Independent review of the EPBC Act

A response to the interim report and recommendations for the final report

Submission by the
Invasive Species Council

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About the Invasive Species Council

The Invasive Species Council was formed in 2002 to advocate for stronger laws, policies and programs to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invaders. It is a not-for-profit charitable organisation with over 3000 supporters, funded predominantly by donations from supporters and philanthropic organisations.

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Contents

1. Introduction

The Invasive Species Council congratulates the reviewer on a straight-talking critique of the EPBC Act and its operation (as we wrote in our letter of 6 August 2020). The interim report identifies major weaknesses and proposes some promising remedies.

The main proposed remedies relevant to threat abatement – strategic national plans, bioregional plans and regional recovery plans – have been outlined in the interim report only in very broad terms, which makes it difficult to assess their likely effectiveness. It will be important for the final report to specify in detail how these proposals should be applied to effectively abate major threats.

The interim report is silent on the future of the current threat abatement system. It would be a major mistake to abandon this existing process. Rather, it should be retained and strengthened as a central element of a more flexible and powerful threat abatement system.

The final report should also address in detail other vital aspects of threat abatement – particularly the arrangements between federal, state and territory governments to fund and implement threat abatement. Otherwise, the system will continue to fail.

We recommend that a top priority during the final period of the review should be to design in detail an effective threat abatement system. In this submission we briefly outline what should be addressed in the final report to achieve an effective system. We provide 21 practical recommendations for how the review team can proceed with this.

2. Strengthen the focus on threats

Box 1. Why threat abatement should be a priority focus of reforms

A major task under the EPBC Act should be to prevent and abate the major threats to nature in Australia such as biological invasions and habitat destruction. Otherwise:

- it will not be feasible to recover many listed species and ecological communities
- threatened species and ecological communities not recognised as threatened (eg due to data deficiencies) will continue to decline
- numbers of threatened species and ecological communities will continue to grow and extinctions will accelerate
- the recovery of threatened species will become increasingly expensive (it is more cost-effective to focus on long-term abatement of threats than species-by-species recovery)
- general environmental health and assets of economic value will continue to decline.

2.1 The interim report recognises that threat abatement under the current EPBC Act regime is failing

The Invasive Species Council agrees with the analysis in the interim report and the conclusion that key threats to the environment are not effectively addressed under the EPBC Act, as exemplified in the following quotes:

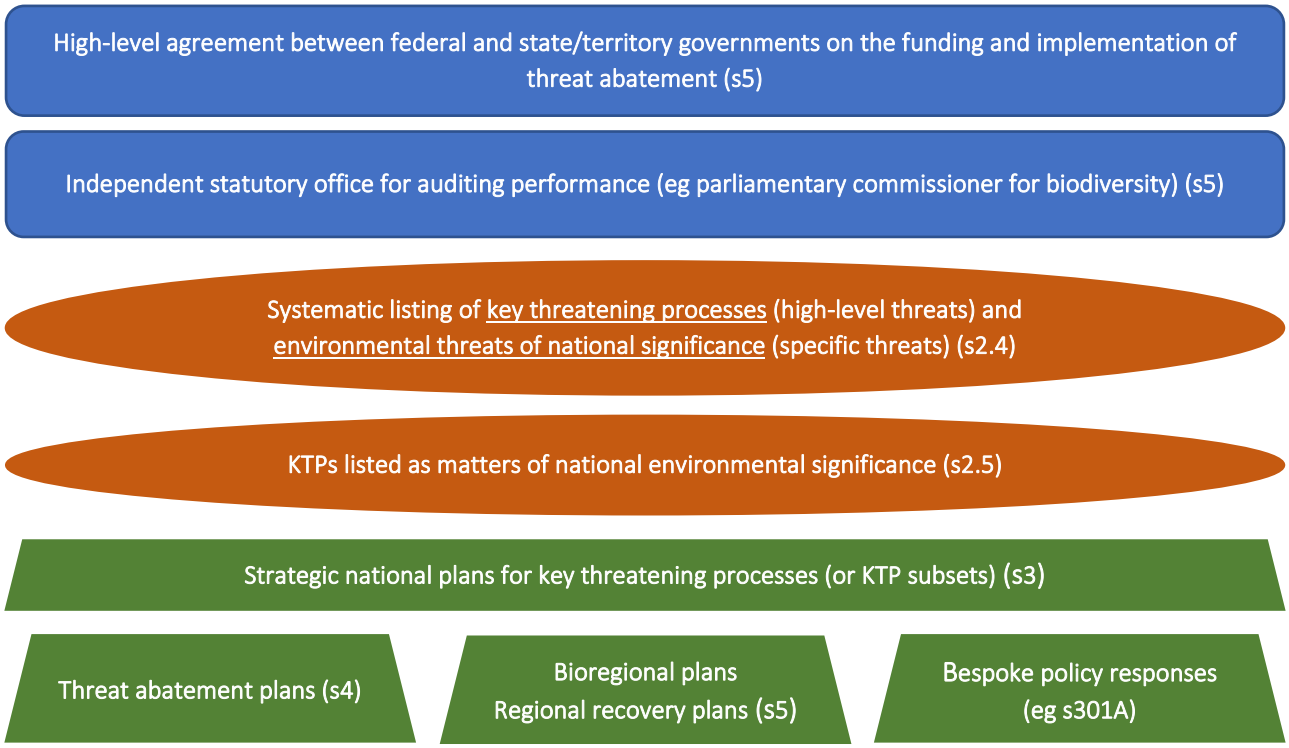
> *Australia's natural environment and iconic places are in an overall state of decline and are under increasing threat. The pressures on the environment are significant—including land-use change, habitat loss and degradation, and feral animal and invasive plant species.*
>
> *Key threats to the environment are not effectively addressed under the EPBC Act. There is very limited use of comprehensive plans to adaptively manage the environment on a landscape or regional scale. Coordinated national action to address key threats—such as feral animals—are ad hoc, rather than a key national priority.*
>
> *The Act lacks clear national outcomes and effective mechanisms to address environmental decline.*
>
> *Decision-making is focused on processes and individual projects and does not adequately address cumulative impacts or emerging threats.*

