



Premier of Western Australia

Our Ref: 59-070712/MLU

Senator Janet Rice
Chair, Senate Environment and Communications References Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600
Email: ec.sen@aph.gov.au

Dear Ms Rice

Thank you for your letter dated 28 June 2018 regarding an invitation for the Government of Western Australia to provide a written submission to the inquiry into Australia's faunal extinction crisis.

The issue of faunal extinctions is of importance to the McGowan Government. A key means of mitigating threats to fauna is the expansion of the conservation reserve system, which provides greater protection for habitat. The Western Australian Government is committed to creating the Fitzroy River National Park, and a marine and national park over the Buccaneer Archipelago in the north of the State. These proposed reserves support threatened species including the purple-crowned fairy-wren, freshwater sawfish, northern quoll and marine turtles. The Government will also expand the Wellington National Park, and establish and manage two new regional parks in Bunbury – the Preston River to Ocean Regional Park and the Leschenault Regional Park. These proposed reserves in the State's south west will protect habitat for threatened species, including black cockatoos, western ringtail possum, quokka and woylie.

Western Australia's key wildlife recovery program *Western Shield* has led the way in protecting Western Australia's native animals, with a particular focus on threatened species. The program is working to protect WA's native wildlife through broadscale control of introduced predators, including foxes and feral cats, as well as translocating threatened species to provide secure populations. The program operates within an adaptive management framework and is supported by research and monitoring.

Conservation actions such as these have resulted in the McGowan Government recently transferring a number of fauna species from listing as threatened to conservation dependent, including the Shark Bay boodie, Barrow and Boodie Islands boodie and greater stick-nest rat. Collaborations are key to achieving such conservation outcomes and the Western Australian Government has partnered with non-government organisations such as WWF-Australia and the Australian Wildlife Conservancy, natural resource management groups across the State, and many community-based groups, to improve threatened species outcomes.

The Western Australian Government is also finalising Biodiversity Conservation Regulations, which will enable the full proclamation of the State's *Biodiversity Conservation Act 2016*.

The Western Australian Biodiversity Science Institute was established in 2015, bringing together industry, government, researchers and community. It is unique in the Australian context – a science research broker that helps identify end user needs and biodiversity knowledge gaps. The Institute has developed a system for capturing, organising, sharing and value adding to biodiversity survey data, whether sourced from Government or industry.

However, the challenge of preventing declines of threatened fauna is ongoing and large. Conservation actions are prioritised to make the most of scarce resources for the 249 State-listed threatened fauna species that occur in Western Australia. Diminishing Commonwealth Government funding makes this more challenging, with a reluctance to prepare national recovery plans and a lack of funding to support recovery actions being of greatest concern.

Please find enclosed a submission from the Western Australian Government to the inquiry. Should you have any queries, please contact Dr Margaret Byrne, Executive Director Biodiversity and Conservation Science, at the Department of Biodiversity, Conservation and Attractions at _____ or _____.

Yours sincerely

Mark McGowan MLA
PREMIER

Att.

16 AUG 2018

WESTERN AUSTRALIAN GOVERNMENT SUBMISSION TO THE SENATE INQUIRY INTO AUSTRALIA'S FAUNAL EXTINCTION CRISIS

Responses are provided for matters that are of relevance to the Western Australian Government pertaining to the inquiry terms of reference.

Australia's faunal extinction crisis, including:

a) the ongoing decline in the population and conservation status of Australia's nearly 500 threatened fauna species

The Western Australian Government recognises the general trend of decline in fauna species in Australia. Threatened species are provided statutory protection in Western Australia under the *Wildlife Conservation Act 1950* and will continue to be protected through the new *Biodiversity Conservation Act 2016* once it is fully proclaimed. Currently there are 249 species of fauna listed as threatened: 52 as critically endangered, 56 as endangered and 141 as vulnerable. While historical habitat loss has been a factor in fauna decline and impedes recovery, a major driver of fauna decline has been predation by foxes and feral cats, which continue to have a significant impact.

Western Australia is leading the country in feral predator control through the development and implementation of targeted baits, facilitated by the natural resistance of our native fauna to the poison 1080. This has enabled the implementation of broadscale baiting through the *Western Shield* program which applies baits to approximately 3.8 million hectares of land each year. The McGowan Government appreciates the recent Commonwealth funding support provided through the Threatened Species Commissioner for the State's fauna conservation program, and would welcome further funding to assist the State in addressing this significant biodiversity conservation challenge.

