

Please attach the following **one-page summary** to your submission.

Comments on the Interim Report for the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

Summary

Name of author/organisation:
Healesville Environment Watch Inc

Contact details:
Healesville, Vic 3777

Date:
2 August 2009

Which chapter(s) of the interim report are you commenting on?

Chapter 8: Climate Change

Chapter 12: Threatened species and ecological communities

Key points of submission

Climate change is one of the major driving forces behind the unprecedented loss of biodiversity and the omission of a requirement that greenhouse gas emissions be specifically considered and of a greenhouse trigger must now be addressed.

Logging of native forests is not a "Carbon Positive" industry.

A mechanism for emergency listing is needed.

References

CLIMATE CHANGE: Global Risks, Challenges & Decisions, Copenhagen, March 2009
<http://climatecongress.ku.dk/pdf/synthesisreport>

Carbon Pollution Reduction Scheme Green Paper, Australian Government July 2008
<http://www.climatechange.gov.au/greenpaper/report/pubs/greenpaper-appendixd.pdf>

Assessing the carbon sequestration potential of managed forests: a case study from temperate Australia, S H Roxburgh, S W Wood, B G Mackey, G Woldendorp and P Gibbons, *Journal of Applied Ecology*, 2006 **43**, 1149-1159

and see end notes

Confidentiality statement:

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Do you want this submission to be treated as confidential? No
(please state 'yes' or 'no')

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Healesville Environment Watch Inc.

Healesville VIC 3777

Phone/fax:

Tues & Thurs:

Secretary: Maureen Bond

**HEALESVILLE ♦ CHUM CREEK ♦ YARRA GLEN ♦ BADGER CREEK ♦
DIXONS CREEK ♦ STEELS CREEK ♦ TARRAWARRA**

ABN: 67 253 515 594 ♦ Reg. No: A0018935T ♦
<http://hewi.friends.melbournewater.com.au>

Dear Dr Hawke and panel,

Thank you for the opportunity to comment on the Interim Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999.

Our comments follow.

Chapter 8: Climate Change

Climate change is one of the major driving forces behind the unprecedented loss of biodiversity.ⁱ

Since the above statement was made in 2007, understanding of the scale of the problem has broadened and deepened. A meeting of scientists in Copenhagen in March 2009 warned of “a looming biodiversity catastrophe if global mean temperature rises above the 2°C guardrail”.ⁱⁱ

Climate change has now risen to become the pre-eminent environmental issueⁱⁱⁱ and this is confirmed in a new report prepared for the Federal Government, which states that its effects pose “a significant threat to marine and terrestrial biodiversity across Australia’s World Heritage estate”.^{iv}

Given this, Healesville Environment Watch considers the absence of a requirement that greenhouse gas emissions be specifically considered and of a greenhouse trigger are glaring omissions in the legislation, which must now be addressed. It is unconscionable that a revised Environment Protection and Biodiversity Conservation Act still may not include strong and effective measures to limit future greenhouse gas emissions.

Reliance cannot be placed on the proposed Carbon Pollution Reduction Scheme, which is heavily compromised and cannot be considered “a pure ETS”. Furthermore, if adopted, it will not now come into effect until 2011 and its targets offer no realistic prospect of constraining future temperature increase within safe climate limits.^v

It is therefore essential that the revised EPBC Act should contain effective green-house emissions triggers that are additional to other legislation, preventing any further emissions intensive development and by bringing in sectors such as deforestation, emissions intensive trade-exposed industries (EITES) and coal exports that are not covered by other legislation.

8.24 NAFI

The National Association of Forest Industries’ claim that forestry is a carbon positive industry must be challenged. This unsubstantiated claim has often been repeated by those representing the industry but has no factual basis. It apparently derives from deliberate confusion of “forestry” and “forests”; the CO₂ emissions released by forestry (logging) being compared to the CO₂ uptake over not just the logged area but the entire area of state forest. This is clearly a misleading and self-serving comparison.^{vi, vii} Forestry cannot be credited with the emissions sequestration potential of entire forests.

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Similarly, self-serving claims that “Forestry is acknowledged by the Commonwealth Department of Climate Change as the only carbon positive sector of the Australian economy”^{viii}, seek to misrepresent information in the federal government’s CPRS Green Paper Appendix D which lists industry sectors and their emissions intensities. “Forestry and logging” is indeed the only industry for which negative emissions intensity is recorded but with the following footnote, “The emissions intensity for Forestry and logging is negative because it includes carbon sequestration in forests.”^{ix}

Such claims must be considered alongside published science which has recorded a decrease in sequestration of carbon in industrially managed forests, compared to undisturbed forests of around 40%.^x

Chapter 12: Threatened species and ecological communities

p198 Emergency listing

HEWI strongly supports the case for a mechanism allowing emergency listing, discussed in Chapter 12 of the Interim Report.

The current application in which HEWI is involved illustrates such a need. On application from HEWI, the Round-leaf Pomaderris (*Pomaderris vacciniifolia*) was listed under the Victorian Flora and Fauna Guarantee Act in February 2009.

