



**HUMANE SOCIETY
INTERNATIONAL**
AUSTRALIA

**Submission on
Proposed Changes to Conservation Planning Decisions
November 2021**

Humane Society International Australia (HSI) has nominated more than a hundred threatened species and ecological communities that are listed on the *Environment Protection and Biodiversity Conservation (EPBC)* (the Act) and our staff have been members of many recovery teams over the past two decades. We are deeply vested in the conservation outcomes for these species and ecological communities, as well as the conservation of biological diversity across our continent.

HSI makes this submission in relation to the Department of Agriculture, Environment and Water (the Department) proposals to remove the statutory requirement for recovery plans to be developed for 185 threatened species and ecological communities that are each Matters of National Environmental Significance listed on the Act.

HSI would like the general comments we make in this submission recorded against each proposed decision for each of the 185 threatened species and ecological communities. In addition, we provide further specific comments for a number of species and threatened ecological communities in which we have a close involvement as the nominees or otherwise interested stakeholder.

General comments

Lack of consultation on strategy

HSI would first like to make a comment on the process that has led to the proposed statutory decisions for each of the 185 species and ecological communities we are being asked for our view on. HSI is disappointed there was no consultation with stakeholders on the overall approach to

recovery planning before getting this far with individual decisions. We are told the proposal for bulk removal of the requirement for recovery plans has been under consideration by the Threatened Species Scientific Committee (TSSC) and the Department for some years, but during this time conservation stakeholders have not been brought into the thinking at a strategic level. Our first opportunity to express a view on the overall approach has been this rapid and bulk consultation on the statutory decision for the first tranche of what we understand will be approximately 600 threatened species and ecological communities. HSI has invested over two decades in preparing nominations for threatened species and threatened ecological communities in the expectation they would receive recovery plans and would have appreciated more discussion at an earlier stage.

Further, this proposal was not canvassed with conservation stakeholders in the lengthy consultations recently undertaken by Professor Graeme Samuel, with assistance from the Department, in the independent review of the EPBC Act. While Professor Samuel recommended a focus on regional recovery plans, he did not recommend the removal of recovery plans for individual species, and not in the absence of the National Environment Standards he drafted or without regional recovery plans and bioregional plans actually being developed. In the Government's *Pathway for Reform of Environment Laws* only \$2.7 million has been allocated over the next three years for one pilot regional plan¹. Therefore, there is no alternative landscape scale biodiversity conservation planning currently in place to compensate for removing the requirement for individual recovery plans.

Insufficient justification for each proposed decision

HSI is concerned the consultation process is deficient in lacking information in relation to each statutory decision that is to be made. The rationale behind the proposal not to have a recovery plan should be set out clearly for each species and ecological community. Other than the general criteria, we have not been given the background or context for each of the proposed decisions. It might be that there is a good rationale for some species and alternative mechanisms that can be identified which are achieving recovery without a plan, but this has not been explained or demonstrated. These are significant decisions about the future of Matters of National Environmental Significance and a lack of specific justification for each species and ecological community is not acceptable.

Inappropriate response to extinction crisis

In the face of a worsening extinction crisis, HSI is gravely concerned by the bulk removal of the requirement for recovery plans for so many threatened species and threatened ecological communities. Australia leads the world in mammal extinctions with ten percent of the 320 land mammals known to have lived in Australia in 1788 now extinct². Habitat destruction and introduced predators, herbivores and pathogens have resulted in Australia losing more biodiversity than any

¹ A pathway for reforming national environment law, Australian Government, June 2021
<https://www.awe.gov.au/sites/default/files/documents/pathway-reforming-national-environmental-law.pdf>

² Woinarski, J. C. Z., Burbidge, A. A., & Harrison, P. L. (2015). Ongoing unraveling of a continental fauna: Decline and extinction of Australian mammals since European settlement. *Proceedings of the National Academy USA*, 112(15):4531–40.

other developed nation in the past 200 years³. The situation is projected to worsen with Australia's natural environment and iconic places in an overall state of decline and under increasing threat⁴. We accept that occasionally for some species in unique situations a recovery plan does not add value, such as when a species is wholly contained within a successfully protected and well-managed area or when all of its threats are beyond the control of Australian governments and stakeholders, but a decision not to have a recovery plan should be the exception rather than the default. When facing a steep deterioration in our biodiversity, it is alarming to reverse this approach and for recovery plans to become the exception.

We appreciate that the TSSC is seeking to advise the Minister and Department on how to make the best use of insufficient resources. HSI understands that as at 2021 spending on administered biodiversity conservation by the Department of Agriculture, Environment and Water is projected to suffer a 56% decline, or a cut of more than \$200 million since the 2013-2014 financial year⁵. The proposed decisions to remove the statutory requirement for recovery plans may relieve a burden on an under-resourced Department but this is not an answer to the extinction crisis. HSI cannot condone such drastic use of triage as a result of under-funding. The responsibility is on the Government to provide the scale of resources that are urgently needed to tackle the extinction crisis with resolve and determination.

Australia made an international commitment under the Convention for Biological Diversity (CBD) including meeting the United Nation's Strategic Plan for Biodiversity Aichi Target 12: "...by 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained." (CBD, 2010)⁶ which was not achieved. We have now recently signed the Kunming Declaration and will soon be making further commitments to conserve biodiversity under the Global Biodiversity Framework. A retreat on recovery planning puts our international biodiversity commitments at further risk, which the ecological health of our continent can ill-afford.

