



Photo Credit: Sam Edmonds

Strengthening Conservation Planning October 2023

It is vital that our new national environmental laws prevent environmental harm that will lead to wildlife and their habitats becoming threatened. Equally they must drive the recovery of those species and communities that are already threatened. That's where stronger conservation planning comes in.

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) currently has a suite of conservation planning tools available, including Recovery Plans, Conservation Advices and Threat Abatement Plans, but their application is ad hoc and insufficiently funded. Developing a system that is fit for purpose will require a mix of legal and administrative reforms, including significantly greater funding. The current national law reforms provide an opportunity to achieve this.

What does good conservation planning look like?

It should be based on the following principles:

- Strong ambition, federal leadership and necessary resourcing.
- Protecting what we have, with a particular focus on critical habitat.
- Systematic and strategic focus on key threats and recovery actions.
- An outcomes focus that is participatory and empowering for local communities.
- Responsiveness to environmental change, including climate induced change.

What are the key changes required?

1) Listing and protecting species and communities needs more legal accountability

New nature laws should include a binding, legislated responsibilityⁱ to protect and recover Australia's threatened species and ecological communities. A 'listing' (such as 'Endangered' or 'Critically Endangered') is the legal mechanism by which threatened species and communities are designated for protection and recovery. There must be legal requirements for the listing process to be efficient, timely and comprehensive; driven by an independent scientific committee that uses precautionary decision making.

2) Make emergency listings easier

The Black Summer bushfires and its massive toll on wildlife highlighted the importance of national environmental laws containing effective emergency listing provisions. Reforms should

make it easier for emergency listing of species, ecological communities and critical habitats where new information or extreme events shows there is the potential for immediate, significant threats.

3) Implementing recovery processes

Under reformed legislation, every protected species or community must have the most appropriate conservation plan in place within a specified and legislated timeframe. Obligations for decision makers to act consistently with all conservation plans must apply and plans must be written with clear directions to decision makers to avoid approving threats or jeopardising recovery. If the Minister fails to prepare or enforce an adequate conservation plan, community members should be able to seek orders from a Court for them to do so.

Designation and protection of 'critical habitat' is one of the most effective steps for protection and recovery.ⁱⁱ Critical habitat and biologically important areas must be identified at the time of listing and must be updated based on new information as it becomes available. Negative impacts on critical habitat should be considered unacceptable.

4) Increased focus on key threatening processes

Threat abatement is a key tool within the conservation planning regime that is currently under-utilised. Under the EPBC Act, 'Key Threatening Processes' can be listed where a process "threatens or may threaten the survival, abundance or evolutionary development of a native species or ecological community". A Threat Abatement Plan can - but isn't currently required to be - prepared to guide research, management, and any actions necessary to reduce the threat. New nature laws must include a requirement for the comprehensive listing of key threatening processes at both overarching and more detailed levels, with an increased focus on emerging threats (such as new invasive species). Each key threatening process must be required to have a Threat Abatement Plan, including for the current threat of *Loss of climatic habitat caused by anthropogenic emissions of greenhouse gases*. Decisions of government must be required to be consistent with these plans.

5) Recovery actions must be reviewed and reported on

The outcomes that conservation plans aim to achieve must be clearly specified, and monitoring must be undertaken to assess whether recovery actions are successful and being implemented in a timely way. Where recovery actions aren't successful, the conservation planning approach should be reviewed. All conservation plans should be subject to review on at least a five yearly basis. There should be a public register on the status of conservation plans with annual reporting to Parliament on the achievement of their objectives.

6) Increased funding for preparation and implementation of recovery

One of the biggest barriers to identifying and implementing recovery and threat abatement actions is the lack of available resources. It should be a mandatory requirement to fund the implementation of conservation plans, and a dedicated fund should be established for this purpose. This should be supported by a public database that collates the funding requirements identified within each plan and tracks expenses.

ⁱ For more information: <https://hsi.org.au/blog/nature-law-explainer-objects-and-duties/>

ⁱⁱ See: <https://hsi.org.au/blog/nature-laws-explainer-critical-habitat-needs-protection/>