



Dear Sir/Madam,

Joint Submission - Inquiry into the Victorian Auditor-General's report no.202: Meeting obligations to protect Ramsar Wetlands, tabled on 14 September 2016.

Thank you for the opportunity to prepare a submission on this important inquiry. We attach herewith our written recommendations.

By way of summary, we have confined our recommendations to those we consider most relevant and helpful to the Committee. Essentially, there are three main points we wish to raise:

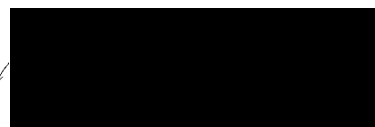
1. Streamline complex law and governance arrangements for managing threats to wetlands, for example, by aligning the resources required for monitoring, evaluating and reporting on ecological character change with the institutional bodies responsible for (and most capable of) performing those tasks;
2. Introduce new policy and/or law reform measures necessary to ensure restoration of wetlands is made faster and easier on both public and private land (for example, through specialised permits or statutory exemptions for carrying out wetland restoration so that it is not categorised as 'development').
3. Improve investment and resourcing in understanding the key threats and changes to ecological character and improve accountability of where and how the resources are spent on wetlands across the state.

Should you require any further information, we are more than happy to assist.

Yours sincerely,



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Inquiry into the Victorian Auditor-General's report no.202: Meeting obligations to protect Ramsar Wetlands, tabled on 14 September 2016.

Joint Submission

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29 November 2019

¹ Dr Hamman (BCom/LLB, M.Env.Sci.Law, PhD) is a lecturer in law at Queensland University of Technology, Australia. He has a background as an environmental lawyer and legal officer at the Environment Department in Queensland. Dr Hamman has a continuing research interest in governance of wetlands, including implementation of the Ramsar Convention, especially for the conservation of migratory waterbirds.

² Dr Hansen (PhD) is a Research Fellow at Federation University, Australia. She has extensive experience in shorebird, waterbird and wetland ecology, and her research focuses on improving the management of waterways, wetlands and estuaries for the conservation of birds. Dr Hansen has a long-standing history of working with volunteers in shorebird conservation. She is currently leading a review on the status of Australian Ramsar sites from the perspective of shorebird monitoring.

Introduction

Thank you for the opportunity to make a submission to the *Inquiry into Auditor General Report No.202: Meeting Obligations to Protect Ramsar Wetlands* (hereinafter, 'the Inquiry'). Wetlands are a vitally important part of the landscape in Australia and support some of our most unique biodiversity and cultural heritage. Australia's wetlands are diverse and include mangrove forests, swamps, marshes, mudflats and other coastal and inland wetland systems. These environments are important for flood control, water sanitation and, increasingly, their role in disaster risk reduction and mitigation is being acknowledged. Most recently, they have also been recognised as an important carbon sequestration mechanism ('blue carbon').

This inquiry is timely and presents a tremendous opportunity for the Victorian Government to become a national leader in wetland health and management. Victoria has eleven (11) important Ramsar sites which have been internationally recognised. Managing wetlands successfully, however, is not just about managing the Ramsar estate (i.e. those which are 'internationally recognised'), but developing a comprehensive and evidenced-based approach to managing cumulative impacts upon the broader wetland network and wetland connectivity within the landscape. Given that many of Victoria's wetlands exist (in whole or in part) on private and Indigenous land, state and non-state partnership will be vital in this regard. International and trans-jurisdictional collaboration will also be necessary, for example, in the case of the conservation of migratory shorebirds that utilise a network of wetlands across their non-breeding range in Victoria.

In this submission, we have confined our recommendations to those we consider most relevant and helpful to the Committee. Essentially, there are three main points we wish to raise:

1. Streamline complex law and governance arrangements for managing threats to wetlands, for example, by aligning the resources required for monitoring, evaluating and reporting on ecological character change with the institutional bodies responsible for (and most capable of) performing those tasks;
2. Introduce new policy and/or law reform measures necessary to ensure restoration of wetlands is made faster and easier on both public and private land (for example, through specialised permits or statutory exemptions for carrying out wetland restoration so that it is not categorised as 'development').
3. Improve investment and resourcing in understanding the key threats and changes to ecological character and improve accountability of where and how the resources are spent on wetlands across the state.

Each of these points is discussed in further depth below.

1. Streamlining Complex Law and Governance

Australia's approach to environmental law and governance is notoriously complex. The Commonwealth Government is a signatory to multiple international conventions (Ramsar, World Heritage, Convention on Biodiversity, etc.) but the states and territories have most of the responsibility for land use and environmental protection. The 2016 Victorian Auditor

General's Report on Meeting Obligations to Protect Ramsar Wetlands ('The VAGO Report'), highlighted examples of this complexity and showed how challenging it has been for a nation like Australia to meet its international obligations to protect wetlands in a federalist style of government.

