

## Minority Report from the Australian Greens

While the Australian Greens support many of the recommendations of the majority report, there are some key recommendations that we cannot support, and there are also some issues of importance that we believe have not been given adequate consideration. For instance, we believe that the primary role and the *raison d'être* of protected areas is the protection of biodiversity, a point which the majority report does not give adequate consideration and is in danger of being lost in the consideration of other secondary uses of protected areas. We are also extremely concerned that the report fails to come to grips with the threat to our biodiversity and to our protected areas posed by climate change. Consideration of biodiversity conservation in the face of the impacts of climate change has significant implications for the management of our reserves and protected areas, and we believe managing the *resilience* of these systems will emerge as the major conservation issue of coming decades.

Australia is one of the most biodiverse nations on Earth. It has up to 10% of the world's biodiversity, 80% of which is native to Australia. It is one of only 17 megadiverse nations in the world, and the only so-called 'developed' nation which is megadiverse. As such we have a special responsibility to protect this biodiversity.

Protected areas such as national parks and nature reserves are key elements in our efforts to conserve and protect biodiversity. The Commonwealth National Reserve System (NRS) is vital in delivering these protected areas.

The National Strategy for the Conservation of Australia's Biological Diversity recognises that: "...central to the conservation of Australia's biological diversity is the establishment of a comprehensive, representative and adequate system of ecologically viable protected areas integrated with the sympathetic management of all other areas, including agricultural and other resource production areas".

Protected areas are the most cost-effective tool for protecting and enhancing biodiversity values and protecting ecosystem benefits. It is far cheaper to protect existing ecosystems than to restore degraded systems.

Australia has a number of domestic and international obligations to protect our biodiversity which we are not meeting. The report of the Australian National Audit Office on *The Conservation and Protection of National Threatened Species and Ecological Communities* (2007), which was recently tabled in Parliament, is extremely critical of the Commonwealth's approach and its failure to protect our biodiversity.

The report was highly critical of the performance of the Department of Environment and Water Resources (DEW) in administering the Environment Protection Biodiversity Conservation (EPBC) Act and protecting threatened species. It highlighted the fact that, although the Commonwealth government committed in 2000 that it would have recovery plans for 583 threatened species in place by 2004, seven years later in 2007 only 22% of the plans have been completed.

---

## ***Funding***

Australia is significantly under funding its national reserve system.

Commonwealth, State and Territory governments have committed to ensuring that 80% of the number of extant regional ecosystems in each of the Interim Biogeographic Regionalisation for Australia (IBRA) regions<sup>1</sup> will be represented in the NRS by 2010-2015. At current rates of progress this commitment seems unlikely to be realised.

WWF reported in its submission to the inquiry<sup>2</sup> that to achieve this target another 22 million hectares needed to be added to the NRS, with a budget of between \$300m to \$400m. This would require spending of \$40m/yr for 5 years. Unfortunately investment by the Commonwealth is less than one tenth of this per year.

Given the current lack of adequate investment and Australia's poor performance in protecting its biodiversity, funding for biodiversity protection needs to significantly and urgently increased to ensure the completion of the national reserve system.

Ensuring the adequacy of the extent and funding of a comprehensive, adequate and representative (CAR) system of protected areas becomes even more pressing in the face of the additional threats to protected areas posed by climate change.

### ***Other uses of protected areas***

The key role of protected areas is the conservation and protection of Australia's biodiversity. It is absolutely essential that other uses of these protected areas must be compatible with biodiversity protection and must not compromise management of that biodiversity.

The Australian Greens are concerned that the majority report places too much emphasis on other uses of protected areas, and too little emphasis on their main purpose in biodiversity conservation. We are deeply concerned to ensure that other uses of protected areas do not comprise their biodiversity values. In far too many cases, these protected areas are the few remaining remnants of important biodiversity that faces a range of threats, including fire, weeds, feral pests, hydrological changes and climate change. Incompatible uses of protected areas can add to these threats and undermine their role in the conservation of biodiversity.

The Australian Greens do not support recommendation 11, which essentially encourages State and Territory governments to increase the allowable use of protected areas for activities such as horse riding and 4WDs which we believe are incompatible

---

<sup>1</sup> The Interim Biogeographic Regionalisation for Australia (Thackway & Cresswell 1995, Environment Australia 2000) categorizes the Australian continent into regions of like geology, landform, vegetation, fauna and climate. There are 80 such regions throughout Australia.

<sup>2</sup> Submission 161, WWF Australia

with protected areas. The long-term viability of protected areas as places of biodiversity conservation needs to be paramount in giving consideration to the short-term benefits to the community of incompatible recreational and other uses.

Where other uses of protected areas are determined not to compromise their primary role, community uses of protected areas must be matched by sufficient resources for the additional demands this places on their management, and ongoing evaluation of the impacts of these other uses is absolutely crucial.