While there is an ongoing overall decline in the conservation status of Australia's threatened fauna, there are some positive trends. Western Australia has recently transferred seven fauna species (the Shark Bay boodie *Bettongia lesueur lesueur*, Barrow and Boodie Islands boodie *Bettongia lesueur* Barrow and Boodie Islands subspecies, greater stick-nest rat *Leporillus conditor*, red-tailed phascogale *Phascogale calura*, south-western brush-tailed phascogale *Phascogale tapoatafa*, Muir's corella *Cacatua pastinator pastinator* and the humpback whale *Megaptera novaeangliae*) from threatened to conservation dependent under the *Wildlife Conservation Act 1950* because of recovery through targeted management actions, including establishment and management of populations in protected areas and management of threats in situ.

There is capacity under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to list species as conservation dependent; however the Commonwealth Government has a policy position of not doing so, other than for Commonwealth-managed commercial fish species. Enabling the listing of conservation dependent fauna other than managed commercial fish,

such as those listed above, would provide a more accurate reflection of threatened species status, and recovery, in Australia.

b) the wider ecological impact of faunal extinction

Many studies have shown that the loss of critical weight range mammal fauna can impact on ecological processes, including reduced litter decomposition and seed distribution. This has the potential to change fire regimes, nutrient recycling and plant recruitment in natural ecosystems.

Recent studies on a range of threatened species demonstrate their ecological contributions:

- The Endangered Carnaby's Cockatoo *Calyptorhynchus latirostris* contributes to the health of the Endangered *Banksia* woodlands of the Swan Coastal Plain ecological community through its role in removing wood boring grubs and pruning trees and shrubs to increase flowering and fruiting.
- The burrows of the Vulnerable bilby *Macrotis lagotis* provide shelter and refuge for at least 20 species of arid zone mammals, reptiles and birds. Bilby burrows also accumulate nitrogen and other nutrients and hold moisture for longer periods in arid environments, which support improved plant regeneration.
- The Critically Endangered woylie *Bettongia penicillate ogilbyi* turns over large volumes of soil, dispersing seeds and fungi, improving water infiltration, nutrient cycling, plant regeneration and reducing fire risk by lowering leaf litter fuel loads.

c) the international and domestic obligations of the Commonwealth Government in conserving threatened fauna

The Commonwealth Government is a signatory to various international agreements that pertain to threatened fauna and their habitat. The EPBC Act acknowledges many of these agreements, and the Commonwealth Government has various strategies and policies to meet its associated obligations. For example, *Australia's Biodiversity Conservation Strategy 2010-2030* and the draft *Australia's Strategy for Nature 2018-2030* are mechanisms to assist in meeting Australia's obligations under the Convention on Biological Diversity. The Western Australian Government has been involved in the development and implementation of these biodiversity strategies, and regularly supplies information to the Commonwealth Government to contribute to international reporting about achievements that contribute to meeting international obligations.

The Commonwealth Government has a responsibility under the EPBC Act to list and protect threatened species, and to prepare recovery plans or conservation advices. Apart from the regulation of potential impacts on threatened species and management of species on Commonwealth land, there is no means for the Commonwealth Government to undertake other conservation actions for a large number of threatened species in Australia. Thus, an effective means of achieving fauna conservation would be for the

Commonwealth to partner with state jurisdictions that undertake conservation recovery actions through funding targeted programs.

Since 2015, Western Australia has been a party to an intergovernmental memorandum of understanding that commits to a common assessment method for the listing of threatened species (common assessment MOU). This has resulted in threatened species assessments undertaken in Western Australia being adopted under the EPBC Act, resulting in a more frequent and comprehensive review of the EPBC Act threatened species list, and the alignment of threatened species listings, including the recent resolution of some 'legacy' species listings. Listed species can be further nominated for listing on the international IUCN Red List, but there is no formal process for this, and it is not known if the Commonwealth Government has a policy on such listing.

d) the adequacy of Commonwealth environment laws, including but not limited to the *Environment Protection and Biodiversity Conservation Act 1999*, in providing sufficient protections for threatened fauna and against key threatening processes

The EPBC Act provides protection for threatened fauna from human impacts through development controls where potential impacts are determined to be a controlled action. A shortcoming of this legislation is that there is no direct mechanism under the EPBC Act to provide protection from other threatening processes, such as predation by introduced animals.