2.2 The final report should prioritise a threats focus and map out the elements of an effective threat abatement system

As we said in our first submission to this review, 'a national conservation system lacking effective means to abate major threats is like a health system that simply leaves it to each local health service to deal with the coronavirus threat'. Designing an effective threat abatement system should be a centrepiece of efforts to reform the EPBC Act, for the reasons specified in Box 1.

The proposed reforms offer some promise for improved threat abatement through the proposed national and bioregional plans, but there is no detail about how they will operate with other elements of threat abatement as an overall system to achieve threat abatement. The final report should clearly map out how the system as a whole can work to achieve threat abatement (eg see Figure 1).

Figure 1. Elements of an effective threat abatement system



2.3 The final report should show how each major threat can be abated under the proposed threat abatement system

The most effective way to design an effective system is to consider the reforms needed to achieve abatement of each of the major threats to nature – eg biological invasions, habitat destruction and degradation, harmful fire regimes, climate change. They vary considerably in the remedies needed – more effective law and policy, research for improved management techniques, better planning, implementation of on-ground management. One of the weaknesses of the current threat abatement system has been the lack of options for threat abatement – a threat abatement plan or nothing.

The reformed EPBC Act should be designed to enable the most effective abatement solutions – bespoke solutions – rather than try to fit abatement into a preconceived system.

Table 1 provides examples of how the proposed reforms may be applied to abate a few major threats and identifies gaps in the options available. Scenario testing like this to identify how the reforms can and should be applied to particular threats is essential to the design of an effective system. The design process would be greatly assisted by a threats working group with experts and stakeholders with an understanding of the major threats to nature and the national threat abatement system.

2.4 The final report should adopt a hierarchy of threats system of classification and specify a process for systemic listing of threats

The Invasive Species Council endorses the approach proposed by the Threatened Species Scientific Committee to classify major threats to nature in a two-tier scheme:

(1) Key threatening processes – the high level overarching threat categories such as biological invasions, habitat destruction and degradation, climate change and harmful fire regimes that are likely to be the focus of strategic national plans
(2) Environmental threats of national significance – the lower-level more-specific threats such as particular invasive species or groups of invasive species (eg feral cats, escaped garden plants) or subsets of habitat destruction (eg land clearing) that are an appropriate focus of specific threat abatement efforts, whether via a threat abatement plan or policy reforms.

These threats should be comprehensively identified and listed through a systematic scientific process. A public nomination process should be retained to ensure that emerging, contentious or poorly known threats are also assessed and that the list of threats is kept up-to-date. An additional threat category – emerging threats of national significance – should be established to facilitate precautionary or urgent interventions to prevent emerging threats becoming major established threats.

