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Committee Secretary
Senate Standing Committee on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

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

27 March 2011

Dear Sir or Madam

**Re: Environment Protection and Biodiversity Conservation Amendment
(Bioregional Plans) Bill 2011 – supplementary submission**

Humane Society International (HSI) welcomes the opportunity to provide the following supplementary submission to this Senate inquiry, building on our first submission of 24 March 2011 and our appearance at the public hearing on 13 May 2011.

HSI understands that the proposed amendment would provide that proclamations for Commonwealth reserves and Commonwealth marine reserves are subject to the Parliamentary disallowance process. HSI does not support the proposed amendment nor the *EPBC Amendment (Bioregional Plans) Bill 2011* for a number of reasons which we seek to outline below.

Firstly, a thorough review of the *EPBC Act 1999* has only recently been undertaken by Dr Allan Hawke. We are not aware of any submissions made to this process that recommend the inclusion of amendments along the lines of the proposed Bill, nor are there any recommendations contained within the Hawke review that suggest the necessity of making the marine bioregional plans or reserve declarations a disallowable instrument. The review does, however, include recommendations aimed at improving public consultation and transparency of decision making in relation to all aspects of the Act's implementation and not specific to bioregional plans or reserves. HSI agrees that there is the need for defined criteria and transparency for all decisions made by the Minister under the Act, which should not be limited to marine bioregional planning but broadly, and based on precautionary and ecologically sustainable development principles. HSI considers this to be the more appropriate response to concerns highlighted by some stakeholders, as opposed to the use of a blunt tool such as a disallowance motion, which could potentially result in the discarding of many years of stakeholder input and work.

HSI is perplexed as to why the Bill seeks to make bioregional plans disallowable, given that these plans are intended as information documents to guide the Minister in his decision making under the EPBC Act. Making such information documents a disallowable

instrument appears to be an inappropriate tool for little purpose.

The amended Bill would allow either House to reject proposed marine reserves outright. The disallowance would have the effect of throwing out significant periods of public consultation built into the decision, in which the views of all stakeholders, scientific and socio-economic assessment and input has been considered. Given the substantive time and resources put in by many parties, sending the process back to the drawing board at this stage following years of work must be assumed to have substantial cost implications. We therefore disagree with the statement in the explanatory memorandum that there are no financial impacts of the proposed Bill. The disallowance of marine reserves would also create significant uncertainty and frustration amongst those stakeholder groups who have participated in the processes to date.

HSI would like to reiterate that we consider stakeholder consultation to be an essential element of the bioregional planning process. For many stakeholders, it appears that at the heart of the issue is their frustration with the consultation process, and their lack of faith in the consultation undertaken. The disallowance of the proclamation of marine reserves and the bioregional plan will not address this concern. Instead, what is required are amendments to the EPBC Act or procedures within the Department to ensure more information is published more regularly, to provide stakeholders with more confidence in the process. HSI understands that such amendments are already under consideration by the Government as part of the review of the EPBC Act. The proposed amendment Bill will not deliver the assurances required, and risks generating the same concerns with a broader range of stakeholders if passed.

As an organisation actively engaging in this issue, HSI is of the opinion that the proposed Bill seeks to politicise not improve the process due to the Bill's narrow focus on the marine environment, and is in spite of significant community effort undertaken to date. We therefore urge the Committee to take these points into account when considering the *Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Amendment Bill 2011* and subsequent amendments.

Yours sincerely

Alexia Wellbelove
Senior Program Manager