At that time an application for listing under the EPBC Act was already in preparation pending further survey information, intended to be gathered during the flowering season in September/October. However in February 2009 the area to which the plant is endemic was ravaged by the “Black Saturday” fires and around two-thirds of known mature specimens were destroyed, either by the fire itself, by clearing of ‘fire-breaks’ or during post-fire ‘tidying up’.

Consequently HEWI updated the application to the extent possible in the circumstances and submitted it.^{xi}

The application was acknowledged, noting “that the current round of nominations has closed, but we will automatically hold your nomination for consideration in the next prioritisation period”. However no indication was given when this might be.^{xii}

Further inquiry^{xiii} advised that “the EPBC Act does not provide any legal scope to include late nominations in the prioritisation process”.^{xiv}

Warning has now been given that the coming summer has the potential to exceed the extreme conditions of the last. Should the worst-case scenario eventuate it is possible the species could be destroyed before the application is even considered.

It is therefore clear that scope is needed to accommodate emergency listings in circumstances where the threat to the species or community in question increases substantially and suddenly as a result of an unforeseen disaster or other event. In the world of climate change it is likely that such situations will arise more frequently in the future and the EPBC Act must provide the legal scope to allow appropriate and urgent response. Extinction does not wait on the convenience of bureaucracy.

Sincerely,

Steve Meacher
Chairman
HEWI

Maureen Bond
Secretary
HEWI

ⁱ Mr. Ahmed Djoghlaf, Executive Secretary of the UN Convention on Biodiversity, Message on the occasion of the International Day for Biological Diversity, 22 May 2007

ⁱⁱ Climate change has consequences for biodiversity and for the many services that humans derive from diverse and well-functioning ecosystems. There is a looming biodiversity catastrophe if global mean temperature rises above the 2°C guardrail, ocean acidification spreads and sea-level rise accelerates. These climate-related stressors will interact with a wide range of existing stressors on biodiversity. The catastrophe will be expressed as the extinction of a significant fraction of biological species within the next 100 years, a substantially reduced range and higher risk of eventual extinction for other species, and the degradation of ecosystem services.

The unfolding biodiversity catastrophe raises not only concerns about the provision of ecosystem services to humans, but also ethical issues regarding the relationship between humanity and the rest of nature.

CLIMATE CHANGE: Global Risks, Challenges & Decisions, Copenhagen, March 2009
<http://climatecongress.ku.dk/pdf/synthesisreport>

ⁱⁱⁱ Over the past few years climate change has risen to become the pre-eminent social, economic and environmental issue facing contemporary society.

Climate Change 2009: Faster Change & More Serious Risks, Will Steffen
<http://www.anu.edu.au/climatechange/wp-content/uploads/2009/07/climate-change-faster-change-and-more-serious-risks-final.pdf>

^{iv} The report, prepared by the Australian National University for the Department of Environment, said that with continued warming there would be "substantial reductions" in rainforests, declines in the abundance of native flora and fauna and potential damage to architecture.

It said temperatures in Australia were likely to rise by up to 5 degrees by 2070 under a high emissions scenario, with a 10 per cent fall in average rainfall, lower stream flows, worsening water security and quality and more cyclones. By 2030, sea levels were likely to rise by about 17 centimetres.

"Higher sea and land temperatures, sea level rise and ocean acidification, and prolonged drought pose a significant threat to marine and terrestrial biodiversity across Australia's World Heritage estate," the report concludes.

"Climate change effects are likely to exacerbate the current problems associated with human-induced changes to the landscape through deforestation, fire, urban expansion, water extraction and tourism, as well as ... the spread of exotic pests and diseases."

The Sunday Age, August 2, 2009
<http://www.theage.com.au/environment/climate-threat-to-heritage-sites-20090801-e592.html>

^v **Current emissions targets won't stop climate change:....**, ABC News Online, Sat Aug 1, 2009

Australian National University (ANU) research shows current international carbon emissions targets will not rein in climate change at the levels that countries are predicting.

Canberra-based researcher Andrew Macintosh completed modelling for temperature changes based on emissions targets going into the Copenhagen negotiations.

Most countries have focused on cuts to carbon emissions of between 10 and 20 per cent by 2020, ahead of an 80 per cent target for 2050.

However Mr Macintosh has warned emissions targets will have to be toughened to contain temperature change to two degrees above pre-industrial levels.

"I would like to see a more honest debate in the public," he said.

"I don't think it's helping anyone for leaders, governments and NGOs to come out and try to run that line that we can have low to

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moderate targets while keeping within that 2 degrees limit."

He says the predicted temperature levels cannot be achieved unless tough decisions are made.

"It's very unlikely at this stage that we'll be able to keep to two degrees above pre-industrial levels without a pretty significant change in the current negotiating position of developed countries," he said.

Mr Macintosh will release his modelling work on the proposed targets at a conference on Monday.

<http://www.abc.net.au/news/stories/2009/08/01/2642988.htm?site=news>

^{vi} **Data confirms state forests as carbon sink**

Forestry Tasmania today released new figures that confirm state forests are a net carbon sink.

