SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XQXB-G

Name

James Biggs

Organisation

Zoo Aquarium Association Australasia

State or Territory

New South Wales

Areas of Interest

The objects of the Act; Threatened species; International obligations; Indigenous Australians; Heritage; Matters of National Environmental Significance; Environmental Impact Assessments; Great Barrier Reef; Cumulative impacts; Climate change; Compliance and enforcement; Decision making; Public participation in decision making; Biodiversity; Conservation; Wildlife trade; Commonwealth national parks; Nuclear; Water;

Attachment provided

Yes

Do you give permission for your submission to be published?

Yes - with my name and/or organisation (if included)

SUBMISSION RESPONSES

This submission was provided as an attachment only. The attachment is provided on the following pages of this document.

ZAA WCC submission:
Independent Review EPBC Act

24 April, 2020
Editors: James R. Biggs & Sarah M. Cordell
On behalf of the ZAA Wildlife Conservation Committee

Dear Professor Samuel,

The Wildlife Conservation Committee of the Zoo and Aquarium Association Australasia (ZAA WCC) welcomes the opportunity to make a submission to the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act).

Who we are?
The Zoo and Aquarium Association Australasia (ZAA) is the peak body representing the collective voice of the zoos, aquariums, sanctuaries, and wildlife parks across Australasia. We have a progressive, science-based approach to animal welfare. Using the Five Domains Model, ZAA grants accreditation to zoos and aquariums that have clearly demonstrated their commitment to positive welfare. This approach champions welfare from the animal's perspective and it underpins all that we do.

ZAA-accredited zoos and aquariums in Australasia are huge contributors to conservation in our part of the world and globally. ZAA members participate in 629 conservation programs for threatened species worldwide. Members are actively involved in a range of government recovery programs in Australia, New Zealand and globally to save threatened species.

ZAA supports the One Plan Approach developed by the Conservation Planning Specialist Group (CPSG) of the IUCN Species Survival Commission - an approach that involves all the different experts working together to conserve a species. Our role is to aid collaboration between our members and other key conservation partners, as well as provide expertise and recommendations.

ZAA and its members lead over 100 breeding programs in support of conservation and community education. Additionally, we actively contribute to threatened species recovery around the world. Together, our members enhance the role of individual zoos and aquariums in conserving wildlife. Managed programs may play a role in maintaining sustainability, protecting threatened species, conservation research and conservation education. This approach involves managing the animals at different ZAA-accredited zoos and aquariums as one collective and supports genetically diverse and sustainable species populations. Each ASMP species has a Species Coordinator, who uses specialised software to create recommendations about the breeding and management of that species. Teams of experts on a particular group of animals provide guidance to our Species Coordinators. This team is called a Taxon Advisory Group (TAG).

The ASMP manages animal populations for protection against extinction, release to the wild, conservation research and community education and programs are managed in line with the IUCN SSC Guidelines for *Ex-situ* Management for Species Conservation.

ZAA input to the review

The ZAA WCC offers its suggestions on areas of the Act particular to wildlife conservation and provides some responses to the questions and issues posed in the Discussion Paper.

Parts of the Act of relevance to the operations of wildlife conservation undertaken by the ZAA are:

- Part 13 – Species and Communities, including the assessment and listing of species, and the role of zoos and aquaria in the conservation of and recovery effort of threatened species, such as through *ex-situ* conservation programs. These have been a recent focus following the effects of the 2019-2020 bushfires on many native species, and
- Part 13A – the international movement of species, which regulates:
    - The export of specimens of Australian native species,
    - The import of live plants and animals, and
    - The import and export of CITES-listed specimens.

Part 13 – Species and Communities

Assessment and listing

The Australian economy has consistently expanded since the commencement of the Act, while key environmental indicators have continued to decline. Assessment of species and communities occurs too slowly, and this hinders the implementation of timely and appropriate conservation action for species in need.

