compliance and enforcement policy. This may include:

- further education and awareness activity
- a follow-up visit to assess improved compliance behaviour
- a recommendation to vary existing permit conditions, suspend, or even cancel a permit.

The permit review program is expected to benefit:

- wildlife business operators – through improved education and awareness of the regulatory process, and the opportunity to provide feedback on international wildlife trade regulation
- the department – through feedback received from international wildlife trade industry participants
- the environment – through improved regulation of international wildlife trade.

## Education and awareness activities

The department continued to cooperate with the Australian Customs Service in regulating international wildlife trade, under an established memorandum of understanding. Approximately 250 Customs recruits and in-service staff attended training sessions delivered by departmental staff throughout the country. The Australian Customs Service has now added the wildlife session to its trainee curriculum, ensuring that all staff are trained in future.

Information sessions were delivered to approximately 100 Australian Quarantine and Inspection Service staff.

Other education activities included:

- support of the World Society for the Protection of Animals' Bear Bile Detection Kits project. The department facilitated the distribution and testing of products thought to contain bear bile using the society's kits
- contributions to both the 2007 and 2008 Pacific Customs Management Program hosted by the Australian Customs Service and the Centre for Customs and Excise Studies at the University of Canberra. Australian experiences were used as a case study of how relationships between agencies can help protect wildlife and strengthen regional capacity. Participants inspected wildlife specimens seized by Customs and shared stories of their own experiences in wildlife enforcement
- a half-day training and awareness session delivered to Customs representatives from the Pacific, south-east, central and western Asia at the annual Customs International Executive Management Program, hosted by the Australian Customs Service and the Centre for Customs and Excise Studies at the University of Canberra. The session addressed the global significance of wildlife trade, reinforced the important role of enforcement in global initiatives, and facilitated discussion about regional organisation and communication, significant species that need particular attention and enforcement strategies.

## 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, 11 conservation agreements have been entered into to protect matters of national environmental significance.

The VicRoads Hume Freeway/Donnybrook Interchange project, north of Melbourne, was approved before the EPBC Act commenced. Subsequent surveys found an important population of growling grass frogs would be potentially affected. While approval under the EPBC Act is not required, the department has been working with VicRoads to ensure protection of this population of frogs. VicRoads signed a conservation agreement with the department on 30 June 2008 to implement an agreed management plan for the frog. The management plan includes incorporation of 'frog friendly' tunnels into the interchange design, habitat enhancement and intensive monitoring.

A conservation agreement was entered into in late June 2007 between the Commonwealth and Galaway Holdings Pty Ltd for the protection and conservation of certain listed threatened species under the EPBC Act.

## 3 Managing heritage and protecting significant areas

### Highlights

- The department prepared a serial nomination of a series of 11 convict sites around Australia for inclusion on the World Heritage List.
- The minister announced the first two Finalised Priority Assessment Lists for heritage places. The new system both strengthens and streamlines the assessment process.

### Listing and managing heritage places in Australia

The Australian Government's heritage system, through the processes of the EPBC Act, provides protection for National Heritage places as matters of national environmental significance. The Act also contains provisions for Commonwealth owned or controlled heritage places.

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 Act for assessing the heritage values of places for the National Heritage List and the Commonwealth Heritage List (see Section 1.5 for information on the council's work in 2007–08).

Under the EPBC Act the minister makes an annual call for public nominations for the National Heritage and Commonwealth Heritage lists and decides on Finalised Priority Assessment Lists of places which the council will begin to assess in the forthcoming financial 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.

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.

All of the 17 Australian properties in the World Heritage List have management plans. A number of these plans were prepared before EPBC Act requirements applied. In 2007–08 the department worked to bring these plans into line with EPBC Act requirements as they became due for renewal under state statutory timeframes and processes. Work included:

- a review of the existing management plans for the Royal Exhibition Building and Carlton Gardens
- an interim review of the 1999 Tasmanian Wilderness World Heritage Area Management Plan
- a review of the Management Plan for the Willandra Lakes Region
- ongoing development of a new management plan for Purnululu given the expiry of the previous plan

- a review of the Wet Tropics of Queensland World Heritage Plan due in 2009
- development of a strategic plan for the Greater Blue Mountains World Heritage Area
- the Shark Bay World Heritage Property Strategic Plan completed in April 2008.

### *Serial nomination of convict places to the World Heritage List*

The Australian Government submitted a World Heritage nomination of Australian convict sites to the United Nations Educational, Scientific and Cultural Organization in February 2008. The proposed serial listing includes 11 convict sites from around Australia:

- Cockatoo Island Convict Site, Sydney, New South Wales
- Hyde Park Barracks, Sydney, New South Wales
- Old Government House and the Government Domain, Parramatta, New South Wales
- Old Great North Road, Wisemans Ferry, New South Wales
- Fremantle Prison, Western Australia
- Port Arthur, Tasman Peninsula, Tasmania
- Cascades Female Factory, Yards 1, 3 and 4, Hobart, Tasmania
- Darlington Precinct, Maria Island, Tasmania
- Coal Mines Historic Site, Tasman Peninsula, Tasmania
- Brickendon–Woolmers Estates, Longford, Tasmania
- Kingston and Arthurs Vale Historic Area, Norfolk Island.

This nomination is likely to be considered by the World Heritage Committee in 2010. Draft management plans were completed for these places. The draft management plan for Cockatoo Island has been reviewed and is being revised.

### **National Heritage**

As at 30 June 2008 there were 79 places in the National Heritage List, with 20 places added in 2007–08 following assessment by the Australian Heritage Council. The places added were:

- Myall Creek Massacre Site, Bingara, New South Wales
- Cockatoo Island Convict Site, Sydney, New South Wales
- Hyde Park Barracks, Sydney, New South Wales
- Cypress Helene Club–Australian Hall, Sydney, New South Wales
- Bondi Beach, New South Wales
- Old Government House and the Government Domain, Parramatta, New South Wales
- Old Great North Road, Wisemans Ferry, New South Wales
- Mount William Stone Hatchet Quarry, Lancefield, Victoria
- Bonegilla Migrant Camp–Block 19, Victoria
- Former High Court of Australia, Melbourne, Victoria
- Point Cook Airbase, Victoria
- Dampier Archipelago (including Burrup Peninsula), Dampier, Western Australia
- Cascades Female Factory, Yards 1, 3 and 4, South Hobart, Tasmania
- Darlington Precinct, Maria Island, Tasmania

- Coal Mines Historic Site, Tasman Peninsula, Tasmania
- Woolmers, Longford, Tasmania
- Brickendon, Longford, Tasmania
- Wave Hill Walk Off Route, Kalkarindji, Northern Territory
- High Court National Gallery Precinct, Australian Capital Territory
- Kingston and Arthurs Vale Historic Area, Norfolk Island.

The minister decided not to include two places in the National Heritage List in 2007–08. These were:

- Luna Park, North Sydney, New South Wales
- Lavender Bay, Milsons Point Foreshore, North Sydney, New South Wales.

In 2007–08 members of the public submitted 33 nominations for the national list. Nominations received before the cut-off date of 21 December 2007 (29) were forwarded to the Australian Heritage Council for consideration for inclusion in the 2008–09 proposed priority assessment list. The council also included four nominations of its own in the proposed priority assessment list. Nominations received after the cut-off date will be given to the council for consideration for the 2009–10 list. In May 2008 the minister announced the Finalised Priority Assessment List, which is the work plan of assessments for the council, to commence in 2008–09.

As at 30 June 2008 the council had completed a total of 109 assessments for the National Heritage List (12 in 2007–08).

The EPBC Act enables the minister to include in the National Heritage List a place that the minister believes may have National Heritage values that are under imminent threat. In 2007–08 the minister received four requests for emergency listing of places in the national list (Currawong, Pittwater; Judith Wright’s former home “Edge”, NSW; Cameron Offices, Australian Capital Territory; and the Large Erecting Shop, Eveleigh). The first two were rejected, the Cameron Offices had already been rejected for National Heritage listing, and were not further considered; the fourth is under consideration.

### *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. Most National Heritage places have some form of management plan in place. However many of the management plans that pre-date the EPBC Act require revision to meet the Act’s requirements. The Australian Government provided

financial assistance to help develop 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 (Western Australia), Recherche Bay North-east Peninsula (Tasmania), former ICI Building (Victoria), and the former High Court of Australia building (Victoria).

The preparation of two management plans for the Point Nepean Defence Sites and Quarantine Station Area, which commenced in 2006–07, are in the final stages of completion. They address the requirements of the Act. In 2007–08 the department was involved in consultations over the development of plans for other National Heritage places: plans for Richmond Bridge (Tasmania), Old Parliament House (Australian Capital Territory) and the Australian Academy of Science (Australian Capital Territory) have been completed. The management plan for Mawson’s Huts Historic Site (Australian Antarctic Territory) was also completed in 2007–08 by the department. Draft plans for the *Batavia* Shipwreck Site and Survivor Camps Area 1629 – Houtman Abrolhos and the Dirk Hartog Landing Site 1616 – Cape Inscription have been prepared by state agencies and final versions are awaited.

### *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 are under way to help the long-term protection of listed places by increasing public involvement in, understanding of, and commitment to, Australia’s heritage.

In 2007–08 ministerial heritage announcements and events generated extensive media coverage, such as the inclusion of Bondi Beach (January 2008) and Myall Creek Massacre site (June 2008) in the National Heritage List; the nomination of 11 convict sites to the World Heritage List (January 2008); and many others.

World Heritage communications activities increased after Australia gained a seat on the prestigious 21 member World Heritage Committee. Between March and June 2008—the lead-up to the committee meeting—a national media background briefing was held at the Sydney Opera House, the UNESCO World Heritage storyboard competition was rolled out to Australian schools and a range of material was developed to support committee delegates.

There was a good take-up of new National Heritage List interpretative products including plinths, posts, plaques and brochures: approximately 20 per cent of all listed sites have now installed one or more of these products. This includes iconic places such as Flemington Racecourse and the Melbourne Cricket Ground in Victoria, Warrumbungles National Park and Bondi Beach in New South Wales, and Fremantle Prison in Western Australia.

Partnerships with corporate organisations and cultural institutions continued to be successful. QANTAS broadcast four heritage mini-documentaries on its national and international flights, and included regular heritage features in its in-flight magazine, *The Australian Way*. Significant partnerships under development for 2008–09 are with the National Museum of Australia (travelling banner heritage exhibition) and the Australian Film Commission (heritage mini-series).

## 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.

The February 2007 amendments to the EPBC Act 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 2008 the Commonwealth Heritage List included 342 places. Two places were added in 2007–08:

- Low Island and Low Island Lightstation, Queensland
- Green Hill Fort, Thursday Island, Queensland.

In 2007–08 no places were nominated for inclusion in the Commonwealth Heritage List by the public. The minister included one place, *HMAS Sydney II* and *HSK Kormoron* Battle Site and Wrecks off the Western Australian coast in the Finalised Priority Assessment List for 2008–09.

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 that are under threat. In 2007–08 the minister received no such listing requests.

The Australian Heritage Council completed and sent seven assessments to the minister for places for the Commonwealth Heritage List.

### *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.

In 2007–08 the minister advised the responsible Commonwealth agencies that the management plans for the Drill Hall Gallery, Old Parliament House and Mawson's Huts Historic site and the former Institute of Anatomy had satisfied Commonwealth heritage management principles. A management plan for the Edmund Barton Building, prepared by the private lessee in anticipation of obtaining a Commonwealth agency as tenant, was also found to satisfy Commonwealth heritage management principles. 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, Lennox House, Toad Hall, 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 that 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 2007–08 heritage strategies for Australia Post and the Australian Customs Service were completed. The Australian Heritage Council provided advice on heritage strategies for the CSIRO, the Australian War Memorial and the Australian Broadcasting Commission. Thirteen agency heritage strategies have been completed.

In accordance with its heritage strategy, the National Capital Authority completed a draft management plan for Lake Burley Griffin and Adjacent Lands (Australian Capital Territory), which included an assessment of its significance against both Commonwealth and National Heritage criteria.

### **Ramsar wetlands**

On 20 September 2007 Australia listed its sixty-fifth Wetland of International Importance, the Paroo River Wetlands Ramsar Site in north-western New South Wales (see <http://www.environment.gov.au/water/publications/environmental/wetlands/paroo-river-factsheet.html>).

The Ramsar Convention Secretariat was formally notified on 8 October 2007 of an amendment to the boundary of the Riverland Ramsar site. The amendment involved removing some non-wetland areas and including additional wetland and floodplain in the site. This followed extensive consultation with the affected community.

The Australian Ramsar Management Principles list management planning requirements for declared Ramsar wetlands. In 2007–08, the Australian Government continued to assist state/territory governments and communities in developing and reviewing management plans for Ramsar sites across Australia. All Ramsar sites in Commonwealth areas have the management plans required under the EPBC Act. To date, 55 of the 65 listed Australian Ramsar wetlands have management plans or draft plans.

