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Committee Secretary
Senate Standing Committees on Environment and Communications
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA
seniorclerk.committees.sen@aph.gov.au
ec.sen@aph.gov.au

Australia's faunal extinction crisis

Secretary,

This submission is from LEAN, the Labor Environment Action Network – a grassroots network of Australian Labor Party Members and supporters who are concerned about the future health of the planet, with a particular interest in climate change and the integrity of our systems.

First, we applaud the Senate Standing Committees on Environment and Communications for inquiring into Australia's faunal extinction crisis. It is a critical issue which requires greater attention from all levels of government, business and civil society. Many talk about climate change being an existential issue for mankind at some point in the future. The reality is that we are dealing with existential issues for over 1700 species in Australia, right now. Today. Hence, this inquiry is timely, if not overdue.

In putting forward this submission, LEAN recognises and believes:

- The extinction crisis is of our own doing through the choices made over more than 200 years.
- Poor choices have been made due to conflicting policy and political priorities of federal, state and local governments; lack of scientific knowledge and or, a blatant disregard for the importance and appreciation of fauna and nature as a whole.
- We now have the science available to make better choices and higher levels of political and community support to address the extinction crisis.
- The extinction crisis is a national issue requiring a national response lead by the Commonwealth Government.

- This is both a ‘big picture’ issue of national and international consequence as well as a micro issue, for example, when a small community in a remote location can have an impact on the survival of a species.

Australia’s biodiversity is currently in decline. In Australia, more than 1,700 species and ecological communities are known to be threatened and at risk of extinction. The key threats to species are loss, degradation and fragmentation of habitat, invasive species and altered fire regimes. Other threats include unsustainable use and management of natural resources, changes to the aquatic environment and water flows and Climate Change (DOEE 2018).

The 2016 State of the Environment report puts even greater emphasis on climate change (DOEE 2016). It lists as pressures on the environment as being:

- Climate change is a key pressure on the Australian environment
- Land-use change, and habitat fragmentation and degradation threaten ecosystems and resilience
- Invasive species are a potent, persistent and widespread threat to Australia’s environment.

LEAN believes a four element response is required to help address the extinction crisis:

1. **Australia adopting a comprehensive climate change policy**, led by a Renewable Energy Target of not less than 50 per cent by 2030 and emissions reductions of not less than 45 per cent (on 2005 levels) by 2030. Both feed into the policy objective of having net zero carbon emissions by no later than 2050.
2. **Commonwealth leadership**: LEAN believes that the extinction crisis in Australia requires a renewed commitment from the Federal Government to the task of arresting decline in the Australian environment.
3. **Australia needs new environmental laws; institutions supporting these new laws and funding to ensure the success of both**. Australia needs a science-fueled and politically empowered independent environment agency or agencies that delivers two functions: (A) an independent watchdog; to run the federal development approval, empowered to be tough with the ability to issue sanctions that ensure compliance and change attitudes toward protecting natural assets and (B) the lead agency in developing plans to implement national environmental goals and cutting-edge policy development, providing advice to the Minister to help Australia work towards a sustainable future. See LEAN’s proposal for new environmental laws (LEAN 2018).
4. A return to the **basic principles of preserving ecosystems**:
 - a. **The wanton land clearing of land in Australia has to be reversed**. Since Australia was settled by the English, two-thirds of its vegetation have been removed. This impacts on habitats. This impacts on climate change, which in turns accelerates species loss. Federal law must regulate land clearing. It is a matter of national and international importance and can not be left to the vagaries of the states.
 - b. **The impact of feral animals must be addressed**. This is a never-ending task based on culling. We must invest in technological advances to manage

feral animals. New federal laws and institutions should coordinate investment toward adequate approaches to this challenge.

- c. **The primacy of the precautionary principle has to return when assessing all development proposals and government policy** with regard to the impact on climate change, habitat loss and species loss. We need to give species and nature as the whole, the benefit of the doubt.

Before discussing the detail on these four points, LEAN believes there is a direct link between action on climate change; adaptive and progressive management of nature and, the management of species and Australia's economic, ecological and social prosperity. The Industry Commission has observed that the sound management of the environment and its natural resources are crucial to both the living standards and the quality of life enjoyed by the community. (Industry Commission 1999)

1 Comprehensive climate change policy

Australia needs a comprehensive climate change policy. The Paris Agreement entered into force since 4 November 2016 has set ambitious global goals to avoid dangerous climate change impacts. These global goals include an emissions goal of net-zero emissions in the second half of the century, and two temperature goals: limiting global warming to well below 2 °C and to pursue efforts to 1.5 °C. Nearly two hundred government's signed up to this agreement. Labor is committed to net zero carbon emissions by 2050. (Shorten 2015)

Labor's climate change action plan is one of the most comprehensive in the world and way ahead of many comparable nations. Labor's plan covers six key elements (ALP 2016):

- Leading Renewable Energy Economy
- Cleaner Power Generation
- Build Jobs & Industry
- Cut Pollution
- Capture Carbon on the Land
- Increased Energy Efficiency

Labor has two key platforms to address climate change and net zero carbon emissions by 2050. First, Labor has a Renewable Energy Target of 50 per cent by 2030 and, second Labor has an Emissions Reduction Target of 45 per cent by 2030 below (2005 levels).