The EPBC Act does provide for the listing of key threatening processes and the preparation of threat abatement plans. However, it is understood that this does not impose a legal requirement for action and the actions outlined in threat abatement plans are generally not supported by funding allocations.

The EPBC Act provides for the publication of recovery plans, which are the key mechanism for determining priority actions for the recovery of threatened species. However, the Commonwealth Government is moving away from preparing recovery plans for most species due to the onerous requirement for review and replacement of recovery plans under the EPBC Act. The use of conservation advices provides some level of recognition of conservation action under the EPBC Act, but not to the same extent as is provided through recovery plans, nor do they encourage research into biological and management requirements of species, which is often necessary to inform decisions on the most appropriate and effective actions.

It is understood that the EPBC Act is proposed to be reviewed during 2019, and this provides an opportunity for the Commonwealth Government to improve its processes, particularly with respect to the statutory timeframes for recovery plans and the protracted requirements for threatened species listing. This review provides the opportunity to remove some of the burdensome statutory requirements relating to threatened species that reduces efficiency in the listing and recovery of these species. For example, under the common assessment MOU, all jurisdictions were to seek amendments to legislation to enable the implementation of the MOU. Most jurisdictions have commenced this task,

however the Commonwealth Government has not undertaken corresponding action to improve its processes with respect to threatened species assessment and listing. This is resulting in delays in aligning threatened species lists, which can create confusion and hinder the coordination and implementation of conservation actions for species recovery.

While the EPBC Act provides mechanisms for the listing and protection of nationally listed threatened species, protection measures generally fall to state jurisdictions through State legislation, policies and administrative processes. For example, the current primary legislative protection measure for the Critically Endangered western swamp tortoise *Pseudemydura umbrina* is the *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011*, enacted under the Western Australian *Environmental Protection Act 1986*. EPBC Act approvals processes are only triggered if a proposal is referred to the Commonwealth Government.

e) **the adequacy and effectiveness of protections for critical habitat for threatened fauna under the *Environment Protection and Biodiversity Conservation Act 1999***

The Western Australian Government has not been engaged in the identification or listing of critical habitat under the EPBC Act, and there are no critical habitats currently registered in Western Australia.

f) **the adequacy of the management and extent of the National Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving threatened fauna**

The Western Australian Government has a process to establish and manage a comprehensive, adequate and representative conservation reserve system as a major contribution to biodiversity conservation. Of the 26 Interim Biogeographic Regionalisation for Australia (IBRA) regions in Western Australia, three have greater than 17 per cent reservation as IUCN I – IV conservation reserves, and a further 11 have greater than 10 per cent reservation. The Department of Biodiversity, Conservation and Attractions also manages other lands for conservation, including large areas of multiple use State forest in the south-west of the State and a number of former pastoral leases that have been purchased by the Government and are managed for conservation but have not yet been formally reserved. A further three IBRA regions have greater than 10 per cent of their land area managed for conservation when these managed pastoral lands are included. In total, 17 of the 26 (65 per cent) IBRA regions occurring in Western Australia have greater than 10 per cent of their land area managed for conservation. Please note: these figures do not include Indigenous Protected Areas.

The Department of Biodiversity, Conservation and Attractions and the National Trust of Australia (WA) also operate nature conservation covenant programs. Over 37,000 hectares of land is under covenant through these programs, supporting private land owners to manage their lands for conservation, including provision of limited stewardship support and management advice.

Other private conservation lands are managed by non-government organisations, such as the Australian Wildlife Conservancy and Bush Heritage Australia, as well as through the Department of Biodiversity, Conservation and Attractions' *Land for Wildlife* program. The *Land for Wildlife* program currently supports 1975 properties with over 286,000 hectares of bushland managed for conservation. This program is now being delivered in partnership with natural resource management (NRM) regional organisations.

The Commonwealth Government's National Reserve System Programme that commenced in 1996/97 contributed to the expansion of the conservation reserve system in Western Australia. However, a 2006 evaluation of the programme determined that the Western Australian Government had invested twice as much as the Commonwealth Government (Department of the Environment and Heritage, 2006). Since then, Commonwealth Government funding has shifted its focus to the establishment of Indigenous Protected Areas, perhaps at the cost of investing in the formal reserve system, which has the highest protection status and long-term security for management and investment purposes. The Western Australian Government would welcome reintroduction of a program to expand the National Reserve System with renewed Commonwealth funding.

g) the use of traditional knowledge and management for threatened species recovery and other outcomes as well as opportunities to expand the use of traditional knowledge and management for conservation

The Western Australian Government recognises and values traditional bi-cultural knowledge and the involvement of traditional owners in the management of their country. In 2012, amendments to the *Conservation and Land Management Act 1984* (CALM Act) established a legal framework to enable joint management of lands and waters, allowed for customary activities to occur on CALM Act lands and introduced a new management objective to protect and conserve the value of the lands and waters to the culture and heritage of Aboriginal people.

