

Secretary:*John... (signature)*.....

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12 NOV 2003

HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE, FISHERIES
AND FORESTRY**Questions taken on Notice for the House of Representatives Inquiry**

Information provided by WWF and the Nature Conservation Council of NSW;
Responses to Questions taken on Notice at the Public Hearing of Friday, 15 August 2003.

1 Environment Protection and Biodiversity Conservation Act:

Question taken on Notice: Why did we have concerns with implementation of the EPBC Act and what problems did we have with nomination processes under the Act?

WWF, the Humane Society International and the Tasmanian Conservation Trust have produced a Performance Audit of Environment Australia's Administration of the Referral, Assessment and Approval Process Under the *Environment Protection and Biodiversity Conservation Act 1999*. This was provided as a Submission to the Australian National Audit Office in August 2002 and is provided as an attachment for your information.

1.1 Nominations:

- a) WWF and NCC consider the reliance on small groups to provide nominations needs to recognise resource limitations.

EA or DEH is expecting the general public to police the EPBC compliance, from actually making the nominations for referrals through to ensuring compliance with conditions of approval. Usually this is undertaken by small groups such as conservation groups, residents groups and the "friends of" groups and the local conservation groups looking after specific areas such as parklands. This is a problem because frequently groups of this size and nature are insufficiently resourced (time and money). Often these nominations will fail because the groups do not have a holistic understanding of the Act, which leads them to feel disillusioned by the process, feel their concerns have not been listened to, and leaves them unlikely to want to participate in the future. For a current example of this, consider the referral by Yarra Valley Golf Course Pty Ltd (reference number: 2003/928).

- b) WWF and NCC consider there are difficulties in having key threatening processes nominated and accepted under the EPBC.

Key threatening processes are not being listed under the Act, as the TSSC appears to be interpreting the Act in a way that makes the threshold for listings too high. An example of this currently is the rejection of the "Introduction of Marine Pests to the Australian Environment via Shipping Nomination". In relation to rural water, WWF has seen the rejection of nominations for key threatening processes of:

- The alteration to natural flow regimes on rivers and streams;
- The removal of large woody debris from rivers and streams;
- The alteration to the natural temperature regime in rivers and streams;

- The prevention of passage of aquatic biota as a result of the presence of instream structures;
- The increased sediment input to rivers and streams due to human activities
- The introduction of live fish to waters outside their natural regimes within a river catchment after 1770.

These nominations were rejected because the TSSC did not consider there was sufficient information in the nominations to justify listing. However, these same nominations were accepted under NSW and Victorian legislation. Our interpretation is that there is too high an expectation for the public to provide the necessary scientific support for the nominations, when in many cases the science is not available or is costly to generate. WWF considers this is not a sufficient reason to reject a nomination, given what is there appears adequate for State level processes. A precautionary approach by the Commonwealth is urgently required.

The same issue occurred with the listing of the Lowland Riverine Fish Community for the Southern Murray Darling Basin as a Threatened Ecological Community. This has been accepted under NSW legislation but was also rejected at the Federal level.

- c) WWF and NCC consider there are undue difficulties in adding to the critical habitat register

Section 207A of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) requires the Minister to keep a register of habitat "critical to the survival of a listed threatened species or listed ecological community". In terms of water, this is usually most important where a river system, lake or wetland has either been specifically identified as critical habitat or as areas of vital importance re the life cycle requirements of listed threatened species.

At present, there is no formal nomination process for the listing of habitat on the Register, and it appears to WWF that this issue has received a low priority. Once a recovery plan has been approved by the Threatened Species Scientific Committee (TSSC) and adopted under the EPBC Act, the critical habitat identified in that recovery plan should be automatically added to the register of critical habitat. This would be cost and time effective, however it is currently not happening.

1.2 Additional issues:

- a) WWF and NCC consider the cumulative effects of actions need to be given more attention.