All in all, Labor's climate change action plan will see Australia meet its Paris Climate Agreement targets and receive significant ecological, social and economic benefits.

2 Commonwealth Leadership

LEAN believes that the extinction crisis in Australia requires a renewed commitment from the Federal Government to the task of arresting the decline in the Australian environment. Extinctions are the most devastating indicator of broad environmental degradation, they are a stark symbol of an approach to environmental stewardship that is fundamentally broken.

At its heart, LEAN believes the failure of environmental governance in this country are legion, but that failed Federalism, where no level of government is held responsible for halting decline has led to the huge waste of ill-targeted resources and depressingly grim outcomes. This is not acceptable in a country as wealthy as ours.

Australia's Constitution was written in the late 1800's - not long after electricity first came to Australia (1880). The first motor vehicle was imported into Australia in 1897 and around the same time Harry Tarrant made Australia's first local car in Melbourne. Back then, Australia's states were pretty much as they are now, except there was no Northern Territory and Australian Capital Territory. The environment and environmental management aren't mentioned in Australia's Constitution and thus it largely defaulted to the states (and territories).

Aborigines have a different take on environmental management. They often speak of a world without maps and lines and a world without fences, jails, roads and written agreements. The world just didn't work like that. Nor does nature for that matter. It is important to acknowledge that this statutory arrangement has displaced prior land management practices which were refined over tens of thousands of years by Aboriginal people and were highly successful (MLI 2013).

A fundamental difficulty inherent to the model currently in use is that natural systems do not function according to clear lines of ownership and responsibility. A koala doesn't subscribe to "State's Rights". Birds don't stop migrating at state borders. Whales traverse our coast from top to bottom and through international waters. Rivers flow across borders and our biggest flows four states into the ocean in one state. Nature is a national and international asset. Yet we, one of the most developed, modern and 'smartest' countries in the world, still treat environmental management in a piecemeal way dating back two centuries. Indeed, local government isn't mentioned in the constitution and it has the carriage of on the ground planning which can impact species.

There needs to be recognition by government at all three levels that this issue impacts across all areas of public administration - including but not limited to economic, environmental, social, planning, energy, legal and infrastructure. We would like to see species management considered in the development of all policy areas of government and be a material consideration in all Cabinet and other government decision making processes. LEAN has addressed this issue in its submissions to government on the Strategy for Nature and the Sustainable Development Goals (LEAN 2018).

We don't believe the extinction crisis should be seen in isolation. A starting point for addressing species loss would be for the federal government to dramatically increase its interest in nature. Earlier in 2018, the Department of Environment and Energy produced a draft strategy for nature. It was, quite rightly, widely condemned for being totally inadequate. (LEAN 2018). The government needs to increase efforts within government through established entities such as the Great Barrier Reef Marine Park Authority and the CSIRO to research, implement and monitor strategies to reverse the extinction crisis.

Further to the above point, the Commonwealth must resource the data and scientific research that underpins the development of effective policy to address the faunal crisis. The Australian Government had some of the best environmental scientists and researchers in the world. Yet since the change of government in 2013, this advantage has been dismantled gradually and systematically. It started with the government hollowing out the Commonwealth Scientific Industrial Research Organisation (CSIRO) and just recently we saw the government outsource the research and development program into the Great Barrier Reef to a small foundation funded in part by mining companies and banks. It defies belief. We need independent and quality scientific research led by government and done by government which can also draw upon private sector, non-government organisations and academic programs. While what remains at the CSIRO and Australian Institute of Marine Science continues to be amongst the best in the world, both would benefit from a restoration of funds and agreement that they be the default or 'go to' agencies for research and development to assist with policy and programs to address the faunal crisis.

The roles of the Department of Environment and Energy and the Threatened Species Commissioner need to be examined. We also note that the government released a three-year Threatened Species Strategy in 2015 and we are concerned about the ongoing role of the Commissioner and the programs currently under administration. We question whether the Commissioner should sit within the Department or, as some in academia suggest, the Commissioner should have a greater level of independence. For a commissioner to work effectively, they must also be willing to comment on politically sensitive issues and put themselves at odds with the government when necessary. Commissioners typically work as the head of an independent statutory body, such as the Productivity Commission, the Australian Securities and Investments Commission, and the Australian Electoral Commission (Ritchie et al 2017). It would make sense to fold this role into the new independent institutional structure either as a sub-commissioner or as part of the role of the Commissioner of the Environment Commission.

