

# WETLANDS RESEARCH ASSOCIATION INC.

Registered No: A1007876D  
12 Monger St Perth WA 6000  
Phone: 0427473705: Fax: 9227 3503

25<sup>th</sup> May 2009

Dr Allen Hawke  
Secretariat  
Independent review of the EPBC Act 1999  
GPO Box 787 Canberra ACT 2601

Dear Dr Hawke,

The Wetlands Research Association (WRA) is a non-profit executive committee comprising professional personnel with expertise in geoheritage, wetland ecology, hydrology, soils, and vegetation focused on education, wetland protection policy development and assisting community groups managing local natural resources.

We pleased to be given the opportunity to make a submission on the EPBC Act (1999) and are commenting on point 2 a,b of the terms of reference. A powerpoint presentation will be given to support our application.

## 2 (a) The Operation of the EPBC Act

The Wetlands Research Association supports the Commonwealth's role in adopting the increasing array of environmental obligations under international treaties, and providing the domestic legal framework for implementing Australia's obligations under a number of international conventions related to the environment, under the EPBC Act. The 2003 amendment to include heritage as "a matter of national significance, also, is important.

## 2 (b)

The stated objectives of the EPBC Act are to:

- (i) provide for the protection of the environment, especially matters of national environmental significance
- (ii) conserve Australian biodiversity
- (iii) provide a streamlined national environmental assessment and approvals process
- (iv) enhance the protection and management of important natural and cultural places
- (v) promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources

We submit that objectives (i), (ii), (iii) (iv) and (v) are not always met in the arena of geoheritage, geodiversity and geoconservation, and wetlands, and offer a solution.

## **Geoheritage, Geodiversity, and Geoconservation**

The *Australian Heritage Commission Act 1975* provided for the identification and protection at a Federal level of aspects of the natural and cultural environments which are of national significance. At that time, the Commonwealth set up a comprehensive structure for the identification and assessment of sites of geoheritage significance. States were given funding for the purpose of identifying sites of geoheritage significance, for protection under the Act.. However, there was no inventory based assessment, and there were insufficient funds to undertake a comprehensive survey.

In Western Australia \$7000 was provided for funds for a survey. Given the vast area to be assessed, and the limitations of the funding, where other States reviewed their whole State, in WA, the study was confined to teaching sites in the Perth region. However, although these sites were identified for the purposes of the *Australian Heritage Commission Act 1975*, as the National Estate, consisting of those places that are components of the natural or the cultural environment of Australia with aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community, these sites have never have been afforded any legislative protection. Nor have they been transferred to the National Heritage list for protection under the EPBC Act, and now, even with the existence of the EPBC Act, only continue as a statutory register until February 2012, after which the list will not be referred to again, and as such, their values, will not be known by future generations, or be considered for conservation and management for environmentally sustainable development..

It is a failure of the Act not to transfer all sites on the Register of the National Estate to the National heritage list under the Act, or to have Agreements in place with the State for inventory based assessment of geoheritage values

## **Wetlands**

Ramsar sites and listed threatened species and ecological communities (TECs), are recognised as a matter of national environmental significance. Consequently, any action that is likely to have a significant impact on listed threatened species and ecological communities under the EPBC Act must be referred to the Minister and undergo an environmental assessment and approval process. However, based on the ongoing degradation of the wetlands, it can be argued that objectives (i) (ii) and (iv) have not been met. These subsections of the Act are::

- (i) provide for the protection of the environment, especially matters of national environmental significance
- (ii) conserve Australian biodiversity
- (iv) enhance the protection and management of important natural and cultural places

There are in fact two strands here, *i.e.*, firstly, wetlands that are vested in the Conservation Estate, and secondly, those that are not vested in the Conservation estate. The case example we have provided to illustrate this in this review is at Becher Point in Western Australia which has wetlands conserved within the Becher Ramsar Site, and in an adjacent area owned by the State.

The Conservation Commission has no means to fund management of TECs not vested in the Conservation Estate.

As will be outlined in our powerpoint presentation, Ramsar wetlands, including TECs in the Ramsar site, and adjacent to the Ramsar site, have become degraded by fire, rubbish dumping, and use of the area by off road vehicles, since being vested in the Conservation Estate and managed by the Department of Environment & Conservation in 1996. This has led to the introduction of weeds, erosion, and change of vegetation structure.

As a measure of the importance/ and or resources available to remediation of these wetlands of national and international significance. The Department of Environment & Conservation has budgeted a total of \$15,000 for weed management of the TECs at the Becher Ramsar site) and tipper apprehended proof of damage difficult , and no recognition of cumulative effects under the Act, *i.e.*, change of strategraphic profile, erosion, weeds, rubbish.