It is understood that the (189) Minister must consider advice from Scientific Committee. (1) In deciding whether to make an amendment covered by paragraph 184(1) (aa), (b) or (d), the Minister must, in accordance with the regulations (if any), obtain and consider advice from the Scientific Committee on the proposed amendment. It is also understood that (2) in preparing advice under subsection (1), the Scientific Committee may obtain advice from a person with expertise relevant to the subject matter of the proposed amendment.

Whilst we support this robust process, it appears that the Scientific Committee is poorly resourced and unable to keep pace with the volume of assessments required in Australia in the face of a changing environment and growing economy.

At 14/04/2020, The Threatened Species Scientific Committee was comprised of 9 Members. For Australia, a figure of 47,579 accepted described species is determined, and the estimate of the number of species overall is 566, 398 (ABRS 2009). Of the accepted described species, a total of 439 fauna species and 2084 flora species are listed as threatened under the EPBC Act. Of these, only 639 species have been gazetted since the commencement of the EPBC Act in 2000 – an average of 34 listings per year. The 2019 Finalised Priority Assessment Lists (FPAL) lists 27 plants and 71 animals currently under assessment, with completion dates as far away as October 2022. The number of species assessed to date represents a mere fraction of Australia's accepted described species, and a smaller fraction still of the estimated overall number of species.

Recommendation
That:

- Additional secure and ongoing resources be allocated to the Threatened Species Scientific Committee to allow a greater volume of quality assessments to occur (in line with the need for assessment and reassessment in a changing environment).
- The additional secure and ongoing resources recommended above extend to allow for the development of appropriate Conservation Advice, Recovery Plans or Threat Abatement Plans for listed species and ecological communities.
- The Commonwealth implements a system whereby environmental professionals, other than the current membership of the Threatened Species Scientific Committee, can be accredited to allow a greater volume of assessments to occur (in line with the need for assessment and reassessment in a changing environment).
- The Commonwealth supports the Zoo and Aquarium Association as an organisation that is well placed to facilitate quality assessment, development of appropriate Conservation Advice and Recovery Plans, and listing under the system recommended above. Assessments conducted by ZAA would seek to maximise efficiency by reducing duplication between assessment requirements from the Commonwealth, IUCN Red List, and State and Territory Governments.
- The Commonwealth considers recommendations made by Woinarski *et. al*. 2016, Table 1 Recommendations to prevent species' extinctions drawn from the review of three extinctions.

***Ex-situ* conservation**

The evidence of increasing extinction rates exacerbated by climate change, challenges the wisdom of a heavy dependence on *in situ* strategies and necessitates increased development of *ex situ* approaches (Pritchard *et. al.* 2012) and approaches that integrate *in situ* and *ex situ* management. Such approaches necessitate collaboration at all levels of conservation action including assessment of proposed actions, planning, implementation, monitoring and evaluation to drive adaptive management processes (Schwartz *et. al.* 2017).

As the number of species requiring intensive and often emergency remedial attention rises without a proportional increase in resources, it is more important than ever that actions are carefully chosen to improve the status of the target species (McGowan *et. al.* 2017). There is a great range of potential conservation interventions to help stop and then reverse species declines. Historically, zoos and aquaria have received criticism with respect to several aspects of *ex situ* management, including low contribution to conservation, the perceived conflict between a conservation role for zoos and the financial demands of a commercial visitor attraction, and philosophical differences about maintaining species under captive conditions. In instances where the *ex situ* community has been invited to participate, it has often been at the eleventh hour when the species was already known to be demographically and genetically depauperate, and subsequently predisposed to the detrimental effects of inbreeding depression. The *ex situ* community has worn the blame for the failure of recovery when the species were likely already perilously close to extinction. As a result of this, decisions have sometimes been made to exclude *ex situ* stakeholders without due consideration of the expertise and resources that this community can bring to species conservation.