2.5 The final report should recommend listing major threats as matters of national environmental significance

With no reasons given, the interim report rejected the proposal by the Invasive Species Council, the Threatened Species Scientific Committee, the Australian Academy of Science and others to list key threatening processes (KTPs)_as matters of national environmental significance (MNES). We urge the reviewer to reconsider this issue.

As we have argued in correspondence (6 August 2020), the Australian Government is unnecessarily hamstrung in its efforts to protect MNESs unless key threatening processes are also listed as MNESs to provide the statutory basis for more effective threat prevention and abatement.

The need is compelling due to major regulatory gaps in many state and territory laws. Expanding the MNESs cannot be characterised as duplicating state and territory efforts when it is focused on filling gaps in state/territory laws that undermine national efforts to protect MNESs such as threatened species. Gaps include failures in some states/territories to stop land clearing in already over-cleared bioregions and to prevent the sale and propagation of harmful invasive species.

Listing KTPs as MNESs would enable Commonwealth intervention when threat levels exceed certain thresholds. It could also underpin the development of threat-specific prevention and abatement policies such as has been proposed for invasive species. As we wrote in our original submission to the review of the EPBC Act, the 2009 Hawke review of the EPBC Act found that the poorly regulated trade of potential invasive species within Australia represented a substantial failure of state and territory laws and three subsequent senate inquiries have also criticised the failure of Australian governments to effectively regulate domestic trade in harmful species. This could be partly remedied through the use of existing powers under the EPBC Act (section 301A) to regulate the trade of non-indigenous species.

The focus only on protected matters as MNESs contributes to the problem that the majority of actions likely to result in significant impacts on MNESs are not assessed, particularly for actions involving land clearing, invasive species and grazing; for example:

> *Clearing for grazing*: WWF reports that 92% of all tree clearing in Queensland from 2012–16 was for pasture development, and 3% was for built developments and mining, but 99% of areas referred for assessment were for the latter. There has only been one referral for

pasture development in Queensland in the last decade and it was withdrawn in 2015. Almost 400,000 ha was cleared in 2017-18 for pasture development in Queensland.

Introducing invasive species: There have been no referrals as far as we know for landowners planting new areas with invasive pasture grasses such as buffel grass, which changes fire regimes and significantly transforms habitats where it is planted and often over extensive areas far beyond it. The same applies for other deliberate introductions of invasive species into the environment. There have also been no referrals as far as we know for the sale or release of new varieties of invasive plants or animals.

Expanding the MNES focus to threats would help capture some of the most harmful actions for assessment.

2.6 The final report should consider omissions as well as actions that significantly exacerbate key threatening processes

One major gap in the interim report (and our original submission) is consideration of an appropriate federal response under the EPBC Act to serious environmental negligence. The Act focuses on preventing actions likely to significantly impact protected matters but completely neglects omissions that also significantly impact protected matters.

A prime example of this is the deliberate omission of the NSW Government to control feral horses in Kosciuszko National Park, despite evidence of their impacts on threatened species and ecological communities and obligations under NSW laws to protect the values of the national park. In 2018 the NSW Government passed a law – the Kosciuszko Wild Horse Heritage Act – to protect feral horses in Kosciuszko National Park for their alleged heritage values rather than control them as serious environmental threats. The numbers of feral horses in the park are growing at a rapid rate and causing severe environmental damage, including to matters of national environmental significance, exacerbated by the recent fires.

One option is to apply a duty of care requirement under the EPBC Act that extends to omissions (inaction) that significantly exacerbate key threatening processes. Duty of care principles apply in several Australian laws, mostly to actions likely to result in harm (eg biosecurity risk, environmental damage, personal injury) but also in some cases to omissions. The latter is more difficult to regulate and would need to be constrained under the EPBC Act to omissions with major environmental consequences (such as the example of feral horses in Kosciuszko National Park). The triggers for federal intervention could be specified in strategic national plans or threat abatement plans.

2.7 Recommendations

1. Prioritise the design of an effective threat abatement system and clearly map out how the system as a whole can work to achieve threat abatement.
2. Design a threat abatement system that will enable the bespoke reforms needed to achieve abatement of each major threat to nature. Undertake scenario testing to ensure that the proposed system offers sufficient tools for threat abatement.
3. Immediately establish a threats working group (including experts and stakeholders with experience of the national threat abatement system) to help design an optimal system for threat abatement.
4. Adopt a two-tiered scheme for threat classification: key threatening processes (top-level overarching threat category) and environmental threats of national significance (second-level major threats amenable to an abatement focus).

