

THREATENED SPECIES SCIENTIFIC COMMITTEE
C/- Species Listing Section
Department of the Environment, Water, Heritage and the Arts
GPO Box 787
CANBERRA ACT 2601

Dr Allan Hawke
C/-Secretariat to the Independent
Review of the EPBC Act,
GPO Box 787
CANBERRA ACT 2601

Dear Dr Hawke,

Thank you for spending the time with the Threatened Species Scientific Committee recently, the discussion was most useful.

The Committee sees the Act as a great advance in Australia's legislative framework for biodiversity management. However, it can and should be improved to achieve a reversal of biodiversity trends and accelerate conservation outcomes. The purpose of this letter is to identify some issues that the Committee believes are important for the legislative review. In drawing these issues to your attention the Committee is seeking to build on the successful prioritisation and marine improvements made in 2006. The issues are identified as points below.

1. There is a need to clarify the interrelationship between the current listing categories and other categories frequently encountered by the Committee. This could involve recognition of *conservation dependent* by making the category a trigger for Key Threatening Processes. Another improvement could be made if there existed a framework for recognising near threatened, rare and data-deficient species and ecological communities existed that was linked to Key Threatening Process criteria. This would not necessarily involve a listing and subsequent NES trigger for these categories. However, it becomes important in the role these could have as justifications in law of the establishment of Key Threatening Processes. This and subsequent recommendations are focused on earlier action for protection and/or recovery of declining species and ecological communities, rather than waiting until they are seriously threatened. Similar proactivity can be achieved if the protection provisions of the Act were triggered for ecological communities listed as *vulnerable*.
2. Threats to biodiversity drive the biodiversity objectives of the Act; Key Threatening Processes are the only mechanism we have to address identified significant negative trends in ecosystem condition that will lead to additions to lists. However, they currently are not Matters of National Environmental Significance and are deficient in their establishment. This is particularly so in the context of the categories mentioned in 1 above. We believe that Key Threatening Processes should be an important tool in conservation planning. The appropriate mechanism is for Threat Abatement Plans to be given regulatory force through the Act.
3. Recovery planning and Threat Abatement planning should be moved to a regional and/or landscape functional unit framework. In particular, the Committee believes that the

planning model it proposed in its multi-species, multi-community planning framework should be a starting point for this discussion.

4. To assist with the above, the Committee believes that strategic assessments at a bioregional level, or alternatively in an area where threats are clearly identified, should be a priority matter. These assessments should focus on all NES matters. From a biodiversity perspective, their focus should be on mitigating threats to ecosystem function and process, as it is the failure to do so that leads to species and ecological communities becoming eligible for listing. The assessments should lead to the creation of appropriate regional or national Key Threatening Processes.
5. To allow a nationally-listed regional Key Threatening Process to be listed for a specific region would require amendments. This would, however, provide a mechanism for areas under intense pressures. The logic of this is that the loss, or significant reduction, of a population from one or more identified regions would place the entire population under risk.
6. Such a planning framework would allow the rational application of offsets and impact thresholds in the context of approvals.
7. The Committee is aware that not all plan development has been timely, and some has been over-ambitious. The Committee recommends that the Act provide for the Committee to recommend to the Minister, after consulting the Department, time lines for plan development and, at the adoption of the plan, time lines for plan review.
8. The Act is currently inflexibly prescriptive in proscribing plan process and content. This should be simplified if provisions were made for the Committee, following consultation with the Department, to advise the Minister on appropriate plan content. This is especially important where a plan that has expired and a new plan is being proposed.
9. All plans made and agreed to by the Commonwealth should be subject to a pre-determined framework for monitoring and evaluation of investment outcomes. To be clear, this should extend to Recovery Plans, Threat Abatement Plans, Wildlife Conservation Plans, plans underpinning conservation-dependent listings, all other accredited natural resource management plans and specific investments above a certain amount.
10. Notwithstanding this, monitoring and evaluation should be mandatory for all listed entities and the cumulative effect of assessment decisions.
11. The committee believes that the listing of ecological communities at the broad scale has been a success. However, for Recovery Plans to be effective, they should be couched at a landscape scale, probably using catchments as units. To do this, the identified ecological community would require a legislative tool to allow buffer zones of the community to be defined at listing.
12. Conservation Advices have now been prepared for all listed national entities that did not already have a Recovery Plan in place, or in preparation, at the commencement of the amended Act. It should be a requirement that all Commonwealth investments take account of achieving the objectives of these Conservation Advices or Recovery Plans.
13. The Act should unambiguously allow for the Minister to adopt, as policy, advice on methodologies for the circumscription of ecological communities. This has been done for terrestrial communities and needs to be done for marine and possibly coastal/tidal communities.

14. There are special issues with species (and some communities) with enormous geographic ranges. The above proposal would allow a better approach to evolve.
15. There is a legislative requirement for the TSSC and the Heritage Council to consult. There is no such provision for consultation between the TSSC, Heritage Council and the Indigenous Advisory Committee and there should be such a provision. Further the Committee believes that the review may benefit from a joint meeting between yourself and the Chairs of these three Committees.
16. Critical habitat for ecological communities should be deleted from the Act because the Committee already defines what constitutes the best quality, functional areas of ecological communities through the use of condition thresholds in the listing advices (which can be applied to any location).
17. It is also a moot point as to whether *critical habitat* for species serves any good purpose. Most species now occupy areas that are not their historic "critical habitat". The Committee has been parsimonious in the use of this tool because it believes it to be ineffective in achieving conservation outcomes.
18. The Committee is dependent on both the science community itself and its research outputs in order to do its work. A mechanism whereby the Committee's outputs influenced aspects of biodiversity-related research-funding priorities would be in the national interest.
19. The Committee since 2001 has been working on the alignment of State and Territory processes and lists. We have only been partially successful in this and believe that this is not sufficient progress. A paper is available from the Department which sets out the principles that were agreed to at a meeting of all the jurisdictional chairs in 2001. We believe these principles set a minimum requirement for inter-jurisdictional cooperation and could be extended.
20. The Committee believes that its current name is misleading as it is effectively operating as a Biodiversity Management Scientific Advisory Committee.

The Committee thanks you for the opportunity to make these initial comments. It will continue with its deliberations so that it is in a position to provide you with more details about these and other issues at a future date, should you require them.

Yours sincerely



Associate Professor Robert J.S. Beeton
Chair
Threatened Species Scientific Committee

19th December 2008