Recovery plans can be properly resourced and written to be effective

The Government must ensure the Department of Agriculture, Water and the Environment (DAWE) is properly funded to restore and recover Australia's growing list of threatened species and ecological communities. The ecosystem health of the nation depends on this being done well. Wintle *et al* (2019) found Australian governments' collective annual spending on targeted threatened species recovery is around U.S.\$92m (AU\$122m) which is around one tenth of that spent by the U.S.

³ Waldron, A., Miller, D. C., Redding, D., Mooers, A., Kuhn, T. S., Nibbelink, N., ... Gittleman, J. L. (2017). Reductions in global biodiversity loss predicted from conservation spending. *Nature*, 551, 364–367.

⁴ Samuel, G 2020, Independent Review of the EPBC Act – Final Report, Department of Agriculture, Water and the Environment, Canberra, October <https://epbcactreview.environment.gov.au/resources/final-report/foreword>

⁵ Budget's 53c from every \$100 is killing our environment, media release May 2021 https://www.acf.org.au/53_cents_from_every_100_dollars

⁶ CBD. (2010). Decision X/2: Strategic plan for biodiversity 2011–2020. Nagoya, Japan, COP 10.

endangered species recovery program, and about 15% of what is needed to avoid extinctions and recover threatened species⁷.

The recovery of threatened species and threatened ecological communities has not been going well in Australia but this is not the fault of recovery plans as an instrument. Recovery planning is effective when done well and properly resourced. There are examples where concerted and consistent recovery efforts have worked to start recovering or at least stabilise some species in Australia such as the northern hairy-nosed wombat⁸, eastern barred bandicoot and the grey nurse shark. Successful recovery planning has been evidenced at scale in the United States, a country with a similar socio-economic profile and federal political system as Australia. In the U.S., funding for actions listed under recovery plans is mandated under the *Endangered Species Act* 1973, and the United States has seen relatively strong recovery in listed species. Money spent strategically on threatened species has achieved improvements in species' statuses⁹. For example, 85% of listed bird species have achieved a documented stabilization or recovery following listing¹⁰.

In Australia, recovery planning is no longer mandatory and neither is resourcing for actions in the recovery plans that are developed. Professor Samuel noted that there is no requirement to implement a recovery plan or report on progress and the outcomes achieved. It has been HSI's observation over two decades that recovery planning in Australia is often undermined by failure to protect critical habitats for threatened species and the remnants of ecological communities, by the broad discretion available in the EPBC Act to approve their degradation and clearance in development approvals and by inept and poorly regulated biodiversity offsetting regimes. Professor Samuel also found a failure to integrate the goals of key plans (such as recovery plans and other management documents) with approval decisions¹¹.

Recovery plans can be effective when they include clear and detailed prescriptions for protecting critical habitat and for avoiding threatening processes, prescriptions which then must be integrated across decision-making through the clauses which require decision makers 'not to act inconsistently' with them. Critical habitats should be clearly identified in recovery plans and should also be transcribed to the Critical Habitat Register. SMART goals should be established for recovery objectives. These should include SMART goals on activities but also on outcomes such as percentages of recovery over generation times or percentage increases to viable habitat.

⁷ Wintle et al (2019) *Spending to save: What will it cost to halt Australia's extinction crisis?* Conservation Letters Wiley <https://conbio.onlinelibrary.wiley.com/doi/pdf/10.1111/conl.12682>

⁸ <https://www.abc.net.au/news/rural/2021-09-07/saving-hairy-nose-wombat-brink-of-extinction-epping-forest/100436308>

⁹ Taylor, M. F. J., Suckling, K. F., & Rachlinski, J. J. (2005). The Effectiveness of the Endangered Species Act: A quantitative analysis. *Bioscience*, 55, 360.

¹⁰ A Wild Success. A Systematic Review of the Endangered Species Act's Success in Saving Endangered Birds Center for Biological Diversity • June 2016 <https://www.esasuccess.org/pdfs/WildSuccess.pdf>

¹¹ Final Report of the Independent Review of the EPBC Act pg 43 <https://epbcactreview.environment.gov.au/resources/final-report>

National Environment Standards should be adopted

HSI supports the proposal in the *Final Report of the Independent Review of the EPBC Act for National Environment Standards* which would better integrate and standardise decision making under the Act, particularly so that development approvals under Part 9 of the Act are less able to undermine species conservation and recovery. Conservation planning would be greatly strengthened if the Government were to adopt the National Environment Standards for Matters of National Environmental Significance as drafted by Professor Graeme Samuel and to follow his recommendations to overhaul the regime for biodiversity offsets.

In contrast, the Government's proposed National Environment Standards simply replicate the existing provisions of the EPBC Act and the standard for threatened species and ecological communities relies solely on consistency with a recovery plan and regard for conservation advice. Therefore, removing recovery plans for species further hollows out the Government's proposed National Environment Standard for threatened species and ecological communities.

In the absence of robust National Environment Standards, and if lax and poorly regulated biodiversity offsets continue, HSI is concerned that the threatened species and ecological communities that do not receive recovery plans will remain extremely vulnerable to development approvals, and significant and cumulative impacts that will continue to undermine their recovery.

Conservation advice is not an adequate substitute for a recovery plan

HSI strongly supports conservation advice for every listed species and ecological community. We welcome the rigour of the more recent conservation advice that has been developed with the inclusion of SMART objectives for species recovery such as that developed for Kambullup Dryandra (*Banksia ionthocarpa*), water mouse (*Xeromys myoides*) and Abbott's booby (*Papasula abbotti*). We would like to see the clear prescriptions given in these more recent conservation advice become binding on decision makers in the same way they would be if they were included in recovery plans.

