

25 October 2021

Native Vegetation Strategy
Department of Water and Environmental Regulation
By email: nvs@dwer.wa.gov.au

Re. Feedback on consultation draft: Native vegetation policy for Western Australia

To whom it may concern

We seek to take the opportunity to provide feedback on the consultation draft for the Native vegetation policy for Western Australia ('the draft policy').

An annexure of our referenced research is contained with this feedback that outlines issues and recommendations associated with WA's management of native vegetation, *"7 ways to protect WA's most valuable natural asset"*.

The current assessment of the status of WA's native vegetation is stark. The draft policy published by the WA Government sets this out as an immediate and unavoidable challenge, "the condition and extent of Western Australia's native vegetation is declining."

The common refrain of "striking the right balance", particularly from project proponents, industry associations and the WA government, needs to be reassessed in the context of the clear signals - economically and environmentally - that have been recognised in official publications that include the draft policy and successive state budgets.

It is difficult - inconceivable even - to profess that the aggregate impact of the current native vegetation management system has had any detrimental impact on the economic outlook for WA. Indeed, the sectors that drive the vast majority of native vegetation clearing have recorded long periods of uninterrupted growth.

At the same time, the overall state of WA's native vegetation is in decline. The depletion and destruction of native vegetation is one of the primary drivers of land degradation,

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erosion, salinity and declining water quality, and is the biggest cause of biodiversity loss. The WA government needs to recognise the opportunities that come from greater efforts to protect, monitor and restore WA's native vegetation.

About the Wilderness Society

The Wilderness Society is an independent and member-based environmental advocacy organisation. Since 1976, the Wilderness Society has stood at the forefront of Australia's most historic campaigns, including the Franklin River, Fraser Island, Tasmanian Forests, James Price Point and numerous World Heritage Areas.

For over 40 years, we have engaged Commonwealth and state governments to ensure Australia's natural environment is healthy, biodiverse and resilient to the growing impacts of climate change.

Together, the Wilderness Society organisations are comprised of The Wilderness Society Ltd, Western Australia, South Australia, Tasmania, Victoria, Sydney, and Newcastle with offices and Campaign Centres located across Australia.

Western Australia's most valuable natural asset

Western Australia's forests, woodlands and outback native vegetation play a critical role in preserving biodiversity, providing a home for threatened species and storing huge quantities of carbon. It binds and protects ancient soils while keeping the water flow of rivers and wetlands healthy, and it is home for threatened species.

Conversely, the depletion and destruction of native vegetation is one of the primary drivers of land degradation, erosion, salinity and declining water quality, and is the biggest cause of biodiversity loss.

The state retains some of the largest intact ecosystems of global significance covering 26 diverse botanically unique bioregions, many of which contain high levels of endemism unparalleled on other continents.

A formal policy for the management of WA's native vegetation is essential to ensure that native vegetation is protected, plays an effective role in mitigating the impacts of climate change and provides critical habitat for threatened species.

Where possible, these comments have been reflected against the consultation questions. We note that DWER have also engaged the Wilderness Society via a number of verbal and online briefings to gauge stakeholder perceptions and feedback on the draft policy.

Consultation Question 1. Has the policy's context adequately covered native vegetation values, opportunities and challenges?

The draft policy outlines an intent, direction and set of initiatives that would be welcomed. As mentioned above however, the draft policy also contains a clear reflection that should prompt urgency, "the condition and extent of Western Australia's native vegetation is declining." This should be carried forward as a rationale to sufficiently fund the initiatives cited in the draft policy.

Despite the unique and irreplaceable values of Western Australia's native vegetation, Western Australia also contains some of the most impacted landscapes on Earth. Over one-third of the state is covered by pastoral leases with heavy grazing over a century leading to significant degradation issues, less than 10% of old growth native hardwood forests are left standing and up to 93% of original vegetation has vanished in some local government areas of the state's south west.

Western Australia's native vegetation is currently managed by a complex and piecemeal system. If the value of biodiversity and the critical role of native vegetation in supporting threatened species across Western Australia is to be realised, then this system requires urgent transformation.

It is important to understand the key drivers of deforestation and bushland clearing that are specific to the state's various bioregions. By reflecting on the industries and processes that are continuing to drive the destruction of native vegetation, a foundation can be laid for the boundaries that are needed to see threatened species not only survive, but thrive.

The management and protection of WA's native vegetation is in need of a bioregional approach driven by biodiversity strategies that are informed by updated monitoring data, assessments and mapping of critical habitat for threatened species and Threatened Ecological Communities.