Another issue is the failure to adequately take into account cumulative effects. One person grazing in, or taking water from, a wetland may not have a "significant effect" on the wetland, but realistically that is one of 1000 people who will do it for 10 years. Permits issued, and referrals approved, under the EPBC Act need to look more holistically at overall impacts. If there is clear evidence that the action will have a

significant impact on a matter of national environmental significance then it should be possible to reject the application now, rather than wait until damage has actually occurred. WWF acknowledges that in some cases it would not be possible to reasonably project the consequences of an action five or 10 years into the future, however in cases where the cumulative impact of past actions are being acknowledged today the Minister should have the power to consider that evidence in the review process.

b) Costs of native vegetation and biodiversity regulations: the Productivity Commission Inquiry.

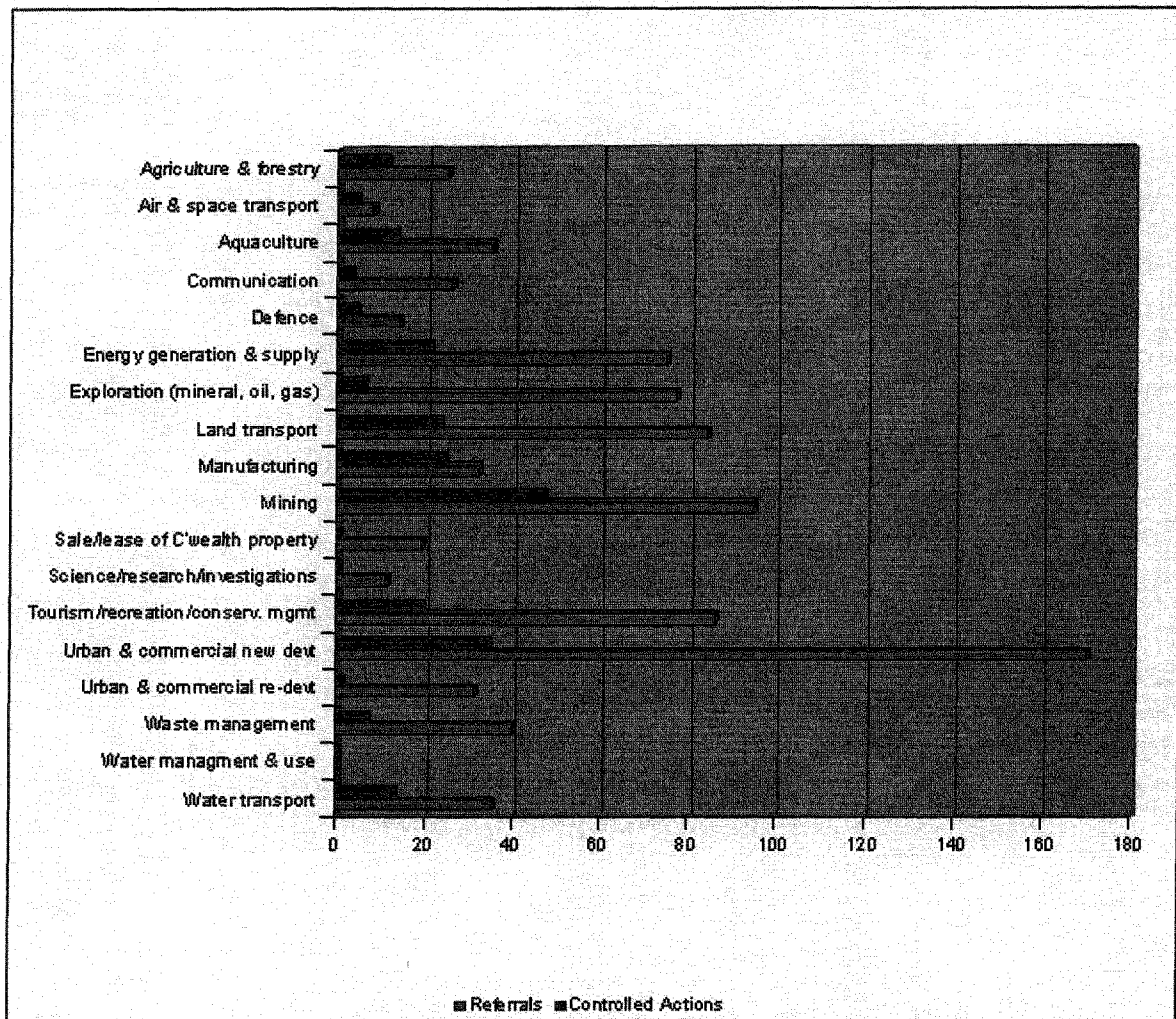
For the Committee's interest, WWF provides an extract from our submission to the Productivity Commission in relation to their inquiry into the costs of native vegetation and biodiversity regulations.