We consider recovery plans to be more robust than conservation advice for a number of reasons. Firstly, the EPBC Act contains more rigorous prescriptions for the content of recovery plans and these are important. The EPBC sets out important content that must be included in recovery plans in s270 whereas the requirements s266B for conservation advice are far less detailed. For example, a recovery plan must provide for research and management to stop the decline of the listed species or community for its long term chances of survival to be maximised. A recovery plan must set out its objectives and how they will be measured and the actions to achieve them. Importantly, in recovery plans there is a requirement to identify habitat critical to the survival of the species or ecological community and how to protect it, and to identify important populations that are under pressure and the actions needed to protect those populations. These are important details that, without a statutory requirement to include them, could be left out of conservation advice, especially if the implications are controversial.

Similarly, the TSSC also has a much more detailed set of obligations when providing advice on recovery plans (s274) whereas there is no equivalent set of obligations when advising on conservation advice. For example, when advising on a recovery plan the TSSC must take into account the degree of threat to the species, the potential for it to recover and the efficient and effective use of resources allocated to the species' conservation.

HSI is extremely concerned that the obligations for decision makers to comply with conservation advice are weaker than they are for recovery plans. Under the EPBC Act, when approving developments under Part 9 of the Act, the Minister is only required to 'have regard to' conservation advice whereas approval decisions and associated conditions 'must not be inconsistent with' recovery plans. This applies to decisions to approve actions that can and often do cause significant impact to threatened species and ecological communities. HSI notes with some cynicism that there are a number of threatened species and ecological communities on the list which frequently intersect with development applications, such as the threatened ecological communities in the Sydney Basin.

Further, a Commonwealth agency must not take an action which contravenes a recovery plan. The Minister must be satisfied that any bilateral agreement containing a provision relating to listed entities is not inconsistent with any recovery plan, whereas the requirement is only to have regard to conservation advice. The Minister must be satisfied that any management arrangement or authorisation process proposed for accreditation is not inconsistent with any recovery plan, whereas the requirement in this instance is again to only have regard to conservation advice.

HSI's alarm at the removal of recovery plans is heightened in the context of devolution of approval decisions to states and territories with standards. If the Parliament were to pass the Government's EPBC Act amendment bills to devolve approval decisions to accredited states and territories, with the Government's proposed version of National Environment Standards, then it is only the clauses preventing inconsistency with recovery plans and to have regard to conservation advice that would constrain decisions impacting on threatened species and ecological communities, remembering they are Matters of National Environmental Significance. Accredited state, territory and local government decision makers could have regard to conservation advice but then still approve developments that are inconsistent with it and undermine it. In the absence of National Environment Standards as Professor Samuel envisioned, recovery plans are the only tool to apply constraint on decisions that significantly impact threatened species and ecological communities. Yet the Government is proposing to put this tool away even for those threatened species and ecological communities that are heavily impacted by development pressures, and even when they hand responsibility for those approvals onto other jurisdictions.

HSI is concerned that the proposed decisions risk disenfranchising the community from recovery efforts. Recovery plans are supposed to be dynamic with a team involved in their drafting and their implementation. Done well, they are tools to achieve cooperation in the recovery of a species,

bringing together jurisdictions, stakeholders, scientists and the community, each with their responsibilities assigned. Conservation is generally more successful when the community is engaged. By comparison, conservation advice is typically developed without involving the community and there is no obligation for public consultation.

Lastly, it is argued that conservation advice is easier to update than recovery plans but there is no statutory requirement nor commitments from the Department to update conservation advice in the same way there is for recovery plans. This is likely attractive from an administrative perspective but it is less accountable.

To summarise, HSI supports conservation advice for species to provide prompt guidance to decision makers that can be readily updated, but this advice should be coupled with recovery plans to provide more binding advice for approval decision makers and to integrate recovery with other decisions under the Act, and be implemented by teams as working tools for cooperation between stakeholders and jurisdictions. If the Department is to remove the requirement for recovery plans for so many species and ecological communities with a deteriorating conservation status, it is imperative that there is 1) alternative conservation planning in place and 2) the statutory framework for conservation advice be significantly strengthened so that the recommendations they contain are binding. This would require amendments to the Act.

Threatened ecological communities should be prioritised

HSI is extremely concerned that recovery plans are proposed to be abandoned for more than 30% of listed threatened ecological communities in this first tranche of 185 entities. Threatened ecological communities typically provide umbrella protection for multiple threatened species that are components of the community, and prioritising their recovery is of strategic benefit to biodiversity conservation. For example, 'Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia' and 'Natural Temperate Grassland of the Victorian Volcanic Plain', both threatened ecological communities on the list to have their requirements for a recovery plan removed, respectively contain 30 and 29 flora and fauna species listed as threatened in their own right.

It is precisely for that strategic reason that HSI has prioritised threatened ecological communities in our nomination program, being responsible for nominations that have led to more than 40% of listings. Further, with threatened ecological communities occurring across many tenures including private land with multiple owners, the management of their recovery is complex and there is a strong need for cooperation which cannot be achieved through conservation advice alone. Recovery plans should be tools for providing landholders with support and incentives for the conservation and recovery of threatened ecological communities on their land, and are ideal tools for facilitating complex and coordinated recovery actions.