These plans should be created through consultation with First Nations people and local communities in order for the WA government to understand the immediate threats to bioregions and gaps in data monitoring practices. Opportunities can also be sought to protect and restore ecosystems

The Wilderness Society has participated fulsomely in the two-year process that has led to the public release of the draft report, as noted in DWER's explanatory notes and consultation summary. This engagement with members and supporters of the Wilderness Society has allowed for a thorough identification of the values and threats to native vegetation across the state. This elongated process has also raised both the profile of these issues as well as the criticality of action being taken by the WA government.

However within the draft policy, the absence of clear targets for each bioregion, a lack of urgency in relation to the proposed actions and the unknown financial commitments all need to be addressed in the final policy.

Consultation Question 2. How suitable are the guiding principles in providing a contemporary foundation for managing native vegetation?

There is a widespread perception that the current system to manage WA's native vegetation, particularly the clearing permit process, is designed to facilitate development rather than prioritise the values and protection on native vegetation.

The guiding principles clearly state and correctly acknowledge that the condition and extent of WA's native vegetation is declining. The values, practices, opportunities and challenges outlined in the draft policy have been well understood for a long time.

A clear risk to these guiding principles is the delay in decisive action and investment. The potential for continued inertia in the protection, monitoring and restoration of native vegetation will have long-term and catastrophic outcomes.

The current application of an 'avoid-mitigate-offset' hierarchy has not been effective in preserving WA's aggregate biodiversity value. At the bare minimum, any future use of offsets need to be strictly prohibited where key environmental values are present, such as habitat for critically endangered species, threatened ecological communities, World Heritage properties and values that cannot be restored.

The expansion of the existing *Plan for our Parks* initiative across WA should be undertaken through the prioritisation of areas that contain high biodiversity values and are currently under-represented by the comprehensive, adequate and representative (CAR) approach.

The CAR approach is based on a methodology which requires an overhaul, as it is evident that the importance of intact and contiguous landscapes are far greater than originally assumed. The greater granularity of IBRA bioregions and subregions are not sufficiently accounted for and the reserve areas are not being managed to genuinely protect species and biodiversity.

There is an overarching concern that the content of the draft policy will be difficult to realise and aspire to, without substantial legislative change. Through feedback to this process, the *Environmental Defenders Office* has recommended that the most efficient and effective opportunity to transform the broken system of native vegetation management is to adopt a suite of government policy and legislative reform, including a dedicated Native Vegetation Act which has been implemented in other Australian states. This new piece of legislation would help to prioritise the protection of our most valuable natural assets and increase the transparency of data, improve government accountability and create opportunities for land restoration for carbon and biodiversity outcomes.

Consultation Question 3. How well do you support the strategies and outcomes?

The merits of any strategy will be determined by outcomes. The outcomes for the management of native vegetation need to ensure a state-wide net gain is achieved, reject any further clearing of Threatened Ecological Communities and substantially invest in a state-wide land restoration program.

Net Gain

It is critical that a clearly stated target of net gain for WA's native vegetation is made, so that a whole-of-government approach can be adopted to ensure this target can be met. The impacts of ongoing development, bushfires and climate change create a need to rapidly reset the way in which native vegetation is protected and restored. The policy position of securing a net gain could be implemented through a range of mechanisms, including:

- The retention, protection, restoration and management of High Conservation Value forests, bushland and outback ecosystems across WA in the conservation reserve system.

- Avoiding the continued rates of clearing of unique, biodiverse and carbon-rich ecosystems, that are currently under threat from offsets regimes.
- Funding greater levels of land restoration which would deliver co-benefits for regional communities and First Nations people.
- Delivering comprehensive biodiversity and conservation strategies for WA's bioregions, incorporating this draft policy and with the WA government's draft 100-year Biodiversity Strategy, released in 2006.
- Invoking protective boundaries for the clearing of Threatened Ecological Communities and endangered species critical habitat—consistent with the *International Convention of Biological Diversity*—to reverse the biodiversity and extinction crises

Land Restoration

In order to achieve an outcome of net gain, alongside the protection or existing restoration, a considerable effort will need to be undertaken to restore degraded landscapes and bioregions across WA. Land restoration has become an area of public policy that is recognised internationally as an interconnected solution to a range of pertinent environmental issues, including: climate change mitigation, emissions reduction, reforestation, regenerative agriculture, and native vegetation regeneration. Within the accompanying report, *"7 ways to protect WA's most valuable natural asset"*, the Wilderness Society has outlined a number of principles that are required to ensure environmental and biodiversity values are maintained through land restoration practices.

Given the significant areas of WA that are degraded and in need of restorative and regenerative practices, a substantial investment from the state government can stimulate a new approach to revegetation across the state—one that incentivises practices that enhance carbon stores and biodiversity outcomes.