The McGowan Government has recently established a \$20 million Aboriginal Ranger Program to create jobs, training and community development opportunities for Aboriginal people on a range of tenures in regional and remote communities across Western Australia. In the first round of funding in 2018, the Government has invested almost \$8.5 million across 13 Aboriginal groups creating 85 jobs and about 80 training opportunities. The work of Aboriginal rangers includes biodiversity monitoring, research on threatened fauna, management of threatening processes and traditional knowledge transfer.

The Western Australian Government partners with traditional owners to undertake a range of threatened species recovery actions. Examples include fire management to protect populations of bilby *Macrotis lagotis*, great desert skink *Liopholis kintorei* and black-flanked rock-wallaby *Petrogale lateralis lateralis*, introduced predator management to protect northern quoll *Dasyurus hallucatus* and Pilbara olive python *Liasis olivaceus barroni*, and survey and

monitoring of threatened species, including the bilby, malleefowl *Leipoa ocellata* and marine turtle species. These activities are often co-designed with traditional owners and undertaken in collaboration with Prescribed Body Corporates and their ranger teams on State Government managed conservation tenure, Native Title determined lands and Indigenous Protected Areas. These programs are funded through State and Commonwealth funding initiatives, NRM groups, State and Commonwealth offset programs, the National Environmental Science Program, partnerships with environmental not-for-profit organisations, and 'social licence to operate programs' supported by large resource companies such as Rio Tinto and BHP.

h) the adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general

The *Rich and Rare: Conservation of Threatened Species Follow-up Audit* (Office of the Auditor General Western Australia, 2017) identified that Commonwealth funding to the Department of Biodiversity, Conservation and Attractions for nature conservation decreased from \$8 million in 2009 to \$1 million in 2016, while the task of threatened species conservation has grown with more species and communities listed over the same period.

A primary mechanism for coordinating threatened species recovery is through the preparation and implementation of recovery plans and operation of recovery teams. However, the Commonwealth Government has reduced its focus on recovery plans for most threatened species and consequently by implication, recovery teams. The EPBC Act requires that the Minister must not act inconsistently with a recovery plan in making decisions, and that recovery plans must be reviewed within a statutory timeframe. These requirements, plus the implementation of recovery actions identified within recovery plans, have implications for decision-making and resourcing, and therefore the Commonwealth Government has taken the approach to only have recovery plans where expressly required.

There is currently limited Commonwealth funding for threatened species recovery, or the management of key threatening processes, and consequently most implementation falls to the states. There is opportunity for the Commonwealth to partner with the states to improve conservation of threatened species by funding targeted recovery programs.

Some Commonwealth funding continues to be provided through natural resource management groups, but this is primarily targeted at regional NRM bodies and non-government organisations, which do not have primary responsibility for delivery of threatened species management and recovery. Funding provided through this stream is often focused on community engagement and marginal on-ground outcomes, at the expense of addressing knowledge gaps and undertaking integrated management, and so is not an efficient or well targeted funding model to achieve specific recovery of threatened species. Funding for recovery actions identified through the recovery planning process is the best mechanism for achieving conservation outcomes for threatened species.

i) the adequacy of existing monitoring practices in relation to the threatened fauna assessment and adaptive management responses

Targeted monitoring of threatened fauna and response to management actions is undertaken in Western Australia through various programs. *Western Shield* is the key wildlife recovery program that is working to protect Western Australia's native wildlife, with a particular focus on threatened species, through broadscale control of introduced predators, particularly foxes and feral cats. Monitoring is undertaken to measure the response of fauna to introduced predator management and the program is adapted accordingly. Threatened fauna are also monitored as part of the fauna recovery process, and to meet monitoring requirements under key initiatives such as the *Forest Management Plan 2014-2023* and North-Kimberley Landscape Conservation Initiative.

National recovery plans provide a means of implementing a consistent approach to species conservation activity across Australia, including monitoring. Measuring the effectiveness of threatened fauna conservation is challenging and requires adequate resourcing.

