

TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Auditor-General's Report No. 202: Meeting Obligations to Protect Ramsar Wetlands (2016)

Melbourne—Monday, 2 December 2019

Members

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Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr Gary Maas

Mr Danny O'Brien

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WITNESS

Mr Mark Taylor, Assistant Secretary, Wetlands Policy and Northern Water Use Branch, Commonwealth Department of the Environment and Energy (*via teleconference*).

The CHAIR: Welcome to the hearing, which is the Inquiry into the Victorian Auditor-General's Report No. 202: Meeting Obligations to Protect Ramsar Wetlands, which was tabled on 14 September 2016. All evidence taken by this Committee is protected by parliamentary privilege, therefore you are protected against any action for what you say here today. But if you go outside and repeat the same things, including on social media, those comments may not be protected by this privilege. You will be provided with a proof version of the transcript for you to check following the hearing. Verified transcripts, PowerPoint presentations and handouts will be placed on the Committee's website as soon as possible. There may be media in the gallery today, and we remind them of the following guidelines: cameras must remain focused only on the person speaking; operators must not pan the public gallery, the Committee or witnesses; and filming and recording must cease immediately at the completion of the hearing. Broadcasting or recording of this hearing by anyone other than accredited media is not permitted. I advise that today's hearing is being broadcast live on the Parliament's website. Rebroadcast of the hearing is only permitted in accordance with Legislative Assembly standing order 234. We invite you to make an up to 15-minute opening statement to the Committee, and then we have got some questions for you if that is okay.

Mr TAYLOR: Thanks very much indeed, Lizzie, and I would like to thank you and the other members of the Committee for the opportunity to make the presentation today by phone. I would have loved to have joined you. It would have been a great thing to do, but unfortunately we have been somewhat pressed up here, so I appreciate the opportunity to have this discussion with you today by phone.

The CHAIR: No, thank you.

Mr TAYLOR: Great. I do have an opening statement, so if it is okay I will simply proceed into that.

The CHAIR: That would be great.

Mr TAYLOR: Okay. As Australia's Ramsar admin authority, I wish to make a statement to the Committee on my experiences and insights in dealing with Victorian Ramsar sites for the past four years. My statement will be broadly framed around the following: planning management and reporting arrangements, monitoring of changes, Federal funding arrangements for Victorian Ramsar sites and significant developments since the Auditor-General's report in September 2016.

While at the national level—the Australian Government—we are responsible and required to ensure that the convention is implemented, management of Victorian Ramsar sites is the sole responsibility of Victorian agencies, so I am not really in a position to comment more broadly on the status of recommendations made by the Auditor-General on the governance, coordination or oversight arrangements for Victorian Ramsar sites. These are principally matters for the Victorian Government and for the community of Victoria.

I would also like to, in general terms, remind everybody about the original reason for the Convention on Wetlands of International Importance, the Ramsar convention: the need for international cooperation to protect waterbirds whose existence depends upon the habitats in multiple regions and countries of their flight path. Victorian Ramsar sites are part of that cooperative effort, being at the end of an 11 000-kilometre-long East Asian–Australasian flyway. While the convention has broadened its concerns because of advances in science and a better understanding of the dynamic nature of ecosystems, the original tenet of 'wise use of wetlands' fundamentally remains the same.

There are clear challenges to the ongoing management of wetlands and the maintenance of their ecological character, however. In October 2018 the Ramsar convention published the *Global Wetland Outlook* which highlighted that wetland-dependent species are in serious decline. It noted that since 1970 declines have affected 81 per cent of inland wetland species and 36 per cent of coastal and marine species. Recently, in September 2019, the IPCC's *Special Report on the Ocean and Cryosphere in a Changing Climate* stated that nearly 50 per cent of coastal wetlands were lost over the 20th century as a result of the localised human

pressures, sea level rise, warming and extreme climate events. It foreshadowed that globally 20 per cent to 90 per cent of coastal wetlands are projected to be lost over this century depending on projected sea level rise and local human impacts on habitat degradation. Closer to home, in 2016 my department, the federal department of the environment, published revised population estimates for migratory shorebirds using the Flyway Partnership because many species were in rapid decline. Some were declining several per cent per year, one of the main causes being the loss of intertidal staging habitat, particularly in China. I present this information in this way to really illustrate the huge and complex task faced by wetland managers, including particularly those in Victoria. Since September 2016 we have a much better understanding of the scale and urgency and the difficulty of meeting the challenge of managing wetlands in a climate-constrained world and the concomitant difficulty of addressing expectations of communities that value wetlands.

