



GUIDE TO MAKING A SUBMISSION TO THE FEDERAL SENATE INQUIRY ON FAUNAL EXTINCTION CRISIS

BACKGROUND

The Federal Senate has responded to public concerns as to the plight of Australia's wildlife and adequacy of our environmental laws. This Inquiry provides an important opportunity to highlight the problem and solutions to our extinction crisis. Including closely examining Australia's national environmental laws, policies and funding arrangements. Submissions to the inquiry will play an important role in shaping recommendations of the committee.

Key points to consider:

- Submissions should address the Terms of Reference.
- The most impactful submissions will include case studies and examples, for example a local story on management or protection of threatened species.
- Documenting the failures and problems is an important part of the Inquiry process, highlighting where things have not will be particularly useful.
- Have clear recommendations/suggestions as to how improve the situation (see below)
- Senate inquiries generally prefer submissions to be short, sharp and to the point.

Submissions are due by Monday 13 August 2018

TERMS OF REFERENCE

Your Submission should address the Inquiry Terms of Reference: "An inquiry into Australia's Faunal Extinction crisis including the wider ecological impact of faunal extinction, the adequacy of Commonwealth environmental laws, the adequacy of existing monitoring practices, assessment process and compliance mechanisms for enforcing Commonwealth environmental law, and a range of other matters."

Inquiry Terms of Reference:

- a) the ongoing decline in the population and conservation status of Australia's nearly 500 threatened fauna species;
- b) the wider ecological impact of faunal extinction;
- c) the international and domestic obligations of the Commonwealth Government in conserving threatened fauna;
- d) the adequacy of Commonwealth environment laws, including but not limited to the Environment Protection and Biodiversity Conservation Act 1999, in providing sufficient protections for threatened fauna and against key threatening processes;
- e) the adequacy and effectiveness of protections for critical habitat for threatened fauna under the Environment Protection and Biodiversity Conservation Act 1999;

- f) the adequacy of the management and extent of the National Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving threatened fauna;
- g) the use of traditional knowledge and management for threatened species recovery and other outcomes as well as opportunities to expand the use of traditional knowledge and management for conservation;
- h) the adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general;
- i) the adequacy of existing monitoring practices in relation to the threatened fauna assessment and adaptive management responses;
- j) the adequacy of existing assessment processes for identifying threatened fauna conservation status;
- k) the adequacy of existing compliance mechanisms for enforcing Commonwealth environment law; and
- l) any related matters.

Website

www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Faunalextinction/Terms_of_Reference

SUBMISSION POINTS

Key Issues:

Australia's Extinction crisis

- Australia, like the world, is in the midst of an extinction crisis. Australia leads the world on mammal extinctions, with 27 confirmed extinctions since European settlement. Since 2009 three animals (Bramble Cay Melomys, Christmas Island Pipistrelle and Christmas Island Skink) have gone extinct.
- The key drivers of species loss are well known and include: habitat clearing and fragmentation, invasive species, climate change, inappropriate fire regimes, disease, pollution, over-exploitation and disease.
- Australia's international obligations under the United Nations Convention on Biological Diversity include to protect threatened species, halve deforestation rates and stop extinction by 2020. It is currently failing on these fundamental tasks.
- In many cases the follow-on impacts of extinction events are poorly understood, however it is known that losing species out of ecosystems can have wide ranging ramifications for ecosystem function.

National Environmental Law

- Australia's current environment laws do not adequately protect threatened species. Since 2000 Australia's list of nationally threatened species and ecological communities has increased by more than 30% (from 1,483 to 1,947 - as at 31 July 2018).

- The primary piece of legislation for protecting threatened species nationally, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), has mostly failed in its fundamental task.
- The development approval process under national law facilitates development at the expense of threatened species, rather than focusing on protecting wildlife, as per its stated objective.
- Since the Act came into effect only 21 projects out of more than 6,100 have been stopped due to unacceptable impacts on matters of national environmental significance and threatened species. This is primarily due to the high levels of discretion afforded to decision makers.
- Current national law provides exemptions for logging activities, despite these having serious impacts on threatened species, such as the critically endangered Leadbeater's possum in Victoria. These exemptions are based on outdated information more than 20 years old.
- Enforcement of the EPBC Act has been weak, much to the detriment of threatened species. There has been an explosion in land clearing and deforestation of threatened species habitats. This is especially the case in Queensland with as much as 700,000 ha of habitats for threatened species, ecological communities and reef catchments cleared since 2012. Eastern Australia is now ranked as a global deforestation hotspot.
- The EPBC Act provides for the listing of critical habitat through a national register to protect threatened species. Only 5 places are listed on the register, the last of which was added in 2005. The registers penalty provisions only apply to Commonwealth land, meaning there are no effective protections of critical habitat under national environmental law.

Funding for threatened species protection

- Federal funding for conservation is in significant decline, with spending for biodiversity programs expected to decrease by 45% on 2013 levels over the forward estimates. Funding for the Natural Heritage Trust (the primary funding vehicle for federal conservation programs) will have shrunk from \$262m in 2013 to \$146m by 2021.
- The Federal Government has claimed it has spent more than \$250 million on threatened species projects, however this amount is aggregated from general environmental spending, and does not represent an accurate account of threatened species funding. There have been serious questions raised as to the accuracy of this figure, especially in light of reports of infrastructure projects being counted toward the threatened species figure.
- Currently only \$5 million is dedicated to a national Threatened Species Fund.
- There remains no dedicated fund for implementing recovery plans or threat abatement plans.

Recommendations:

Law reform

- There needs to be national leadership on protecting native wildlife in Australia. This includes strong national laws, policies and increased funding for species recovery.
- The Australian Government should institute a complete overhaul of the national environment laws to protect threatened species. This should be backed by strong and independent national institutions; including:
 - An independent National Environmental Protection Authority that operates at arm's-length from government to conduct transparent environmental assessments and inquiries as well as undertake monitoring, compliance and enforcement actions.
 - An independent National Sustainability Commission that develops enforceable national environmental protection standards, bioregional plans as well as recovery and threat abatement plans.
- New laws should include a legislated requirement to develop science-based recovery plans for all threatened species that are enforceable, binding, and require climate impact assessment for species and its critical habitat.
- Australia's environment laws must ensure permanent protection of threatened species habitat by:
 - ending land clearing and logging of old growth and high conservation value native vegetation;
 - protecting ecosystems of national importance to protect species before they become threatened
 - establishing a new national critical habitat register which applies across all land tenures; and
 - ensure the registering of critical habitat occurs within 12 months of a species being added to the national threatened species list.
- Along with stronger protections, new national environment laws must guarantee community rights and participation in environmental decision making, including; open standing provisions; review of decisions based on their merits; third-party enforcement provisions; and protections from cost orders in public interest proceedings.

Spending and monitoring

- The Federal Government must significantly increase resources into recovery plan and threat abatement implementation, including establishing a Recovery Fund with an annual investment of \$200m to implement recovery plans.
- The Government must also support the strategic expansion of Australia's National Reserve System to protect threatened species habitats, with an annual investment of at least \$170m per year.
- The Australian Government must commit to prompt, transparent and regular release of data on the state and trends of threatened species, state and impacts on critical habitat of threatened species and outcome-focussed monitoring of species conservation efforts and spending.

Useful resources:

A number of useful resources, including reports and references are available at <http://www.placesyoulove.org/resources/>

The committee website has helpful submission guidelines and a useful checklist of submission essentials

www.aph.gov.au/Parliamentary_Business/Committees/Senate/How_to_make_a_submission