AUSTRALASIAN BAT SOCIETY, INC.

ABN 75 120 155 626

Dr Kyle Armstrong
President, The Australasian Bat Society, Inc
PO Box 481, Lindfield, New South Wales 2070.

Standing Committee on Environment and Communications
Australian Government
PO Box 6100
Canberra ACT 2600.

18 January 2013

Inquiry into the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012

To the Committee,

The Australasian Bat Society, Inc. (ABS) is pleased to have the opportunity to make a submission to this Inquiry. The primary aim of the ABS is to advocate for the conservation of bats and their habitats through the advancement of quality science (Appendix 1). Bats make up around a quarter of Australia's land mammal species—about 82 species of small cryptic insectivorous bats through to the large conspicuous flying-foxes. We recognise the intrinsic value of all bat species, their contribution to biodiversity, and their roles in ecosystem services such as maintaining the structure and diversity of Australia's native forests.

We support the *Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012* (the Bill), submitted by Senator Larissa Waters, to strengthen the *Environment Protection and Biodiversity Conservation Act 1999* (*EPBC Act 1999*) against devolving the Commonwealth's powers for environmental approvals to the States. We draw on our collective expertise with bats to provide examples and justifications of our position. Some of the information was submitted as part of our response to the *Inquiry into the effectiveness of threatened species and ecological communities' protection in Australia.*

This Submission document represents the collective views of the Australasian Bat Society, Inc. It was authorised by the elected executive members and released by its president to The Senate Standing Committee on Environment and Communications.

Sincerely,

Dr Kyle Armstrong
President,
Australasian Bat Society, Inc.

Inquiry into the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012

A submission from the Australasian Bat Society, Inc to the Australian Government's Standing Committee on Environment and Communications

Introduction

There is absolutely no question that Australia's native landscape continues to be degraded, our unique and often fragile biodiversity continues to diminish, and the intricate ecological systems on and around our continent continue to be unravelled by a vast array of influences such as habitat loss, fragmentation and degradation, pollution, the introduction of feral organisms, inappropriate fire regimes and climate change. This is the context within which business interests, some of them from multinationals, are seeking to weaken Australia's premier piece of nationally-focussed environmental legislation.

We have no confidence that concessions to business interests through the devolvement of powers and oversight away from the Commonwealth to the States will result in more effective environmental protection. For those of us who can see through the rhetoric (e.g. "bullying by Green groups" as stated by the Minerals Council); who understand and are involved in discovering, documenting and dampening the ecological consequences of doing business; and who have watched with dismay the recent acts by State Governments including the weakening of public services for the environment and the reintroduction of archaic legislation that is incompatible with biodiversity values, it is clear that devolvement of environmental responsibilities to State Governments is not in the best interest of our nation and future generations. Despite the rhetoric from business interests, unwanted consequences to biodiversity and ecosystems are inevitable from development projects, and we maintain that Commonwealth oversight is essential to balance the needs of the economy and environmental protection.

We advocate the following rational response to the recent concerted efforts by business interests. Firstly, there should be no compromise reflected in environmental legislation when <u>increased rather than less</u> protection and quality of care is warranted (e.g. the measures to strengthen the *EPBC Act 1999* as recommended by the Hawke review; the amendments proposed by the present Bill under consideration). And secondly, if inefficiencies do indeed exist, then it should surely be possible to develop more intelligent ways to assess development projects without compromising standards for environmental protection and conservation. The burden of proof—that a development project will not significantly harm environmental values—lies as it should with the proponent. And investment of sufficient time and resources to adequately address environmental responsibilities should remain an inevitability if Australia seeks to be recognised internationally as a good environmental steward.

Following, we address three concerns should Commonwealth oversight be devolved to the states:

1. Scientific rigour in environmental impact assessments will suffer from shorter assessment periods.
2. State Governments departments charged with the responsibility for environmental management are not sufficiently well resourced.
3. State Governments are unlikely to act in the national interest.

1. Scientific rigour in environmental impact assessments will suffer from shorter assessment periods.

The ABS is concerned that a 'fast-tracked' approvals process resulting from the cutting of so-called 'green tape' will lead to less scrutiny and lower environmental standards. When environmental impact assessments are conducted, information is available from two main sources: 1. that already available in the published and grey literature; 2. that which is generated from the local context of the project area. The time available to assess the components of biodiversity and their value within project areas, plus all of the potentially significant environmental implications of a project proposal, is already limited. We anticipate that "cuts to green tape" will result in even further limitations in the amount of information that can be considered from both of the above sources.

Specific detail on the contemporary biodiversity from the project area is essential. Information generated from the project area by environmental surveys for impact assessments is particularly important because planned developments can encroach on previously unknown occurrences of protected species and habitats. Many of the Threatened-listed species of bat at the Commonwealth level are not well known in terms of their preferred habitats, roost sites, area of occupancy, movements and genetic diversity. Half of them even have issues at a fundamental level with their taxonomic status (though this is currently being resolved through Commonwealth funding with support from mining companies), which has implications for their distribution boundaries, or their value as a unique or range-restricted entity. In this context of a paucity of information, and where there is recognised potential for encroachment of development, there does need to be adequate field surveys with relevant consideration of seasonality for occurrences of Threatened-listed species.