The department commissioned a 'Ramsar Snapshot' to provide an initial assessment of the current status of Australia's Ramsar sites and the major threats and management issues facing the sites. The report also looked at some of the processes for Ramsar Convention implementation, including the currency of existing site documentation and improving regular reporting on site condition, and made recommendations for improvements. A final report was completed in December 2007. Consideration and implementation of the report's main findings are being progressed. The Ramsar Snapshot will assist in prioritising funding for updating Ramsar site management plans.

The EPBC Act allows the Commonwealth to provide assistance to protect or conserve a Ramsar wetland. In 2007–08 the Natural Heritage Trust and Coastal Catchment Initiative funded a number of descriptions of the ecological character of Ramsar wetlands, consistent with the Australian National Guidelines on Developing Ecological Character Descriptions.

The national guidelines on developing ecological character descriptions and national guidelines for preparing Ramsar site maps were endorsed by the Natural Resource Management Ministerial Council on 12 June 2008.

Work commenced on three additional guidelines: an introductory module; developing Ramsar management plans; and guidelines for nominating Ramsar sites. The guidelines for developing Ramsar management plans are consistent with the Australian Ramsar Management Principles (defined in the EPBC Regulations).

The Australian Government has provided funding of \$13.4 million to the New South Wales Wetland Recovery Program, and \$6.156 million of this was spent in 2007–08. This program aims to improve the health of the internationally significant Macquarie Marshes and Gwydir Wetlands, parts of which are listed under the Ramsar Convention. The Macquarie Marshes and Gwydir Wetlands are under ecological stress as a result of drought and land and water management practices. The work will develop knowledge of wetland and environmental water management, and provide on-ground environmental improvement through noxious weed management and improved flow regimes.

The Australian Government is jointly funding a \$400,000 project under the New South Wales Wetland Recovery Program that is auditing water diversion structures in the Macquarie Marshes. The Australian Government will apply the EPBC Act where warranted.

As part of the Murray–Darling Basin Commission’s Living Murray Initiative, 16.9 gigalitres of water was available in 2007–08 for the environment, some of which was provided to Ramsar sites along the River Murray. The water was used to provide critical drought refuges to help protect threatened species including watering river red gum refuges at the Chowilla Lindsay–Wallpolla and Gunbower icon sites, and providing some water to a wetland in the Barmah–Millewa Forest to protect the threatened southern pygmy perch.

### **Biosphere reserves**

A biosphere reserve is a unique concept that 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 their management.

Noosa Biosphere Reserve, Australia’s fourteenth, was approved by the Bureau of the International Coordinating Council of UNESCO’s Man and the Biosphere Program on 20 September 2007. This Program is a UNESCO initiative. The department provided technical advice to community and other organisations and groups involved in biosphere reserve development.

### **Commonwealth reserves**

The Australian Government manages an estate of marine and terrestrial protected areas that are Commonwealth reserves under the EPBC Act. The Director of National Parks prepares a separate annual report on management of these reserves.

## 4 Monitoring, compliance and legal actions

### *Highlights*

- In response to the recommendations of the Australian National Audit Office report, the department formed a Compliance and Enforcement Branch to promote awareness of, and compliance with, the EPBC Act.
- The department has a range of new compliance measures available under the February 2007 EPBC Act amendments to improve compliance outcomes, including remediation orders and enforceable undertakings.
- The department established an audit program to audit compliance with conditions applied to approvals under the EPBC Act. The program's results are distributed to relevant staff to improve decision-making.
- Capacity to enforce the EPBC Act in Australia's maritime areas and Commonwealth marine reserves was increased through the training of new EPBC Act wardens, the signing of new agreements with state enforcement agencies to support management of the South-east Commonwealth Marine Reserve Network, and the deployment of a new vessel to provide a near-continuous enforcement presence at Ashmore Reef.

### **Monitoring and compliance**

The department's compliance and enforcement activities, post-approval monitoring and auditing were boosted following a substantial increase in resources and the establishment of a branch dedicated to these functions in July 2007. The Compliance and Enforcement Branch currently comprises more than 50 officers undertaking monitoring, audit, compliance and investigation functions, and providing compliance support across the department. As at 30 June 2008 22 officers in the branch were authorised as inspectors under the EPBC Act.

The February 2007 amendments to the EPBC Act established new compliance and enforcement options as an alternative to court proceedings. The amendments also enhanced enforcement action to address minor breaches of approval conditions by allowing the use of a new set of reduced penalties. The amendments broadened the minister's powers to require remediation action where matters of national environmental significance have been affected, without the need for court action.

The new provisions have increased the department's compliance and enforcement capability through:

- introducing strict liability for criminal offences involving matters of national environmental significance
- providing greater powers of entry, search and seizure for authorised officers
- giving the minister powers to compel the provision of information and compel attendance, such as through a notice to produce or notice to attend
- creating a greater variety of compliance and enforcement options, such as remediation orders, remediation determinations, and enforceable undertakings
- making landholders liable, in certain circumstances, for breaches of the Act that occur on their land, regardless of whether they took the action leading to the breach
- making directors, employees and agents liable for conduct of bodies corporate.

## Department and agency staff training

The department continued to lead in developing education and training tools for compliance and enforcement, particularly through the Australian Environmental Law Enforcement and Regulators Network training subcommittee. The department provided in-house training in the form of three Certificate IV courses in Government (Statutory Compliance) and a corresponding diploma level course, and contributed to a diploma course held in Brisbane in May 2008.

The department worked with state and local government regulating agencies to develop a Certificate IV in Compliance Auditing especially designed to address the auditing of statutory compliance with conditions of approvals or permits. The department successfully ran the pilot program in November 2007. Staff from Queensland state and local government agencies took part, as well as the department's EPBC Act auditors.

All operational monitoring and audit team members in the department have received audit training, some up to lead-auditor standard.

## Working with state and local government

The department plays a key role in the Australian Environmental Law Enforcement and Regulators Network. The network has 31 agency members, with representation from all state and territory jurisdictions and the Australian Government, as well as some local government organisations. Six New Zealand environmental agencies are affiliate members. The department is a major sponsor of the network, funding secretariat support and participating in a number of the network's subcommittees.

The network held its fourth annual conference in Adelaide in November 2007. The conference was opened by the secretary of the department, Mr David Borthwick, and attracted more than 270 delegates, with 55 papers presented on the conference theme of 'innovative compliance'.

Outside the formal structure of the Australian Environmental Law Enforcement and Regulators Network, the department works with state agencies and local government, sharing information and raising awareness of the department's regulatory role. The department worked closely with the New South Wales Department of Environment and Climate Change investigating land clearing that has allegedly affected the migratory species using the Gwydir Wetlands. Both agencies are pursuing separate enforcement actions. The department also worked closely with local government and state agencies investigating land clearing at Clarkes Cove in north Queensland.

Where appropriate, investigative activities are undertaken in conjunction with the Australian Federal Police and Australian Customs Service. The department hosts an outposted officer from the Australian Federal Police.

The department provided investigative support to the United States Fish and Wildlife Service on three allegations of unlawful hunting made against Australian citizens. Two of those matters were referred to the Commonwealth Director of Public Prosecutions.

A Wildlife Taskforce was launched in December 2007, with the Victorian Department of Sustainability and Environment, to investigate alleged contraventions of the EPBC Act relating to the possession of illegally imported wildlife. Investigations have been directed towards a consolidated series of prosecutions under Commonwealth legislation. Four briefs of evidence were provided to the Commonwealth Director of Public Prosecutions on 30 June 2008.

The department formed a marine investigations team to investigate breaches of the EPBC Act's marine provisions. The team took part in compliance operations within Australia's marine reserve estate and worked with the Australian Fisheries Management Authority on investigations into illegal fishing in Commonwealth waters. Three matters were referred to the Commonwealth Director of Public Prosecutions.

The compliance support unit coordinates compliance and enforcement activities across the department, developing capacity and working with external enforcement agencies and state enforcement bodies.

### **Compliance assurance projects**

Compliance assurance projects test community awareness of the EPBC Act and help evaluate the department's effectiveness in administering the Act. During 2007–08 the department began two projects to examine levels of compliance with the Act.

The two projects compared referrals received by the department under the EPBC Act with development applications received by local or state agencies. One project followed up work begun in 2004, examining 5 local councils (3 in WA, 1 in NSW and 1 in SA), to compare levels of compliance between years; the other examined projects approved by state and local government in a specific Queensland biogeographical region, the Condamine Natural Resource Management Region.

The projects will help identify whether actions affecting matters of national environmental significance are being referred or not. The department will use the results to improve and prioritise compliance activities, including targeting education and awareness work with stakeholders to ensure matters of national environmental significance are protected and conserved.

### **Post-approval monitoring**

The department devoted extra resources to post-approval monitoring to ensure compliance with approval conditions, as well as compliance with other decisions involving environmental commitments made by proponents, such as 'particular manner' decisions. In addition to desktop monitoring of reporting requirements, the department began a program of site inspections to verify proponents' compliance with commitments.

Five site inspections were carried out on projects with high or medium risk ratings. A site inspection of a waste facility in Victoria was coordinated with the state's inspection for its permit requirements, which enabled agencies to share information and was more convenient for the permit holder.

### **Audit program**

The department focussed on increasing its monitoring and auditing capacity through recruitment and intensive training. A compliance audit plan was implemented. It comprised a risk based random compliance audit program and a focused strategic audit program (in development). The compliance audit plan aims to:

- monitor compliance with conditions of approval and 'particular manner' requirements
- evaluate the conditions and requirements attached to audited projects for 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 random compliance audit program audited a further nine projects from a list of 110 possible projects selected in October 2006, when the random audit program commenced. Audited projects this year included the building of the new National Portrait Gallery, several housing developments, a water supply infrastructure project, a sand quarry and an aquaculture facility.

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

The strategic audit program will focus on specific areas such as industry sectors, geographical areas, or protected matters and will be operational by the end of 2008. Both programs will run concurrently and continue to feed information to the department on its processes and condition setting.

A summary of the results of each audit is published on the department's website.

### Potential breaches

In 2007–08 the department received almost 1000 reports about 600 incidents or activities representing potential breaches of Part 3 of the EPBC Act. This is a significant increase on 2006–07 figures (580 reports about 370 incidents) and reflects an increased awareness of the Act and the department's improved capacity to respond to reports.

Incident 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 outcomes of all completed investigations are provided to the person or organisation making the initial report. The most frequently affected matters of national environmental significance reported include the southern cassowary and the Great Barrier Reef World Heritage Area in Queensland, the western ringtail possum and Carnaby's black cockatoo in Western Australia, the grey headed flying fox in New South Wales (and parts of Queensland) and the growling grass frog in Victoria.

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 these fail, enforcement sanctions are applied.

Many reports 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. During 2007–08, 34 referrals were received as a result of departmental intervention, of which 17 required approval, one was a 'particular manner' decision and one was refused.

## Investigations

If preliminary investigations determine that an activity is potentially in breach of the EPBC Act, the matter is referred to the department's environmental investigations unit. The unit uses multidisciplinary teams drawing on knowledge both within the department and externally, depending on each specific investigation.

As at 30 June 2008 there were nine investigators in the unit, all authorised officers under the EPBC Act with formal qualifications and/or skills and experience in law enforcement and compliance. There are also two team members with legal qualifications, who assist in coordinating investigations. Investigations comply with Australian Government Investigations Standards, and the department works with the Australian Federal Police to ensure policies and methodology are best practice.

In 2007–08 the unit commenced 19 new investigations. The majority related to alleged breaches of Part 3 of the EPBC Act (protection of matters of national environmental significance), three related to alleged breaches of Part 7 ('particular manner' decisions) and one related to the commencement of an action before a decision is made in relation to a referral. More than half of the cases related to the clearing of habitat for threatened species.

Investigations are conducted to ensure that all options for proceeding are left open. This includes investigation of civil and criminal offence provisions where appropriate.

## Compliance in Commonwealth Reserves and Commonwealth Marine Areas

Wardens are appointed under the EPBC Act to exercise enforcement powers for Commonwealth reserves. Members of the Australian Federal Police and Australian Customs Service are *ex officio* wardens. The minister may also appoint officers from other state and Australian Government partner agencies as EPBC Act wardens. Prior to appointment, all wardens are required to hold certain qualifications, while specialised training is also provided on the practical enforcement of the EPBC Act in Commonwealth reserves.

In 2007–08, 14 wardens were appointed from four state partner agencies to undertake compliance and enforcement activities in Commonwealth marine reserves. Officers from six state partner agencies were trained in readiness for future appointment. Five wardens and 13 rangers were appointed in terrestrial Commonwealth reserves. All ongoing staff members at Booderee National Park are now wardens. Training was provided for compliance staff to gain a Statement of Attainment towards Certificate IV in Government (Statutory Compliance or Investigation).

The department also trained Australian Customs Service officers who will be performing regular enforcement activities for Commonwealth reserves, and Australian Fisheries Management Authority officers to enable better joint enforcement and investigation for offences that contravene both the *Fisheries Management Act 1991* and the EPBC Act, particularly those involving foreign fishers. Training was also given to senior officers in the Royal Australian Navy to assist in reporting incidents of non-compliance observed during their patrols.