In summary, nature is a national and international matter and therefore best handled by the Commonwealth Government. We need federal policy leadership with the states and territories having responsibility for uniform implementation, management and oversight.

At present, myriad Commonwealth, state and territory laws are a 'mish-mash' of weak, inconsistent, ineffective and flawed laws that aren't fit for purpose and don't serve our country, planet and its inhabitants - human, faunal and floral well.

We argue there's a case for a 'new deal' between the Commonwealth and states and territories on environmental policy. We won't solve the climate crisis and the faunal crisis with the legislative framework that we have at this time. One legal and legislative framework is required to serve Australia for this century and to avert both the climate and faunal extinction crisis.

In the view of LEAN, we need national leadership on nature policy in this country. The law must facilitate this by conferring the task of protecting Australia's environment on the Commonwealth Environment Minister and providing the tools to do this.

3a New Laws

LEAN believes we must no longer tinker with an approach that doesn't work. The current federal environmental law regime, the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) was weak at its inception and completely unable to deliver the task of protection of Australia's environment. We need new federal environmental laws to provide the framework for adequate federal policy leadership and coordinated delivery.

The EPBC was criticised when written. Then Environment Shadow Minister, Kelvin Thomson said, "*Although it might be the largest environmental bill introduced into the Parliament, it is neither comprehensive nor fundamental reform*" (Hansard, 26 September 1999). Julia Gillard described it as "*a hastily cobbled together legislative nightmare*" (Hansard, 26 September 1999). The Australian Conservation Foundation, the Wilderness Society and Greenpeace said at the time, "*Any Senator who votes for this unacceptable legislation in its current form will be supporting the degradation of Australia's environment*" (Hamilton and Macintosh 2004).

The weaknesses of the current regime have been noted internationally. World Resources Institute ranks Australia 37th of 70 in its global environmental democracy index - behind Mongolia, Cameroon and Russia. The methodology of the index has its limitations in the Australian context as it only ranks national-level laws, regulations, and practices, without consideration of state law. Nonetheless, it clearly indicates our laws are not world's best practice. (WRI 2018)

Fundamentally, the EPBC is focused on development approvals rather than proactive management of environmental assets. Its proactive aspects, most notably threatened species recovery plans are little more than bureaucratic exercises. They are powerless to change real-world outcomes and seldom deliver on the key threats to species - habitat loss and feral animal management. Responding to the key challenges needs more than toothless, species by species reports. They require committed federal leadership and ruthlessly positive outcome focused responses.

3b New institutions

LEAN also believes we need a new institutional structure to adequately meet the challenges that contribute to the extinction crisis. Trust in politics is at an all-time low. The community does not believe that politicians make decisions in their best interest either because of being captured by commercial interests or because of electoral cycle "short-termism". What's more the environment, more than any other area of policy, needs approaches that look beyond an electoral horizon. Protecting and improving Australia's environment is fundamentally a long-term challenge needing long-term approaches and consistency across time.

LEAN supports the proposals of the Australian Panel of Environmental Experts (apeel.org.au) for an independent institutional structure to deliver the aims of a new environment act. This includes a new independent Environment Protection Authority (EPA),

a watchdog to ensure development approvals are robust, that business is delivered greater simplicity and certainty and that compliance is delivered to protect the public's interest.

LEAN also supports the creation of a new Environment Commission to lead the pro-active aspects of effective federal leadership for environmental protection. LEAN believes that Australians would welcome the creation of an "RBA of the environment", an expert, empowered independent body to provide the policy priorities and approaches to set standards for delivery by all levels of government. (LEAN does not have a view on whether these two functions - regulation and policy leadership are delivered by one or two institutions.)

LEAN also believes the institutional structure should go beyond administering the Act. While policy has evolved and changed across most portfolio areas in the last decades, it is LEAN's contention that the weak legal and institutional structures surrounding environmental governance has meant that there has been very little environmental policy innovation of the last 20 years. This has had dire implications for our ability to respond to issues such as the extinction crisis.

In the late 1980s and early 1990s the Federal Government, under the leadership of Bob Hawke delivered world-leading attempts to adequately embed environment into policy making across government and to allow innovation in our approach to managing the environment and the inevitable conflicts around it. The Ecologically Sustainable Development Strategy of 1989 attempted to embed sustainability in all aspects of government.