Consultation Question 4. How suitable are the goals and approaches in guiding implementation of the policy?

The existing management system for native vegetation should have already incorporated most of these elements. The need for whole-of-government coordination and strategic planning to support native vegetation management should be a core responsibility of the WA government, rather than a series of projects that need to

consume additional resources. The challenge for the final policy will be the recognition of the criticality and urgency of these goals and approaches, via substantial funding that is brought forward to coming years and through the forward estimates.

Transparent Decision Making

Transparent decision-making is critical to provide certainty that the extent and condition of native vegetation is not continually declining. There are significant ambiguities within the existing processes and systems for NV clearing. Very often, the existing system raises far more questions and concerns than it otherwise addresses. Over time (i.e. decades), this has resulted in an erosion of public faith that the extent and condition of native vegetation is being adequately addressed and a belief that in absence of the countless hours of effort (largely voluntary) from eNGOs, clearing would continue unimpeded.

There is regular frustration with the current lack of transparency for clearing permit applications. Outside of a wider review of native vegetation policy, these issues may appear to be piecemeal but are a symptom of much larger problems. Pre-existing or contemporary surveys of native vegetation are often absent or incomplete. The mitigation hierarchy is very regularly treated with contempt, whereby proponents fail to document any genuine efforts to avoid clearing or pursue alternatives.

To counter these frustrations, the future development of digital systems to support the gathering and analysis of biodiversity data requires priority and substantial investment. The public availability of decisions, rationale and data is essential to build public trust in the system.

Community Rights

There is a need for greater public participation in decision-making, transparent information access (including expanding access to information about biodiversity to use in decision-making processes) and the right to seek merit review of public decisions. The current levels of resourcing need to be boosted for robust community consultation and enforcement processes.

Government agencies need to be sufficiently resourced to conduct genuine community consultation and proper statewide compliance and enforcement that addresses the

declining rates of native vegetation. The final report of the EPBC Act Review made it clear the need for increasing the levels of genuine community participation in decision making was vital in order to restore trust in environmental legislation.

This requires clear and community accessible processes by which communities can not only make complaints to the government about potential instances of illegal native vegetation clearing, destruction and degradation, but also public transparency about how those complaints are actioned.

It is also recommended that third-party enforcement rights be enshrined in legislation to enable community members and those with a special interest in the protection of cultural heritage, and native vegetation to independently seek enforcement of relevant laws.

Biodiversity Data and Monitoring

Monitoring of the extent and condition of native vegetation and biodiversity across WA is desperately required. As far as is practicable, all data, mapping, monitoring and enforcement should be governed by a sole government agency. To ensure conservation outcomes, we need to know what biodiversity we have and what it requires to survive.

While the Wheatbelt requires significant intervention to effectively restore and rehabilitate native vegetation, it should not be used as a baseline for which to achieve a net gain, given the historical rates of clearing throughout this bioregion. As outlined in the purpose of the draft policy, this needs to be a state-wide objective and a clear whole-of-government priority.

In order to prioritise actions to protect and restore native vegetation on a bioregional basis, the WA government must utilise an array of data sourced from satellite technology, surveys and ground-truthing studies from the field. This can only be undertaken with a contemporary suite of mapping and biodiversity data. The WA government currently lacks any comprehensive monitoring programs for the condition and extent of native vegetation and biodiversity. Likewise, no complete data set exists for the cumulative impacts of illegal destruction of our forests, clearing of bushlands or degradation of our outback Rangelands. Related recommendations from the Auditor General's report of 2007 to make data of illegal clearing publicly available have not been acted upon.

Fire Management

The Wilderness Society supports fire management for the protection of life, property, the environment and cultural heritage. We support land and fuel management approaches within a risk reduction framework that is integrated across a range of actions including early fire detection, rapid response when fires start, land and fuel management, working with First Nations people, clear emergency warnings, community preparedness, planning and building regulation, and community shelters.

Despite a more contemporary understanding of the interplay of climate change and a drying climate, the WA government still adheres to a blunt mechanism of prescribed burns—reaching a target of 200,000 hectares annually.

It is time to rethink fire management rapid response mechanisms and outdated prescribed burning fire regimes across WA, and focus on enacting the recommendations from the recent national bushfire Royal Commission. Key recommendations from the Royal Commission's final report include:

- Preparing for rapid response locally to put fires out before they become dangerous.
- Taking primary responsibility as the state government for fire management regimes. Rethinking assessment and approval processes for hazard reduction—whether prescribed burns or mechanical slashing to clear land.
- Engaging with First Nations people in regards to cultural burning practices, to inform future prescribe burning regimes.

