



Australian Mammal Society Inc.

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Professor Graeme Samuel AC,
Reviewer and Expert Panel
Independent review of the EPBC Act 1999
17th April 2020

Dear Professor Samuel,

The Australian Mammal Society is an interdisciplinary, national scientific society of biologists, founded in 1958. Our mission is to contribute to the greater understanding and conservation of Australasian mammals. Volunteer council members are elected every three years; the current council is based at The University of Queensland, Flinders University, Queensland University of Technology, and The University of the Sunshine Coast.

The Australian Mammal Society is concerned about several aspects of the Environment Protection and Biodiversity Conservation Act 1999 Act, and we suggest the following actions to improve the chance of persistence of threatened Australian mammals and other species:

The world's pre-eminent conservation authority, the IUCN (International Union for Conservation of Nature) has developed regional guidelines, criteria and thresholds to assign extinction risk categories to species and ecological communities using a rigorous, internationally-accepted process. Listing of Australian species and ecological communities under the EPBC Act should closely follow these scientific IUCN criteria, and be assessed by qualified scientific experts, to ensure that these are timely, transparent, independent and evidence-based decisions. The current EPBC Act is out of step with many IUCN criteria and recommendations.

Endangered and Critically Endangered species should have recovery plans that include appropriate costings, and these should be provided with mandatory funding so that they can be implemented before it is too late to prevent extinctions. At present, many threatened species do not have recovery plans, recovery teams to implement these, or funding for species recovery. Specifically, for mammals, listing and recovery actions should follow the scientific advice in 'Woinarski et al. 2014. The Action Plan for Australian Mammals 2012 (CSIRO Publishing, Melbourne)'. For many species in this action plan we know what to do, we just can't do what's needed without funding.

There should be no option to circumvent this process, or to remove important habitat of threatened species, or otherwise cause a decline of their population through inappropriate offsetting (that does not actually compensate for harm to that species), or ministerial discretion.

Listing of species should also not be subject to ministerial discretion. Offsetting procedures must follow the scientific guidelines of the 2016 IUCN biodiversity offset policy. Conditions of approvals, including how to conduct offsetting, should be related to population persistence for the particular affected species, and this should be scientifically monitored and enforced in a transparent, public way. These points are relevant to Q24 in the Discussion Paper.

Important threatened species habitat should not be cleared. All clearing of potential threatened species habitat (Vulnerable, Endangered, or Critically Endangered fauna and flora) should require referral and assessment of impact on species persistence, regardless of who is doing the clearing. This includes native vegetation clearing by residential developers, agricultural developers, mining companies, and anyone else who proposes removing habitat that is important to the survival of Vulnerable, Endangered, or Critically Endangered fauna and flora species (i.e. clearing resulting in 'significant impact'). A recent study (Ward et al. 2019. Lots of loss with little scrutiny: The attrition of habitat critical for threatened species in Australia. *Conservation Science and Practice*, 1(11), e117) found that the Ghost bat (Vulnerable), Koala (Vulnerable) and Northern Quoll (Endangered) were among a number of threatened mammals that have lost considerable areas of habitat in the time that the EPBC Act has been in place. This level of habitat loss has had a serious negative effect on the prospects of these species. These are just three examples of the current EPBC Act failing to protect threatened species; there are many other cases.

At present, Vulnerable species have less legal protection under the Act than do Endangered and Critically Endangered species; they should have the same protection as other threatened species. At present, a large majority of vegetation that is crucial habitat for threatened species is never referred under the EPBC Act before it is cleared. Under the EPBC Act, proposals to remove habitat that is important to the survival of Vulnerable, Endangered, or Critically Endangered fauna and flora species should be rejected. If we do not reject such proposals, Australia's terrible record of species extinctions (including being the highest contributor in the world to the list of extinct mammals) will continue to worsen. At present, there are very few rejections of development proposals under the Act. These points are relevant to Q26 in the Discussion Paper. The terms 'potential threatened species habitat' and 'significant impacts' should be clearly defined based on scientific evidence. The Significant Impact Guidelines (2013) should be revised so that criteria are objective and based on globally accepted scientific evidence, similar to the threshold criteria that the IUCN uses to classify risk of extinction in species and ecological communities.

In short, the EPBC Act needs to be based on clear scientific evidence that follows guidance from the IUCN, is transparent, and is enforced without bias.

Thank you,
Yours Sincerely

Associate Professor Vera Weisbecker (Flinders University), and Associate Professor Diana Fisher (University of Queensland), on behalf of the Australian Mammal Society and its members.