Referrals from the agriculture sector for actions potentially significantly impacting Matters of National Environmental Significance such as threatened ecological communities are negligible (documents obtained by HSI through Freedom of Information requests in 2018 showed that there had been just six referrals for several EPBC Act listed eucalypt woodland threatened ecological communities occurring in agricultural regions, none of which resulted in development refusal). Therefore it cannot be said that the development approval processes under the EPBC Act will take care of threatened ecological community conservation. Rather, ecological communities suffer cumulative impacts from actions that are often not referred for approval, or actions that fall under generous exemptions and significant impact thresholds that allow continued clearing to occur. Recovery plans are urgently needed to foster the conservation of threatened ecological communities and therefore biodiversity.

As the nominators of many of these communities, HSI can not help but feel aggrieved at these proposals to remove the requirement for threatened ecological community recovery plans due to the years of work that went into the nominations with the expectation that recovery plans would be developed and downward conservation trajectories reversed.

Efficiencies can be found in regional recovery plans

Efficiencies can be found in multi-species and regional recovery plans where they make sense and HSI would prefer to see more discussion of this before proposals to drop recovery plans altogether. Professor Samuel in the Final Report¹² of the EPBC Act Review recommended Commonwealth-led regional recovery plans that identify recovery priorities for multiple threatened species and ecological communities at the landscape scale. For example, we would welcome seeing the discussion on the proposals to remove the requirements for recovery plans for a number of species on Christmas Island when there had previously been a multi-species recovery plan in development. Without seeing a counter explanation this would still appear to be a cost effective approach to a high number of threatened species on an island that has already experienced extinction. We would also like to understand why a bioregional recovery plan for the Sydney Bioregion is no longer proposed for several of the threatened ecological communities on this list. We would recommend a regional recovery plan for all of the threatened ecological communities in the Sydney Basin Bioregion - as the TSSC had previously and sensibly recommended.

Specific comments

While HSI submits the above general comments against each species, we add the following specific comments for the following species and ecological communities.

Christmas Island species - Abbott's booby, Christmas Island thrush, emerald dove, Christmas Island flying-fox

¹² Final Report of the Independent Review of the EPBC Act pg 10 <https://epbcactreview.environment.gov.au/resources/final-report>

HSI would like to better understand why the plan for a multi-species recovery plan for the threatened species on Christmas Island has been shelved. In the absence of an alternative rationale, HSI would argue that this remains cost effective and necessary to prevent further extinctions on the island, particularly after the tragic and regrettable loss of the Christmas Island pipistrelle.

The Conservation Advice for the Abbott's booby gives a clear directive that protecting nesting trees is critical to this species recovery and that it must not be cleared. Such clarity is welcome. However, HSI is concerned that reliance on Ministerial discretion and the requirement to have regard to conservation advice may not be strong enough. It would be better to have such clear directives in a recovery plan for the species. That way, approval decisions taken by the Commonwealth or its agencies cannot be inconsistent with this objective. We further recommend this critical habitat is listed on the EPBC Register for Critical Habitat s207A, noting the conservation benefit that would provide as it is Commonwealth land.

The Conservation Advice for the Christmas Island flying-fox¹³ which was last updated in 2015 states:

“There should be a recovery plan for this sub-species as stopping decline and supporting recovery will involve a complex set of recovery actions requiring a high level of planning and coordination.”

It was said that Parks Australia, on behalf of the Department of Sustainability, Environment, Water, Population and Communities, is in the process of finalising a whole-of-island recovery plan. The Christmas Island flying-fox is Critically Endangered with a mature population as low as 1000 after 'unabated' decline over 30 years.

If not a recovery plan, what measures will DAWE implement to ensure threatened species on Christmas Island do not follow the pipistrelle?

Glossy black cockatoo - Kangaroo Island and South Australia

The recovery of this species prior to the bushfires, where its numbers increased from approximately 100 to 400, was guided by a recovery plan (which lapsed in 2016). The actions under the recovery plan were proven to be successful and should be revived under a new plan.

Despite previous successes, the glossy black cockatoo is still too close to extinction to be left without a recovery plan. There are interested stakeholders ready to address practical actions to recover the species and guard against further habitat loss. Occupying a specific habitat type with its own key threats, the species warrants its own recovery plan separate to other fire-affected species on Kangaroo Island.

¹³ <http://www.environment.gov.au/biodiversity/threatened/species/pubs/87611-conservation-advice-31102015.pdf>

Southern emu wren

A lack of successful recovery from a previous plan is not a reason to abandon a recovery plan. The Kangaroo Island sub-species is currently on the Minister's Priority Assessment List for uplisting to Endangered, having been impacted by the 2020 bushfires. The species is also under threat on the Eyre Peninsula from prominent actions requiring approval under the EPBC Act.

This is an example where a recovery plan should be in place to steer a responsible decision in relation to a referred action which will have a significant impact on the species. There should be a decision to have a recovery plan for this species.

Spectacled flying-fox

HSI is at a loss to understand why the spectacled flying-fox is on the list of species to no longer receive a recovery plan. The species is in sharp decline and has only recently been uplisted to Endangered and is anticipated to shortly meet the criteria for Critically Endangered, if it does not already. It is a keystone species with a vital role in the pollination and health of Queensland's World Heritage-listed Wet Tropics rainforests.

These animals are highly vulnerable to climate change with low tolerance to extreme temperature days. Tangible actions can be taken at camps and coordination of interested stakeholders is needed. There is a very committed network of conservationists, HSI included, already convened to work on a recovery plan that is in advanced stages - these efforts should be supported. The previous recovery plan suffered from poor implementation due to failures at a state and local level. That is not reason to give up, it is more reason for federal leadership. The species was included in the Minister's list of 100 priority species in the Threatened Species Strategy Action Plan and should have a recovery plan.