The use of fire management zones can be an effective tool for the protection of life, property, environment and heritage. Fire management should prioritise:

- In zones adjacent to houses and infrastructure, the protection of life and property, whilst remaining sensitive to the needs of the environment and cultural values.
- In remote areas, the protection of natural and cultural values. In this zone, fire operations such as prescribed burns should be specifically for First Nations cultural or ecological purposes and may have incidental fuel reduction benefits.

Traditional Ecological Knowledge

Traditional Ecological Knowledge should be a central tenet of bioregional approaches

and this should be extended to incorporate fire management practices. Rapid response, ecological fire regimes and the engagement of First Nations people in the process should be a matter of urgency.

First Nations people have developed a cumulative body of knowledge, belief, and practice, evolving by accumulation and handed down through generations. Through land restoration projects, there are opportunities to sustainably fund initiatives such as Indigenous Rangers Programs and review the joint-vesting and joint-management of all existing national parks and conservation reserves, through free prior and informed consent. This should be done via respectful engagement with native title groups and leading Indigenous organisations to further integrate Traditional Ecological Knowledge into on ground monitoring and management needs.

Incentivisation

Far greater efforts need to be made to ensure illegal clearing is detected and enforced, before incentivising stewardship practices that should be the status quo. The future review of incentives, pricing and offsets regimes needs to be based on ecological outcomes and ensure these regimes do not continue to contribute to the decline of WA's native vegetation.

Consultation Question 5. Which roadmap actions are most important?

Prioritisation and sufficient funding needs to be given to actions that can establish a goal of state-wide net gain, generate greater biodiversity monitoring (actions 2.4 and 3.3), modernised native vegetation and biodiversity data (actions 3.1, 3.2 and 3.3) and transparent decision-making (actions 2.1, 2.2 and 2.3).

Biodiversity Monitoring and Data

It is important to understand the key drivers of deforestation and bushland clearing that are specific to the state's various bioregions. Currently the WA government provides \$10 million to the Exploration Incentive Scheme, which co-funds exploration activity for the resources sector. If the WA government is committed to genuinely improving biodiversity outcomes, there is an opportunity to match the \$10 million invested annually into a long-term biodiversity monitoring program.

Transparent Decision Making

Due to a myriad of exemptions for clearing native vegetation, no public data exists that reveals how much, or where, native vegetation is cleared illegally. This needs to change. There is also broad consensus that WA retains a critical gap in terms of monitoring data for the extent and condition of statewide native vegetation. This is acknowledged by all stakeholders and has been highlighted by DWER's *Native Vegetation Issues Paper*.

Finally, the WA government needs to ensure that agencies are sufficiently resourced to conduct robust statewide compliance and enforcement that addresses the declining rates of native vegetation.

A key mechanism of this system should be to ensure all native vegetation clearing permit breaches are made public and cases of illegal destruction are investigated thoroughly, and penalties are appropriate to deter offenders.

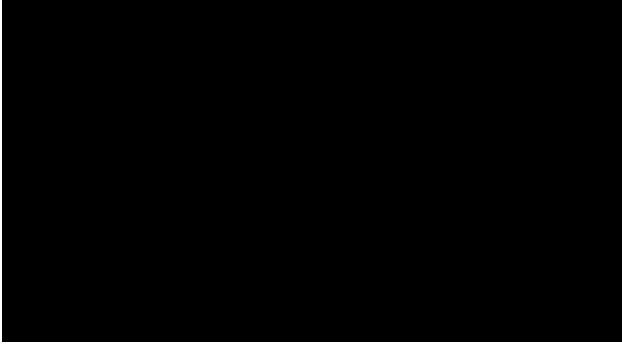
Conclusion

The community has a strong affinity with WA's unique native vegetation. It is clear that balance is not being achieved and the condition and extent of WA's native vegetation is declining. If this continues it will result in long-term and catastrophic outcomes.

Alongside the current threats and challenges to native vegetation across each of WA's bioregions, there are opportunities for the development of economic opportunities for First Nations people and within the regional areas of WA. More broadly, biodiversity risk will become a key component of financial markets, in turn acting as an incentive for jurisdictions to ensure their track-record and regulatory settings can preserve and restore biodiversity.

We will continue to seek to be engaged on the future application of the final policy and its immediate relevance to specific bioregions across WA.

Once again, thank you for the opportunity to contribute to this important policy. Members and supporters of the Wilderness Society expect an ambitious final Native Vegetation Policy that is also matched with sufficient funding to address the current reality - that WA's native vegetation is in a state of decline.



ect WA's most valuable natural asset", Perth, WA.
Available at: https://www.wilderness.org.au/images/resources/Final_WANativeVegReport.pdf