Field surveys from environmental impact assessments are an invaluable source of information. The cumulative knowledge from many localised surveys as presented in consultative reports, unpublished datasets and scientific publications has added significantly to our understanding of some species. As an example, the increased knowledge about the area of occupancy and many aspects of the biology of the Pilbara leaf-nosed bat has come about from an accumulation of many studies from university and government research, plus field surveys and regular monitoring conducted for mining proponents over almost two

decades. Initially, attention was given to the species because of its listing in the highest conservation category under Western Australian State legislation. From 2001, listing under the *EPBC Act 1999* has focussed even more scrutiny and resources on the species, with the very positive outcome of much more useful information. Thus, the increased protection for some species derived from Commonwealth legislation, coupled with the extra requirements and the associated time to achieve these, has increased both the robustness of assessments, and the available information with which to assess occurrences of this rare and cryptic species of bat.

Adequate project-focussed environmental survey effort can highlight potential issues and lead to further work that helps resolve them. Some of our society members are consultants that help businesses navigate environmental issues in the development assessment process (State and Commonwealth). But, when striving to ensure the best environmental outcomes for both client and biodiversity values, no matter how experienced and earnest a consultant might be, some of the important questions faced by their proponents are intractable or require substantially more resources than could reasonably be expected to be given to resolve them. Often these questions arise following initial surveys in an area, and further work can be required to best address them. In reality, the attention given to such issues early in (for example) the life of a mining development can guide sound environmental practices throughout mine life, and cross-fertilise other projects with valuable information and standardised robust approaches. However, sufficient time needs to be available to provide enough information, which is often limited by the practical constraints of working in remote areas, and gathering data from species that may be cryptic, rare or lacking a comparative framework (e.g. for genetic identification, or the extent of a distribution outside a project area). Actions by a State Government to reduce requirements will place further unreasonable pressure on consulting scientists that are already faced with limited information and time upon which to base their advice.

Commonwealth Threatened listings have resulted in better knowledge of some species of conservation significance. Some species of bat listed in a Threatened category under Commonwealth EPBC legislation have received significant attention for research and field survey effort. Had some of these species not been listed, less work would have been done, and therefore less information would be available with which to make decisions. The knowledge acquired through the environmental responsibilities of proponents has been invaluable, and derived from far more resources than a State Government is able to commit. However, of critical relevance here, is that some bat species on the Commonwealth Threatened list are not subject to the same level of attention by proponents under State Government requirements. The situation of the Pilbara leaf-nosed bat is a good example (but not the only one) where newly discovered occurrences trigger consideration under the *EPBC Act 1999* resulting in further proponent commitments to resolve the situation responsibly.

2. State Governments departments charged with the responsibility for environmental management are not sufficiently well resourced.

In our previous submission to the Senate's *Inquiry into the effectiveness of threatened species and ecological communities' protection in Australia*, the ABS made some critical comments that highlighted shortcomings by both the State and Commonwealth Governments, and pointed to inadequate levels of resourcing and documentation of progress. We therefore question whether the States have sufficient resources and specialist expertise to ensure that their environmental decision making processes also give consideration to the national interest. Recent massive cuts to the public service in Queensland, with many focussed on the department charged with environmental stewardship, are an obvious indication of a willingness to sacrifice environmental values for the economy. Severe cuts to State Government environment departments have also occurred in Victoria, New South Wales and South Australia, with more proposed. Rather than assurances from States that they have the national interest in mind, we place more confidence in safeguards through Commonwealth environmental legislation, in particular the amendments proposed in the present Bill.

Some of our previous relevant comments on the effectiveness of State-based conservation are repeated below, in support of criticism pointing to lack of resourcing by State Governments.

1. There has been little effective management of key threats to listed bat species.
2. The ABS recognises the central importance of collated information on the biology, relevant threats and recommended actions in the form of Recovery Plans, but is generally dismayed at how little support they are given.
3. Not all Threatened-listed species have a Recovery Plan and there are unacceptable delays in the preparation of Recovery Plans.
4. In addition to Recovery Plans, some State Governments have their own systems for summarising priority species, threats and actions, which also suffer from lack of funding to implement the actions. In addition, there are sometimes mismatches between State and Commonwealth priorities.
5. Any approach to Threatened species management that is currently being implemented, whether it be Recovery Plans, Action Plans, Priorities Action Statements or regionally focussed Actions for Biodiversity, are in danger of failure simply because Governments do not allocate sufficient resources to the recommended actions.
6. The inadequate management and lack of protection of vital habitat for Threatened bat species is an area in which the recovery process is failing.
7. An ecosystem approach to Threatened species management is not likely to improve the conservation status of Threatened species if specific actions are not implemented.
8. Debates about species triage is an indication that Governments are not committing enough resources to the protection and management of Australia's Threatened species and communities. We feel that the Australian Government at all levels has failed to promote the importance of Australian species and ecological communities.