Fin and sei whale

HSI would support a return to the grouped recovery plan for the fin, sei and blue whales. Climate change and related prey depletion are listed as threats under the expired group recovery plan for these species. These threats are only getting worse, as is noise pollution with increasing boat traffic and seismic disturbances. These are threats that require coordinated mitigation. In addition, approval decisions on threats such as seismic testing should be guided by binding recovery plans.

We note that in 2010 a review was undertaken which determined that the blue whale should have its own recovery plan. We would like to understand that decision and for this to be discussed with transparency in relation to the current decision for the fin and sei whale. In the absence of any alternate rationale, HSI recommends the fin and sei whale be covered in a recovery plan with the blue whale.

Golden sun moth

This species triggers referrals and therefore requires a well written recovery plan to bind those approval decisions to good conservation outcomes. The species is highly relevant to grassland

communities, occurring in two threatened ecological communities: *Natural Temperate Grassland of the Victorian Volcanic Plain* and *Natural Temperate Grassland of the South Eastern Highlands*. At the very least these threatened ecological communities ought to be given recovery plans if the species is not.

Ghost bat

Cooperation across jurisdictions is required for this species. The Conservation Advice (2015) states "The Committee recommends that there should be a recovery plan for the ghost bat. Stopping decline and supporting recovery of the species is complex, due to the requirement for a high level of planning to abate the threats, a high level of support by key stakeholders, and a high level of prioritisation. Existing mechanisms are not adequate to address these needs". HSI requests the reasons why the Committee would now take a different view.

Giant Kelp Forests of South East Australia

HSI nominated the giant kelp forests for listing as the first marine threatened ecological community in 2009. Since our nomination, the threats remain the same: climate change, commercial and recreational fishing, sediment runoff, and invasive species impacts which are in turn exacerbated by climate change. The TSSC recommended a recovery plan for the Giant Kelp Forests when they were listed in 2012 and we continue to agree with the justifications that were given:

"However, there are some areas within the ecological community's distribution where the impacts of climate change are more moderate. In addition, some of the secondary threats caused by climate change need to be managed and there are other potential threats such as increasing sedimentation into coastal waters and removal of urchin predators through fishing operating across its range. A recovery plan would increase knowledge of the ecological community across its range (as the current data are predominantly from Tasmania), which could help in understanding the connectivity of the ecological community across its range and its ability to regenerate from source populations when damaged or lost from one location. A recovery plan would also encourage further research and efforts to reforest areas of the ecological community and gain a greater understanding of its role in the inshore marine rocky reef environment" (14/08/2012)¹⁴.

We appreciate that a recovery plan cannot solve climate change but it is needed to bring together stakeholders to address the other threats which will build resilience against climate change and help prevent the extinction of this unique habitat. For example fishing impacts can be mitigated and that will require the engagement of the Tasmanian fishery regulator and cooperation from commercial and recreational fishers. In particular, rock lobster biomass needs to recover to play its role in suppressing urchin populations.

The Tasmanian Rock Lobster Fishery is assessed for ecological impact by the Department of the Environment and has a rebuilding strategy in place, which may not reach its goal. The integration of fisheries management with recovery planning for the giant kelp forest is needed to reduce the impact of the urchins, and a recovery plan would be the most appropriate mechanism to connect fisheries management with protection of the kelp forest.

¹⁴ <https://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=107>

Further, a recovery plan for the giant kelp forests would assist in the recovery of the Ziebell's handfish, which is listed as Vulnerable under the EPBC Act and managed under a Recovery Plan with two other species of handfish - Australia's most endangered and unique group of fish.

Brigalow woodlands (Acacia harpophylla dominant and co-dominant)

HSI nominated this threatened ecological community which was listed in 2001 and has not had a recovery plan put in place. The TSSC reaffirmed a recovery plan was required in 2009 stating:

"A recovery plan would contribute to the protection, conservation and management of the listed ecological community and would provide for the research and management actions necessary to stop the decline of, and support the recovery of, the listed ecological community so that the chances of long-term survival in nature are maximised."

HSI continues to agree with this assessment. Brigalow woodlands occur across two jurisdictions and cooperation between them and the Commonwealth to encourage their conservation on private land with multiple stakeholders remains necessary.

Brigalow woodlands provide habitat for several threatened wildlife species and nine listed threatened plant species including the spiny pepper-cress, Queensland white gum and ooline, and focusing on recovery of the TEC would be a cost effective strategy for their recovery too.

Blue gum high forest of the Sydney Basin Bioregion

HSI recommends a regional recovery plan be adopted for all the relevant threatened ecological communities in the Sydney Basin Bioregion. Development pressures in the Sydney Basin should make a recovery plan a high priority. It concerns us that it is precisely these development pressures which mean a recovery plan is being avoided. Remnants should also be listed on the Critical Habitat Register.

A recovery plan for this ecological community would also benefit several resident and transient threatened species including glossy black cockatoos, swift parrots, powerful owls, yellow-bellied sheath-tail bats and grey-headed flying-foxes.

Castlereagh scribbly gum and Agnes Banks woodlands of the Sydney Basin Bioregion

The conservation advice for this ecological community provides important recommendations for its recovery including to "Protect and conserve remnants that meet the condition thresholds for this ecological community to avoid further clearance and fragmentation". Given the intense development pressures in Western Sydney this recommendation from the conservation advice should be enshrined in a recovery plan as the strongest possible instrument available under the Act and so that EPBC decision making and bilateral agreements are required not to be inconsistent with it. The requirement to only 'have regard to' this recommendation in conservation advice is too weak.

