

**Senate Standing Committee on Environment and Communications**

**Inquiry into the Environment Protection and Biodiversity Conservation Amendment  
(Emergency Listings) Bill 2011**

**Public Hearing – 3 February 2012**

**Sustainability, Environment, Water, Population and Communities portfolio**

**Emergency listing heritage items**

**Senator WATERS:** Thank you. That is helpful. I do have one more question. With the emergency listings for heritage—which we have had since 2004, I think—how many nominations have there been? And have any of those been vexatious? Have any of them been rejected for want of proper documentation or been vexatious?

**Mr Burnett:** We do not have any formal statistics. But I did speak to the area that handles these things, so I can give you an impressionistic or anecdotal response.

**Senator WATERS:** Sure. Perhaps you could take on notice the actual figures, but the impression would be very welcome.

**Mr Burnett:** We could try to get some figures.<sup>1</sup>

There have been 71 requests to the Minister for emergency heritage listing since the current heritage provisions commenced in 2004 (2 of these requests were subsequently withdrawn). There have been 4 emergency heritage listings in this time. The department does not formally identify requests as vexatious. However, 44 of these requests weren't supported by sufficient evidence to allow for further consideration.

**Number of public nominations for species to be listed as threatened**

**Senator McKENZIE:** I had one more question I wanted to ask about step 1, with the public nomination process every year. How many applications—and you can take this on notice—and how many approvals?

**Senator WATERS:** How many refusals.

**Senator McKENZIE:** We could take it away and we would have the refusals.

**Mr Burnett:** I would have to take it on notice. In general terms as you can imagine there would be quite a few more nominations for matters to be assessed.<sup>2</sup>

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<sup>1</sup> *Committee Hansard*, 3 February 2012, p. 26.

<sup>2</sup> *Committee Hansard*, 3 February 2012, p. 28.

The department can provide the following statistics in relation to nominations, assessments and decisions in relation to threatened species and ecological communities in the last five years:

- Since March 2007, 86 valid public nominations for species to be listed as threatened have been received and 79 species have been listed on the Finalised Priority Assessment List (FPAL).
- In this period, 71 assessments of species have been completed. 58 species listing decisions have been made, resulting in 49 new listings and two changes in category. 13 assessments have been completed and final decisions in respect of these species are pending. The Minister decided not to list on 7 occasions.
- In the last 5 years, 35 valid public nominations for ecological communities to be listed as threatened have been received and 37 ecological communities have been listed on the FPAL.
- In this period, 17 assessments of ecological communities have been completed, all of which resulted in new listings. Four more ecological communities have completed assessment with final decisions pending.

#### **Additional questions on notice**

The Humane Society International claimed that the assessment process for threatened species and ecological communities is thorough, however this thoroughness has '...led to a situation where an assessment of a species or ecological community nomination often takes many years to reach a conclusion'.<sup>3</sup>

#### **Could the Department inform the Committee on the average time taken to complete an assessment process for a threatened species or ecological community, from nomination to listing?**

The average time taken for the assessment of species (from the finalisation and publication of the FPAL to the provision of advice to the Minister by the Threatened Species Scientific Committee) in the last five years is 12 to 15 months. The average time taken for assessment of an ecological community during this period is 19 months.

#### **How does this timeframe compare with a major project being considered under the EPBC Act?**

The department does not record this information for major projects as distinct from other projects. However, the typical time taken from referral to completion of the assessment of a large project is between 12 and 24 months.

#### **How many places have been listed under the heritage emergency listing powers?**

Four.

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<sup>3</sup> Humane Society International, Submission 3, p. 1.