We submit that here the EPBC Act has not met its objectives for the reasons:that wetlands of national and/or international importance are being threatened with

- invasive species
- loss, fragmentation and degradation of habitat
- unsustainable use of natural resources
- changes to the aquatic environment and water flows
- inappropriate fire regimes.

In addition:

- Whilst the Commonwealth may provide the State for funding the manage Ramsar sites, that funding may not be used directly used to do on ground works, but be used to supprt the government department structure.
- Funding given to the Conservation Commission by the Commonwealth, cannot be used on TECs not vested in the Conservation estate.
- The legal deterrents do not take into account cumulative damage wich result in an erosion of the values for which the site was identifies as a site of national/and or international importance.

Additionally, we submit that in a given region if there are other wetlands assessed as having the same values of wetlands already conserved, then they should automatically be given the same status for the purposesof planning and management. The nearby wetlands and the TECs adjoining the existing designated Ramsar site at Point Becher stands as an example of this: these latter wetlands though not included in the original Ramsar designation are in fact the oldest and most complex of the wetlands that form the natural group of the Point Becher wetlands, and should be included in the Conservation Estate.

This leads on to the notion, that as more information becomes available, there should be scope for incorporating such new information in upgrading or expanding designated wetlands.

### **Wetlands and geoheritage, geodiversity and geoconservation**

The conservation of wetlands and sites of geoheritage significance is *ad hoc*. As such the extent of Australia's sites of national importance is unknown. Therefore the EPBC Act has failed in achieving its objectives (i) to (v).

### **The Solution**

Strategic Assessment - Section 176

Under the Act, the Minister may plan for a bioregion that is within, or contains a Commonwealth area. The advantages of undertaking a strategic assessment include:

1. early consideration of national environmental matters in planning processes,
2. greater certainty to the local communities and developers over future development,
3. reduced administrative burden for proponents and government,
4. capacity to achieve better environmental outcomes,
5. address cumulative impacts at the landscape level, and
6. flexible timeframes to better meet planning processes.

However, Strategic Assessments are limited to areas within or containing a Commonwealth area, and to date, only one Strategic Assessment has been, or is being undertaken in Australia.

The East Bioregional Profile is the first Strategic Assessment under Section 176, and seen as a starting point for developing a Marine Bioregional Plan for the Region, and a template for other regions.

We submit, that the frameworks for a systematic holistic assessment of values, as used for Marine Bioregional plans can be used in terrestrial regions. This is because each plan will describe a region's key habitats, plants and animals; natural processes; human uses and benefits; and threats to the long-term ecological sustainability of the region.

As identified in *The Australia's Biodiversity Conservation Strategy 2010-2020 Consultation Draft*, to support ecosystem resilience we need to consider how an ecosystem functions now, as well as what its future state is likely to be—especially in a changing climate. The many uncertainties and gaps in our knowledge mean that we need to determine priorities based on a risk-management approach that identifies, analyses, evaluates and deals with the risks.” However, the missing link in understanding ecosystems is that there is no recognition of the importance of geodiversity.

Recognition of geodiversity in any region is important in that geodiversity, in its variety of landscapes, lithology, sediments, soils, and hydrological settings underpins biodiversity. Linking geodiversity and biodiversity stresses the relationship of biodiversity to Earth systems, and emphasises the importance of geodiversity to understanding biodiversity. There are numerous areas, globally and in Western Australia, with a high degree of biodiversity because they are in a biologically rich biogeographic region, but in many situations the high degree of biodiversity, particularly at assemblage level, is the result of the region's geodiversity. The reason for this is that biotic systems, and especially vegetation, are strongly linked to habitats, and variable landforms, soils, and hydrologic processes result in variable habitats. Where fauna are linked to vegetation types, or to soil types, then diversity in vegetation and landscape/soils may result in faunal diversity. It is the "diversity of plant assemblages" that most clearly mirrors geodiversity, and in a region of rich geodiversity there will be a corresponding rich development of plant assemblages. For instance, in our example of an estuary in southern Western Australia, using structural and floristic criteria to categorise vegetation types (or assemblages), the wetlands and the vegetation peripheral to the estuary exhibit over 100 different vegetation assemblages (or "ecological communities") related to geodiversity.

We submit, that using Commonwealth Agreements under Section 45 (2), Regional Assessments could be applied to wetlands and sites of geoheritage significance, nationally, to meet the objectives of the Act.

Yours faithfully,

Margaret Brocx  
Dr Kathy Meney  
Dr Vic Semeniuk