For the *ex situ* sector to provide value, the potential role/s that an *ex situ* program might serve must be identified early and articulated clearly. A variety of *ex situ* activities include, but are not limited to:

- Insurance population, preserving options for future conservation strategies.
- Temporary rescue, protecting against catastrophes or predicted imminent threats.
- Demographic manipulation.
- Source for population restoration, either to re-establish a species in part of its former range or to reinforce an existing population (demographically and/or genetically).
- Source for ecological replacement to re-establish a lost ecological function and/or modify habitats, of for assisted colonization to introduce a species outside of its indigenous range to avoid extinction.
- Targeted research and/or training that will directly benefit conservation of the species.
- Gene-banking and seed banking.
- Cryopreservation; and,
- Education and awareness programs that addresses specific threats or constraints to the conservation of the species or its habitat.

These and other actions can stave off extinction and help move populations or species closer toward recovery and sustainability (Redford *et. al.* 2011). They also align with the roles described in the IUCN SSC Guidelines for *Ex-situ* Management for Species Conservation.

Factors that influence the selection of appropriate conservation action can be complex, and careful evaluation of the benefits and costs is required to determine realistic conservation value for both *in situ* and *ex situ* tools and processes (McGowan *et. al.* 2016).

Asks that the Commonwealth recognises
That:

- *Ex situ* conservation action is valuable when considered and applied early.
- An approach that integrates *in situ* and *ex situ* conservation experts throughout the entire recovery process from assessment, to planning, to action, will better serve the delivery of tangible conservation outcomes.
- Existing tools designed to assess the need to include *ex situ* action as a legitimate conservation tool are biased towards philosophical views that disagree with maintaining species in a captive setting.

Recommendation
That:

- Appropriate professionals from *ex situ* community are consulted during all phases of species assessment, planning and action including in the development of Recovery Plans, Conservation Advices and Threat Abatement Plans.

- The Commonwealth advocates for an enhanced role for *ex situ* conservation action where appropriate.
- With the Threatened Species Scientific Committee and *ex situ* professionals, the Commonwealth develops and uses a framework to objectively assess the value of *ex situ* conservation action for all EPBC listed species.
- For any review of the Act, the Commonwealth consider the outcomes and recommendations of the Senate Standing Committee's enquiry in "Australia's Faunal Extinction Crisis."

Critical habitat

Critical habitat should be identified (description and location) - at the time of threatened species listing and included in each listing/conservation advice.

Benefits include:

- Providing early and clear direction to help recovery effort and decision making in relation to threatened species.
- Improving transparency about necessary habitat requirements for future proponents and assessors to help with environmental impact assessment processes.
- Informing land management at the regional level.

Under the Act, conservation advice, including information about areas necessary for a species to persist and maintain its resilience and ecological function, can be updated as new information becomes available.

'Critical habitat' should be defined under the Act, as 'all elements of a species' habitat that are important to its recovery, ongoing persistence and resilience in a landscape and/or marine environments. Critical habitat should also be included in a species recovery plan.

Recommendation
That:

- Threatened species listing requires the identification of critical habitat at the time of listing.

Cross-jurisdictional species

States compete for funding for cross-jurisdictional species, which may detriment the species in some parts of their range.

ZAA notes the complexity of environment and biodiversity management across a federated system and draws the Commonwealth's attention to the successful multi-jurisdictional programs managed under the ZAAs Australasian Species Management Programs (ASMP).

Emergency listings

A provision exists under the Act for emergency listing of heritage places and Ramsar wetlands, however the Act currently does not cover circumstances where there is the potential for immediate and significant threats to a species that is not yet listed.

ZAA notes that the process for emergency listing must be stringent to avoid any misuse of process or vexatious claims. Consistent with other emergency listing procedures in the Act, the process should allow the minister to seek advice of relevant experts – e.g., Threatened Species Scientific Committee and external experts, and relevant state, territory, and Australian Government agencies.

