

Submission to the Independent Review of the EPBC Act, May 2009

From: Dr Kirsten Parris, School of Botany, The University of Melbourne, VIC 3010, Australia ( [REDACTED] )

I am a researcher with particular interests in 1) urban ecology, and 2) the ecology and conservation biology of frogs. In my experience, the EPBC Act 1999 has not been particularly effective in protecting Australia's threatened species and communities. One reason for this is the piecemeal approach to conservation planning, whereby each proposed action or development that may have a negative impact on a threatened species or community is assessed individually. Each action or development in itself may not have a nationally-significant impact on the taxon or community in question, but when considered together they are sufficient to drive it closer to extinction. Urban development is a case in point – each new road or housing development may have a relatively small effect on the existing species and/or ecological communities, but in the last decade, urban expansion has collectively destroyed significant areas of native vegetation and wetland habitats that supported populations of endangered species such as the grey-headed flying fox *Pteropus poliocephalus* and the growling grass frog *Litoria raniformis*.

I would like to propose an alternative system based on regional conservation plans. These plans could be developed using all available information (including published data, unpublished data and expert opinion) on the distribution and abundance/extent of threatened species and communities in a region, as well as the location of critical habitats that are important for a wide range of species, whether they are listed as threatened or not. These plans would enable clear identification of areas that must be protected if the species and communities in the region are to persist in the long term, and areas that could be altered or developed if certain environmental guidelines are followed. This would give greater certainty to developers and industry, and provide better protection of the environment than is currently being afforded by the EPBC Act.

Given that our knowledge of the distribution of Australia's species and ecological communities is imperfect, the regional planning process would need to be somewhat conservative or precautionary. One key element of this precautionary approach would be regular review of the regional conservation plans (e.g. every three years) to enable

new information to be incorporated. A mechanism by which an earlier review could be triggered by evidence that the previous understanding of the distribution of a threatened species or community in a region was substantially flawed would also be important.

The final point I would like to make stems from my experience with Victoria's Flora and Fauna Guarantee Act. In 2004, I made a submission on the Environmental Effects Statement prepared for the expansion of Bendigo Mining's operation at the Deborah Reef, and subsequently appeared before the planning panel to argue against the proposed development. Bendigo Mining intended to clear 40 hectares of Box-Ironbark forest, an endangered vegetation community that supported a number of threatened plant and animal species including the swift parrot *Lathamus discolor* which is listed as Endangered under the EPBC Act. The legal team for the mining company was well resourced and included a QC, while I was part of a team of concerned citizens that included members of the Bendigo Field Naturalists' Club. Our arguments did not hold sway and Bendigo Mining were given permission to go ahead with their proposed expansion. The forest was cleared, but soon after the company declared the mine was not financially viable and operations at the southern end of the Deborah Reef were suspended indefinitely.

The moral of this story is not that it is hard to protect biodiversity against development and the expansion of industry, but that a system in which private citizens must advocate for conservation against well-resourced business interests is fundamentally flawed. The revised EPBC Act must provide a strong role for DEWHA in both the formulation and defence of the regional conservation plans.

Thank you very much for the opportunity to comment.

Yours sincerely,

Kirsten Parris