The Resource Assessment Commission (RAC), set up in 1989 and continued through to 1993 was a world-leading attempt to investigate and innovate on managing resources. It was set up at the same time as the Industry Commission (precursor to the Productivity Commission) and had the same approach - broad-based stakeholder inquiries with both resourcing and mandate toward delivering the national interest through innovative solutions to complex problems. It only conducted three inquiries - uranium mining at Coronation Hill, the timber industry and coastal management. The RAC was supported by the Australian Mining Industry Council and the National Association of Forest Industries. It is instructive to read the RAC reports and note that many of the policy frameworks developed by the RAC are still those that drive policy today. It is time for us to apply the same sort of commitment to resolving the conflicts over land use that sit at the heart of species protection and the same creativity in delivering new solutions as was evident at the time when governments created the RAC. *The Resource Assessment Commission: An Inside Assessment* written by C. Stewart D & McColl G in the *Australian Journal of Environmental Management* (1994, 1:1, 12-23) provides a good, more comprehensive overview of the RAC and its operations.

It is time for us to set up new institutional arrangements and a new political culture that delivers adequate political commitment to solving environmental problems and once again be global innovators in environmental policy.

3c New funding

None of this comes for free. The Australian Conservation Foundation (ACF) estimates that environment spending has been reduced by 37 per cent since 2013-14, while the overall budget has increased by 18 per cent. The proportion of the overall budget invested in the environment, according to the ACF is two cents in every dollar. Quite simply, less funding for the environment directly impacts the ability of government to plan, implement and monitor. At a time when the extinction crisis is growing, it is nonsensical for funding to reduce. LEAN is aware of other submissions on funding and will defer to these to reinforce the point on the importance of restoring funding, which we, of course, support.

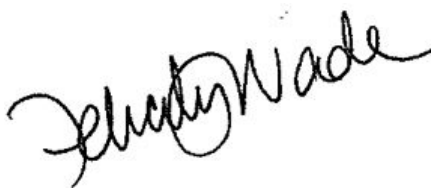
4. The basic principles of preserving species

The issues of wanton land clearing; the impact of feral animals and, the need for the primacy of the precautionary principle are not covered in detail in this submission. There is no lack of information available on the causes and cures and the crucial role they play in preserving species and preventing the extinction crisis is obvious. LEAN is aware of other submissions on the basic principles of conservation and will defer to these to reinforce the point on the importance of basic principles being observed and acted upon, which we, of course, support.

It is also recommended that the Committee reviews the Australian Labor Party National Platform Consultation Draft. It contains a full chapter dealing with issues impacting species. See Chapter four: *“Tackling climate change, securing our energy future & addressing our environmental challenges”*. It is further recommended the Committee review the report and recommendations of the Senate’s Environment and Communications References Committee report of August 2013: *“Effectiveness of threatened species and ecological communities’ protection in Australia”* and restate recommendations where appropriate (Senate 2013).

Secretary, thank you for the opportunity and we would welcome the opportunity to appear before the Committee to discuss our suggestions.

Thank you.



FELICITY WADE
National Convenor
Labor Environment Action Network

felicity@lean.net.au

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ALP National Platform re species

National Platform Consultation Draft

Chapter 4: Tackling climate change, securing our energy future & addressing our environmental challenges

Review all points - 1 to 121, Pages 62 to 77

https://www.alp.org.au/media/1276/2018_alp_national_platform_-_consultation_draft.pdf

Excerpts re species:

Securing the health of the Great Barrier Reef

51. Labor will fight to save the Great Barrier Reef by addressing climate change, increasing ocean protection in the Coral Sea, improving water quality, strengthening our environmental laws and protecting the biodiversity of species and ecological habitats in the Reef.

Protecting biodiversity and natural resources

54. Labor will work with state and territory governments and landholders to develop, resource and implement threat abatement and recovery plans for threatened species and ecological communities, while preventing clearing that will have a significant impact on threatened ecological communities and critical habitats for threatened species.

55. Labor will improve Australia's preparedness to prevent and combat new invasive species that threaten the environment and work with state and territory governments to develop new tools and biological controls to reduce the impact of established pests and diseases.

Marine and coastal protection

107. Labor condemns the Abbott - Turnbull Government for taking the biggest backward step in ocean protection in history and cancelling the management plans for the Commonwealth Marine Reserve Network and for participating in intergenerational theft by failing to protect Australia's oceans for future generations. Labor will continue working with stakeholders to ensure the ongoing protection of Australia's unique and diverse marine species and ecosystems and ensure best practice and sustainable management of Australia's marine industries. Labor is committed to implementing management plans for the Commonwealth Marine Reserves and Sanctuaries Network put in place by the former Labor Government.

110. In Australian waters and throughout the world's oceans, Labor will encourage protection for iconic marine species like whales, dugongs, turtles and sharks, and will promote the conservation and research of key bioregional health indicator species.

ENDS

Terms of reference (for noting)

Australia's faunal extinction crisis, including:

- 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.