Recommendation
That:

- The Act be amended to give the Environment Minister the power to make emergency listings of threatened species, provided the Minister believes that:
    - The native species meets/or is likely to meet the criteria for the listing category for which it is nominated; and,
    - A threat to the native species or ecological community is severe and imminent.

Part 13A – International movement of species

Natives - Exports of native species

The legal requirements relating to the export/import of native species under the Act apply to the permit holder. A permit is valid for a limited period, during which the transfer occurs. The legal requirements of the permit apply to the permit holder during this period. While long-term conditions are placed on permits for the ongoing care and use of the specimens, compliance to such conditions are limited once the specimens have left Australian shores and after the permit has expired. Permits do not legally bind receiving institutions outside of Australia, including conditions for welfare and use.

The zoo and aquarium sector is growing, with new organisations establishing across the world and in many new locations. Australian animals, particularly endemic species, continue to be desirable. Welfare and usage of specimens of Australian wildlife specimens including any progeny, remain a concern to the Australian public regardless of their location in the world. Different cultures and indeed different institutions within cultures have varying levels of knowledge, understanding and application of contemporary welfare principles employed in Australia.

Policies developed subsequent to the establishment of the Act, such as the approval of recognised zoological organisation, and agreements such as Ambassador Agreements, aim to limit the risk of export to inappropriate destinations or for inappropriate purposes.

Recommendation
That:

- Exports of specimens of native species are limited to zoos/aquariums that are Accredited members of their Regional Association.
- Exports of specimens of native species are limited to zoos/aquariums in ‘good standing’ with their WAZA recognised regional zoo and aquarium association or an authority body.
- Exports of specimens of native species are limited to zoos/aquariums that have not been expelled by their Regional Association.
- Exports of specimens of native species are limited to zoos/aquariums that actively and appropriately participate in their Regional Association-driven population planning exercises.
- That excess specimens and breeding of native species (including all descendants of the exported specimens) be managed through cooperative exchange of specimens within the relevant recognised association with advice from the Zoo and Aquarium Association Australasia.
- Exports of threatened (and named iconic) species (Ambassador Agreement species) is limited to organisations that are members of associations with documented husbandry management and genetic and demographic management of the species (Advisory Group endorsed species-specific cooperative programs - national or regional) that determine breeding and exchange of progeny – to support principles of the Ambassador Agreements.

Needed in exporting country

Issuing of permits for transfer of species for exhibition purposes requires that the specimen is not needed for conservation breeding within the exporting country. For CITES Appendix II specimens, if the exporting country has issued an export permit, it presumably has already determined that the specimen is not required within that country. There is no consistent process to determine this for non-CITES-listed specimens (or CITES-I listed specimen where Australia issues its permit before the exporting country) and the evidence required to determine this is *ad hoc*/subjective. Similarly, unless a species has a national captive breeding program or recovery plan that explicitly refers to captive specimens and *ex situ* conservation, there is no process to determine if a specimen is needed for conservation breeding. This is increasingly the case as fewer recovery plans are being approved and renewed.

Recommendation

That:

- The grounds on which to make decisions about not needed for conservation breeding or propagation by the exporting country must be operationally defined.
- An export should only be allowed if the source provides genetic or pedigree evidence that the specimen's genetic lineage is well-represented in a ZAA managed program; AND
- If the removal of that specimen from Australia does not contravene a recovery plan, conservation advice or threat abatement plan.
- The above recommendations should be considered in developing a definition for not-needed for conservation propagation by the exporting country.

Welfare (live specimens)

The ability to provide for live specimen welfare during and after transport is required in order to be granted a permit for international trade of live specimens of amphibians, reptiles, birds and mammals. Specimens of fish and invertebrates are excluded from this requirement. The lack of equivalent requirements for fish and invertebrates does not meet some community expectations.