5. Recommend that key threatening processes and environmental threats of national significance are comprehensively listed through a systematic scientific process, supplemented by a public nomination process. Recommend an additional threat category – emerging threats of national significance – to facilitate precautionary or urgent interventions to prevent emerging threats becoming major established threats.
6. Recommend that key threatening processes be listed as matters of national environmental significance to boost the national capacity to prevent and abate major threats.
7. Develop a proposal in the final report to enable federal intervention when omissions/negligence result in a major exacerbation of a key threatening process.

Table 1. Examples of how existing and proposed mechanisms could be applied for threat abatement and potential abatement gaps

Key threatening process	Examples of broad strategies needed	Potential mechanism	Likely adequacy of potential mechanism
Biological invasions	Prevent the introduction, sale and use of high-risk invasive species	Assessment & approvals process	Most high-risk actions involving invasive species are not assessed – it is difficult to identify such actions and predict their potential impacts on a limited set of protected matters. Listing KTPs as MNESs could facilitate assessment and regulation of high-risk actions.
		Strategic national planning	Prevention could be addressed in the proposed national and regional plans, but there is insufficient information in the interim report to ascertain whether that is intended and the potential mechanisms, which would require amendments of state/territory laws or regulatory intervention under the EPBC Act (eg by activating s301A).
		Bioregional and regional recovery planning	
		S301A EPBC Act	The potential under s301A of the EPBC Act to regulate the trade of high-risk species is not addressed in the interim report. Given the difficulties of persuading each state/territory to effectively regulate the use of invasive species, it offers the most feasible means to limit the trade of high-risk species.
	Abate the threat of invasive species that are a significant threat to MNESs – including research on effective abatement methods, and on-ground threat management.	Strategic national planning	In combination, these three mechanisms could be effective for abating major invasive species threats – if there is sufficient funding and commitment by all levels of government to implement the plans. Strategic national plans are important for prioritising the abatement focus and investment. Threat abatement plans are particularly important for threats that cannot be adequately abated with current methods (most major invasive species threats). Regional plans would be a major driver for implementation of threat abatement.
		Threat abatement planning	
		Bioregional and regional recovery planning	
Habitat destruction	Stop large-scale habitat destruction in Australia. Prevent destruction of the habitat of threatened	Assessment & approvals process	The vast majority of large-scale land clearing is not assessed – partly due to a failure of proponents to refer it for assessment and partly due to the difficulties of predicting impacts on a limited set of protected matters. Listing KTPs as MNESs would facilitate assessment actions significantly exacerbating habitat destruction.

Key threatening process	Examples of broad strategies needed	Potential mechanism	Likely adequacy of potential mechanism
	species, ecological communities and other MNESs.	Strategic national plans	Prevention of habitat destruction could be addressed in the proposed national and regional plans, but there is insufficient information in the interim report to ascertain whether that is intended and the potential mechanisms, which would require amendments of state/territory laws or regulatory intervention under the EPBC Act
		Bioregional and regional recovery planning	
	Restore habitat, particularly for threatened species and threatened ecological communities	Strategic national planning	In combination, these three mechanisms could be effective for driving restoration – if there is sufficient funding and commitment by all levels of government to implement the plans. A strategic national plan could prioritise the restoration focus and investment, and regional plans could be the main mechanism for driving implementation. A partial threat abatement plan may be useful for driving the search for more effective restoration techniques and social approaches.
		Threat abatement planning	
		Regional planning	

3. Design an effective system of strategic national planning

Box 2. Best-practice strategic planning

An effective strategic national plan needs to:

- be the end result of an effective strategic planning process that includes experts and stakeholders as well as governments
- present an agreed, well justified understanding of the problems to be addressed
- articulate a vision of what can be achieved in the long-term, with a level of ambition equivalent to the threat
- specify the actions and processes needed to resolve the problems
- include or be accompanied by an implementation plan that includes priorities, targets, costings, responsibilities and agreed funding arrangements
- specify monitoring, reporting and review requirements and SMART indicators for evaluation
- be endorsed at a high level by each government responsible for implementation

The Open Standards for Conservation (https://cmp-openstandards.org) provide sound guidance on effective planning.

3.1 The interim report recognises the importance of national planning to address major threats

> *Strategic national plans should be developed for 'big-ticket', nationally pervasive issues such as the management of feral animals or adaptation of the environment to climate change*
>
> *SNPs can provide a national framework to guide a national response, direct research and support prioritisation of investment (public and framework) and enable shared goals and implementation across jurisdictions*

The Invasive Species Council supports the proposal for strategic national plans for nationally pervasive major threats (and other matters such as the national reserve system). However, there is too little detail in the interim report for an assessment of the likely effectiveness of the proposal. After all, Australia has produced a plethora of strategic plans – including *Australia's Strategy for Nature 2019–2030* – with admirable visions and goals that have utterly failed to drive change. How will the proposed strategic national plans differ from these glossy dust-gathering plans?