In Western Australia, poorly-known species and rare, near threatened and other species in need of monitoring are listed as 'Priority' species. This state-based administrative process provides a means of monitoring the status of species that do not meet the criteria for listing as threatened to enable detection of changes due to emerging pressures. For example, the woylie *Bettongia penicillate ogilbyi* was removed from the threatened fauna list under the *Wildlife Conservation Act 1950* in 1996 as a result of a recovery program. It remained listed as a priority species and monitoring continued, which detected a dramatic decline in woylie numbers starting in 1999 and consequently the woylie was relisted in 2008. Resourcing the monitoring of both threatened and priority fauna is an ongoing challenge and monitoring for priority species does not receive Commonwealth Government support.

Commonwealth funded information management systems play a critical role in collating data on threatened fauna. Such systems include the Atlas of Living Australia (ALA) that collates Australia's biodiversity data, including data contributed through the Western Australian NatureMap and Florabase databases, and the Terrestrial Ecosystem Research Network that supports the surveillance monitoring network for improved monitoring and assessment of Australia's rangelands. Data reliability remains a concern with the ALA, and consequently the Western Australian data systems remain the primary source of threatened species data in Western Australia.

j) the adequacy of existing assessment processes for identifying threatened fauna conservation status

The MOU for the common assessment method for assessing and listing threatened species in Australia has established a consistent, best practice approach for the assessment of threatened species.

Much of the identification of threatened species has traditionally been through the individualised approach of researchers and conservation managers in identifying potential threatened species for assessment. This has been facilitated in Western Australia by the use of a 'Priority' species list that lists poorly known or data deficient species, as well as rare but not threatened species, so that they can be targeted for survey and monitoring.

The use of Species Expert Assessment Panels (SEAPs) has enabled broader assessment of the conservation status of groups of species that provides a more integrated and complete assessment of the status of those species. SEAPs have been used for the review of bird and mammal species, and are currently being used for assessing frogs, squamate reptiles and land snails. Western Australia supports the role of SEAPs in highlighting conservation status reviews, but recognises that these reviews are variable in their treatment of limitations in data deficiencies, which must be taken into account before applying IUCN criteria.

k) the adequacy of existing compliance mechanisms for enforcing Commonwealth environment law

The effectiveness of compliance is greatly influenced by the appropriateness of environmental approvals and their associated conditions.

There are currently no processes for the Commonwealth Government to formally consult with state governments for environmental approvals, including the development and application of conditions and offsets. While individual assessment officers may contact state officers for advice, there is no robust process, leading to an inconsistent approach. This can (and has) lead to the imposition of approval conditions that place requirements on State agencies without their knowledge or support, or conditions that are unachievable or inappropriate. Greater collaboration in the design of approval conditions and offsets would assist in more appropriate and achievable offsets and approval conditions, and improve conservation outcomes for threatened species.

In particular, the Western Australian Government considers protection of offset lands in the formal conservation reserve system is an effective means of achieving conservation outcomes. However, the Commonwealth approach that allows lands to be protected as an offset requirement, but to be retained in private ownership, even under a conservation covenant, does not provide the long term security and management outcomes for conservation that can be provided through inclusion in the formal conservation reserve system.

While the EPBC Act provides mechanisms for the listing and protection of nationally listed threatened species, protection measures (including compliance) generally fall upon State legislation, policies and administrative processes. Implementation of such measures by the State may not necessarily meet the requirements of the EPBC Act.

l) any related matters

Western Australia is a large State with unique biological diversity, including two internationally recognised terrestrial and marine biodiversity hotspots, 12 internationally significant wetlands, and eight of the 15 national biodiversity hotspots. While threatened fauna has a high profile, Western Australia has a significant responsibility for the conservation of threatened flora and ecological communities and other important ecosystems such as internationally and nationally significant wetlands. Where feasible, a landscape-scale approach is taken to maintain ecosystem health for the benefit of multiple flora and fauna species.

A coordinated science and research capacity integrated with policy and management functions is a strength of the Western Australian Government. This integrated approach provides multiple benefits including end-user, risk-based priority setting ensuring research is relevant to Western Australia and directly linked to Government needs; rapid incorporation of up-to-date knowledge to support immediate policy and operational requirements through effective and efficient technology transfer and research up-take; the ability to undertake strategic long-term science essential for Government decision-making; and the availability of science-based knowledge and information to provide accurate and timely scientific, technical and policy advice to Government.