



30 May 2011

Senator Doug Cameron
Chair
Senate Environment and Communications Legislation Committee
PO Box 6100 Parliament House
CANBERRA ACT 2600

Dear Senator Cameron

Re: ACF Supplementary Submission to the Senate inquiry on Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011

The Australian Conservation Foundation (ACF) is grateful to the Committee for its invitation to us to provide a supplementary submission to the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011, as recently amended by Senator Colbeck.

This supplementary submission follows our original submission to the original Bill (23 March 2011) and our presentation to the public hearing on 13 May 2011 to the Senate Environment and Communications Legislation Committee.

The original Bill as written and subsequently tabled by Senator Richard Colbeck would have made bioregional plans disallowable. In comments made by Senator Colbeck during the 13 May 2011 public hearing of the Committee, he said that this was not his intention and he subsequently amended the Bill to make disallowable the declaration process for Commonwealth marine reserves.

However, in the amended Bill Senator Colbeck has retained the original text applying to the disallowance of bioregional plans. As a result the current Bill if passed would make disallowable all three stages of the process to establish marine reserves – the bioregional plan that identifies proposed marine reserves, the declaration process and the marine reserve management plans (currently the only stage to which disallowance can apply).

In our original submission and our presentation to the Committee ACF argued against the original bill and the amended Bill. That remains our position, the reasons for which are:

- the current bioregional planning process (focused on marine planning) is based on extensive scientific, social and economic research stakeholder and community consultation and adding further Parliamentary oversight would create great uncertainty and undermine faith in the process

- bioregional plans are largely policy and information documents and not legislative instruments and are used by the Environment Minister to assist with the making of decisions about the use and protection of Australia's oceans and, of course, the nature, size and location of marine reserves. If the plan was disallowed, the Minister would lose access to vital information needed to make marine reserve decisions and decisions relating to major developments such as in the offshore petroleum, fisheries and shipping sectors which could have potentially significant impacts on our oceans
- the bioregional planning process costs on average of \$10 million each year. The bulk of this money would be wasted were the marine reserve declarations process disallowed. The government of the day would also need to find additional funds to initiate a new process to identify and select a marine reserve network acceptable to Parliament and to satisfy Australia's international commitment to establish marine reserve networks. This is in contrast to Senator Colbeck's statement in his explanatory memorandum to the Bill that disallowance would have no financial cost
- after extensive analysis and consultation the Hawke Review of the EPBC Act made no recommendations about the disallowance of the bioregional plans or marine reserve declarations, and disallowance was not raised by any of the submissions to the Review. It would appear to not be an issue for the stakeholders in oceans protection and management.

The Australian Conservation Foundation firmly believes that if this Bill were to become law it would add unnecessary uncertainty, costs and delays to achieving the oceans protection required to help protect and recover Australia's ocean life.

Yours sincerely,

Paul Sinclair
Acting Campaigns Director
Australian Conservation Foundation