

12 October 2018

The Hon. Leeanne Enoch MP
Minister for Environment and the Great Barrier Reef,
Minister for Science, and Minister for the Arts.
C/- Ms Jane Jamieson
Manager
Conservation and Biodiversity Policy and Strategy
Department of Environment and Science
GPO Box 2454
Brisbane Q 4001



Environment Institute
of Australia and
New Zealand Inc.

Dear Minister,

Submission: **Review of animal breeding places provisions under the Nature Conservation Regulations**

Thank you for providing an opportunity for the Environment Institute of Australia and New Zealand (EIANZ) to make a submission regarding the review of the animal breeding places provision under the Nature Conservation Regulations.

EIANZ is a non-profit, multi-disciplinary association of environmental practitioners. Our membership is represented by a diverse range of technical disciplines including scientists (e.g., ecological consultants), policy makers, engineers, lawyers and economists.

EIANZ has developed and implemented the Certified Environmental Practitioner Scheme (CEnvP) (www.cenvp.org), to assess and certify competent experienced environmental practitioners working in government, industry and the community. This includes specialist competencies such as Ecology, Impact Assessment, Contaminated Lands and Climate Change. The EIANZ is an advocate for research, policy, environmental assessment and monitoring investigations and reports being certified by suitably qualified and experienced persons for completeness and scientific rigour. One of the ways of recognising a suitably qualified practitioner is through their membership of, and certification by, an organisation that holds practitioners accountable to a code of ethics and professional conduct, such as the EIANZ.

The EIANZ requests that the following three recommendations be considered:

- Recommendation 1 – That the NC Act be amended to mandate an assessment process for impacts to fauna habitats and that this be built into the Act so that habitats are identified, assessed and protected during project development processes.
- Recommendation 2 – That SMPs be replaced by a holistic and robust permitting system with regards to impacts to habitats.
- Recommendation 3 – That the data collection requirements for tampering with breeding places of most least-concern species under a low-risk SMP be removed and replaced with a statutory declaration.

Further reasoning to these recommendations is presented below.

Protection of native wildlife habitat

The EIANZ advocates for best practice and as such does not believe that the current regulatory regime in place to manage protected animal breeding places provides the required protection of native fauna and their habitats. The provisions for protection of breeding places are not contained within the NC Act, but rather contained in section 332 of the Nature Conservation (Wildlife Management) Regulation 2006 (the Regulation). Whereas, the NC Act requires the protection of native wildlife and its habitat (s.5(d)), the Regulation (s.332) only focusses on one aspect of a species' habitat, being a breeding place. For a species to persist within the environment and maintain a healthy, stable population, protection of the habitat where that species occurs is critical. This can include, but not be limited to, habitat for foraging, roosting, sheltering, courtship or migrating. Tree hollows are mentioned in the consultation paper as being a valuable resource for hollow-dwelling fauna and we thoroughly support any regulatory provisions to enforce the retention or compensation for loss of hollows.

Species management programs are not permits

While the s.332 provisions have provided some means for managing breeding places of protected animals, the Regulation allows disturbances of these places via an SMP once the clearing of habitat has been approved through other processes (or not approved if completed under existing exemptions). The SMP provides management measures to mitigate those impacts and is not required to consider whether the tampering should take place at all. Should s.332 be retained in its current form, the EIANZ believes that SMPs should be replaced by a permitting system to allow for the wholistic consideration of a species habitat and the potential impact from a proposed activity. This system could be similar to that which is currently in operation for the taking of protected plants (protected plants clearing permit) and which allows for implementation of statutory timeframes for decision-making by the Department and other benefits afforded to a permit system.

Removal of data collection requirements for low-risk SMP

The low-risk SMP process is simple and provides a legislated requirement to search for and manage breeding places of most least-concern fauna. This means that the breeding places of a given area of vegetation are adequately identified prior to clearing and that a fauna spotter-catcher must be engaged to monitor the removal of such places. This allows for the implementation of activities to manage the welfare of animals displaced by habitat clearing. The EIANZ supports this aspect of the SMP process.

However, there are onerous data collection and reporting requirements that are enforced under the low-risk SMP which puts unnecessary burden onto organisations and the consultants who must pay for systems to collect, store, manage and report these data. These costs are passed on to those organisations that are conducting the clearing. Collection of such data can be a worthwhile exercise if the data is used for beneficial purposes such as research. However, it is not clear how these breeding places data are currently being used by the Department. A simpler reporting requirement could include a statutory declaration from the SMP holder that the SMP provisions have been enforced

over the annual reporting period.

The EIANZ thanks you for the opportunity to make a submission regarding the animal breeding places and would be pleased to engage further with the Department with regards to the CEnvP program and the Ecology Specialist category.

Yours Sincerely



R. Scott Hanna, MEIANZ, CEnvP & CEnvP(IA)
Vice President
South East Queensland Division