The department's monitoring and compliance activities in Australia's marine jurisdiction include scheduled and targeted vessel patrols and air surveillance flights as well as analysis of data to track activity in Commonwealth marine reserves.

The department has partnerships with a number of Commonwealth and State Government agencies to implement these activities, including:

- the Australian Customs Service
- the Australian Fisheries Management Authority
- the Victorian Department of Primary Industries
- the South Australian Department of Primary Industries and Resources
- the NSW Department of the Environment and Climate Change
- the Western Australian Department of Fisheries
- the Western Australian Department of Environment and Conservation.

A new vessel named the *Ashmore Guardian* was deployed in April 2008 under contract to the Australian Customs Service, to provide near-continuous compliance monitoring and enforcement of the EPBC Act in the Ashmore Reef National Nature Reserve.

Two targeted tactical surveillance operations were undertaken in Commonwealth marine reserves. One encountered minor breaches of the EPBC Regulations on recreational fishing gear restrictions. Another encountered a breach of the EPBC Act involving a listed threatened species, and that has proceeded to investigation. Another routine patrol by a state partner agency identified two further breaches of the Act—fishing activities in a no-take zone; these are also being pursued as formal investigations.

The department provided high level representation to the Strategic Maritime Management Committee and its working groups on a range of civil maritime surveillance issues, including those affecting the environment and enforcement of the EPBC Act, such as threat assessment, surveillance planning, legislative review and operational readiness.

Management arrangements progressed for the South-east Commonwealth Marine Reserve Network, which was proclaimed on 28 June 2007 and came into effect on 3 September 2007. The network covers an area of over 226,000 square kilometres of marine environment off the coasts of Tasmania, Victoria, eastern South Australia and far south New South Wales. The department has developed partnerships with key stakeholders in the region to provide vessel patrols and surveillance flights, share compliance data and intelligence, and respond to incidents of non-compliance.

### Legal actions by the department

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. If a matter under investigation is deemed to warrant criminal charges, it is referred to the Commonwealth Director of Public Prosecutions. For civil actions, the department instructs its legal services provider, currently the Australian Government Solicitor.

During 2007–08 two matters of alleged breaches of Part 3 of the EPBC Act were referred to the Commonwealth Director of Public Prosecutions and one matter was referred to the Australian Government Solicitor for advice on civil proceedings.

Two cases of unlawful hunting initiated by the United States Fish and Wildlife Service against Australian citizens, were referred to the Commonwealth Director of Public Prosecutions.

Three cases of illegal fishing in Commonwealth waters were referred to the Commonwealth Director of Public Prosecutions as a result of joint investigations by the department and the Australian Fisheries Management Authority.

There were several prosecutions for breaches of the EPBC Act in Commonwealth reserves. Four people were prosecuted for taking squid in excess of the recreational limit of 10 in Booderee National Park. Two persons were prosecuted for illegally carrying out works in the Solitary Islands Marine Reserve (Commonwealth Waters) when undertaking dive operations. Both pleaded guilty and received fines of \$300 each plus court costs.

In February 2008 the minister issued a remediation order under the new enforcement provisions of the EPBC Act. The remediation order required property owners at Clarkes Cove on the Whitsunday Coast to make good damage caused by unauthorised land clearing. The land was cleared of native forest without Commonwealth approval. The unauthorised clearing posed a risk to the Great Barrier Reef World Heritage Area by exposing marine waters to increased soil runoff and sediment build-up.

One evidentiary certificate was issued for land clearing in South Australia affecting the red-tailed black-cockatoo. Legal action on this matter has commenced.

An investigation has been completed that will result in an enforceable undertaking under the EPBC Act.

### **Legal actions by third parties**

There were other legal actions not initiated by the department. In 2006 Senator Bob Brown applied for an injunction to restrain forestry operations by Forestry Tasmania in the Wielangta State Forest, 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. In December 2006 Justice Marshall of the Federal Court held that the operations had a significant impact on certain threatened species and were not in accordance with the Tasmanian Regional Forest Agreement. Justice Marshall granted an injunction restraining Forestry Tasmania from conducting the operations without an approval under the EPBC Act.

In 2007 Forestry Tasmania appealed this decision to the Full Federal Court. The Commonwealth was again granted the status of an intervener by the Court. On 30 November 2007 the Full Bench of the Federal Court upheld Forestry Tasmania's appeal, overturning the injunction against forestry operations in Wielangta.

Senator Brown's application to the High Court for special leave to appeal the Federal Court's decision was dismissed on 23 May 2008.

On 15 January 2008, the Federal Court granted Humane Society International a declaration that Japanese whaling company Kyodo Senpaku Kaisha had breached the EPBC Act by taking whales in the Australian Whale Sanctuary. The Court issued an injunction restraining the company from doing so in the future. This case was a private action, and the Commonwealth was not a party to it. Enforcement of the injunction is a matter for Humane Society International.

## Review of decisions

The decision to approve the New South Wales kangaroo management plan was appealed to the Administrative Appeals Tribunal. The hearing took place 31 March–4 April 2008 and a decision was pending as at 30 June 2008.

The following court actions were commenced in 2007–08.

### *Phosphate Resources Ltd v Minister for the Environment, Heritage and the Arts* WAD 135/2007

Phosphate Resources Ltd challenged the former minister's decision to refuse to approve a proposal for further phosphate mining on Christmas Island, in the Federal Court. At 30 June 2008 this matter was still before the Court.

### *Westerley Projects Pty Ltd v Minister for the Environment, Heritage and the Arts* QUD 99/2008

Westerley Projects Pty Ltd challenged the minister's delegate's decision to confirm that a proposed action is a controlled action under the EPBC Act. The proposed action related to a proposed residential development at the Isley Hills area, south of Cairns, Queensland. At 30 June 2008, this matter was still before the Court.

### *Blue Wedges Inc. v Minister for the Environment, Heritage & the Arts, & Ors [2008]* FCA 8 (15 January 2008)

Blue Wedges Inc. was formed in 2003 in response to a proposal to use a dredging process to deepen shipping channels in Port Philip Bay and the Yarra River. It challenged the minister's jurisdiction to make an approval decision for the dredging of Port Philip Bay by the Port of Melbourne Corporation (EPBC 2002/576). Blue Wedges argued in particular that the project had changed substantially between the original referral in 2002, and the final ministerial decision to approve the project, which was made in 2007. The Federal Court dismissed the challenge without costs, holding that the minister's approval decision was lawful. The Court also acknowledged that changes to proposed actions between the referral and approval stages are inevitable, particularly in cases where the environmental approval process for a major project can take a number of years..

### *Blue Wedges Inc. v Minister for the Environment, Heritage & the Arts [2008]* FCA 399 (28 March 2008)

Blue Wedges Inc. also separately sought judicial review of the minister's decision to approve the proposal to use a dredging process to deepen shipping channels in Port Philip Bay and the Yarra River. Blue Wedges argued that the minister failed to take relevant considerations into account and acted unreasonably when making his decision. On 28 March 2008, the Federal Court dismissed Blue Wedges' application on all grounds with costs, and confirmed that the minister acted in accordance with the administrative law principles and the requirements of the EPBC Act when making his decision to approve the project.

*Anvil Hill Project Watch Association Inc. v Minister for the Environment and Water Resources [2007] FCA 1480 (20 September 2007)*

*Anvil Hill Project Watch Association v Minister for the Environment and Water Resources [2008] FCAFC 3 (14 February 2008)*

Anvil Hill Project Watch Association challenged a decision by the minister's delegate that the Anvil Hill Project involved was not a controlled action. The challenge was dismissed. Anvil Hill Project Watch Association appealed the decision to the Full Court of the Federal Court. The appeal was dismissed with costs.

*Wilderness Society Inc. v The Hon. Malcolm Turnbull, Minister for the Environment and Water Resources [2007] FCA 1178 (9 August 2007) and*

*Wilderness Society Inc v The Hon. Malcolm Turnbull, Minister for the Environment and Water Resources [2007] FCAFC 175 (22 November 2007)*

The Wilderness Society Inc. challenged the former minister's controlled action decision and assessment approach decisions for the proposal by Gunns to construct and operate a pulp mill in Bell Bay (EPBC 2007/3385). The challenge was dismissed with costs. The Wilderness Society Inc. appealed the decision to the Full Court of the Federal Court. The appeal was dismissed with costs.

*The Investors for the Future of Tasmania Inc. v Minister for the Environment and Water Resources [2007] FCA 1179 (9 August 2007)*

The Investors for the Future of Tasmania Inc. challenged the former minister's controlled action decision and assessment approach decisions for the proposal by Gunns to construct and operate a pulp mill in Bell Bay (EPBC 2007/3385). The challenge was dismissed with costs. This case was run concurrently with *Wilderness Society Inc. v The Hon. Malcolm Turnbull, Minister for the Environment and Water Resources [2007] FCA 1178* above.

*Lawyers for Forests Inc. v the Minister for the Environment, Heritage and the Arts and Gunns Ltd VID 1112 of 2007*

Lawyers for Forests Inc. are challenging the former minister's decision to approve with conditions the proposal by Gunns Ltd to construct and operate a pulp mill in Bell Bay (EPBC 2007/3385). At 30 June 2008 this matter was still before the Court.

*Harry Lansen and Others v Commonwealth Minister for the Environment and Heritage and McArthur River Mining Pty Ltd No NTD 4 of 2007*

Harry Lansen and a number of other native title claimants challenged the former minister's decision to approve the McArthur River Mine expansion (EPBC 2003/954). On 13 June 2008 Justice Mansfield dismissed the challenge on all grounds. At 30 June 2008, a decision was yet to be made about costs. On 30 June 2008 the applicants appealed the decision to the Full Court of the Federal Court. The appeal will be heard in the 2008–09 financial year.

*Your Water Your Say Inc. v Minister for the Environment, Heritage and the Arts [2008] FCA 670*

Community organisation 'Your Water Your Say Action Group Inc' (YWYS) sought judicial review of two decisions made by a delegate of the minister under the EPBC Act concerning the proposed construction of desalination plant and supporting infrastructure, consisting of an 85km pipeline and an electricity supply, on the Bass Coast near Wonthaggi, Victoria.

The delegate's decisions were that the proposal was a controlled action under the EPBC Act; and the potential environmental impacts of the proposal on matters of national environmental significance would be assessed through preparation of an environmental effects statement under Victorian legislation. YWYS argued that the decisions were invalid because the delegate failed to take relevant considerations into account, including the possible impact of preliminary works on matters of national environmental significance. On 16 May 2008, the Federal Court dismissed the application on all grounds and confirmed that the delegate had acted in accordance with the requirements of the EPBC Act. Costs were later awarded to the minister.

## 5 Reporting

### **State of the Environment and section 516A**

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 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 A—Statistics

This appendix comprises statistics on the operation of the EPBC Act in 2007–08.

**Table 1: Overview of referrals, assessments and approvals**

Referrals	2007–08	Total <sup>1</sup>
Total referrals received	418	2,696
Referrals being processed at 1 July 2007	38	
Referrals withdrawn or lapsed before (Controlled Action) decision	28	73
Referrals withdrawn or lapsed after (Controlled Action) decision	26	142
Action Clearly Unacceptable	1	1
Referral Decisions made (after reconsideration)	373	2,567
Approval Required--controlled action	108	603
Approval Not Required--action to be taken in a particular manner	89	446
Approval Not Required--no conditions on action	175	1,517
Referrals being processed at 30 June 2008	53	

<sup>1</sup> Since the commencement of the EPBC Act in July 2000

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

<b>Referrals</b>	
Referrals being processed at 1 July 2007	38
Referrals received in 2007–08	418
Deemed Referrals	0
Referrals withdrawn before (CA) decision	26
Referrals lapsed before (CA) decision	2
Referral decisions made (initial decisions, before reconsideration)	371
Approval Not Required - No conditions on action	175
Approval Not Required – action to be taken in a particular manner	88
Approval Required - controlled action	108
Referrals being processed at 30 June 2008	53
<b>Reconsideration of decisions</b>	
Reconsideration decisions being processed at 1 July 2007	0
Reconsideration requests received 2007–08	2
Reconsideration Decisions made	1
Decision changed from NCA (particular manner) to new manners	1
Decision Confirmed	0
Decision Revoked and New Decision Substituted	0
Decision changed from CA to NCA	0
Decision changed from CA to NCA (particular manner)	0
Decision changed from CA to Revised Controlling Provisions	0
Decision changed from NCA (particular manner) to CA	0
Decision changed from NCA (particular manner) to NCA	0
Decision changed from NCA to CA	0
Decision changed from NCA to NCA (particular manner)	0
Proposal Withdrawn	0
Reconsiderations pending at 30 June 2008	1

Note: CA= controlled action; NCA=not controlled action.