Governance may be said to consist of many things, but for the most part, it is comprised of institutions (state and non-state), rules (policies, regulations, laws etc.) and resources (technical and financial). For environmental governance to work 'on the ground', these three elements must be in sensible alignment. The VAGO Report showcased areas of lack of governmental cooperation and accountability, including poor oversight and implementation of Ramsar site management plans due, in part, to incompatibility between the roles and responsibilities for planning, management and reporting on wetland health.³

We agree with the VAGO Report that an overarching 'consolidated approach' is necessary for Ramsar and wetland landscape management in Victoria. In particular, consolidation and coordinated oversight needs to occur in key areas such as:

- Data collection and dissemination (e.g. on biodiversity trends including but not limited to waterbirds, frogs, fish and aquatic plants);
- Monitoring and evaluation on changes in ecological character, which would include ecological impacts of climate change;
- Cultural heritage and Indigenous land management;
- Monitoring and enforcement of illegal/inappropriate human activity; and
- Supporting and driving wetland restoration on private and public land.

Moreover, coordination would allow for less disparity between the qualities of Ramsar Site Management Plans. Any planning for Ramsar sites should comply with Schedule 6 of the Environment Protection and Biodiversity Conservation Regulation 2000 (Cth) that is, the Australian Ramsar Management Principles, to ensure alignment between Victoria's 'on the ground' approach, and those principles required by international and national law. According to the VAGO Report, most Ramsar Site Management Plans appear to be included as part of the Catchment Management Authorities (CMAs) broader waterway strategies. Whilst this is important for landscape scale planning initiatives (i.e. it is part of an integrated catchment management approach), it risks downplaying the amount of attention given to Ramsar sites, which might be better served by a separate standalone document with clear sets of actions and commitments. Compare, for example, the site management plan for the Corner Inlet Ramsar Site as opposed to the Gippsland Lakes Ramsar Site Management Plan, the latter being far more comprehensive in its aims and objectives.⁴ These plans should also directly correlate with the Victorian Waterway Management Strategy which is the overarching management

³ 2016 Victorian Auditor General's Report on Meeting Obligations to Protect Ramsar Wetlands <<https://www.audit.vic.gov.au/report/meeting-obligations-protect-ramsar-wetlands?section=>> ('The VAGO Report'), page 25.

⁴ East Gippsland Catchment Management Authority, Gippsland Lakes Ramsar Site Management Plan <<https://egcma.com.au/wp-content/uploads/2019/06/Gippsland-Lakes-Ramsar-Site-Management-Plan-Full.pdf>>

approach to rivers, estuaries and wetlands in the state.⁵ Of course, site managers should also be appropriately resourced to carry out implementation of the plans (a problem that has been raised in the past).⁶

Wetland and Biodiversity Data Collection and Dissemination

In order to adequately understand changes to the ecological character of wetlands, scientific data are essential. Some site managers, e.g. CMAs have highlighted a lack of data at their sites.⁷ The intensive and long-term nature of ecological monitoring means that the necessary information is often difficult to obtain. However, there is an increasing amount of biodiversity data generated outside of government by university researchers, citizen scientists and private sector organisations. Much of that information is not publicly-accessible or difficult to reuse (e.g. Australian Waterbird Surveys, UNSW). Therefore, in some cases the inability to report on ecological character at any given Ramsar site is a result of lack of access to relevant data, rather than missing data. There is a real and urgent need for better data coordination across different societal sectors. This includes improved consolidation of and reporting on existing data sets, and better collaboration with non-government data generating sectors including university researchers, to compile and share relevant data sets in a form that is accessible and interpretable (i.e. FAIR data ⁸) for end users like Ramsar site managers.

As to which organisation should undertake the coordination role, we agree with the VAGO Report that it should fall under the portfolio of the Department of Environment Land, Water and Planning (DELWP).⁹ DELWP is best placed to make the changes necessary across Victoria's landscape including liaising with Indigenous Traditional owners, private landholders, the CMAs, Parks Victoria, Local Government Areas and the Commonwealth Government. It goes without saying that DELWP and its key partner, Parks Victoria, should be appropriately resourced to undertake this challenging task over the longer term.

2. New Policies or Laws to Encourage the Restoration of Wetlands

The declining ecological character of many of Australia's wetland sites paints a grim scene. As the VAGO report noted, approximately 25% of the Victoria's wetlands have been lost since 1788 due to agricultural conversion, residential development and other forms of land use change.¹⁰ In this context, and the with the challenges of a changing climate, Australia is unlikely to declare any further Ramsar sites, and indeed, is struggling to effectively manage existing

⁵ Victorian Government, DELWP, 'Waterways and Catchments: Strategies and Planning'
<<https://www.water.vic.gov.au/waterways-and-catchments/rivers-estuaries-and-waterways/strategies-and-planning>>

⁶ Birdlife Australia, Submission to VEAC Marine Investigation, 25 June 2012, available online
<http://www.birdlife.org.au/images/uploads/branches/documents/VIC-Marine_First_submission2012-06-25_.pdf> p 4.

⁷ North Central CMA, North Central Waterway Strategy 2014-2022
http://www.nccma.vic.gov.au/sites/default/files/publications/north_central_waterway_strategy_2014-2022.pdf page 35.