3.2 The final report should specify the status, standards and processes for strategic national plans

The principles of effective planning – the elements and processes – are well established. Best practice principles (such as the Open Standards for Conservation) should be translated into standards for the proposed strategic national plans. As noted above, an effective plan can result only from an effective planning process. This process should be specified, including the importance of meaningful involvement of experts and non-government stakeholders.

Given the number of plans produced by Australian governments that fail to achieve their purpose – the national biodiversity strategies have been exemplars of failure – and the consequent cynicism and weariness of the community with environmental plans that fail to deliver, it is important to specify how the proposed plans and planning processes should differ from previous endeavours.

To identify the elements of effective planning, we recommend that the reviewer (a) commissions a rapid expert review of recent environmental planning – including Australia's biodiversity strategy and various threat abatement plans and New Zealand's predator-free 2050 strategies/plans (see Box 3) – to identify the elements of success and failure and (b) convene a workshop (0.5–1 day) to 'road test' a proposed process with stakeholders who would be involved in such processes (including non-government stakeholders), and identify impediments and opportunities.

One of the examples of a potential strategic plan mentioned in the interim report was 'management of feral animals'. The reviewer could use this example as the basis for the proposed workshop. Australia already has a national plan for 'pest animals', so a major question for a workshop would be how an effective national strategic plan should differ from this existing plan (which is not driving effective abatement). Although this pest animal plan (and many others like) specify admirable goals and actions, they generally lack an imperative and plan for implementation (they are more like a wish list). The final report should explain and exemplify how strategic national plans can provide the basis for abating major threats

The final report should clearly specify the pathways for implementing strategic national plans. Not all abatement actions – particularly those requiring research or policy responses – can be implemented through regional plans. For strategic national plans addressing major threats, we recommend that at least three operational pathways be specified (Figure 1):

(1) **Threat abatement plans and other threat-specific national plans** (see section 4). These are essential for facilitating national action on threats that cannot be readily abated at a regional level (eg because abatement techniques are inadequate). For example, a strategic national plan for invasive animals (an example mentioned in the interim report) should specify and prioritise the invasive animal threats warranting threat abatement plans and any other national plans (eg a research plan) needed for abatement.
(2) **Bioregional plans and regional recovery plans** (see section 5). These would be major pathways for implementing on-ground threat abatement actions where there are available techniques for doing so.
(3) **Policy responses**. Strategic national plans should identify where abatement of major threats requires policy reform at federal and/or state/territory levels. For example, a plan for habitat protection and restoration would require reform of some land clearing laws. Plans for some invasive species threats would require better regulation of domestic trade in harmful species, which could be achieved by federal regulation (as envisioned in s301A of the EPBC Act). And options for abatement of harmful fire regimes may include the establishment of a national body and a certification process for regional or state fire management plans.

The national abatement system should be flexible enough to accommodate all pathways for operationalising strategic national plans. As noted, scenario testing for each major KTP will be important for designing this system.

3.3 Recommendations

8. Specify a statutory status and process for developing strategic national plans and highlight the features that should distinguish them from previous ineffective plans. To develop recommendations for effective planning:
    a. Translate best practice planning principles into standards for the proposed strategic national plans and link them to existing overarching national biodiversity plans and processes

b. Commission a rapid expert review of recent environmental planning to identify the elements of effective (and ineffective) plans
c. Convene a workshop to 'road test' a proposed process with stakeholders who would be involved in such processes.

9. Specify that operational pathways for strategic national plans should include (a) threat abatement plans and other national plans, (b) bioregional plans and regional recovery plans, (c) policy responses at the appropriate level of government.