Table 3: Referrals and referral decisions by jurisdiction

	Referrals received in 2007–08	Decisions made in 2007–08			Total decisions
		Approval required	Approval not required		
		CA	PM	NCA	
Antarctica	0	0	0	0	0
Christmas Is	2	0	0	0	0
Cocos-Keeling Is	0	0	0	0	0
Commonwealth Marine	42	6	24	6	36
Norfolk Is	3	1	1	1	3
Other Aust Territory	0	0	0	0	0
Other Country	0	0	0	0	0
ACT	16	4	1	11	16
Jervis Bay Territory	0	0	0	0	0
NSW	56	14	5	36	55
NT	7	1	2	4	7
Qld	106	33	12	46	91
SA	21	7	4	11	22
Tas	21	3	5	10	18
Vic	76	17	14	32	63
WA	68	22	21	18	61
Total	418	108	89	175	372

Note: CA= controlled action; NCA=not controlled action; PM=action to be taken in a particular manner

**Table 4: Referrals and referral decisions by activity category**

	Referrals received in 2007-08	Decisions made in 2007-08			Total decisions
		Approval required	Approval not required		
		CA	PM	NCA	
Agriculture and forestry	1	0	1	0	1
Aquaculture	2	2	0	0	2
Commercial development	28	11	5	14	30
Commonwealth	13	2	1	8	11
Energy generation and supply (non-renewable)	27	12	2	11	25
Energy generation and supply (renewable)	14	0	0	9	9
Exploration (mineral, oil and gas - marine)	64	3	45	9	57
Exploration (mineral, oil and gas - non-marine)	4	0	0	4	4
Fishing	1	1	0	0	1
Manufacturing	1	0	0	1	1
Mining	49	20	1	19	40
Natural Resources Management	15	0	2	7	9
Private	4	0	0	2	2
Residential development	76	29	7	24	60
Science and research	9	1	3	4	8
Telecommunications	8	0	1	7	8
Tourism and recreation	11	3	2	7	12
Transport - air and space	4	1	0	3	4
Transport - land	40	7	5	28	40
Transport - water	14	4	7	2	13
Waste management (non-sewerage)	2	1	0	1	2
Waste management (sewerage)	5	1	3	0	4
Water management and use	26	10	4	15	29
<b>Total</b>	<b>418</b>	<b>108</b>	<b>89</b>	<b>175</b>	<b>372</b>

Note: CA= controlled action; NCA=not controlled action; PM=action to be taken in a particular manner

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

	Matter protected	Nominal controlled action <sup>1</sup>	Controlled action
Division 1	Matters of national environmental significance		
Section 12	World heritage values of a world heritage listed property	6	14
Section 15B	National heritage values of a national heritage listed place	8	13
Section 16	Ecological character of a declared Ramsar wetland	15	15
Section 18	Listed threatened species or ecological community	80	95
Section 20	Listed migratory species	63	45
Section 21	Nuclear activities with a significant impact on the environment	0	1
Section 23	Commonwealth marine environment	48	13
Division 2	Proposals involving the commonwealth		
Section 26	Commonwealth land	4	9
Section 27B	Activities involving Commonwealth heritage listed places overseas	0	0
Section 28	Commonwealth or Commonwealth agency activity	1	5
Total		225	210

<sup>1</sup> 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 2007-08	Assessments completed in 2007-08	Assessments withdrawn in 2007-08	Assessments lapsed in 2007-08	Recommendation reports completed in 2007-08	Recommendation reports (no approval) completed in 2007-08	Assessments in progress at 30 June 2008	Recommendation reports in progress at 30 June 2008
<b>Commonwealth assessments</b>								
Environmental Impact Statement	6	0	2	0	0	0	9	0
Public Environment Report	6	3	0	0	2	0	13	2
Referral Information	4	3	0	0	2	0	1	2
Preliminary Documentation	57	35	10	0	28	3	41	8
<b>State/territory assessments</b>								
Bilateral Assessment	35	5	4	0	0	0	66	0
Assessment Method Not (yet) Determined	0	0	4	0	0	0	0	0
Accredited Process	9	5	3	0	0	0	26	0

**Table 7: Approvals**

Type of approval	Number of approvals	Number of approvals since the commencement of the Act
Action Approved	51	242
Not Approved	2	7
Total decisions	53	249
Awaiting Approval at 30 June 2008	16	
Awaiting further information from proponent	6	

**Table 8: Advice requested and provided under section 160**

Authorisation provision	Requests for advice	Advice not required	Advice required	Assessment completed	Advice provided
R6.01 - GBRMPA Permit/Authority	0	0	0	0	0
R6.01 - Sea Dumping Permit	0	0	0	0	0
R6.01 - Sea Installations Permit	0	0	0	0	0
S160 - Airport Major Development Plan	11	7	2	2	3
S160 - Airspace Management	0	0	0	1	0
S160 - Foreign Aid	0	0	0	0	0

Table 9: Details of approvals and assessments 2007–08

Approvals granted	
Proponent	Project description and location
Abah Group	Rezoning of former Lalor Golf Course and residential development on the 57 hectare site, Northern Melbourne, Vic
Australian Pipeline Trust Group	275 km gas pipeline from Wadeye to existing Darwin gas pipeline, Wadeye to Amadeus Basin, NT
Brisbane Airport Corporation Pty Ltd	Brisbane Airport new parallel runway project, Brisbane Airport, Qld
CabWater, Caboolture Shire Council	Banksia Beach Water Treatment Plant, Bribie Island, Qld
ChevronTexaco Australia	Gorgon Gas Development, Barrow Island, WA
Department of Defence	Transfer of Defence Land at Majura, ACT
Department of Infrastructure, Energy and Resources	Demolition of Maclaines Creek Bridge, Tasman Highway near Triabunna, Tas
Department of Tourism, Parks, Heritage and the Arts	Centralised sewage scheme, Cradle Valley, Tas
Gold Coast City Council	Hinze Dam upgrade, Nerang, Qld
Gunns Ltd	Kraft Pulp Mill and ancillary chemical production and infrastructure, Bell Bay, Tas
Humfrey Land Development	Tourism facility and associated infrastructure, Houtman Abrolhos Islands, WA
Humfrey Land Development	Development of land based tourist facilities on Long Island, Houtman Abrolhos Islands, WA
JAG Marine Group Pty Ltd	Expansion of Bowen Marina, Lot 310 on SP143899, Bowen, Qld
Land Development Agency	Development of the Narrabundah Long Stay Caravan Park land swap site, Symonston, ACT
Leighton Properties (Vic) Pty Ltd	Westlink Industrial Estate, Ravenhall, Vic
Meridien Marinas Horizon Shores	Horizon Shores Marina redevelopment, Steiglitz, Qld
Moolarben Coal Mines Pty Ltd	Moolarben Coal Mine project, Ulan NE of Mudgee, NSW
Mount Gibson Mining Ltd	Open cut mine and associated infrastructure, Mount Gibson, WA
Mr Brian Newman	Peel's Retreat Estate residential development, Mandurah, WA
Mr Graham Buckley	Construct 330kV transmission line and switching station, Wollar to Wellington, NSW
Mr Graham Wight	Lilliponds Residential Resort Estate, Tully Mission Beach Road, Mission Beach, Qld
Mr John Perry	Neighbourhood shopping centre and mixed business centre, Ocean Road, Dawesville, Mandurah, WA

Mr John Rover	Country Living residential development, Paringa, SA
Mr Linton Emanuele	Residential development, Wongalin Beach, Qld
Mr Malcolm MacCormick	Residential/industrial subdivision, Lot 18, Vasse Highway, Shire of Busselton, Yalyalup, WA
Mr Michael Cavell	Install and operate gas pipeline, Moranbah–Gladstone, Qld
Mr Ross and Elizabeth Plapp	Tourist–residential development, off Jackey Jackey Street, South Mission Beach, Qld
Mr Sam Williams and Starflow Investments Pty Ltd	Residential development, Lot 3 Marine Terrace, Geographe, Shire of Busselton, WA
Mr Simon Wilson	Residential estate, 251–319 Melaluka Rd, Leopold, Vic
Mr T and Mrs G Masella	Construction of residential dwelling, Ozone Terrace, Kalamunda, WA
Mrs Joan Busby	Dawson Beach Estate Stage 2, Busselton, WA
NSW Roads and Traffic Authority	Hume Highway upgrade, Mullengandra to Tarcutta, NSW
NSW Roads and Traffic Authority	New dual carriageway from F3 Fwy to Branxton Link, F3 Fwy near Seahampton to New England Hwy at Black Creek, NSW
NSW Roads and Traffic Authority	Pacific Highway, Bulahdelah upgrade, Bulahdelah, 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
PGP Developments Pty Ltd	Whitsunday Shores Estate residential subdivision, golf course, facilities and infrastructure, Bowen, Qld
Hanson Construction Materials Pty Ltd	Kables Sand Quarry depth extension, Clarence, NSW
Port of Melbourne Corporation	Port Phillip Bay channel deepening, Port Phillip Bay, Vic
Queensland Department of Main Roads	Toowoomba Bypass highway corridor, Toowoomba, Qld
Queensland Rail	Wiggins Island Coal Terminal, Port of Gladstone, Qld
Queensland Transport	Townsville Port Access Project (Road and Rail), Townsville, Qld
RWNS Funds Management Pty Ltd	30 lot residential subdivision, Lot 1 of SP103648, Campbell St, Mission Beach, Qld
Stockland Developments Pty Ltd	Residential subdivision and town centre development, Vincentia, Jervis Bay, NSW
The Glads Development Pty Ltd	Residential development of Lot 3 RP 35335, Doolong Road South, Hervey Bay, Qld
Unimin Australia Ltd	Extension of sand mining operation into ML 1108 (Vance Lease), North Stradbroke Island, Qld
VicUrban	Aurora residential subdivision, Epping North, Epping North, Vic

VicUrban	Riverwalk Project residential development , Werribee, Vic
Watermark Enterprises	Subdivision Lot 1 Dawesville Rd, Dawesville, WA
Wind Prospect Pty Ltd	Green Point Wind Farm, Green Point, SA
Woodside Energy Ltd	Pluto Gas Project including Site B, Burrup Peninsula–North West Shelf, WA
Approvals not granted	
Proponent	Project description and location
Mr Doug Hickling	Nobby's Lighthouse redevelopment, Newcastle, NSW
Awaiting approval at 30 June 2008	
Proponent	Project description and location
Australand Holdings Ltd	Landfill of ponds, Bundoora, Vic
Australian National University	Crawford School building including teaching facilities, offices and conference rooms, Upper Acton Peninsula of Lake Burley Griffin, Canberra, ACT
Australian Rail Track Corporation	South Sydney Freight Rail Line, Sefton Park to Macarthur, NSW
BHP Billiton Mitsubishi Alliance	Norwich Park Coal Mine, development of East Pit, Bowen Basin, Qld
Chevron Texaco Australia Pty Ltd	Greater Gorgon Development, optical fibre cable, mainland to Barrow Island, Onslow to Barrow Island, WA
Department of Housing and Works	Construction of Fiona Stanley Hospital, Murdoch Activity Centre, Murdoch Drive, City of Melville, WA
Department of Tourism, Parks, Heritage and the Arts, Tas	Proposed release of 3,300ML of water from Lake Crescent into the River Clyde for irrigation purposes, Lake Crescent in the Central Highlands, Tas
ElectraNet SA	SA–NSW electricity interconnector, Monash–Robertstown section, Monash–Robertstown, SA
Goulburn–Murray Water	Lake Tutchewop serial flushing pipeline and associated works, Kerang Wetlands, Vic
Hydro Tasmania Consulting	Heemskirk windfarm development, west coast of Tasmania between Trial and Granville Harbours, Tas
Information Gateways Pty Ltd	Rural residential subdivision of Lot 447, Joalah Rd, Duffys Forest, NSW
Orange City Council	Resource reprocessing facility, near Molong, NSW
Pine Water	Redevelopment of waste water treatment plant, Murrumba Downs, Qld
Provent Property Group Pty Ltd	Residential subdivision Lot 446, Duffys Forest, NSW
Redcliffe Seaside Estates Pty Ltd	Newport Waterways estate stages 23 to 26, Redcliffe, Qld
Waterhaven Developments Pty Ltd	Waterhaven Estate I and II residential development (stages 5, 6 and final), Point Cook, Vic