HSI continues to agree with the 2015 TSSC recommendation for a recovery plan and that it be part of a regional recovery plan for all relevant threatened ecological communities in the Cumberland sub-region.

“... that a recovery plan is developed for the Castlereagh Scribbly Gum and Agnes Banks Woodlands ecological community. This is because the actions required to conserve and promote recovery of the ecological community include short and long term activities that need to be coordinated at a landscape level and involve a range of stakeholder groups. A recovery plan would provide further guidance to land managers and raise public awareness of conservation actions. It is suggested that the recovery plan for the Castlereagh Scribbly Gum and Agnes Banks Woodlands ecological community could be part of a regional recovery plan for all relevant nationally threatened ecological communities that occur in or near the Cumberland sub-region. This is because these communities tend to have similar threats acting upon them and a coordinated, strategic and regional approach is likely to have improved overall conservation outcomes.”¹⁵

The NSW government has a recovery strategy in place for Castlereagh scribbly gum woodlands, and HSI recommends the Commonwealth at least adopt the NSW strategy¹⁶ as a recovery plan under the EPBC Act. That would give it weight for decision-making under the EPBC Act and ensure that decisions by the Commonwealth and its agencies are not inconsistent with NSW recovery efforts.

Our preference is for a regional recovery plan to be developed for all relevant TECs in the Cumberland sub-region. Development pressures in the Sydney Basin should make a recovery plan a high priority. Remnants for this TEC should be listed on the Critical Habitat Register. A recovery plan for this ecological community would also benefit eight threatened plant species including the Bynoe's wattle, *Dillwynia tenuifolia*, juniper-leaved grevillea and small-flower grevillea.

Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion

HSI recommends a regional recovery plan be adopted for all the relevant threatened ecological communities in the Sydney Basin Bioregion. Development pressures in the Sydney Basin should make a recovery plan a high priority. It concerns us that it may be precisely these development pressures which mean a recovery plan is being avoided. Remnants for this TEC should be listed on the Critical Habitat Register. A recovery plan for this ecological community would also benefit four threatened plant and animal species including the green and golden bell frog and downy wattle.

Cumberland Plain Shale Woodland and Shale Transition Forest

HSI recommends a regional recovery plan be adopted for all the relevant TECs in the Sydney Basin Bioregion. Development pressures in the Sydney Basin should make a recovery plan a high priority.

¹⁵ <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/119-conservation-advice.pdf>

¹⁶ <https://www.environment.nsw.gov.au/savingourspeciesapp/project.aspx?ProfileID=20154>

It concerns us that it may be precisely these development pressures which means a recovery plan is being avoided. Remnants for this TEC should be listed on the Critical Habitat Register.

A recovery plan for this ecological community would also benefit 44 threatened plant and animal species, including the regent honeyeater, glossy black cockatoo, bush-stone curlew, swift parrot, powerful owl, koala, spotted-tailed quoll, grey-headed flying-fox, Cumberland land snail, downy wattle and narrow-leaved Geebung.

Shale Sandstone Transition Forest of the Sydney Basin Bioregion

HSI recommends a regional recovery plan be adopted for all the relevant threatened ecological communities in the Sydney Basin Bioregion. Development pressures in the Sydney Basin should make a recovery plan a high priority. It concerns us that it is precisely these development pressures which means a recovery plan is being avoided. Remnants should also be listed on the Critical Habitat Register. A recovery plan for this ecological community would benefit seven threatened plant and animal species including the koala, turquoise parrot, eastern freetail bat and black-chinned honeyeater.

Coolibah - Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions

This threatened ecological community has been heavily cleared and degraded by changes to flooding regimes, weed invasion, and in some circumstances heavy grazing and drift of herbicides and pesticides through agricultural expansion and intensification. This presents an ideal opportunity for engagement with landholders and ecosystem recovery through a recovery plan. HSI continues to agree with the TSSC when it previously said:

“The Committee considers that there should be a recovery plan for this ecological community.....Considerable work is needed to ensure continued protection for this ecological community and to promote cross-jurisdictional cooperation, coordination between land managers and support from key stakeholders with recovery actions.”

HSI recommends this ecological community stay on the list for a recovery plan. Recovery investment is urgently needed across agricultural landscapes and all of the Committee's reasons remain very relevant in the face of ongoing degradation and clearance. As stated in our general comments, cumulative impacts from actions on agricultural land are rarely referred for approval under the EPBC Act, because they do not meet the significant impact threshold or due to low compliance, and this increases the urgent need to use recovery planning tools for their conservation.

A recovery plan for this ecological community would also benefit 54 threatened plant and animal species including the glossy black cockatoo, brolga, black-necked stork, Major Mitchell's cockatoo, flock bronzewing, hairy-nosed freetail bat, koala, long-haired rat, Stimson's python, ornamental snake, Mossgiel daisy and winged peppergrass.

Grassy Eucalypt Woodland of the Victorian Volcanic Plain

A recovery plan for this ecological community would also benefit 31 threatened plant and animal species including spotted-tailed quolls, southern brown bandicoots, grey-headed flying-foxes, swift parrots, plains wanderers, grassland earless dragons, growling grass frogs, golden sun moths, trailing hop-bush, fragrant leek-orchids and button wrinklewort.

Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia

There are 30 EPBC Act-listed threatened species that are additionally components of the Grey Box Grassy Woodlands and Derived Native Grasslands threatened ecological community, making it one of the most representative habitats currently listed under the Act. That the grassy woodlands and grasslands occur across more than 500,000 hectares and a range of land tenures (largely agricultural landscapes) leads to complex management requirements and opportunity to coordinate recovery through a recovery plan that will assist the conservation of wide-range of threatened species.