4. Maintain, expand and strengthen the existing national threat abatement processes

4.1 The interim report identifies major failings of the threat abatement system

The Invasive Species Council mostly agrees with the critique of the existing threat abatement system in the interim report. However, it is important to distinguish between the 'mechanisms' and how they are applied. We disagree with part of the following statement in the interim report that 'these mechanisms are not achieving their intent', for the failures lie mainly with the operation of these mechanisms and chronic funding poverty rather than the mechanisms themselves:

> *Provision in the EPBC Act for managing threats—such as the listing of key threatening processes (KTPs) and the development and implementation of threat abatement plans—were designed to support a coordinated and strategic approach to dealing with the major threats that cause the majority of extinctions and declines in Australia. However, these mechanisms are not achieving their intent and many threats in Australia are worsening.*

We also endorse the comments in the interim report about the importance of focusing on emerging threats:

> *There is a tendency to focus on immediate or existing threats where strong evidence is available, rather than emerging threats. This is despite evidence that early intervention on emerging threats is more cost effective and achieves better outcomes than responding to entrenched threats. Persistent and emerging threats can have devastating impact on threatened species and can also lead to more common species becoming rarer.*

4.2 The interim report is silent on the future of the current threat abatement system

Unfortunately, despite the critique of the current threat abatement system in the interim report, there are no recommendations for reforming that system. We assume the silence in this report means that reforms will be proposed in the final report. However, we are concerned that it could also mean that the reviewer thinks the system should be abandoned in favour of strategic national plans focused on higher-level threat categories and regional plans. This would be a major retrograde step and severely undermine Australia's capacity to abate major threats.

4.3 The final report should recommend a considerable strengthening and expansion of the national threat abatement system

It is essential to retain and strengthen the threat abatement system. The interim report specifies that strategic national plans should focus on high-level threats, which we presume roughly correspond to the overarching 'key threatening processes' category in the two-tier threats schema proposed by the Threatened Species Scientific Committee. It is essential to retain a reformed version of the threat abatement planning system to focus on more-specific threats (the second-level 'environmental threats of national significance' category of the TSSC schema), particularly those for which abatement methods are insufficient to achieve abatement through regional plans, such as is the case for many invasive species threats. The threat of feral cats, for example, is so severe and complex that it could not be adequately addressed in a strategic plan on feral animals. It warrants

its own plan and its own taskforce, as is currently the case. One important function of the national strategic plans could be to prioritise the threats for which there should be threat abatement plans.

As we discussed in our original submission, the existing threat abatement system has great potential but has been constrained by limited response options (a threat abatement plan or nothing), funding poverty and a lack of commitment by governments to implement the plans. The system should be made more flexible to facilitate effective national responses to major threats. A few of the key recommendations in our first submission are listed below.

4.4 The final report should propose a strong focus on emerging threats

Although the interim report identifies the failure of decision-making to focus on 'emerging threats' (and cumulative threats) as one of the key failings of the EPBC Act, the proposed remedies for this are not specified in the report.

Emerging threats was a focus of the first 10-year review of the EPBC Act:

> *Emerging issues are difficult to manage from a regulatory perspective as traditional regulation tends to be a reactive and somewhat inflexible instrument. Yet the Act must be equipped with tools to address emerging threats and remain relevant in the environment protection sphere. It is commonplace in business and industry to manage uncertainty by identifying existing and potential threats and positioning the organisation to deal with them. The principal challenge is to find a credible signal among the vast amount of available information.*

In section 2.4 we propose that an additional threat category – 'emerging threats of national significance' – be established under the EPBC Act to facilitate precautionary or urgent interventions to prevent emerging threats becoming major established threats. The process of identifying and developing management responses should be the function of a specialist 'foresighting' taskforce or unit, as recommended by the Hawke review (Recommendation 23). Hawke explained the concept of foresighting thus:

> *Foresighting is the process of gathering and interpreting information to identify emerging threats and determine what might be done to mitigate them. It can provide expanded perceptions of options for investing scarce resources and improve strategic planning.*

4.5 Recommendations

10. Recommend that the existing threat abatement system should be retained, strengthened and made more flexible to focus in particular on developing and improving solutions for environmental threats of national significance for which the methods of abatement are insufficient.
11. Recommend that all environmental threats of national significance should have an instrument of response. Initially, a *threat response statement* should be developed as an independent science-based statement of what is needed to abate the threat, specifying the urgency, benefits and likely costs of abatement and providing advice about the most appropriate instruments (whether planning, policy or regulatory) to facilitate abatement. A *threat abatement plan* should be developed unless the following circumstances apply: (1) abatement is significantly constrained by deficiencies of data, operational knowledge or other forms of technical feasibility or (2) abatement can only or mainly be achieved through other processes such as legislative or policy changes. Both instruments must specify monitoring, reporting and review obligations. For

circumstance (2), there should be the option to develop partial abatement plans or other sorts of plans focused on aspects of the threat amenable to abatement through national planning.