⁸ Findable Accessible Interoperable Reusable <https://www.ands.org.au/working-with-data/fairdata>

⁹ VAGO Report, above n 3, page 36

¹⁰ VAGO Report, above n 3, page 3.

ones. Many of Australia's sites are at risk of being placed on the Ramsar Convention's *Montreux Record*, which lists Ramsar sites that have undergone, or are undergoing, negative ecological change. However, the Australian Government has been reluctant to list sites on the Record suggesting that it believes it has sufficient technical and financial resources to address the declines.¹¹

Victoria has a real opportunity to lead Australia in facilitating a forward-looking restorative agenda for wetland conservation. Countries like Japan (see below) have already implemented laws that allow communities (and all levels of government) to facilitate wetland restoration projects *at scale* that might otherwise have been caught up in the 'red tape' of planning and development laws.¹² Why should, for example, a wetland restoration project be treated the same as a residential or rural development? For restoration projects that affect Ramsar sites, this will likely require change at the Commonwealth level (i.e. under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)), but there is nothing stopping Victoria, at the state level, from establishing the policy and legislative framework necessary for private and public groups to conduct restoration to improve the ecological character of many of its declining wetland environments.

Sensible Wetland Restoration Policy in Japan

Japan has 53 Ramsar sites. The nation has introduced legislation that allows a variety of stakeholders to become involved in targeted restoration projects, including for wetland and river basin areas. Restoration of the Kushiro Marsh (a Ramsar site in northern Japan), for example, has taken place under this legislative framework, allowing for a streamlined and accountable approach to restoration projects. Victoria could enact similar legal or policy measures to ensure conservation of wetlands is proactive, rather than reactive, and that differentiates between those interventions in the landscape that are positive (i.e. attempts at improving natural flow of water, re-planting or re-introduction of keystone species) and those which are likely to be harmful to the environment (e.g. conversion or drainage of wetlands, impacts upstream on river environments etc.).

New laws or policy approaches for restoring wetlands would also allow the state to take a more proactive role in understanding and improving management responses in relation to climate change, including need for restoration that improves freshwater flows. Most of Victoria's sites were found by the VAGO Report to be deficient in this regard.¹³ With a clear wetland restoration policy framework, Victoria could take the lead on this. Whilst there is no specific national (or international) guidance to support Ramsar wetland managers to undertake climate change adaptation planning,¹⁴ there is an increasing wealth of scientific

¹¹ Hamman, Evan et al. (2019) Governance tools for the conservation of wetlands: The role of the Montreux Record under the Ramsar Regime. *Marine and Freshwater Research*, 70(11), pp. 1493-1502.

¹² Hamman, Evan. "Wetland restoration in Japan: What's law got to do with it?." *New Voices in Japanese Studies* 11 (2019): 47-73.

¹³ VAGO Report, above n 3, page 17.

¹⁴ Australian Government 'Assessing Climate Change Risks'

<https://www.environment.gov.au/water/wetlands/publications/wetlands-australia/national-wetlands-update-february-2019/assessing-climate-change-risks>

information about how best to plan for the impacts of climate change in wetland environments.¹⁵

3. Improved Resourcing and Accountability for Investment

According to the VAGO Report, an estimated total of \$15.3m in 2014-2015, and \$11.0m in 2015-2016 was spent on Ramsar sites, funded predominantly by state funds and Commonwealth grants (33% and 23% in each financial year, respectively).¹⁶ Despite this investment, there is no clear evidence of what outcomes were gained in terms of maintaining or improving ecological character of the Ramsar estate. Lacking this knowledge from previous funded works means that it is difficult to formulate future priorities for Ramsar investment.

Effective oversight and coordination presents opportunities to become more evaluative and to better demonstrate the value of this public investment in terms of ecological improvements. A consolidated approach will also help improve the collection, recording and reporting of on-ground Ramsar management activities under each funding arrangement, and link site-based outcomes to achievement of Ramsar obligations across the Ramsar estate.

Conclusion

Thank you for the opportunity to provide a written submission to this inquiry. There are many challenges facing wetlands across the state (indeed Australia) and this inquiry presents an opportunity to consider reform for how institutions are structured, rules are devised and resources are spent. In our view, managing Victoria's wetlands, including, but not limited to its Ramsar sites, requires collaborative and forward-thinking governance. The state cannot remain reactive in terms of monitoring, resourcing, and evaluating effort and especially the key task of restoring degraded wetland environments. Innovative policy measures will need to be introduced that allow restoration to occur *at scale* on both private and public land. Incentives will need to be provided to ensure it occurs. Overall, there needs to be better coordination of the key tasks of site planning, site management, and monitoring and reporting on change in ecological character. We agree with the recommendations of the VAGO Report in this regard and suggest that DELWP is appropriately placed to carry out that work.

¹⁵ Finlayson, C. M., S. J. Capon, D. Rissik, J. Pittock, G. Fisk, N. C. Davidson, K. A. Bodmin et al. "Policy considerations for managing wetlands under a changing climate." *Marine and Freshwater Research* 68, no. 10 (2017): 1803-1815.

¹⁶ Calculated from VAGO Report, above n 3, Figure 2E, page 23.