

LEGISLATIVE COUNCIL

Question On Notice

Tuesday, 10 May 2022

721. Hon Dr Brad Pettitt to the Minister for Emergency Services representing the Minister for Environment

I refer to the Minister for Environment's response on 9 December 2021 to question on notice 369, in which it is stated that the Threatened Ecological Communities Scientific Committee met eight times between 13 February 2018 and 10 June 2021, but "The Threatened Ecological Communities Scientific Committee has not considered formal nominations for assessment, so has not provided advice for the listing of threatened ecological communities under the Biodiversity Conservation Act to the Minister", and I ask:

(a) does the Minister acknowledge that two of the functions of the Threatened Ecological Communities Committee is to provide advice to the Minister on the listings of threatened and collapsed ecological communities, and to provide advice to the Director General of the Department of Biodiversity, Conservation and Attractions in respect to research and management needs:

(i) if no to (a), why not;

(b) will the Minister provide copies of records or minutes of the eight meetings between February 2018 to June 2021:

(i) if no to (b), why not;

(c) has the Threatened Ecological Communities Scientific Committee provided any correspondence to the Department of Biodiversity, Conservation and Attractions between 1 January 2016 to 8 March 2022, and on what dates, and/or to the Minister for Environment between 1 January 2016 to 8 March 2022, and on what dates:

(i) if yes to (c), will the Minister table this correspondence; and

(ii) if no to (c)(i), why not;

(d) has the Director General of the Department of Biodiversity, Conservation and Attractions corresponded with the Threatened Ecological Communities Scientific Committee between 1 July 2016 to 8 March 2022:

(i) if yes to (d), will the Minister table copies of this correspondence; and

(ii) if no to (d)(i), why not; and

(e) has the Executive Director of Science and Conservation in the Department of Biodiversity, Conservation and Attractions corresponded with the Threatened Ecological Communities Scientific Committee between 1 July 2016 to 8 March 2022:

(i) if yes to (e), will the Minister table copies of this correspondence; and

(ii) if no to (e)(i), why not?

Answer

(a) Yes, noting that the second role explicitly refers to "research and management needs arising from the reviews of threatened ecological communities", as specified in Ministerial Guideline Number 1 *Procedures for Making and Assessing Public Nominations for Listing Species or Communities as Threatened Species or Threatened Ecological Communities, and for Listing Key Threatening Processes*.

(i) Not applicable.

(b) No.

(i) The Minutes of meetings of the Threatened Ecological Communities Scientific Committee (TECSC) during the specified period, contain the TECSC's deliberations on the criteria for listing and available evidence in respect of the threatened ecological communities (TECs) referred to in Environmental Protection (Sensitive Areas) Notice 2015. The minutes do not include the committee's final recommendations about TEC nominations, which will be made following the outcomes of public consultation being available.

(c) Yes. A letter from the Chair of the TECSC (Advice to the Minister for Environment from the Threatened Ecological Communities Scientific Committee concerning listing of Threatened and Collapsed Ecological Communities), dated 4 June 2019 was included in Ministerial correspondence on 28 June 2019.

(i) Yes. See tabled paper no. XXXX

(d) No.

(i) Not applicable.

(ii) Not applicable.

(e) No.

(i) Not applicable.

(ii) Not applicable.

**Advice to the Minister for Environment
from the Threatened Ecological Communities Scientific Committee
concerning listing of Threatened and Collapsed Ecological Communities**

The Minister may, by order made under the *Biodiversity Conservation Act 2016* (BC Act), list an ecological community as a threatened ecological community (TEC) in one of the following categories: critically endangered, endangered, or vulnerable.

An ecological community which has collapsed is not eligible for listing as threatened, but may be listed as a collapsed ecological community (CEC).

The BC Act also provides that when deciding on a listing, the Minister must have regard only to matters relating to the survival of the ecological community. The criteria for listing, under the different categories of threat, is provided for in sections 28 to 30 of the BC Act and further detailed criteria are contained in *Ministerial Guideline No. 4 May 2019*.

Section 37 of the BC Act provides that before making a listing decision the Minister must obtain and have regard to advice from one or more persons considered by the Minister to have scientific expertise relevant to the matter to which the decision relates. *Ministerial Guideline No 1* identifies the Threatened Ecological Communities Scientific Committee (TECSC) as the main source of advice to the Minister with respect to the listing of TECs and CECs.