12. Specify that threat abatement plans should include the following elements (among other things):
    - the implementation obligations and commitments of all parties
    - the costs of implementation
    - a monitoring and reporting regime to track threat status and outcomes for threatened biota
    - explicit targets for abatement and triggers for review/revision of the plan
    - 2 classes of actions: (a) prescribed actions – those which are spatially or otherwise explicit (eg a critical research program) with assigned responsibilities and (b) described actions for future or other-party implementation, with the role of the plan being to specify priorities, create a mandate and maximise abatement opportunities
    - strategies for integration with relevant recovery plans (to help prioritise abatement actions) and other threat abatement plans (to address interactions with other threats)
    - the co-benefits of abatement, and actions to optimise social and economic benefits
13. Recommend that monitoring and reporting must be mandatory for each KTP. A national monitoring and reporting framework and standards should include a focus on the status of each KTP and the status of biodiversity threatened by each KTP. Reporting requirements should be harmonised across projects and programs to enable tracking of national progress. The federal government should report in detail on its implementation of threat abatement plans on Commonwealth land to demonstrate whether it is fulfilling its obligations under the EPBC Act, and to exemplify best practice and leadership.
14. Recommend that each threat abatement plan should have an implementation taskforce with sufficient expertise, stakeholder representation and authority to take responsibility for driving implementation and monitoring progress. Typically, this should include both government and non-government representatives and, where interests are aligned, representatives from other sectors.
15. Recommend the establishment of a foresighting taskforce to identify and guide management responses to 'emerging threats of national environmental significance' (a statutory threat category).

5. Design an effective regional planning system

5.1 The interim report recognises the importance of regional planning to address major threats

> *Regional recovery plans should provide for coordinated management of threats to listed species and communities in a region, and to consider the cumulative impacts of these threats.*
>
> *Regional plans would take into account cumulative impacts, key threats and build environmental resilience in a changing climate by addressing cumulative risks at the landscape scale. Managing these threats to MNES at the regional scale will have flow-on benefits for more common species and biodiversity more broadly.*

The Invasive Species Council supports the proposals for bioregional plans and regional recovery plans as important pathways for implementing threat abatement. However, there is too little detail in the interim report to assess the likely effectiveness of the proposals. As is the case for national strategic plans, Australia has produced a plethora of regional plans of variable effectiveness. It is important to specify how the proposed regional plans will differ from existing regional plans.

5.2 The final report should specify the status, standards and processes for regional planning and how they will be implemented

As we say in section 3 for national strategic plans, the best-practice principles of effective planning are well known and should be translated into standards for the proposed bioregional plans and regional recovery plans. Effective plans can result only from effective planning processes. These processes should be specified, including how experts and non-government stakeholders will be meaningfully involved. However, the major unanswered question is how these plans will be implemented. Threat abatement at the regional level will require the cooperation of state/territory and local governments, landholders, community groups and other stakeholders, as well as long-term sufficient funding.

5.3 Recommendations

16. Specify a statutory status for and processes for developing regional plans. Translate best practice principles for planning into standards for the proposed bioregional and regional recovery plans. Highlight the features essential for effective planning that should distinguish them from other regional plans.
17. Specify what is needed for effective implementation of regional plans, including how to engender commitments by state/territory and local governments, landholders, community groups and other stakeholders and the levels of funding needed.

6. Address the fundamental barriers to conservation

6.1 The final report should address the major barriers to effective threat abatement in Australia – funding, motivating implementation and generating accountability

Although the interim report refers to some of the systemic problems bedevilling national conservation efforts in Australia, there needs to be a lot more analysis of these problems and recommendations for long-term systemic reform.

An effective threat abatement system requires overcoming the following three major systemic problems:

- grossly inadequate funding – for all aspects of threat abatement, particularly planning and implementation
- a lack of means to compel or motivate implementation of threat abatement plans by state/territory governments and others
- a lack of accountability in the federal system to compel acceptable standards of performance

We recommend that the final report should focus in depth on these three problems, which also apply to other aspects of the EPBC Act and its operation. They should be the top priority during the remainder of the review period, for the reforms proposed in the interim report rely on overcoming these systemic problems. Our original submission discusses these problems and makes recommendations that we summarise below.

Funding the threat abatement system: It is clear from the limited progress on threat abatement that there is a major deficiency in funding threat abatement. Although the interim report recognises some funding deficiencies, there is no analysis of the extent of the deficiency. One just-published study estimates that current funding is about 15% of the level needed to avoid extinctions and recover threatened species.[1] If Australia is to be serious about abating key threats, the costs to achieve that over specified timeframes is essential information. A complementary focus on assessing the costs of not abating threats is also essential information. Because threat abatement is essential for the recovery of most threatened species and benefits many other species as well, it should be a very high funding priority. Options for new funding sources should be investigated.