There is need for better integration of natural resource management and protected areas under the National Heritage Trust (NHT). The Gascoyne Murchison region provided a particularly good example of this during the committee hearings. Representatives of the regional NRM group did not demonstrate an understanding of the proper role and functions of protected areas, and their evidence to the committee focused more on discrediting protected areas as a means of advocating for reducing further areas of rangelands being included in conservation estate.

### ***Regional Forest Agreements***

The Australian Greens are particularly concerned by the comments made in the majority report concerning Regional Forest Agreements (RFAs), and consider that these comments represent a one-sided view of RFAs that is not informed by the evidence.

A recent landmark case concerning the Wielangta forest in Tasmania clearly demonstrated the inadequacy of the RFA system in protecting biodiversity. The case challenged the RFA itself, the exemption for logging under the EPBC Act, and the capacity of the EPBC Act to protect endangered species.

Forestry operations that are taken ‘in accordance with’ an RFA are exempt from the need for federal approval by Section 38 of the EPBC Act. In considering the reasoning behind this exemption, Justice Marshall found that:

*"...the exemption provided by s 38 provides an alternative method by which the objects of the EPBC Act may be achieved in a forestry context. Accordingly, it is not sufficient (for the s 38 exemption to apply) that there is mere lip service paid to an RFA....Forestry operations will be conducted in accordance with the RFA if they are conducted in accordance with the requirements set out in the RFA."*<sup>3</sup>

This implies that there is a clear intention that conservation objectives of the EPBC Act are achieved through the management provisions of the RFA. However, in considering the extent to which the Tasmanian RFA was able to meet its obligations to conserve iconic threatened species, Justice Marshall found that:

*"It is unlikely the State can, by management prescriptions, protect the eagle. As to the beetle and the parrot, the State must urge Forestry Tasmania to take a far more protective stance in respect of these species by relevant management*

---

<sup>3</sup> Justice Marshall, *Brown vs. Forestry Tasmania*, 2006, Para 238

*prescriptions before it can be said it will protect them. On the evidence before the Court, given Forestry Tasmania's satisfaction with current arrangements, I consider that protection by management prescriptions in the future is unlikely.*"<sup>4</sup>

The Judge then went on to say that:

*"An agreement to 'protect' means exactly what it says. It is not an agreement to attempt to protect, or to consider the possibility of protecting, a threatened species. It is a word found in a document which provides an alternative method of delivering the objects of the EPBC Act in a forestry context.*

*Clause 68 of the Tasmanian RFA says that the protection will be achieved through the CAR (comprehensive, adequate and representative) reserve system or by applying relevant management prescriptions. If the CAR reserve system does not deliver protection for a species, the State should ensure that the relevant management prescriptions do ... otherwise it is not complying with its obligation to protect the species. To construe clause 68 otherwise would be to turn it into an empty promise.*"<sup>5</sup>

This is a very clear finding both that this particular RFA was not delivering on its promise to conserve biodiversity, and also that, to the extent that they allow logging practices that are incompatible with biodiversity conservation, there are serious problems with the extent to which the RFA system as a whole can protect biodiversity.

The outcome of the case also made it clear that the Commonwealth had failed to uphold the Tasmanian RFA or the EPBC Act through the five-year RFA review process when management prescriptions and other processes to protect threatened species were examined. In light of this finding both the use of RFAs and their review by DEW need to be re-examined, and the comments of the majority report on the performance of RFAs seem highly inappropriate.

The forest industry opposes forest ecosystems being added to the conservation estate, claiming that once forest ecosystems are added to the conservation estate they are not properly managed and effectively ignored. These claims were not able to be substantiated in the hearing process during cross-examination. The Australian Greens are concerned that statements by the National Association of Forest Industries that they were not able to substantiate, are used in the majority report to make dubious and highly contested points about degradation of biodiversity of forests protected in the national parks system

### **Marine protected areas**

Although Australia is an acknowledged leader in marine conservation, significant progress still needs to be made for Australia to meet its commitment to the 2012 target for marine protection under the Convention on Biological Diversity. There are still

---

<sup>4</sup> Ibid., Para 282.

<sup>5</sup> Ibid., Para 240-241.

large areas of Australia's waters that are either not represented or are under-represented in protected areas, and many of these do not have adequate sanctuary zones. There are still a number of states in Australia that either do not have a system of marine protected areas, or where the existing system is inadequate.

Evidence to the inquiry indicated that the incorporation of marine planning into NRM regional group responsibilities under NHT(2) has not been successful. Regional groups have neither adequate resources nor the expertise to adequately address regional marine planning. While increased resources to Regional NRM Groups, as recommended in the majority report could help them address marine issues, the Australian Greens believe a better approach would be to establish regional marine planning groups which have sole responsibility for the marine environment, including ensuring planning for the provision of marine protected areas.