Assessments completed	
<i>Assessed by preliminary documentation</i>	
Proponent	Project description and location
Assest 1 Pty Ltd	Wyndham Springs residential development stages 8 and 9, Wyndham Vale, Vic
Australian National University	Crawford School building including teaching facilities, offices and conference rooms, Upper Acton Peninsula of Lake Burley Griffin, Canberra, ACT
Bunbury Cathedral Grammar School	Construction of new sporting field, Gelorup, WA
CabWater, Caboolture Shire Council	Banksia Beach Water Treatment Plant, Bribie Island, Qld
Canal Rocks Pty Ltd	Tourist and residential development, Smiths Beach, WA
Department of Housing and Works	Construction of Fiona Stanley Hospital, Murdoch Activity Centre, Murdoch Drive, City of Melville, WA
Department of Infrastructure, Energy and Resources	Demolition of Maclaines Creek Bridge, Tasman Highway near Triabunna, Tas
Department of Tourism, Parks, Heritage and the Arts, Tas	Proposed release of 3,300ML of water from Lake Crescent into the River Clyde for irrigation purposes, Lake Crescent, Central Highlands, Tas
Gunns Ltd	Kraft Pulp Mill and ancillary chemical production and infrastructure, Bell Bay, Tas
Land Development Agency	Development of the Narrabundah Long Stay Caravan Park land swap site, Symonston, ACT
Leighton Properties (Vic) Pty Ltd	Westlink Industrial Estate, Ravenhall, Vic
Moolarben Coal Mines Pty Ltd	Moolarben Coal Mine project, Ulan NE of Mudgee, NSW
Mr Brian Newman	Peel's Retreat Estate residential development, Mandurah, WA
Mr Doug Hickling	Nobby's Lighthouse redevelopment, Newcastle, NSW
Mr Gino Robert Bastow	Residential development, Lot 3 and 4 Dorsett Street, West Busselton, WA
Mr Glenn Ziernik	Subdivision of portion of Lot 46 Tuckers Lane, North Rothbury, NSW
Mr Graham Wight	Lilliponds Residential Resort Estate, Tully Mission Beach Road, Mission Beach, Qld
Mr John Perry	Neighbourhood shopping centre and mixed business centre, Ocean Road, Dawesville, Mandurah, WA
Mr Linton Emanuele	Residential development, Wongalin Beach, Qld
Mr Malcolm MacCormick	Residential/industrial subdivision, Lot 18, Vasse Highway, Shire of Busselton, Yalyalup, WA

Mr Mark Everett	Residential development and resort, Mount Separation Road, Bemerside, Qld
Mr Ross and Elizabeth Plapp	Tourist-residential development, off Jackey Jackey Street, South Mission Beach, Qld
Mr Sam Williams and Starflow Investments Pty Ltd	Residential development, Lot 3 Marine Terrace, Geographe, Shire of Busselton, WA
Mr Simon Wilson	Residential estate, 251-319 Melaluka Rd, Leopold, Vic
Mr Tom Paul	Residential, commercial, retail, community and industrial development over 360 hectare site, Officer, Vic
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
Pine Water	Redevelopment of waste water treatment plant, Murrumba Downs, Qld
Queensland Transport	Townsville Port Access Project (Road and Rail), Townsville, Qld
RWNS Funds Management Pty Ltd	30 lot residential subdivision, Lot 1 of SP103648, Campbell St, Mission Beach, Qld
Unimin Australia Ltd	Extension of sand mining operation into ML 1108 (Vance Lease), North Stradbroke Island, Qld
VicUrban	Aurora residential subdivision, Epping North, Vic
Wagner Investments Pty Ltd	Ormeau Hills Quarry, Gold Coast City, Qld
Watermark Enterprises	Subdivision Lot 1 Dawesville Rd, Dawesville, WA
Wesfarmers Curragh Pty Ltd	Blackwater Creek diversion and coal mine, Blackwater-Cooroora Rd, 6km north of Blackwater, Qld
<i>Assessed by public environment report</i>	
Proponent	Project description and location
Mr Mal Wedd	Beverley Uranium Mine extension, Beverley, SA
Apache Energy Ltd	'Van Gogh' Petroleum Field Development Exploration Permit Area WA-155-P(1), Commonwealth Marine
PGP Developments Pty Ltd	Whitsunday Shores Estate residential subdivision, golf course, facilities and infrastructure, Bowen, Qld
<i>Assessed by referral information</i>	
Proponent	Project description and location
Department of Defence	Sale of surplus land at Campbelltown Road, Ingleburn, NSW
Department of Defence	Transfer of Defence land at Majura, ACT
Ibex Capital Pty Ltd	Tourism villa facility development, 605 Bussell Highway, Busselton, WA

*Assessed by accredited process*

Proponent	Project description and location
Brisbane Airport Corporation Pty Ltd	Brisbane Airport new parallel runway project, Brisbane Airport, Qld
NSW Roads and Traffic Authority	Pacific Highway Bulahdelah upgrade, Bulahdelah, NSW
Orange City Council	Resource reprocessing facility, near Molong, NSW
Pacific Reef Fisheries (Australia) Pty Ltd	Proposed Guthalungra aquaculture facility, Guthalungra, Qld
Port of Melbourne Corporation	Port Phillip Bay channel deepening, Port Phillip Bay, Vic

*Assessed by bilateral assessment*

Proponent	Project description and location
BHP Billiton Mitsubishi Alliance	Norwich Park Coal Mine, development of East Pit, Bowen Basin, Qld
Gold Coast City Council	Hinze Dam Upgrade, Nerang, Qld
Mount Gibson Mining Ltd	Open cut mine and associated infrastructure, Mount Gibson, WA
Mr Michael Cavell	Install and operate gas pipeline, Moranbah–Gladstone, Qld
Queensland Rail	Wiggins Island Coal Terminal, Port of Gladstone, Qld

Assessments in progress at 30 June 2008

*Assessed by environmental impact statement*

Proponent	Project description and location
AGL Petronas Consortium	PNG–Qld gas pipeline, Gove Lateral, Cape York Peninsula Qld to Gove NT, Commonwealth Marine
BHP Billiton Iron Ore	Port Hedland outer harbour development and associated marine and terrestrial infrastructure, Finucaen Island, Port Hedland and south of this site, WA
Inpex Browse Ltd	Develop Ichthys gas-condensate field permit area WA-285-P R1 WA NW Shelf, Browse Basin, WA
Marathon Resources Pty Ltd	Mount Gee Uranium Mining, Arkaroola pastoral lease, 99km west of Leigh Creek, SA
Mr Steve Green	Expansion of the Olympic Dam copper, uranium, gold and silver mine, processing plant and associated infrastructure, Olympic Dam, SA
Pathold No 84 Pty Ltd	Tourism resort, Wild Duck Island, Qld
Shell Development (Australia)	Prelude floating liquefied natural gas facility, permit area WA-371-P, Browse Basin, Commonwealth Marine
South Australian Department of Environment and Heritage	Proposed temporary weir at Pomanda Island near Wellington, Lake Alexandrina, SA
Woodside Energy Ltd	Development of Browse Basin Gas Fields (Upstream), Browse Basin, south of Scott Reef, 425km n-n-w of Broome, WA, Commonwealth Marine

*Assessed by preliminary documentation*

Proponent	Project description and location
ATA Environmental	Residential development at Shenton Park, City of Nedlands, WA
Australia Post	Redevelopment of post office and construction of dwellings, Sorrento, Commonwealth Marine
Australian Rail Track Corporation	Passing lane 2 between Donnybrook Road and Beveridge Road level crossings, Melbourne to Sydney Rail Corridor, Vic
BSO Development Consultants	Peppermint Park residential subdivision stage 5, Clydebank Avenue, Busselton, WA
Bronzewing Investments	Sand and limestone excavation quarry, 605 Lake Mealup Rd Carabungup, Shire of Murray, WA
CEC Group Ltd	Silkwood Ridge Estate residential development, Walker Rd, Bentley Park, near Edmonton, South of Cairns, Qld
Department of Primary Industries	Construction and operation of the Melbourne Wholesale Market, Cooper St, Epping, 17km north of Melbourne, Vic
Devine Ltd	Devine Communities 800 lot residential development, Lot A and Lot 3 Henry Road, Pakenham, Vic
Exoil Ltd	VICP61 2D marine seismic survey, 55 km south of Warrnambool, Vic, Commonwealth Marine
Folkestone Ltd	Industrial subdivision, 720–808 Kororoit Creek Road, Altona, Vic
Fraser Coast Pty Ltd	Residential subdivision of Lot 3 RP 185332, 366 Doolong South Road, Nikenbah, Qld
Gold Coast Water	Pimpama wastewater treatment plant, recycled water treatment plant and associated pipelines, Pimpama, Qld
Iluka Resources Ltd	Echo Sands mineral sands mining project, 30 km south-west of Horsham, western Vic
Insight Shores Pty Ltd	Final stages of Oak Valley subdivision, Townsville, Qld
Kailag Enterprises P/L	Yorke Island Sponge Farm, Torres Straits, aquaculture, Qld
Keith Altmann and Associates	Subdivision of 100 Vineyard Road, Sunbury, Vic
LandCorp	Meridian Business Park industrial development, Neerabup, WA
Mariah Hovercraft Australia Pty Ltd	Construction of a factory for production of ACVs, Lot 15 Beach Drive, Hastings, Vic
Mariah Hovercraft Australia Pty Ltd	Pruning of mangrove bushes along Lyall Inlet for hovercraft access, Tooradin Airfield, Lyall Inlet to Western Port Bay, Tooradin Airfield, Vic
Melbourne Water	Land use strategy and outsourcing arrangements for the Western Treatment Plant, Werribee, Vic
MiCorp Property	24 lot residential subdivision, Lot1 RP713212, Boyett Road, Mission Beach, Qld

Mirvac (WA) Pty Ltd	Proposed urban development, part Lot 9002 Sticks Blvd, Bridgewater Nth, Erskine, Mandurah, WA
Mr Denis Gillen	Lot 6 residential subdivision 59 lots, Valley Drive, Cannonvale, Shire of Whitsunday, Qld
Mr Gary Wallis	Management and control of serrated tussock, Delahey, Vic
Mr Greg Clyde-Smith	Cairns Rainforest Resort, Douglas Track Road, Cairns, Qld
Mr Jeff Golding	House construction, Lot 10 Chisholm Trail, Oak Valley, Qld
Mr Mark Single	Hills Plain subdivision, Tamworth, NSW
Mr Scott Keane	Mackay Airport runway and taxiway expansion, Mackay, Qld
Property Projects NQ Pty Ltd	40 lot residential subdivision, Lot 2 RP732964, west of Tully–Mission Beach Rd, Mission Beach, Qld
Ray Village Aged Services Inc	Retirement units and aged care facility development, Busselton, WA
Rinker Australia Pty Ltd	Nerimbera Quarry haul road, 4 Arnold Drive, Nerimbera, 10km east of Rockhampton, Qld
Rural City of Murray Bridge	Road redevelopment, sealing and realignment, Ferries McDonald Road, 10km south of Murray Bridge, SA
Satterley Property Group	Austin Cove Estate phase 2 residential development, South Yunderup Rd and Bens Rd, South Yunderup, WA
Starline Australia Holdings	Reef Cove Resort final stage, False Cape, Cairns, Qld
Stockland Highlands Pty Ltd	Residential development Craigieburn, 25km north of Melbourne, Vic
Sunbury RV Developments Pty Ltd	Sunbury Greenleaf Retirement Village, 180 Riddell Rd and 10 Spavin Dve, Sunbury, Vic
The Tiers Pty Ltd	Dam, weir and pipeline construction, Maylands Farm, Bollaparudda Road, HD Waitpinga, SA
University of Technology Sydney (UTS)	Concept plan proposal for residential and commercial development of UTS Kuring-gai Campus, Eton Road, Lindfield, NSW
Westerly Projects Pty Ltd	Residential subdivision of Lot 12 (SP105732) on Timberlea Drive, Bentley Park, Qld
Westfield	Bush Boulevard proposal east of Plenty Valley Town Centre, South Morang Activity Centre, 485 McDonalds Road, Mill Park, Vic
Woodside Energy	Torosa South Initial Appraisal Drilling, Scott Reef, 430km north of Broome, Torosa Gas Field, WA

Assessed by public environment report	
Proponent	Project description and location
Cairns City Council	Groundwater extracted from Mulgrave River Aquifer, bore field and associated infrastructure, Aloomba, Qld
Cardwell Properties Pty Ltd	Port Hinchinbrook Resort stage 2, Cardwell, Qld
Coolgaree Aboriginal Corporation for CDEP	Palm Island sponge aquaculture project, Palm Island group of islands, Qld
GFB Developments Pty Ltd	Expansion of fish farm activities, Saltwater Creek, Qld
Metgasco Ltd	Casino–Ipswich pipeline, 24km west of Lismore, NSW north to 30 km south-west of Brisbane, Qld
Mr Peter Woodward and Norfolk Island Harbour Corporation Incorporated	Transport water Ball Bay, Norfolk Island, construction of a permanent jetty and/or breakwall, Ball Bay, Norfolk Island
NSW Department of Primary Industries	Pilot offshore artificial reefs, offshore Newcastle, Sydney and Wollongong, NSW
Pilbara Iron	Cape Lambert Port B Development, Shire of Roebourne, Pilbara Region, WA
Shoalhaven City Council	Rezoning of land and associated public works to facilitate residential development, Worrowing Heights (Heritage Estates), NSW
Sudaw Developments Ltd	Nathan Dam, central Queensland, Dawson River, Qld
UP NCI Property Management Pty Ltd	Tourist resort and subdivision development, North Curtis Island, Qld
Water Corporation	Southern Seawater Desalination Project, Lots 32, 33 and part Lot 8 Tarato Rd, Binningup, WA
Waterman Agriculture Pty Ltd	Irrigated cotton development expansion, Pillicawarrina, Macquarie Marshes, NSW
Assessed by referral information	
Proponent	Project description and location
Canberra International Airport Pty Ltd	Extension of Taxiway Bravo, Block 587 and Block 660 Canberra International Airport, ACT
Assessed by accredited process	
Proponent	Project description and location
Astron Ltd	Donald Mineral Sands Project, Western Vic, Vic
Austeel Pty Ltd	Steel mill, Newcastle, NSW
Australian Federal Police	Australian Institute of Police Management Facilities Upgrade, North Head, NSW
Barro Group Pty Ltd	Extension of Mountain View basalt quarry by 490 hectares (stage 2), Point Wilson, Vic
Burnett Water Pty Ltd	Walla Weir raising of dam, Bundaberg, Qld