Now onto some specifics. So with regard to planning management and reporting arrangements in relation to Victorian Ramsar sites, as I said beforehand, the principal responsibility for maintaining the ecological character of the sites rests with the site manager, who is very often the landowner or legal manager of the land. Sometimes that can be the Australian Government; most often it is a state or territory government or a community trust, a traditional owners company or an organisation. The Australian Government has direct responsibility for only very few Ramsar sites—for example, Kakadu National Park. In terms of a legislative framework for planning, the site manager or landowner is required under the Commonwealth's *Environment Protection and Biodiversity Conservation Act* to seek prior approval for undertaking an action within or outside a declared Ramsar wetland if the action has or is likely to have a significant impact on the ecological character of the site. In Victoria from September 2016 there have been 15 referrals for developments within the catchments of Ramsar sites and the requirement in nine cases to undertake development in a particular manner to ensure the ecological character of the site is maintained. Those developments have included wind farms; road, rail and water infrastructure; gas pipelines; and storage facilities.

In terms of management it is the responsibility of the State Government, but it is the Commonwealth's role to ensure that management planning is consistent with the Ramsar management principles, which are part of the EPBC regulations. As a Ramsar admin authority, I note that there are serious challenges facing Ramsar site managers, including peri-urban development, water resource development, chemical contaminations and climate change. There should also be a recognition that 10 of Victoria's Ramsar sites were listed as long as 37 years ago back in 1982. There has been real change over that time, greater pressures and threats, and it makes management action more complex and more constrained. As a general observation Victoria's approach to catchment management as an approach to land and water management provides a real opportunity to deliver integrated and on-ground action which can be really effective in providing an adaptive management response which is keyed to wetland management needs. In relation to Victoria's Murray-Darling Basin sites, there has been particularly strong cooperation and collaboration in the delivery of environmental water between the Victorian Environmental Water Holder and the Commonwealth Environmental Water Holder. That is, by the way, where our office is located—we work within the Commonwealth Environmental Water Office.

So in relation to monitoring changes to the character of Ramsar sites, I will just update the Committee to say there is a six-monthly process of reporting to a group which is called the Wetlands and Aquatic Ecosystem Sub Committee. It is an awful acronym, but it is a very good committee, I have to say. They are a subcommittee of the National Water Reform Committee and they are essentially representing the organisations responsible for Ramsar implementation around the country. In regard to monitoring, they broadly agree to take a risk-based approach to consider in which circumstances the Australian Government might initiate national guidance for notifying change of ecological character. We have a six-monthly reporting process. Currently Victoria has no sites which have been formally notified as having human-induced change to ecological character, but there are a number of sites which are undergoing investigation into possible change, and those include Barmah Forest, Western District Lakes and the Gippsland Lakes.

Under the Ramsar convention only human-induced change is required to be notified, but given wetlands are complex systems, the cause of an observed change is likely to be the result of a number of factors, some which may be human-induced and some which might not be. The convention does not identify climate change as human induced, the convention having been negotiated well before our current level of scientific understanding. Nor is climate change an impact which can necessarily be remedied through short-term management actions. However, climate change is nevertheless accepted as an overarching threat to all

ecosystems. Given this, there is an immediate challenge of how to describe and manage ecological character in today's world.

Ecological character of a wetland site is, broadly, its critical components, processes and services—those key ecological factors which make it the important site that it is. Those components are likely to change, with a predicted shift in species, so wetland managers need to increase their monitoring and management efforts on processes that maintain habitat for wetlands, for water birds foraging, for example, and nesting; rather than maintaining a specific number of birds in a certain place, they need to look to ensure that the management supports the species into the future. This change in guidance around how to define ecological character in the context of a shift in climate is a piece of work that we are undergoing with that particular committee at the moment, and I am certain that Victoria will be embracing that change and will revise the processes, policies and procedures accordingly. But that bit of work is ongoing at the moment.