Motivating implementation: Except for the federal government on Commonwealth lands, there are no obligations for any government or anyone else to implement threat abatement plans. Achieving threat abatement will require a high-level agreement committing federal, state and territory governments to cooperatively implement the proposed national strategic plans and regional plans and threat abatement plans. The Intergovernmental Agreement on the Environment is almost three decades old and Schedule 6 on Biological Diversity lacks conservation commitments and does not mention threat abatement. A new intergovernmental agreement is needed.

Achieving effective abatement will also require the federal government to be prepared to exercise its constitutional powers to regulate on certain environmental matters when regulatory failures by

[1] Wintle BA, Cadenhead NCR, Morgain RA, et al. Spending to save: What will it cost to halt Australia's extinction crisis? *Conservation Letters*. 2019;12:e12682. https://doi.org/10.1111/conl.12682

some states and territories result in exacerbation of key threatening processes, as exemplified by land clearing and the high-risk use of invasive species.

Finally, essential motivating elements of the threat abatement system are ambition and inspiration. Threat abatement needs to be seen as a high-priority collaborative mission of Australia's governments and communities focused on maintaining and recovering what is quintessentially Australian. One example of this is New Zealand's 'predator-free 2050' (see Box 3). Australia needs similarly ambitious goals and programs.

6.2 Recommendations

18. Analyse the systemic barriers to achieving effective threat abatement in Australia – lack of funding, lack of motivation to implement threat abatement plans and strategies, and lack of accountability – and make recommendations to overcome them.
19. To provide guidance about the level of investment needed for threat abatement, estimate current levels of funding and the costs of effective threat abatement. The costs of not abating threats should also be estimated. Recommend that government funding programs should give high priority to threat abatement, and investigate options for new sources of funding.
20. Recommend the development of a new intergovernmental agreement between the federal and state/territory governments that includes strong commitments to cooperatively abate key threatening processes.
21. Recommend the establishment of an independent statutory office (such as a parliamentary commissioner for biodiversity) to regularly review the performance of federal and state/territory governments in meeting Australia's international and national responsibilities for biodiversity conservation, including the abatement of key threatening processes. This would complement the role of the independent compliance and enforcement regulator proposed in the interim report.

Box 3. New Zealand's Predator Free 2050 – an ambitious threat abatement program whose design followed a clear and inclusive process

> *The predator free movement sweeping New Zealand is born by a sense of urgency to prevent further loss of the taonga species that are uniquely ours.*[2]

2050 goal: Eradicate stoats, rats and possums – the invasive animals inflicting the worst damage on New Zealand's plants and wildlife.

Shared ownership: The strategy was built from the bottom up, recognising the importance of local community ownership and action. The strategy comprises 3 main actions:

Mobilise: Taking the steps needed to build predator free communities and establish regional and national collaborations.
Innovate: Developing the new and transformational tools and techniques (and the public acceptance of them) that will be required to eradicate predators.
Accelerate: Applying Predator Free 2050 tools and techniques across the landscape as fast as possible, as they are developed.

Incentives and resources: The NZ government invested an initial NZ$28M and created an independent crown company (Predator Free 2050 Ltd) to leverage additional funding from private sector, local government, philanthropists and other investors. $81.28M was invested over 4 years in 2018. Grants are awarded to innovative projects with the potential to create jobs across the country, for example artificial Intelligence used to track small, fast-moving predators.

Collaboration: The 2020 action plan specifies that regional and national collaborative groups will lead the direction of PF2050. A nationally focused collaborative group will be formed for each strategic pathway using a 'collective impact' model.

Continuous improvement: The techniques build on successes with predator removal on offshore islands. PF2050 recognises the need for a learning based approach – adjusting thinking and management with new knowledge.

Builds on existing structures and mechanisms: PF2050 is a springboard for implementing the Threatened Species Strategy. It aligns with the Biosecurity Strategy and is integrated with Regional Pest Management Plans and local authority investment plans.

Benchmarks: Milestone goals are defined to measure progression. By 2025 the aim is to:

- eradicate predators from blocks of at least 20,000 hectares (without the use of fences)
- suppress introduced predators on a further 1 million hectares
- eradicate all predators from offshore island nature reserves
- achieve the capability to eradicate at least one introduced predator.

[2] https://pf2050.co.nz/the-predator-free-movement/