Cape Alumina Ptd Ltd	Pisolite Hills bauxite mine and associated infrastructure including port, 50km north-east of Weipa, Cape York, Qld
Chalco Australia Pty Ltd	Aurukun Bauxite Mine project, Western Cape Region, 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, NT
Department of Sustainability and Environment	Victorian Desalination Project, Bass Coast, near Wonthaggi; near Lower Powlett Rd and Bass Coast Hwy, Vic
Iluka Resources Ltd	Mineral sands mining Woorneck, Rownack, Rainlover, Pirro and Kulwin, near Ouyen, Vic
LG Chem Ltd	Construction of a chlor-alkali/ethylene di-chloride (CA/EDC) plant, Gladstone State Development Area, Landing Road, Gladstone, Qld
Lake Wellington Estates	Wellington Waters Canal Estate, Wellington Lakes, Vic
Linc Energy Ltd	Underground Coal Gasification and Liquefaction Project, Chinchilla, Darling Downs, Qld
Lonsdale Golf Club	Lonsdale Golf Club redevelopment, Point Lonsdale, Vic
Melbourne Water	Sugarloaf Water Pipeline Project, Goulburn River to Sugarloaf Reservoir to the N, Vic
Midwest Corporation Ltd	Koolanooka/Blue Hills Iron Ore Mining Project, 21km east of Morawa and 60km east of Koolanooka, WA
Mineralogy Pty Ltd	Binowee Iron Ore Project, Cape Preston, WA
Mr Michael Jolly and Classpoint Pty Ltd	Waterfront residential estate development (Narnu Waterways), Hindmarsh Island, SA
PF Formation	Sand extraction, Maroota, NSW
RMI Pty Ltd	Irrigated intensive crop production, Macintyre River valley, NSW
Rio Tinto Coal Australia Pty Ltd	Kunioon Coal Project, South Burnett, Qld
Selwyn Mines Ltd	The Selwyn Copper-Gold Project, Mt Isa-Carpentaria, Qld
Southern and Eastern Integrated Transport Authority (SEITA)	Frankston Bypass, construction of road from Mornington Peninsula to Mt Martha, Vic
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

Assessed by bilateral assessment	
Proponent	Project description and location
Agno Coal (Grosvenor) Pty Ltd	The Grosvenor Coal Mine Project , Moranbah, Qld
Albany Port Authority	APA dredging project, Port Albany, WA
Armidale Dumaresq Council	Armidale regional landfill, Armidale, NSW
BEMAX Cable Sands (WA) Pty Ltd	Mining of titanium mineral sands in Happy Valley north and south, on private land and State Forest, Gwindinup, WA
BM Alliance Coal Operations Pty Ltd	Goonyella Riverside Coal Mine expansion, Bowen Basin, Qld
Bankstown City Aged Care Facility	Development of an aged care facility, Lot 2, Lot 14 Rex Road, Georges Hall, Bankstown LGA, Sydney, NSW
Bowen Central Coal Company	Peak Downs East Coal Mine, central Queensland, Winchester Rd, near Moranbah, in northern 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 975.2ha property, Mandurah, WA
Central West Coal Pty Ltd	Central West Coal Project near Enneabba, WA, M267SA and M70, WA
Chevron Australia Pty Ltd	Gorgon Gas revised development, Barrow Island, WA
City Pacific Ltd	Townsville Ocean Terminal, Townsville, Qld
Compass Resources NL	Browns Oxide Project, new tailings storage facility (2), Batchelor, NT
Coolimba Power Pty Ltd	Coolimba Coal Power Project, 8km south of Eneabba, Lot 10253 Erindoon Rd, WA
Daracon Quarries	Ardglen Quarry extension, Murrurundi, NSW
Delfin Lend Lease	Development and construction of Rocky Springs Masterplanned Community, Bruce Highway, Julago, 12 km south east of Townsville CBD, Qld
East Wing Corporation Pty Ltd	Hummock Hill Island development, Hummock Hill Island, Qld
Ellensfield Coal Management Pty Ltd	Ellensfield Underground Coal Mine, northern part of Bowen Basin between Copabella and Moranbah, Qld
Energy Australia	F3 to Branxton Link electricity adjustments, from F3 near Seahampton to New England Hwy west of Branxton, NSW
Gladstone Area Water Board	Gladstone–Fitzroy Water Pipeline, Gladstone, Qld
HEZ Nominees Pty Ltd	Pelaw main bypass road near Cessnock, off Leggetts Drive, Pelaw Main, 10 km east of Cessnock, NSW
Hansons Construction	Extension of Flagstaff Quarry, Flagstaff Rd, Lindsfarne, Tas

Harbour Island Pty Ltd	Gold Coast International Marine Precinct, Shipper Dr, Coomera River, Coomera, Gold Coast, Qld
Huntlee Holdings Pty Ltd	The Huntlee New Town, next to Branxton and N. Rothbury in the Lower Hunter Valley, NSW
Iluka Resources Ltd	Expansion of mineral sand mine, Eneabba, WA
Iluka Resources Ltd	Tutunup South Mineral Sands Project (M70/611, M70/612, M70/1261), Busselton, WA
Johnson Property Group	Residential development in Cooranbong, NSW
Kemerton Silica Sand Pty Ltd	Silica Sand Mine expansion, Kemerton, WA
Laguna Pty Ltd	Additional development for resort expansion, Hook Island, Whitsunday Shire, Qld
Moly Metals Australia Pty Ltd	Spinifex Ridge molybdenum project, near Marble Bar, WA
CBH Sulphur Springs Pty Ltd	Panorama copper-zinc mine, Pilbara, WA
Sun Water	Water for Bowen project, Claire Weir, Bowen, Qld
Mr David Hunter	Condensate processing facility, East Arm, Darwin Business Park, NT
Mr David Watson	Upgrade of Keepit Dam on the Namoi River, NSW
Mr Neil Marston	Southdown Magnetite Mine, Wellstead, WA
Dr Nicola Schutte	9 lot rural residential subdivision, 110 Devencourt Rd, Uralla, NSW
Mr Peter Freund	Karara magnetite project, Shire of Morawa, WA
Mr Peter Gazzard	Mineral sands mine, Keysbrook, WA
Mr Peter Matheson	HPAL nickel plant, Gladstone, Qld
Mrs Janine Smith	Relocation of grey-headed flying-foxes from Dallis Park, Murwillumbah, NSW
Ms Peggy Svoboda	Kooragang Wetland rehabilitation project, Ash Island, Newcastle, NSW
New Acland Coal Pty Ltd	Stage 3 expansion of New Acland Coal Mine, Darling Downs, Qld
New Saraji Coal Pty Ltd	New Saraji coal mine project, Bowen Basin 10km north-east of Dysart, Qld
Northeast Business Park	Northeast Business Park, Caboolture, Morayfield, Qld
P3 Prestige Property Partnership	Ella Bay residential and tourism development, Ella Bay, Qld
PETRAC Pty Ltd and Cardno MBK	Residential Development at Lennox Heads, NSW, Lennox Heads, 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
Redlake Enterprises Pty Ltd	Tomago Road industrial subdivision, Tomago, NSW

Rosecorp Pty Ltd	Residential subdivision, Catherine Hill Bay and Gwandalan, NSW
Santos Ltd -	Coal seam gas field development for natural gas liquefaction park, Curtis Island, area around Emerald, Injune, Taroom and Roma townships, Qld
Santos Ltd	Construction of bridge and road to access proposed natural gas liquefaction park, Hamilton Point, Curtis Island, near Gladstone, Qld
Santos Ltd	Development of a natural gas liquefaction park, Curtis Island, near Gladstone, Qld
Santos Ltd	Development of marine facilities to service natural gas liquefaction park, Hamilton Point, Curtis Island, Gladstone, Qld
Santos Ltd	Gas pipeline and alternative pipeline to supply natural gas liquefaction plant, commences Roma, Qld finishes Curtis Island, near Gladstone, Qld
Shute Harbour Marina Developments Pty Ltd	Construction of marina facility, Shute Bay, Qld
Southern Regional Water Pipeline Company Pty Ltd	Borefield and new pipeline, NSI WTP, North Stradbroke Island (NSI), Qld
Southern Regional Water Pipeline Company Pty Ltd	Northern pipeline interconnector stage 2, Noosa and Maroochy Shires, Qld
Spitfire Oil Pty Ltd	Salmon Gums lignite mining project, 30km NW of Salmon Gums township, 100km north of Esperance, WA
Stanthorpe Shire Council	Construction of a dam at Emu Swamp, Stanthorpe, Qld
Straits Salt Pty Ltd	Yannarie solar salt project, Exmouth Gulf, WA
Sydney Catchment Authority	Upper Nepean (Kangaloon) groundwater borefield, Kangaloon, NSW
Walker Corporation	Lauderdale Quay waterfront housing and marina development, Ralphs Bay, Tas
Wyang Areas Coal Joint Venture	Wallarah 2 coal project, 5km north-west of Wyong, NSW
ZeroGen Pty Ltd	Construct and operate a coal gasification plant and carbon dioxide capture and storage, Stanwell Energy Park, Qld

Recommendation reports completed	
Assessed by preliminary documentation	
Proponent	Project description and location
Australian National University	Crawford School building including teaching facilities, offices and conference rooms, Upper Acton Peninsula of Lake Burley Griffin, Canberra, ACT
CabWater, Caboolture Shire Council	Banksia Beach Water Treatment Plant, Bribie Island, Qld
Department of Housing and Works	Construction of Fiona Stanley Hospital, Murdoch Activity Centre, Murdoch Drive, City of Melville, WA
Department of Infrastructure, Energy and Resources	Demolition of Maclaines Creek Bridge, Tasman Highway near Triabunna, Tas
Department of Tourism, Parks, Heritage and the Arts, Tas	Proposed release of 3,300ML of water from Lake Crescent into the River Clyde for irrigation purposes, Lake Crescent in the Central Highlands, Tas
Gunns Ltd	Kraft Pulp Mill and ancillary chemical production and infrastructure, Bell Bay, Tas
Land Development Agency	Development of the Narrabundah Long Stay Caravan Park land swap site, Symonston, ACT
Leighton Properties (Vic) Pty Ltd	Westlink Industrial Estate, Ravenhall, Vic
Moolarben Coal Mines Pty Ltd	Moolarben Coal Mine project, Ulan NE of Mudgee, NSW
Mr Brian Newman	Peel's Retreat Estate residential development, Mandurah, WA
Mr Doug Hickling	Nobby's Lighthouse redevelopment, Newcastle, NSW
Mr Graham Buckley	Construct 330kV transmission line and switching station, Wollar to Wellington, NSW
Mr Graham Wight	Lilliponds residential resort estate, Tully Mission Beach Road, Mission Beach, Qld
Mr John Perry	Neighbourhood shopping centre and mixed business centre, Ocean Road, Dawesville, Mandurah, WA
Mr John Rover	Country Living residential development, Paringa, SA
Mr Linton Emanuele	Residential development, Wongalin Beach, Qld
Mr Malcolm MacCormick	Residential-industrial subdivision, Lot 18, Vasse Highway, Shire of Busselton, Yalyalup, WA
Mr Sam Williams, Starflow Investments Pty Ltd	Residential development Lot 3 Marine Terrace Geographe, Shire of Busselton, WA
Mr Simon Wilson	Residential estate, 251–319 Melaluka Rd, Leopold, Vic
Mr T and Mrs G Masella	Construction of residential dwelling, Ozone Terrace, Kalamunda, Kalamunda, WA
Mrs Joan Busby	Dawson Beach Estate stage 2, Busselton, WA