The Australia Government has a key role to play both in leadership and the resourcing of the development of the marine conservation estate.

### **Climate change**

Climate change will have significant impacts on Australia's, aquatic, terrestrial and marine biodiversity. The Australian Greens are concerned that the very significant and growing threat posed to our system of protected areas by climate change is not adequately considered in the majority report. This is of great concern for a number of reasons.

Australia's protected area system faces many serious threats, most of which are canvassed in the majority report. However, climate change has the potential to overwhelm these threats, to make some of these threats more severe particularly fire, but also weeds and pests, and to decrease the ability of ecological communities conserved by protected areas to be able to cope with some of these threats.

The likely impacts of decreased rainfall and increased average temperatures along with increased climactic variability and extreme climactic events has significant implications for biodiversity conservation, particularly given the highly fragmented nature of our current reserve system. The ability of different ecological communities to either adapt to these changes or to translocate as climactic zones shift is unknown, as is the likely extent and rapidity of change. While slow and gradual change may allow some species and communities time to adapt and translocate, many may not be able to, and it is clear that the possibility of sudden changes and climactic 'tipping points' pose a substantial threat, particularly to isolated communities.

These knowledge gaps have important implications for both the adequacy and the management of our reserves and protected areas for biodiversity conservation in the face of climate change. We urgently need to improve our understanding of both the likely future impacts of climate change and of the resilience of ecological communities to these types of change. This has recently been highlighted by research by CSIRO into coral bleaching of the Great Barrier Reef world heritage area, which indicated that much more stringent management of adverse impacts (such as nutrient

outflows from coastal rivers) along with more extensive sanctuary zones was necessary to ensure the reef was resilient enough to be able to recover from more frequent and severe bleaching events.

It is crucial that we consider the manner in which the range of threats faced by protected areas interact. A case in point is given by the recent research by the Bushfire CRC<sup>6</sup> into the increase in both the frequency and intensity of 'megafires', which has also become a major area of research in the US. It is clear from this research that these fires can exceed the resilience of our ecosystems and make it easier for weeds and pests to invade.

Given all these considerations, it seems highly unlikely that in our heavily-fragmented landscape that our current reserve system will be resilient enough to cope with these impacts. This is why the Australian Greens believe that it is essential that the NRS be modified and extended to build-in resilience and adaptation.

We believe managing the *resilience* of these systems will emerge as the major issue of coming decades, and argue that a new 'R' has to be added to the CAR system to ensure that it is comprehensive, adequate representative and resilient in the face of climate change (CARR).

### **Northern Australia**

Ecosystems in northern Australia are particularly under-represented in the conservation estate. There has recently been an increased push to develop the north, including the possibility of extensive irrigated agriculture being considered by a taskforce as part of the Prime Minister's \$10 billion water plan. Given the growing pressures to develop its abundant natural resources, there is now a growing urgency to complete the protected area system of the north. The relatively undeveloped status of the north together with the unique and often pristine nature of its ecosystems provides the nation with an opportunity to bring the wealth of experience gained from the mistakes of the past in the south together to plan for the long-term sustainable development of the region.

The biggest threat both to biodiversity conservation in the north and to sustainable development is the continuation of an *ad hoc* project-by-project approach. It is imperative that we identify the biodiversity values of the north, put in place a CAR reserve system and develop sustainable regional plans, which then enable informed decisions about individual developments. Such an approach should also be attractive to industry in that it provides greater certainty. It would also provide a basis for industry engagement in private-public conservation partnerships in the context of the surety of their long-term commitment to sustainable development in the region. This kind of approach requires significant leadership and resources from the Commonwealth for it to succeed.

---

<sup>6</sup> [http://www.bushfirecrc.com/events/events/forum\\_feb07.html](http://www.bushfirecrc.com/events/events/forum_feb07.html)

---

**Recommendations**

The Australian Government must demonstrate leadership and renewed national commitment to protected areas through:

- Substantially and urgently increase funding of the National Reserve System in order to meet existing targets
- Ensure that the next round of the National Heritage Trust (NHT 3) better integrates natural resource management (NRM) and the National reserve System (NRS)
- Increase funding for research into and management of threats to protected areas (including fire, pests and weeds)
- Give greater priority to consideration of the impacts of climate change on protected areas and significantly increase research funding for predicting and assessing the likely impacts of climate change on the resilience of our ecosystems
- Ensures protected area planning incorporates the concept of resilience
- Increase funding for marine protected areas
- Complete the protected area system in northern Australia as a matter of urgency, and commit resources to long-term planning for sustainable regional development.

**Senator Rachel Siewert**  
**Australian Greens**

