

15 December 2011

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

Submitted to: ec.sen@aph.gov.au

Re: Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011

Birds Australia and Bird Observation & Conservation Australia (BOCA) are national non-government organisations with more than 10,000 members throughout Australia. Birds Australia and BOCA's primary objectives are to conserve and protect Australia's native birds and their habitat. In January 2012, Birds Australia and Bird Observation & Conservation Australia are merging to form a new organisation called BirdLife Australia.

Birds Australia and BOCA fully support the Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011 (**the Bill**).

As a signatory to the Convention on Biological Diversity, Australia has recognised its responsibility and obligation to protect biodiversity for its intrinsic value and for the role biodiversity plays in maintaining the ecological health and resilience of ecosystems.

It is fundamentally important that we protect threatened species and ecological communities, especially where they are at risk from a significant and imminent threat. This is particularly relevant for newly discovered species and ecological communities. Australia has a poor record on biodiversity monitoring and no systematic process for locating and describing new species or ecological communities. As a result, many new species are only discovered when their habitat is the subject of an EIS process for a proposal which may present an imminent threat to the species. This risk is heightened in areas that are remote, sparsely populated and largely unexplored for their biological wealth i.e. a very large proportion of Australia.

All species must have the protection of the amendments proposed in the Bill. We must have the provisions in place to enable emergency listing of rare and threatened species and the protection this affords must be available at any stage of an EIS process. It is hypocritical to suggest that a species or ecological community discovered in the course of an EIS process, which may be threatened by the proposed development, should be afforded a lower level of protection than any other species. Birds Australia and BOCA believe that the proposed amendments to section 158A of the *EBPC Act* are critical to the protection of biodiversity.

To suggest that the impact this Bill may have on industry certainty should take priority over protection of biodiversity is completely unacceptable. Industry has a responsibility to protect biodiversity.

All species need the protection of the Bill **now**. To delay the introduction of the proposed amendments could result in the loss of species, including those discovered during the EIS for Rio Tinto's 'South of Embley' project near Weipa.

Thank you for the opportunity to comment.

Sincerely,

Graeme Hamilton
Chief Executive Officer