NSW Roads and Traffic Authority	Hume Highway upgrade, Mullengandra to Tarcutta, 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
RWNS Funds Management Pty Ltd	30 lot residential subdivision, Lot 1 of SP103648, Campbell St, Mission Beach, Qld
Unimin Australia Ltd	Extension of sand mining operation into ML 1108 (Vance Lease), North Stradbroke Island, Qld
VicUrban	Aurora residential subdivision, Epping North, Epping North, Vic
VicUrban	Riverwalk Project residential development, Werribee, Vic
<i>Assessed by public environment report</i>	
PGP Developments Pty Ltd	Whitsunday Shores Estate residential subdivision, golf course, facilities and infrastructure, Bowen, Qld
Woodside Energy Ltd	Pluto Gas Project including Site B, Burrup Peninsula–North West Shelf, WA
<i>Assessed by referral information</i>	
Proponent	Project description and location
Department of Defence	Transfer of Defence land at Majura, ACT
NSW Roads and Traffic Authority	New dual carriageway from F3 Fwy to Branxton Link, F3 Fwy near Seahampton to New England Hwy at Black Creek, NSW
<i>Recommendation reports in progress at 30 June 2008</i>	
<i>Assessed by preliminary documentation</i>	
Proponent	Project description and location
Assest 1 Pty Ltd	Wyndham Springs residential development stages 8 and 9, Wyndham Vale, Vic
Bunbury Cathedral Grammar School	Construction of new sporting field, Gelorup, WA
Canal Rocks Pty Ltd	Tourist and residential development, Smiths Beach, WA
Mr Glenn Ziernik	Subdivision of portion of Lot 46 Tuckers Lane, North Rothbury, NSW
Mr Mark Everett	Residential development and resort, Mount Separation Road, Bemerside, Qld
Mr Tom Paul	Residential, commercial, retail, community and industrial development over 360 hectare site, Officer, Vic
Wagner Investments Pty Ltd	Ormeau Hills Quarry, Gold Coast City, Qld
Wesfarmers Curragh Pty Ltd	Blackwater Creek diversion and coal mine, Blackwater–Cooroorah Rd, 6km nth of Blackwater, Qld

Assessed by public environment report	
Proponent	Project description and location
Mr Mal Wedd	Beverley Uranium Mine extension, Beverley, SA
Apache Energy Ltd	'Van Gogh' Petroleum Field Development Exploration Permit Area WA-155-P(1), Commonwealth Marine

Assessed by referral information	
Proponent	Project description and location
Department of Defence	Sale of surplus land at Ingleburn, Campbelltown Road, Ingleburn, NSW
Ibex Capital Pty Ltd	Tourism villa facility development, 605 Bussell Highway, Busselton, WA

**Table 10: Processing of nominations and changes to the lists of threatened species, ecological communities and key threatening processes**

	Species	Ecological communities	Key threatening processes
Public nominations on the 2007 Finalised Priority Assessment List	20 (some nominations are for multiple species)	11	4
New public nominations received for 2008 assessment period	9	9	2
Nominations on which the Threatened Species Scientific Committee has provided advice to the minister	12	1	0
Ministerial decisions made on Threatened Species Scientific Committee advice	12	1	0
Number of ministerial decisions made on Threatened Species Scientific Committee Advice where the minister's 90-day deadline was met	12	1	0
Number uplisted, downlisted, new, delisted, rejected	1, 0, 7, 4, 0	0, 0, 1, 0, 0	0
Number of amendments to the list	12	1	0
Total number of listings as at 30 June 2008	1,700	39	17

Table 11: Species and ecological communities covered by recovery plans (at 30 June 2008)

	Species					Ecological communities			Total
	Vulnerable	Endangered	Critically endangered	Extinct in the wild	Vulnerable	Endangered	Critically endangered		
Total number of listed entities <sup>1</sup>	861	641	93	12	1	28	9	1,634	
Number covered by plans in preparation <sup>3</sup>	160	183	26	0	1	9	6	385	
Number covered by plans in place <sup>3,4</sup>	151	228	46	1	0	15	0	441	
Percentage covered by plans in place or in preparation	36%	64%	77%	100%	100%	86%	67%	51%	

<sup>1</sup> This figure does not include listings in the categories of 'extinct' or 'conservation dependent'. Some nominations are for multiple species.

<sup>2</sup> Multi-species plan – covering the *Galaxias pedderensis* fish which is extinct in the wild

<sup>3</sup> Some plans are multi-species

<sup>4</sup> This figure includes revised recovery plans currently in preparation

**Table 12: Number of recovery plans in preparation and in place (at 30 June 2008)**

	Single species	Multi-species	Ecological communities	Multi-regional	Total
Number of plans in place	278	30	15	1	324
Number of plans in preparation	222	35	13	5	275
Number of plans made or adopted in 2007–08	16	3	0	1	20

**Table 13: Cetacean permits—applications received and permits granted 2007–08\***

Sub-section of EPBC Act	Applications received	Permits granted	Conditions varied or revoked	Suspended or cancelled
238 (3) (a) and (b)	6	6	2	0
238 (3) (c)	0	0	0	0
Total	6	6	2	0

\* We have not included a column this year on assessment approach as amendments made in February 2007 remove this requirement.

**Table 14: Assessments of Commonwealth and state managed fisheries completed 2007–08**

Jurisdiction	Fishery	Current assessment decision	Decision date
Commonwealth	Heard Island and McDonald Islands Fishery	Exempt	16-Jul-07
QLD	Gulf of Carpentaria Inshore Finfish Fishery	WTO	26-Aug-07
QLD	Mud Crab Fishery	WTO	31-Aug-07
QLD	Gulf of Carpentaria Line Fishery	WTO	03-Sep-07
WA	Western Rock Lobster Fishery	Exempt	04-Sep-07
NT	Mud Crab Fishery	Exempt	25-Sep-07
WA	South Coast Crustacean Fishery	WTO	20-Sep-07
QLD	Blue Swimmer Crab Fishery	WTO	22-Oct-07
QLD	East Coast Spanish Mackerel Fishery	WTO	01-Nov-07
QLD	Tropical Rock Lobster Fishery	WTO	12-Nov-07
WA	Shark Bay Experimental Crab	WTO	15-Nov-07
Commonwealth	Southern Bluefin Tuna fishery	WTO	17-Nov-07
Commonwealth	Coral Sea fishery (Bêche-de-mer Sector)	WTO	19-Nov-07
Commonwealth	Western Trawl fishery	WTO	19-Nov-07
QLD	Stout Whiting Fishery	WTO	24-Nov-07
Commonwealth	Torres Strait Rock Lobster Fishery	WTO	24-Nov-07
NT	Shark Fishery	WTO	30-Nov-07
QLD	Gulf of Carpentaria Finfish Trawl	WTO	01-Dec-07
Commonwealth	Small Pelagics Fishery	WTO	06-Dec-07
QLD	Holothurian Fishery (East Coast Bêche-de-mer)	WTO	21-Dec-07
WA	Bêche-de-mer Fishery	WTO	22-Dec-07
NT	Trepang Fishery	WTO	22-Dec-07
WA	Shark Bay Prawn Fishery	Exempt	01-Jan-08
WA	Shark Bay Scallop Fishery	Exempt	01-Jan-08
WA	Exmouth Gulf Prawn Fishery	Exempt	11-Feb-08
NT	Spanish Mackerel Fishery	Exempt	11-Feb-08
TAS	Kelp Fishery	WTO	19-Feb-08
Commonwealth	Southern Bluefin Tuna Fishery	WTO	22-Feb-08
WA	Abrolhos Is and Mid West Trawl Fishery	WTO	22-Mar-08
QLD	Rocky Reef Fishery	WTO	29-Apr-08
WA	Pilbara Fish Trawl Interim Managed Fishery	WTO	30-Apr-08
NT	Timor Reef Fishery	Exempt	11-May-08

Note: WTO = Wildlife Trade Operation

## Appendix B—Committees

The functions and membership of advisory committees established under the EPBC Act are as follows.

### Threatened Species Scientific Committee

Under section 503 of the EPBC Act, the functions of the 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 15: Membership of the Threatened Species Scientific Committee as at 30 June 2008**

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

### Biological Diversity Advisory Committee

Under section 505 of the EPBC Act, the committee's role is to advise the minister, on request, about the conservation and ecologically sustainable use of biological diversity, and to perform such other functions as are conferred on it by the EPBC Act or the Regulations.

The committee membership lapsed in 2007 and the minister is currently considering candidates for appointment to the committee. Membership can be for a period of up to five years and includes representatives from scientific, business, rural and indigenous organisations as well as state/territory and local government.

### Indigenous Advisory Committee

Under section 505B of the EPBC Act, the Indigenous Advisory Committee provides advice to the minister on the operation of the *Environment Protection and Biodiversity Conservation Act 1999*.

By incorporating 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 effect 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 Damien Bell	Victoria
Ms Francine McCarthy	Northern Territory
Mr Joe Morrison	Northern Territory
Mr Glen Kelly	Western Australia
Mr Daniel Oades	Western Australia
Ms Chrissy Grant	New South Wales
Ms Marilyn Ah Chee	South Australia
Vacant	

## 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.

**Table 17: Membership of the Australian Heritage Council as at 30 June 2008**

### Member

Mr Tom Harley, Chair

Dr Jane Lennon AM

Mr Howard Tanner

Dr Gaye Sculthorpe

Mr Rodney Dillon

Dr Denis Saunders AM

Dr Libby Matiske

The Hon Richard Lewis

## Appendix C—Publications

The department produced the following EPBC Act related publications in 2007–08.

*2007 Inventory of Exotic (Non-Native) Bird Species Known to be in Australia* (published two versions, one sorted by common name and the other sorted by scientific name)

*A Guide to Record Keeping for Exotic Birds*

*Communities for Communities* newsletter, three issues

*Compliance Guide for Exotic Birds in Australia*

*EPBC Regulations in Booderee National Park* brochure

*If in Doubt – Check it Out*

*Marking and Individual Identification of Exotic Birds for Record Keeping Purposes*

*Norfolk Island National Park and Norfolk Island Botanic Garden Management Plan 2008–18*

*Pills, Plants and Animals – A Guide to Complementary Medicines, Trade and Conservation*

*South-east Region Commercial Fishing Industry Bulletin* November 2007

*Wetlands Australia National Wetlands Update* produced annually, brings together Australia-wide wetlands information

### Fact sheets

*International Wildlife Trade Permit Compliance*

*Solitary Islands Reserve Management Plan Review*

*Species Added to CITES Appendix III*

*Wildlife Trade Across the Border Between Papua New Guinea and Australia – What is OK?*

### Other products

*Australia's Marine Protected Areas* DVD, booklet and poster series

*Bilby's Band Face the Ferals* temporary tattoos for children providing information on the links of feral animals with threatened species

*Breaking Wildlife Laws? If in Doubt – Check it Out* fridge magnets, mouse pads, luggage tags and pens

*Do You Keep Exotic Birds?* poster and postcard

*Hunter Beware* poster and handout

*Wildlife Trade – If in Doubt – Check it Out* lanyard

### Website

*Keeping Exotic Birds*

<http://www.environment.gov.au/biodiversity/trade-use/exoticbirds/index.html>

## Appendix D—Compliance with timeframes (section 518 report)

The EPBC Act and Regulations specify timeframes within which decision 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 statutory timeframes in 2007–08 are listed in Tables 18 and 19 below.

**Table 18: Referrals, assessments and approvals in 2007–08**

Section	Total	Late	Reasons for Delay
75(5) Controlled action determination <sup>1</sup>	370	2	Delays in obtaining sufficient information to make an informed decision
77(1) Controlled action determination Notice	368	29	Delays in automated notification due to technical difficulties
77(4) Statement of Reasons <sup>2</sup>	37	9	Need to obtain legal advice/review
88(1) Assessment approach decision	82	35	Delays in obtaining sufficient information to make an informed decision and the need to wait for the relevant states to provide advice as to whether or not the project would be assessed under a bilateral agreement
88(2) Assessment approach decision and controlled action determination made on the same day	108	2	Need to wait for relevant states to provide advice as to whether or not the project would be assessed under a bilateral agreement
93(1) Recommendation report	2	1	Need to consider all relevant material and for additional stakeholder consultation..
95(1) Assessment Report <sup>1</sup>	6	5	Need to adequately consider complex technical issues
95(2)/95A(3) Direction to publish	30	15	Need to consider all relevant material and for additional stakeholder consultation
95A(2) Request further information	23	2	Need to consider all relevant material and for additional stakeholder consultation

95C/130(1B)(c) Recommendation report	28	8	Need for additional stakeholder consultation and to consider all relevant material.
96A(4)(a) Provide Public Environmental Report guidelines to designated proponent	3	2	Need to adequately consider complex technical issues
96A(4)(b) invitation to comment on a draft of tailored guidelines for the preparation of a report	2	1	Delay in reply from party invited to comment
100(i) Assessment report <sup>1</sup>	2	2	Need to adequately consider complex technical issues
101A(4)(a) provide Environmental Impact Statement guidelines to designated proponent	5	1	Need to adequately consider complex technical issues
102(i) Statement guidelines <sup>1</sup>	1	1	Joint assessment with state: need to ensure both jurisdictions are satisfied with guidelines.
130 (1) Approval decision <sup>1</sup>	15	8	Need for ongoing consultation with proponent/states over content of final approval conditions.
130(1B) Timing of decision on approval	36	20	Need for ongoing consultation with proponent/states over content of final approval conditions.
170A(h) Internet publication of draft or finalised report/ statement by a designated proponent <sup>1</sup>	5	1	Delays in automated notification due to technical difficulties
170A(i) Internet publication of each assessment report <sup>1</sup>	6	1	Delays in automated notification due to technical difficulties
170A(ia) Internet publication of each recommendation report given to the Minister	25	2	Delays in automated notification due to technical difficulties

<sup>1</sup> Prior to the February 2007 amendments to the EPBC Act

<sup>2</sup> Including under the AD(JR) Act

Table 19: Other provisions

Section	Total	Late	Reasons for Delay
<b>Part 13 Species and communities</b>			
266B(6) Internet publication of approved conservation advice.	9	9	Administrative oversight.
269AA(1) Decision whether to have a recovery plan.	35	3	Delays in providing advice to decision-maker.
270A(1) Decision whether to have a threat abatement plan	1	1	Administrative oversight.
279(2) Review of plans	2	2	Decision to delay review in order to seek further information.
<b>Part 15 Protected areas</b>			
324JJ(2) Decision about inclusion of a place in the National Heritage List	21	11	Principally timing of announcements to better provide for publicity for heritage listing. Of the 11 delays, 10 related to assessment reports delivered in 2006–07.
341JJ(2) Decision about inclusion of a place in the Commonwealth heritage list	2	2	Administrative delays.
<b>Regulations</b>			
8A.17(1) Call for register of interested people	1	1	Administrative oversight. <sup>1</sup>

<sup>1</sup> Previous calls for register of interested people had no responses and no permit applications requiring public consultation.