CITES requires consideration of welfare during the transfer of all CITES-listed specimens regardless of taxon (Convention Articles III, IV, VII; Resolution Conf. 10.21 (Rev. CoP16)). The Act is thereby insufficient in the objects of this part of the Act – to ensure Australia complies with its obligations under CITES.

Recommendation

That:

- Welfare requirements be expanded to include CITES-listed specimens regardless of taxon.
- Identification of additional taxa for which the provision of welfare is required under the Act be reformed to an amendable (through the regulations) list, which could be expanded or contracted by the Minister as considered appropriate, on receipt of advice from appropriate welfare and sentience experts. Initially this could include long-lived, large, relatively few offspring (K-selection species) – e.g. sharks.
- The requirements for appropriate transportation of live specimens be expanded to provide welfare for all species as identified by the regulations (on an amendable list).

CITES Appendix I

The Act imposes a stricter domestic measure for the importation of live species listed on CITES Appendix I for conservation breeding purposes only – thereby preventing the importation of CITES Appendix I animals for exhibition purposes.

Importation for conservation breeding purposes requires the Australian Government approval of Co-operative Conservation Program as defined in the regulations. These definitions include that the

program has objectives based on the conservation status and needs of the species, applies best practice to the species' management (husbandry, genetics, biological and behavioural needs), is not detrimental to the survival of the species, operates with the intent of conserving the species in the wild and/or in captivity, takes into account the conservation breeding needs of the source country, and does not move specimens to the detriment of other conservation programs.

CITES Appendix I species imported into Australia that have been identified as a priority species by the relevant ZAA Taxon Advisory Group (TAG) experts, as well as many other species (CITES Appendix II, non CITES-listed species) have industry-coordinated breeding programs (Australasian Species Management Programs) and a dedicated species coordinator. Specimens managed under these programs are managed under best practice and with additional advice from teams of experts on the particular species (Taxon Advisory Group). This includes making breeding recommendations for exchange of specimens regionally and internationally to ensure that genetic and demographic integrity is maintained or improved in both the source and recipient association organisation.

Specimens imported for Cooperative Conservation Programs are generally exhibited, in the same manner as if they had been imported for the purposes of exhibition.

The additional requirement to create, assess and approve additional programs designed to meet the Act's requirements provides an additional layer of regulatory burden that may impede efforts to establish sustainable global programs for CITES I species, while not providing any additional conservation outcomes for the species concerned.

Stricter domestic measures are a legitimate way to place further restrictions on those species Australia believes require extra protection. Nonetheless, there is value in refining the focus on the outcomes it wishes to achieve.

Recommendation
That:

- Remove the existing stricter domestic measure on CITES-I imports preventing import for exhibition purposes. Replace this with limiting import of CITES-I species to:
    - Members of the Australian industry association that participate in the associations' species-specific Cooperative Breeding Program i.e. endorse existing industry programs rather than establish specific, and frequently additional, Australian Government approved Cooperative Conservation Breeding Programs.
    - The Australian Government could potentially accredit the industry program for the purpose of import, thereby providing similar assurance that the program is not detrimental to the survival of the species, operates with the intent of conserving the species in the wild and/or in captivity, takes into account the conservation breeding needs of the source country, does not move specimens to the detriment of other conservation programs.
- Stricter domestic measures should be reviewed to ensure that they can be justified. The conservation benefits and intent of applying stricter domestic measures for CITES-listed species should be examined in a fair and transparent manner.

Specific questions from the discussion paper

Q6: Trust and Transparency - Should there be greater focus on better guidance on the Act, including clear environmental standards? How effective has the Act been in achieving its statutory objectives to protect the environment and promote ecological sustainable development and biodiversity conservation?

The ZAA WCF supports an approach that is transparent and where greater information about decisions including for example decision-making materials, external advice and offset agreements is published.

This may reduce the risk of administrative delays arising from the diversion of resources to respond to individual requests for information.

References

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