The TSSC has previously stated that it:

“...considers that there should be a recovery plan for this ecological community.

The Committee acknowledges that elements of this ecological community are recognised as threatened under various jurisdictions and that there is some effective conservation work on the ecological community. However, the Committee recognises the ecological community to be endangered and that threats to the community are ongoing and complex in nature. Considerable work is needed to ensure continued protection for this ecological community and to promote cross-jurisdictional cooperation with recovery actions. It is expected that any existing management plans or conservation initiatives would be taken into account for future plans.”

Lowland Native Grasslands of Tasmania

Lowland native grasslands of Tasmania are Critically Endangered with recovery needs that are complex as the community occurs mostly on private agricultural land. There are good opportunities for landholder incentives which a recovery plan would help the continued facilitation.

Progressive losses within this community have impacted 23 nationally threatened and 60 Tasmanian threatened flora and fauna species. A recovery plan for the Lowland native grasslands of Tasmania would benefit the Tasmanian wedge-tailed eagle, Tasmanian devil, eastern-barred bandicoot, roadside wallaby grass, black-tipped spider-orchid, matted flax-lily and fleshy greenhood.

HSI agrees with the TSSC recommendation that:

“The Committee recognises the ecological community to be critically endangered and that threats to the community are ongoing and complex in nature. Considerable work is needed to ensure continued protection for this ecological community. It is expected that all existing

management plans and conservation initiatives would be taken into account for future plans.”

Natural Grasslands of the Murray Valley Plains (VIC, NSW, SA)

This Critically Endangered ecological community needs a recovery plan to facilitate cross jurisdictional cooperation. It suffers from cumulative impacts that do not trigger other EPBC Act provisions and therefore a recovery plan is needed to cooperate in its conservation to prevent further clearance and fragmentation.

The Committee acknowledges that a major component of this ecological community is recognised as threatened in Victoria and that there is some effective conservation work on the ecological community. However, the Committee recognises the ecological community to be nationally critically endangered and that threats to the community are ongoing and complex in nature. Considerable work is needed to ensure protection for this ecological community and to promote cross-jurisdictional cooperation, coordination between land managers and support from key stakeholders with recovery actions. It is expected that any existing management plans or conservation initiatives would be taken into account for future plans. Therefore a recovery plan is needed.

A recovery plan would also benefit 16 faunal and 35 floral threatened species in the community including brolgas, Australian bustards, growling grass frogs, golden and striated sun moths, grassland bindweeds, annual buttons, spiny rice-spurs and red swainson-peas.

Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin

HSI agrees with the Committee’s former recommendation:

“The Committee has taken several issues into account when considering the need to have a recovery plan for the Natural grasslands of the Queensland Central Highlands and the northern Fitzroy Basin ecological community. The Committee noted that this community and its surrounding region are under continuing pressure from agricultural development due to its occurrence on highly fertile soils. Even high quality remnants found in Travelling Stock Reserves are increasingly threatened by over-grazing.

A recovery plan would highlight the value of these grasslands to land managers in the region.

To date, a lack of knowledge regarding the value of grasslands has enabled large scale clearing and degradation.

A recovery plan would promote a coordinated approach to recover the ecological community and provide guidance to land managers.”

The TSSC also noted that there could be efficiencies from a multi- ecological community recovery plan:

“The Committee notes that this ecological community is similar to the ‘Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland ecological community’ and considers that the nature of the threats impacting on the two ecological communities could be addressed under a single recovery plan.”

As the listing advice notes native grassland communities like this ecological community provide habitat for a large variety of organisms such as mammals, birds, frogs, reptiles and invertebrates, both above and below ground. A recovery plan for this ecological community would benefit threatened fauna including the retro slider, star finch, squatter pigeon and bridled nail-tail wallaby, as well as floral species such as the grassland sedge, king bluegrass and Belyando cobblers-peg.

Natural Temperate Grassland of the South Eastern Highlands

The TSSC recommended a recovery plan for this Critically Endangered ecological community as recently as 2016. Its threats and conservation status have not since improved and the need for a recovery plan remains. HSI notes this threatened ecological community was the focus of a major investigation and [has been highly politicised](#).

The TSSC previously noted that:

“A recovery plan has been adopted for the previously listed Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory (Environment ACT, 2005). The extent of the previous listing covers the majority of the area of the revised ecological community, and threats are similar in the additional areas. It is therefore considered that the existing recovery plan contains actions that are relevant and could be adopted for the Natural Temperate Grassland of the South Eastern Highlands ecological community, as presented in this advice. It is recommended that, at the next review of the recovery plan, the review consider the broader extent of the Natural Temperate Grassland of the South Eastern Highlands ecological community.”

A recovery plan for this threatened ecological community, which only had an estimated 1,000ha remaining in good condition in the listing advice from 2016, would benefit the golden sun moth (also slated not to have a recovery plan), pink tailed worm lizard, little whip snake, striped legless lizard and grassland lined earless dragon.

Natural Temperate Grassland of the Victorian Volcanic Plain

This threatened ecological community is pertinent to undelivered offsets from Melbourne’s urban expansion and there is a great need for a recovery plan to facilitate much-needed conservation action that has been neglected. The strongest possible legal mechanisms are required to ensure its continued declines are able to be halted and reversed.

Upon listing the TSSC delivered the following strong justification for a recovery plan that is even more relevant in consideration of ongoing destruction and the above offsetting issues.

“The Committee has taken several key issues into account in its consideration of whether the Natural Temperate Grassland of the Victorian Volcanic Plain ecological community requires the development of a recovery plan. The Committee noted that the Victorian Volcanic Plain: is a National Biodiversity Hotspot; is one of the most intensively cleared agricultural regions of Australia; and is host to a range of Commonwealth interests including more than 25 nationally threatened flora and fauna species plus other species and ecological communities that are, or may be, under consideration by the Committee in the future.

The Committee believes that a broad-scale bioregional plan would make the greatest contribution to the conservation of the large number of threatened species and ecological communities concerned. This plan should be undertaken with the cooperation of the Victorian government, local governments and Catchment Management Authorities, and take existing conservation initiatives into account.”

Among the 25 threatened flora and fauna species that would benefit from a recovery plan are the southern brown bandicoot, growling grass frog, golden sun moth, plains rice-flower, fragrant leek-orchid and basalt pepper-cress.

New England Peppermint (*Eucalyptus nova-anglica*) Grassy Woodlands

HSI agrees with the TSSC’s former recommendation and can see no reason to divert from it:

“The Committee acknowledges that elements of this ecological community are recognised as threatened under various jurisdictions and that there is some effective conservation work on the ecological community. However, the Committee recognises the ecological community to be critically endangered and threats to the community are ongoing and complex in nature.

Halting decline and supporting recovery is complex due to the need for high levels of planning, prioritisation and adaptive management, as well as high levels of coordination between land managers and support by key stakeholders. Considerable work is needed to ensure protection for this ecological community and to promote recovery actions.”

A recovery plan for this community would benefit 40 threatened species including black-throated finches, regent honeyeaters, swift parrots, barking owls, brush-tailed phascogales, spotted-tailed quolls, eastern pygmy possums, pale-headed snakes, koalas, Barrington Tops ant orchids and large-leaf monotaxis.

Subtropical and Temperate Coastal Saltmarsh

HSI agrees with the TSSC’s former advice¹⁶ that a recovery plan is needed for the Subtropical and Temperate Saltmarsh to perform its key ecosystem services and preserve its habitat for a diverse array of native species.

¹⁶ <http://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=118&status=Vulnerable>

It was noted that it occurs across multiple jurisdictions from Queensland around to Western Australia and that there is a need for a recovery plan to foster cross jurisdictional cooperation and to facilitate action on national priorities.

The TSSC considered that some of the key threats to the coastal saltmarsh are more amenable to coordinated recovery efforts, for instance planning to mitigate impacts due to tidal restrictions; management of fire and grazing regimes; clearing controls; or coordinated management of invasive species. We are unaware of any circumstances that would negate this need today.

Weeping Myall Woodlands (NSW, QLD, VIC)

The TSSC gave unusually strong messaging on the need for a recovery plan for Weeping Myall Woodlands in 2008. They identified the community's need for a recovery plan as a high priority, stating: "All known patches of this ecological community are subject to ongoing threats and very little occur within conservation reserves".

The main threats to the ecological community are clearing and ongoing degradation, which have caused a severe decline in geographic distribution. Weeping Myall Woodlands occurs on highly fertile and arable soils where there is significant pressure to clear for cropping. It also occurs across three state jurisdictions, travelling stock routes and multiple private landholdings and therefore a recovery plan is needed to foster cooperation in its conservation.

In 2008 the TSSC advised that the priority recovery and threat abatement actions required for this ecological community include:

- protecting remnants of the listed ecological community through the development of conservation agreements and covenants; the use of strategic grazing that allows regeneration;
- replanting of understorey species where they have been depleted;
- use of lopping methods that do not result in the death of the dominant tree species; avoiding the application of fertilisers and herbicides in or near remnants;
- protecting remnants from weeds including the speedy eradication of any new invasions;
- and raising awareness of the ecological community within the community.

In discussing the potential for recovery the TSSC said:

"Lopping for drought fodder and the exclusion of regeneration through continuous grazing have severely degraded the ecological community. However, a beneficial change in grazing management coupled with sufficient rainfall may return the ecological community to good condition relatively easily (Rowe 2002). Regeneration of chenopod species where they have been depleted may also require replanting."

The previous recovery plan has now sunsetted without a change in conservation status so the need for recovery action remains high and the potential for restoration likely remains viable. HSI

disagrees with the proposal to remove the requirement for this ecological community to benefit from a recovery plan.

Western Sydney Dry Rainforest and Moist Woodland on Shale (NSW)

As with other ecological communities in the Sydney Basin Bioregion, this Critically Endangered community is under severe pressure from development. A regional recovery plan for the suite of ecological communities in the region should be adopted under the EPBC Act with instructions for their recovery that development approvals must not be inconsistent with.

HSI notes that the TSSC previously advised:

“The Committee notes that recovery plans are currently in preparation for a suite of ecological communities that occur in the western Sydney region (Cumberland Plain Woodland, Blue Gum High Forest and Turpentine Ironbark Forest). The Committee requests that before finalisation, the recovery plans take into account the Committee’s assessment that the Western Sydney Dry Rainforest and Moist Woodland on Shale ecological community is critically endangered and that threats to the community are ongoing and complex in nature. The level of planning required may not be as high as recovery planning processes are currently underway in the region. This ecological community could be considered in this process.”

A recovery plan including this ecological community may also benefit the diversity of threatened species it supports, including the grey-headed flying-fox, spotted-tailed quoll, yellow-bellied glider, Cumberland land snail, white-flowered wax plant and spiked rice flower. A wide range of critical pollinating and seed-dispersing bird species in this community would also benefit from a recovery plan.

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