Ms Sophie Dunstone
Committee Secretary
Senate Standing Committees on Environment and Communications
Mail to: ec.sen@aph.gov.au

Dear Ms Dunstone

Re: Inquiry into the effectiveness of threatened species and ecological communities' protection in Australia

Thank you for your invitation to provide a submission to the Environment and Communications References Committee's inquiry into the effectiveness of threatened species and ecological communities' protection in Australia.

The Threatened Species Scientific Committee is a statutory committee established under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Extracts of sections of the EPBC Act that outline the role and remit of the Threatened Species Scientific Committee are at Attachment A.

The Threatened Species Scientific Committee would be available to appear before the Environment and Communications References Committee if required. Our statutory functions mean that we would be best able to provide comment on the following terms of reference for the inquiry:

(a) management of key threats to listed species and ecological communities;

(b) development and implementation of recovery plans;

(e) timeliness and risk management within the listings processes.

Advice on the timing of the hearings in Canberra would be appreciated and can be forwarded to the Threatened Species Scientific Committee Secretariat. Contact details for the Secretariat are below. If convenient to the inquiry, members would be best able to appear towards the end of January after their prior overseas commitments.

Yours sincerely

Helene Marsh FTSE
Professor
Chair
4 December 2012

Extracts of sections of the *Environment Protection and Biodiversity Conservation Act 1999* relevant to the work of the Threatened Species Scientific Committee

The Threatened Species Scientific Committee was established under s502 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as follows:

s502 Establishment

(1) The Threatened Species Scientific Committee is established.
(2) The Minister is to determine in writing the composition of the Committee, including the qualifications of its members.
(3) The Minister is to appoint or reappoint the members of the Committee on a part-time basis for a maximum of five years, and must appoint one of the members to chair the Committee.

Functions of the Threatened Species Scientific Committee are set out under s503 of the EPBC Act as follows:

s503 Functions of the Committee

(a) Advise the Minister in accordance with Division 5 of Part 13 in relation to recovery plans, threat abatement plans and approved conservation advice;
(b) advise the Minister (on the Minister's request or on the Committee's initiative) on the amendment and updating of the lists established under Part 13;
(c) advise the Minister, at his or her request, on matters relating to the administration of this Act;
(d) give the Minister such other advice as is provided for in this Act; and
(e) perform such other functions as are conferred on the Committee by this Act.

Broad functions of the Threatened Species Scientific Committee and the Minister (and thereby the Threatened Species Scientific Committee) as outlined in relevant sections of the EPBC Act include:

s189(1) Provide advice to the Minister on amendments to the lists: adding a species that is too difficult to distinguish from another that is eligible for listing; deleting items from a list; and correcting inaccuracies or updating names (see 194N for other list amendment types).

s189(1B) Where advice under 189(1) is to the effect that an item is eligible to be included in a list, include information about what can be done to stop the decline (for the purposes of Approved Conservation Advice) and a recommendation as to whether there should be a recovery plan for the item recommended for listing.

s190(1) Provide advice to the Minister concerning any action that is necessary to prevent a nominated species or community becoming threatened (if the Committee considers that the species or community is not currently eligible for listing).

s192(2) Provide advice to the Minister about the status of species that were listed as extinct and have been rediscovered (but note the Minister is not required to seek the Committee's advice in such cases).

s194G Prepare and give to the Minister the Proposed Priority Assessment List for each Assessment Period.

s194J Give to the Minister a statement setting out why items were or were not included in the Proposed Priority Assessment List.

s194L Publish the Finalised Priority Assessment List for an Assessment Period on the internet.

s194M Invite public comments on items in the Finalised Priority Assessment List.

s194N Assess items included in the Finalised Priority Assessment List and provide assessments to the Minister for consideration.

s194R Seek expert advice as the Committee considers appropriate.

s194S Prior to providing listing advice to the Minister, coordinate listing assessments with the Australian Heritage Council as appropriate through providing the Council with a copy of the assessment and inviting comment

s194T Within 7 days of providing listing advice to the Minister, coordinate listing assessments with the Australian Heritage Council as appropriate

s251(1) Provide advice to the Minister on whether to add or delete a marine species to or from the list of marine species.

s274 Provide advice to the Minister on the content of recovery and threat abatement plans; and the times within which, and the order in which, such plans should be made. Matters to be taken into account are prescribed.

s282 Provide advice to the Minister on any conditions to be applied when giving Commonwealth assistance for the making or implementation of a recovery plan or threat abatement plan.

s289(1) Provide advice to the Minister on the need for wildlife conservation plans and the order in which they should be made, including recommendations to make a wildlife conservation plan for a specified species.