3. State Governments are unlikely to act in the national interest.

Matters of National Environmental Significance can include situations where species are restricted to relatively small distributions in one State or Territory, and also those where species distributions cross one or more borders. Poor management decisions by a State Government therefore have the potential to significantly affect both range restricted species plus those whose range incorporates multiple States. The example of two Commonwealth-listed species of flying-fox illustrates the need for Commonwealth oversight in the case of two quite different situations. Compounding the situation for these two species are recent legislative moves by the Queensland Government that demonstrate a lack of evidence-based decision making for effective management.

1. The Grey-headed Flying-fox and the Spectacled Flying-fox are listed in a Threatened category under the *EPBC Act 1999* as a result of independent scientific assessment undertaken by experts against relevant criteria on a National scale and threats to their entire population.

2. The Grey-headed Flying-fox population extends across State and Territory boundaries (the east coast and part of South Australia), the species exhibits long distance migratory behaviour, shows evidence of population decline, and may be significantly compromised even if a significant threat operates in only one State. Conversely, the Spectacled Flying-fox is distributed only in Queensland, and therefore does not have representation outside areas that may be subject to poorly considered management options.

3. The reintroduction of shooting in Queensland as a control measure for flying-foxes on orchards under Damage Mitigation Permits, including the two flying-fox species listed under the *EPBC Act 1999*, is demonstrable of the willingness of some States to erode their own environmental protections, regardless of national interests as indicated by the species' listing under the *EPBC Act 1999*. This State also considered proposals to declare flying-foxes as pests (Queensland Land Protection Legislation (Flying-fox Control) Amendment Bill 2012), though these proposals were fortunately rejected. The burden of proof for demonstrating the effectiveness of shooting should rest with those who wish to promote it—there is no science behind the strategy of shooting to demonstrate its effectiveness, or its relative effectiveness in comparison to the other more intelligent, humane, non-lethal, and cost effective methods that are available.

4. There is no approved Recovery Plan or similar in place for the Grey-headed Flying-fox and therefore no framework for actions that the States may decide upon to be validated against.

5. Reintroductions of actions such as shooting might encourage further concessions that would further weaken the effectiveness of EPBC legislation and listing in Threatened categories.

6. Poor decision making may have implications outside the scope of just one species. In the case of flying-foxes, this may have wider ecological consequences, given their indispensable roles as pollinators and seed dispersers in our native forests.

7. In the context of flying-foxes in urban areas, the often favoured first-response strategy of dispersing camps is more likely to simply shift the issues to one or more areas nearby. Many ABS members work tirelessly to advocate for flying-fox conservation, and substantial energy is placed in educating and informing in such situations where misinformation and poor understanding abound. The issue of zoonotic diseases such as Hendra virus is unquestionably of concern to people living, working or schooling their children nearby to a flying-fox camp. However, uninformed comments that are propagated regularly in such situations are unhelpful and serve to overcomplicate an already complex issue. State Governments could do more to bring clarity to situations of flying-foxes in urban areas.

Concluding statements

The ABS believes the Inquiry should consider whether:

1. **there is evidence for sufficient safeguards in a solely State-based approvals process to guarantee the same level of environmental protection as with Commonwealth oversight, and to ensure that the actions and laws of one State do not significantly compromise environment and biodiversity values at a national level;**

2. **a State-based fast-tracked approval process will have sufficient time to collect the required data for a robust environmental assessment of a project;**

3. **a State-based fast-tracked approval process will have the capacity to consider all relevant environmental issues in the assessment of a project;**

4. **a State-based fast-tracked approval process will have a sufficiently wide scope to consider all relevant environmental issues, including Matters of National Environmental Significance, in the assessment of a project.**

Appendix 1

About the Australasian Bat Society, Inc

The ABS is a professional body comprising around 300 members, representing research scientists in universities and government, students, wildlife rehabilitators, environmental consultants and members of the public with a general interest in bats. Our aim is to promote the conservation of all populations of all species of bats in Australasia, and our activities extend from grass roots advocacy to scientific research, and the development of standards and the provision of conservation advice at State and Commonwealth level.

Our members have been instrumental in the development of Commonwealth documents and resources such as "The Action Plan for Australian Bats", "Survey guidelines for Australia's threatened bats", entries in the Species Profile and Threats Database, and Recovery Plans for Threatened-listed species.

Through its members, the ABS has strong links with similar societies in other countries such as Bat Conservation International and the South East Asian Bat Conservation Research Unit, and our members contribute our specialist knowledge to international organisations including the International Union for the Conservation of Nature, Flora and Fauna International, the World Wildlife Fund and Conservation International.

http://abs.ausbats.org.au