You approved the appointment of the TECSC on 15 April 2019. A meeting of the TECSC was subsequently held on 14 May 2019 during which the current non-statutory list of TECs and CECs was reviewed with the objective of providing advice to you so that these TECs and CECs may be included in the first listing orders to be made under the BC Act.

Prior to undertaking this review, the TECSC noted the amendments to the listing criteria in *Ministerial Guideline No. 4* in the version dated May 2019.

Attached is a document titled "Ecological Communities Nominations" which provides a list of the applicable ecological communities considered in this review under the applicable categories aligning with the proposed listing orders, the community name and a summary of its description. In addition, based on adequate survey information, the document includes details of the ecological communities' area, occurrence, range and threatening processes, and a summary of current evidence that indicates how each ecological community meets the category of collapsed, critically endangered, endangered or vulnerable.

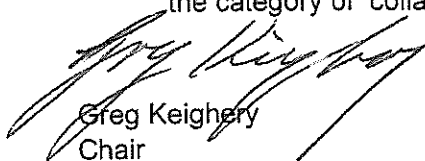
The TECSC reviewed the information in this document and endorsed the wording of the community name and a summary of its description, with some further minor changes. The TECSC also endorsed the current listing criteria where the evidence supported this, and recommended some changes to the listing criteria for a number of TECs where new information was available, but did note that these changes did not affect the recommended listing category. These recommended changes are incorporated into this document.

As an outcome of this meeting, the TECSC provides the following advice to you on the threatened or collapsed ecological communities proposed to be listed in the categories critically endangered, endangered, vulnerable and collapsed.

1. Having regard to matters including each of the ecological community's remaining area, its occurrence, range and threatening process (summarised in 'Ecological Communities Nominations'), it is the TECSC's assessment that each of the

ecological communities proposed to be listed as critically endangered faces an extremely high risk of becoming eligible for listing in the category of collapsed ecological community in the immediate future and is eligible for listing as a critically endangered ecological community. The TECSC's assessment of the risk of each of these ecological communities becoming eligible for listing as a collapsed ecological community has been made in accordance with criteria set out in *Ministerial Guideline 4: Threatened Ecological Communities Listing Procedures and Criteria May 2019* and its listing as a critically endangered ecological community would otherwise be in accordance with that guideline. It is the TECSC's recommendation that the Minister lists these ecological communities in the category of 'critically endangered ecological community' in the Proposed TEC Order.

2. Having regard to matters including each of the ecological community's remaining area, its occurrence, range and threatening process (summarised in 'Ecological Communities Nominations'), it is the TECSC's assessment that each of the ecological communities proposed to be listed as endangered faces a very high risk of becoming eligible for listing as a collapsed ecological community in the near future and are eligible for listing in the category of endangered ecological community. The TECSC's assessment of the risk of each of these ecological communities becoming eligible for listing as collapsed ecological communities has been made in accordance with criteria set out in *Ministerial Guideline 4: Threatened Ecological Communities Listing Procedures and Criteria May 2019* and its listing as an endangered ecological community would otherwise be in accordance with that guideline. It is the TECSC's recommendation that the Minister lists these ecological communities in the category of 'endangered ecological community' in the Proposed TEC Order.
3. Having regard to matters including each of the ecological community's remaining area, its occurrence, range and threatening process (summarised in 'Ecological Communities Nominations'), it is the TECSC's assessment that each of the ecological communities proposed to be listed as vulnerable faces an high risk of becoming eligible for listing as a collapsed ecological community in the medium-term future and are eligible for listing as an vulnerable ecological community. The TECSC's assessment of the risk of each of these ecological communities becoming eligible for listing as collapsed ecological communities has been made in accordance with criteria set out in *Ministerial Guideline 4: Threatened Ecological Communities Listing Procedures and Criteria May 2019* and its listing as a vulnerable ecological community would otherwise be in accordance with that guideline. It is the TECSC's recommendation that the Minister lists these ecological communities in the category of 'vulnerable ecological community' in the Proposed TEC Order.
4. Having regard to the research and surveys which have been undertaken, the TECSC is of the opinion that there is no reasonable doubt that the last known occurrences of the ecological communities proposed to be listed as collapsed have collapsed. It is the TECSC's recommendation that the Minister list these ecological communities in the category of 'collapsed ecological community' in the proposed CEC Order.



Greg Keighery
Chair

4/6/2019

Threatened Ecological Community Scientific Committee