



THE GOVERNMENT OF NORFOLK ISLAND

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23 January 2009

Mr Mark Allen  
Secretariat  
Independent Review of the EPBC Act 1999  
GPO Box 787  
CANBERRA ACT 2601

Email: [epbcreview@environment.gov.au](mailto:epbcreview@environment.gov.au)

Dear Mr Allen

I refer to the exchange of emails between you and the Secretary to Government of the Norfolk Island Government in relation to the Independent Review of the EPBC Act 1999.

I am grateful to Dr Hawke for allowing an extension of time to the Norfolk Island Government to allow it to lodge a submission by 30 January 2009.

A copy of the Norfolk Island Government's Submission is attached.

Yours sincerely

**S. Vicky Jack**  
Minister for the Environment,  
Education and Social Welfare

## **Submission to the Independent review of the *Environment Protection and Biodiversity Conservation Act 1999***

**Name of organisation:**

Norfolk Island Government

**Name/s of author/s**

Norfolk Island Government

**Date:**

22 January 2009

### ***Confidentiality statement:***

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I **do not** want this submission to be treated as **confidential** and/or **anonymous**.

Submissions should be sent via email to [epbcreview@environment.gov.au](mailto:epbcreview@environment.gov.au) or posted to:

Secretariat  
Independent review of the EPBC Act 1999  
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Australia

INDEPENDENT REVIEW OF THE  
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT  
1999

SUBMISSION BY  
THE GOVERNMENT OF NORFOLK ISLAND



JANUARY 2009

**INDEPENDENT REVIEW OF THE  
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

**SUBMISSION BY**

**THE GOVERNMENT OF NORFOLK ISLAND**

Norfolk Island has a unique and valuable natural and cultural heritage, with many endangered endemic flora and fauna and a varied history of human settlement, from the arrival of Polynesian people around the 12<sup>th</sup> century, British colonization and penal settlement from the late 18<sup>th</sup> century and the arrival of the descendents of the Bounty mutineers from Pitcairn Island in 1856.

When the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was commenced, over 50% of all lands on Norfolk Island became Commonwealth areas under that Act. There was therefore some concern that the application of the EPBC Act to the self-governing Territory of Norfolk Island could result in unwarranted involvement in day to day land management issues

Since 1999, there have been 17 EPBC Act referrals of proposed actions on Norfolk Island. Two of these are still in process and 13 were not controlled actions. It was determined that 2 of the proposals were controlled actions.

Fifty-six species of Norfolk Island flora and fauna are listed species under the Act. There have been no prosecutions under the EPBC Act of offences against listed species at Norfolk Island.

The operation of the EPBC Act at Norfolk Island since 1999 has been reasonable and appropriate and has been generally accepted by the community and the Government of Norfolk Island.

The continuation of the EPBC Act in its present form and its application to Norfolk Island generally in the manner in which it has operated since its commencement is supported by the Government of Norfolk Island.

That said, the Government of Norfolk Island places significant importance on consultation between the Commonwealth and the NIG on the operation of the Act on Norfolk Island. Successful implementation of the Act on Norfolk Island is facilitated by consultation and the Commonwealth should consult with the NIG on any changes to the provisions of the Act and or its application to and operation on Norfolk Island.

The NIG strongly supports the existing provisions in the Act relating to consultation on specific matters. Consideration should be given to strengthening the requirements for consultation between the Commonwealth and State and self-governing Territory agencies on proposals to change the Act, and to list or un-list places and species.

With regard to listed species, there is a case for independently assessing the merits of listing native and non-native (including self-introduced) species at Norfolk Island. Species listing based solely on the status of that species in another location may not be appropriate to the conservation status of that species on Norfolk Island or take appropriate account of the interaction of that species with other species. In some cases, a listed species on Norfolk Island enjoys the significant protections provided in the EPBC Act perhaps at the expense of listed or unlisted native/endemic flora or fauna that may be threatened by the listed species. The Nankeen Kestrel and Purple Swamphen are both listed marine species. The Nankeen Kestrel self-introduced to the Island during the 1960's and the Purple Swamphen probably self-introduced during the 19<sup>th</sup> century. Post-European settlement changes to the Island resulted in greater areas of habitats suited to these species, which consequently established themselves on the Island.

Conversely, the population of a species native to Norfolk Island could warrant listing even though that species were not under threat elsewhere in its range.

The mechanisms within the EPBC Act for assessing and listing species, including listing in part rather than all of a species' range should be reviewed. Such a review should take account of conservation status throughout a species range, the conservation status of disjunct populations and the relationships between those populations and other native and endemic species.