"The [Productivity] Commission proposes to review the impact the EPBC Act and Regulations on native vegetation has had or is likely to have on landholders. Given the Act only came into force on 16 July 2000, WWF considers that this limited period (about 3 years) is insufficient to rigorously determine either the costs or the benefits of the Act.

However, the evidence indicates that the EPBC Act has had little or no impact on landholder decisions in relation to clearing native vegetation, and consequently is likely to have had minimal economic effect on landholders despite claims to the contrary:

To date, the evidence strongly suggests that the EPBC Act has had no or very little impact on rural landholders, with **only seven referrals** having been submitted on land clearing proposals since inception of the Act. In 2001-2, a mere 9 of a total of 309 referrals related to the agricultural and forestry sector (see graph below)

Referrals Received and Controlled Actions By Category



2 Climate Change:

Why was a period of 50 years used in the report "Global Warming Contributes to Australia's Worst Drought". Isn't a period of 200 years or more required to come up with some sort of average or difference in global warming.

Given the report was tabled on the day of the hearing, it was of course impossible for the Committee to be aware of the detail in the report. The report explains issues around the use of the 50 year period, and WWF is happy to take specific questions on any matter arising from that report.

In short, there are several points to make at this time:

The report considers rainfall over a 100 year period, and temperature over 50 years. The data used are data released by the Bureau of Meteorology to the public domain. Quality controlled rainfall data was available for a longer period than the temperature data.

Temperature data for longer periods is held by the Bureau but not available to the general public given it has not yet been quality controlled. Taking the rainfall data it can be seen the recent drought was among the "worst" over the century, without even considering the temperature data.

The next question is as to the adequacy of these periods. The answer is that the longer the period the better in determining trends. Climatologically speaking, the rule of thumb is that 30 years would be a lower bound, given the need to smooth out year-to-year and decade-to-decade variations. In that sense, 40 is better than 30, and 50 is better again than 40. Fifty years is toward the lower end of what we would like, but it has the potential to have removed significant variation.

With respect to the need for 200 years of data, in the case of Temperature there are no direct measurements longer than about 150 years, given the availability and widespread use of thermometers. Data prior to about 1880 are generally discarded given insufficient spatial coverage. Temperature data for longer periods therefore requires proxy records. The existing instrumental temperature record has been extensively examined by the IPCC, and they have determined on the basis of a hundred years of record that there is a significant warming trend globally, and that it is likely in substantial part due to increases of greenhouse gases. Studies of the proxy temperature record going back over longer periods have increased confidence in the unusual nature of the twentieth century warming. Studies of temperature trends in continental regions such as Australia are consistent with those for the global region assessed by the IPCC in finding likely substantial contributions by greenhouse gases. These studies are based on fifty to a hundred years of instrumental data, which is well accepted within the community as sufficiently long to make assessment of trends worthwhile. One would always like to have longer periods of data, but two hundred year records of instrumental temperature observations simply don't exist.

Should you have any further questions on this issue, WWF will be happy to provide a response.

3 Process of conducting Future Water

What is the consultation process to be contributed by the University of New England (Centre for Ecological Economics and Water Policy Research) to the FutureWater initiative?

I have requested this supporting information from the CEEWPR and it will be forthcoming. Unfortunately the person responsible was unavailable by this date. I request more time to be able to provide you with supplementary material.