A re-analysis of FT's previously published carbon audit demonstrates that annual emissions from planned burns represent less than a quarter of the total carbon stored each year on state forest.

The figures form part of Forestry Tasmania's response to Questions on Notice from the Senate Select Committee on Climate Change.

Executive General Manager Hans Drielsma said the figures aligned with research conducted by other credible sources that acknowledge forestry as the only carbon-positive sector of the Australian economy.

"Senator Brown's questioning reflected his stance against forestry and deliberately overlooked the scientific fact that sustainably managed forests sequester carbon, which balances that emitted in harvesting.

"Our audit re-analysis demonstrates that state forests store 6.75 million tonnes of carbon dioxide each year.

"In comparison, the carbon emitted by regeneration burning amounts to a maximum of 1.46 million tonnes.

<http://www.forestrytas.com.au/media-releases/data-confirms-state-forests-as-carbon-sink>

^{vii} **The Tasmanian forest industry is carbon positive**

National Association of Forest Industries deputy CEO, Allan Hansard, writes:

Credible science from the CRC for Greenhouse Accounting tells us that Australia's commercial plantations and production native forests remove a net 43.7 million tonnes of carbon dioxide from the atmosphere each year. In 2005, Tasmania's forest industry was recorded to have absorbed 2.1 million tonnes of carbon from the atmosphere.

<http://www.crikey.com.au/2007/09/20/the-tasmanian-forest-industry-is-carbon-positive/>

^{viii} http://www.forestrytas.com.au/assets/0000/0557/upper_florentine_brochure_Jan09-web.pdf

^{ix} <http://www.climatechange.gov.au/greenpaper/report/pubs/greenpaper-appendixd.pdf>

^x "In this study we have demonstrated that forests recovering from prior logging have the potential to store significant amounts of carbon, with current biomass stocks estimated to be approximately 60% of their predicted carrying capacity, a value similar to those reported for northern temperate forests."

Assessing the carbon sequestration potential of managed forests: a case study from temperate Australia,

S. H. ROXBURGH, S. W. WOOD, B. G. MACKEY, G. WOLDENDORP and P. GIBBONS,
Journal of Applied Ecology, 2006 **43**, 1149-1159

^{xi} **Sent:** Wednesday, 27 May 2009 6:24 PM

To: EPBC Nominations

Subject: Urgent species nomination under EPBC Act

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The Director, Species Listing Section
Department of the Environment, Water, Heritage and the Arts
GPO Box 787
Canberra ACT 2601

Although I note that nominations in the current assessment period are closed, I ask that the special circumstances of this application be acknowledged and the application considered.

I have been working on the nomination of the Round-leaf Pomaderris (*Pomaderris vacciniifolia*) for some time and had planned to verify the information on population and range during the next flowering season in September/October.

Almost the entire range, and certainly the vast majority of the recently verified populations, occur along a 20 kilometre stretch of the Healesville-Kinglake Road from Chum Creek, through Toolangi, to Castella in Victoria. This was one of the areas affected by the bushfires in February and it is now clear that all the plants in the Castella region, and all but about a dozen in Chum Creek have been destroyed. Thus the number of surviving mature specimens has been reduced by as much as two-thirds.

The only significant population now remaining is that in Toolangi. To compound the problem, during a post-fire survey of the burned-out and surviving sites last week I discovered that a number of mature specimens in the grounds of the Toolangi Community House had been removed and destroyed by a council gardener who thought they may be a fire hazard and did not understand their significance.

To help prevent such devastating accidents in the future that would further threaten the already depleted population of this plant I therefore ask that this application be considered as a matter of urgency.

Thank you for your consideration.
Steve Meacher
Chairman
Healesville Environment Watch Inc.

^{xii} On 10/06/2009, at 11:47 AM, XXX wrote:
Dear Steve,

thank you for getting in touch, and I apologise for the delay in getting back to you. As you note, the current round of nominations has closed, but we will automatically hold your nomination for consideration in the next prioritisation period. In addition, as this species is listed in Victoria, we will contact the Victorian Department of Sustainability and the Environment to see if there is any further action that can be taken in relation to assessing and protecting this species.

Kind regards

Director Species Listing Section Department of the Environment, Water, Heritage and the Arts Ph:

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^{xiii} **Sent:** Wednesday, 10 June 2009 12:03 PM

Dear XXX,

Thank you for acknowledging my application. It is disappointing, given the current threats to this species, that the nomination will not be considered in the current round. Extinction does not wait for bureaucracy!

Please advise when the next prioritisation period will commence.

In the meantime thank you for contacting the DSE.

Regards,

Steve Meacher

^{xiv} Dear Steve,

unfortunately the EPBC Act does not provide any legal scope to include late nominations in the prioritisation process, so I am not able to exercise any discretion in this regard. The next call for nominations has not yet been announced, but most likely will run from November 2009 to March 2010. You do not need to resubmit your nomination in that period, as it will be automatically included, however if you have additional information later in the year, you may wish to provide this to us for consideration.

Kind regards

Director Species Listing Section Department of the Environment, Water, Heritage and the Arts Ph: