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Christine McDonald
Secretary
Standing Committee on Environment and Communications, Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: ec.sen@aph.gov.au

17 January 2014

Dear Ms McDonald

Re: Inquiry into the Environment Legislation Amendment Bill 2013

Humane Society International (HSI), the world's largest conservation and animal welfare organisation, welcomes the opportunity to provide the following submission to this Senate inquiry on behalf of its 60,000 Australian supporters.

HSI provides the following comments on the basis of our significant experience working on the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and significant species conservation efforts. Our submission addresses the two main elements of the *Environment Legislation Amendment Bill 2013* (the Bill).

Amendments relating to approved conservation advice

HSI is concerned that the Bill is seeking to downgrade the importance of scientific advice. Whilst we note the amendments made during the passage of the Bill in the House of Representatives removed the prospective application, which we support, we still have considerable concerns about the proposed Bill.

HSI has been responsible for a number of nominations under the EPBC Act. We have been a member of a number of recovery groups in which have sought to prepare recovery plans or conservation advice for listed species. Putting significant effort into ensuring this scientific information is included and correct from the outset, has been one way in which we have strived to ensure that any future consideration of developments under the Act which may impact threatened species, takes into account all conservation requirements before any approval is awarded or conditions applied. The existing requirement in the EPBC Act to consider conservation advice helps ensure not only that decisions are made by those fully armed with all the relevant facts and therefore consistent with the EPBC Act, but also allows review of those decisions to ensure that this standard has been achieved.

HSI is concerned that this Bill would result in non-government organisations such as ourselves being prevented from access to the courts, if we were to discover in future that legal action was required if a listed species under the EPBC Act was being impacted by a development. If these impacts were due to conservation advice not being considered, then we believe that the Minister at the time and the department should be held accountable for failing to follow the law, being contrary to best practice advice and inconsistent with the objects of the EPBC Act. HSI considers that this Bill would remove this ability and therefore is itself inconsistent with the objects of the EPBC Act and therefore we do not support the proposed Bill.

Amendments relating to Dugongs and Turtles

HSI supports robust enforcement measures and the proposed increase in penalties to prevent harm to dugongs and turtles. HSI is unclear, however, why the increase in penalties is restricted to these two particular species. In all other respects the EPBC Act creates no distinction between the various listed threatened species protected by the Act and the basis upon which these two species are considered differently from the other species that are otherwise afforded the same level of protection by the Act has not been explained. HSI would therefore support an increase in penalties applicable to all threatened species protected by the EPBC Act.

To improve compliance with the EPBC Act, there are a range of other measures that should also be implemented to complement the increased penalties proposed in the Bill. These include practical enforcement measures to catch and prosecute offenders and community education about the importance of these species and the need to protect them. These complementary initiatives are required to change offender behaviour and to ensure that the level of penalty provided in the EPBC Act will be of consequence.

HSI would be pleased to provide further information or clarification on any of these points as required.

Yours sincerely

Alexia Wellbelove
Senior Program Manager