# Case Studies

## Case study—Clarke’s Cove

Under the *Environment Protection and Biodiversity Conservation Act 1999* developers need approval from the Environment Minister for any proposed action likely to have significant effects on matters of National Environment Significance (NES).

Amendments to the Act in 2007 provide the minister with increased powers to make decisions and determinations. They also provide greater flexibility for the department in its administration of the Act on matters of NES. Reports of possible breaches are investigated by the department’s compliance branch and determinations made to ensure those involved put right any wrongs done.

In August 2007 the department became aware of the unauthorised clearing of up to 17 hectares of native vegetation at Clarke’s Cove, about 12km north of Airlie Beach on the Queensland coast. Investigations showed the clearing works had the potential to have a significant effect on the heritage values of the adjacent Great Barrier Reef World Heritage Area through erosion run-off and sedimentation. This unauthorised land clearing is potentially a serious breach of the Act with longer-term actions required to rehabilitate the site.

The department conducted a compliance investigation with the Whitsunday Shire Council and Queensland environment agencies to achieve urgent rehabilitation measures and to monitor the site to prevent ongoing damage. In February 2008 the minister issued a remediation determination under s480D of the Act, requiring the responsible parties to stabilise and revegetate the site under a plan they must prepare and submit. The minister also stipulated payment of a \$250,000 bond to ensure that the mandated works are completed. The long-term remediation works will be undertaken in accordance with the agreed rehabilitation plan.

This was the first remediation order issued under the Act, which allows the Australian Government to order repair of an area to prevent ongoing harm, without recourse to lengthy court action. The department is undertaking a parallel investigation under the offence provisions of the Act.

## Case study 2—Threatened ecological communities workshops

Changes to the *Environment Protection and Biodiversity Act* in 2007 have enabled the department to focus strategically on threatened ecological communities that are a priority for conservation. In 2007 the minister released the first Finalised Priority Assessment List (FPAL) for nominations to list species, ecological communities and key threatening processes under the amended Act. The FPAL included 11 ecological communities to be assessed.

The assessment of ecological community nominations is complex because they can be difficult to define, may show variation, and often merge with adjacent communities. Extensive consultation with experts and stakeholders is essential to help overcome these problems. Failure to clearly define the communities creates difficulties for project proponents and increases compliance burdens on people taking action that may impact on the communities.

The department has a proactive, consultative and transparent approach to listing ecological communities. Technical workshops with field trips are a key step in the assessment process.

They enable officers to meet with experts familiar with an ecological community, to determine how it should be defined for listing under the Act. Workshop participants are encouraged to field-test outcomes after workshops to ensure they are accurate for the listing.

In financial year 2007–2008 three workshops were held with botanists, zoologists, ecologists and land managers. A workshop on red-gum grassy woodlands and grasslands of the Gippsland plains was held in Maffra, Victoria in November 2007. A workshop on the natural grasslands of the basalt and alluvial plains of southern Queensland and northern NSW was held in Tamworth, later the same month. A workshop for the Inland Grey-Box Woodlands was held in Wagga Wagga, NSW in March 2008.

The workshops provided substantial advice on the definition, distribution and other characteristics of high quality remnants for each ecological community. Reports on the Maffra and Tamworth workshops were made available for comment to other experts and for public consultation, along with the nominations. The outcomes and responses received from consultation were taken into account in the listing assessments. The report on the Wagga Wagga workshop will be made available early in financial year 2008–09.

The process results in clear, comprehensive and scientifically credible national listings of ecological communities that enhances their protection under the Act and translates into more effective biodiversity outcomes.



Grieve Parade Golden Sun Moth  
Photo: E.D. Edwards

### Case study 3—Grieve Parade

A road project incident at Altona in Melbourne in 2007 provides a good example of a typical compliance activity under the *Environment Protection and Biodiversity Conservation Act 1999*. It involved working with proponents to achieve a positive environmental outcome, without recourse to adversarial proceedings.

The department administers the Act and ensures compliance with it. All reports from the public of possible breaches are investigated by the department's compliance branch.

The department was notified on 21 November 2007 that dumping of spoil and parking of machinery by VicRoads' contractors had occurred on 1.4 hectares of private land adjacent to the road work corridor at Grieve Parade. There

was concern because the site provided potential habitat for the listed critically endangered golden sun moth and spiny rice-flower, and vulnerable striped legless lizard.

On 27 November VicRoads advised the department of their intention to cooperate fully with the department to resolve the matter. On 10 December they provided a report on potential effects. The expert report concluded that significant effects on the striped legless lizard and spiny rice-flower were not likely, but that potential habitat for the golden sun moth may have been affected. VicRoads prepared a remediation plan, which was approved by the department on 27 December 2007 and then implemented.

The consultant concluded rehabilitation was likely to be successful provided the spoil was carefully removed and the site monitored and controlled for weeds. There was little damage to the underlying topsoil and accompanying root and seed stock (and by implication associated sun moth grubs), and areas of grassland vegetation remained between the individual spoil piles.

VicRoads met all of the department's requirements (undertaking expert assessments, preparing and implementing a rehabilitation plan) urgently. Early indications are the affected site will fully recover.

#### Case study 4—Gunns post-approval

Approval for Gunns Limited to proceed with its plans for a pulp mill on a 300 hectare site at Bell Bay in Tasmania was granted in October 2007 subject to 48 conditions being met, including the development of a detailed Environmental Impact Management Plan.

Under the *Environment Protection and Biodiversity Conservation Act 1999* the Commonwealth's approval is limited to the protection of particular matters of national environmental significance associated with the project. In this case it includes nationally listed threatened and migratory species and the Commonwealth marine environment. Species covered by the approval include the wedge-tailed eagle, the Tasmanian devil, spot-tailed quoll, eastern barred bandicoot, swift parrot, green and golden frog, Australian grayling, grasstrees, orchids and various crayfish.

Under the approval held by Gunns, it must prepare an Environmental Impact Management Plan setting out the specific measures that will be undertaken by Gunns Limited to ensure that the action will have no adverse impacts on matters of national environmental significance. Construction of the pulp mill cannot commence until the Minister has approved the relevant "modules" of the Environmental Impact Management Plan. Gunns must undertake extensive surveys and ongoing monitoring, rehabilitation and reporting at all stages of the project. If certain trigger points are reached, response strategies agreed by the department must be implemented. This may include stopping work until the matter is resolved.

The pulp mill is one of the most highly scrutinised projects approved under the Act. A departmental team was established in Canberra and Hobart to oversee the development approval and implementation of the Environmental Impact Management Plan. The team works closely with Gunns and the Independent Expert Group of scientists appointed by the minister. The minister has also appointed an Independent Site Supervisor to verify that Gunns complies with the management plan.

On-ground presence provides the department with a more responsive monitoring capacity, and facilitates a timely approach to meetings with key stakeholders and site visits. Through frequent consultations and meetings, the officers have established an effective working relationship with the company. The team works cooperatively with its Tasmanian counterparts to promote an efficient approach to co-regulation.

By the end of May 2008 the minister had approved the first four modules of the management plan covering vegetation clearing, earthworks and construction of the workers' accommodation facility.

#### Case study 5—Hume Highway Duplication

The widening of the Hume Highway between the Sturt Highway and Mullengandra in NSW is a good example of making the most of a development opportunity to achieve a positive long-term conservation outcome under the *Environment Protection and Biodiversity Conservation Act 1999*. It further demonstrates how the department promotes a culture of awareness of the long-term costs of habitat loss and the need to conserve existing habitat.

The proposed action involves upgrading 45 kilometres of the highway to create four lanes of dual carriageway. This is necessary for safety, efficiency and community benefit on a route of strategic national significance linking Sydney and Melbourne.

An environment assessment by the NSW Roads and Traffic Authority (RTA) showed the work will result in the loss of up to 55 hectares of the listed, critically endangered ecological community, box-gum grassy woodland and derived grasslands and up to 75 hectares of suitable foraging habitat for the vulnerable superb parrot, the endangered regent honey eater and swift parrot.

The proposal was approved by the department on 2 August 2007 and a variation on March 18 2008, with conditions requiring the RTA to acquire and rehabilitate 550 hectares of box-gum grassy woodland and derived grasslands in the region. The acquired land must also provide suitable foraging habitat for the superb parrot, regent honey eater and swift parrot and be protected by a legal instrument to ensure it is conserved in perpetuity.

In this case the department achieved a very good outcome with a one for 10 offset ratio. For every hectare of habitat lost alongside the old road, 10 hectares will be bought and conserved within 100 kilometres of the development. The approval conditions specify that the acquired land must either meet the classification of the endangered ecological community or must be rehabilitated to meet that classification, thus ensuring the habitat is available now and into the future. Where land is rehabilitated it will be adding and conserving significant habitat for threatened species. This land must also provide some linkage to existing conservation reserves and/or be adjacent to existing conservation reserves.

### Case study 6—Kimberley Strategic Assessment

The way in which governments, communities and industry are now consulting and collaborating on how and where development might occur in the pristine Kimberley region in north Western Australia (WA), demonstrates a new positive approach to achieving a balance between proposed human activity and long term conservation. It shows how an enhanced strategic assessment process is helping the department towards achieving satisfactory outcomes with states and territories, industry, Indigenous people and other interest groups.

Liquefied natural gas (LNG) reserves in the Browse Basin off the Kimberley coast are estimated to have the potential to meet a third of Asia's energy needs by 2030 (*The Australian*, 8 April 2008). Industry has been exploring potential options for processing the LNG for export.

Amendments to the *Environment Protection and Biodiversity Act 1999* in February 2007 allowed for improved strategic approaches for protection and conservation of the environment, especially matters of National Environment Significance (NES). In July 2007 WA government officials met with the Department to discuss a strategic approach to ensure economic development in the Kimberley is carried out in an ecologically sustainable manner, compatible with its unique natural and cultural heritage values. This led to the announcement by the Commonwealth and state governments in February 2008 of an agreement to carry out a joint strategic assessment under the Act of the natural, Indigenous and historic heritage values in the region, as well as a specific assessment of a plan for a common-user LNG processing hub to service the Browse Basin. The assessment would also consider any feasible alternative sites outside the Kimberley.

The assessment is being conducted through a collaborative process of consultations with all interested parties, in particular Indigenous groups, and applying thorough scientific investigation, data collection and analysis.

If the strategic assessment is endorsed, developments in the LNG hub that are consistent with the management plan will not require further approval from the Commonwealth Environment Minister. The minister has included an assessment of the potential National Heritage values of the region in the Australian Heritage Council's work-plan commencing in 2008.

### Case study 7—Threatened species – The Black-Cockatoos of Western Australia

Two species of white-tailed black-cockatoos found only in the south west of Western Australia have been declining since the mid 1900s following widespread and rapid clearing of their breeding and foraging habitats. These long-lived birds continue to be threatened by habitat clearance and fragmentation, and other factors such as the loss of nest hollows from competition with other birds and bees. These unique and look-alike birds, the endangered Carnaby's black-cockatoo and the vulnerable Baudin's black-cockatoo, are matters of national environmental significance and therefore protected under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act).

Carnaby's and Baudin's black-cockatoos spend much of their time each year foraging and sometimes breeding in a region that is now one of Australia's fastest growing, the Swan Coastal Plain, and part of an internationally recognised biodiversity hot spot. The conservation and management of the black-cockatoos in this region represents a challenge for all levels of government and an opportunity to work together and assess the current statutory and administrative frameworks.

The department's approach to these birds is to work with the EPBC Act in a focussed and strategic way. This includes engaging with state and local government agencies to help ensure the cockatoos are considered early in the planning and environmental assessment processes. It also includes working with species experts to produce policy advice and information for state and local government agencies, developers, and the wider community, on what actions are likely to have a significant effect on the cockatoos. Recovery Plans are in preparation for both species, and the draft plans guide the department's application of policy tools and recovery investment. The department has also provided resources to implement key recovery actions, such as the control of nest competitors and monitoring of subsequent nest hollow usage, DNA collection and analysis of Carnaby's cockatoo population, and activities to promote its conservation needs to the community.

The recovery and management of these species remains a work-in-progress and a priority for the department.