Just with respect to Federal funding arrangements, which is an issue you have been looking at, I am pleased to advise—but you probably already know—that under the Commonwealth's regional Landcare program approximately close to \$10 million has been allocated to Victorian Ramsar sites for complementary natural resource programs which will support wetlands outcomes for Ramsar sites. The \$10 million is the total of funding over a five-year program which will conclude 2022–23.

More generally in regard to developments since the Victorian Auditor-General's report in September 2016, I would really like to commend the Victorian Government on its listing of Australia's 66th Ramsar site, the Glenelg Estuary and Discovery Bay Ramsar site. I particularly want to commend the officials involved on what was a very effective and extensive community engagement process they undertook and for their willingness to engage really proactively and respectfully with all stakeholders.

As a Ramsar admin authority, we nevertheless remain concerned about some sites, notably the damage which has been done by wild horses in the Barmah Forest Ramsar site. I support the views contained in the submission by the Commonwealth Environmental Water Holder on the management plan for that site, which were in summary that the failure to remove feral horses from the forest is likely to undermine the capacity to achieve environmental objectives and will risk change to the ecological character of that site. I have also written to Victorian officials requesting updated information on the status of research on the Gippsland Lakes Ramsar site and sought advice on what further assessment work might be required to support the most effective management of that site and its ecological values into the future.

On the whole—and I am wrapping up now—I would really like to extend my thanks to Victorian officials and stakeholders involved in Ramsar site management for their preparedness to work collaboratively and cooperatively with us, the team here at the Federal level, to implement the Ramsar convention in Australia. I do hope that my statements indicated some of the scale and complexity of the challenges facing wetland managers in Australia, but I also hope that you appreciate that the implementation efforts which are going on are in a broad sense part of the major transition work that has commenced to revise national guidance in ecological character and its change and how we deal with that and on developing new national guidance around assessing climate change impacts and vulnerability and for managing adaptive capacity and ecosystem resilience for wetlands. I would really like to thank you for the opportunity to speak today. I am now happy to respond to questions that you might have. Thanks very much.

The CHAIR: Thank you so much for that comprehensive statement. I am sure members of the Committee have a number of questions. I might just kick off, though. I wonder if you could talk us through what you think are the most significant ecological changes since the 2016 audit? Obviously you have described a number, but what do you think have been the most significant of those?

Mr TAYLOR: Well, not a lot has happened in a significant way since 2016, except to say that our understanding of the need to deal with and address climate change impacts has become sharpened. I think that is probably the best way to describe it. A lot of the things we were aware of ahead of the 2016 report, and some of them still will be relevant, but I think those have been addressed to a degree—those are the need to take management action and the need to support appropriate resourcing of the work which is done to support wetlands. But since 2016 we have done a fair bit of work around how to address particularly climate change impacts. If you consider that when you set aside a national park or a reserve or a protected area, essentially you

set up boundaries, but over time the things you are trying to protect may move and shift because of the nature of wetland. Inflows may change to a wetland area, there may be more incursion from the sea, and suddenly the species you are looking to protect have moved and shifted. Maybe they in fact—particularly birds—have moved to the next beach down or the next lagoon along. You have to think about how you actually manage that. You are not just looking after an area because it is an area; you are looking after it because it has values, and how do you seek to do that? That is a piece of work we have been doing at the moment with our colleagues across the states, and that is probably one of the most critical and ongoing challenges which I think wetland managers have to deal with. Sorry; I hope that answered the question.

The CHAIR: Yes, thank you.

Mr TAYLOR: There are a number of other challenges, but they have been around for a number of years.

The CHAIR: That is useful; thank you.

Mr RIORDAN: My question is just around the national role. I think you said there are 66 sites nationally—

Mr TAYLOR: Yes.

Mr RIORDAN: and 12 in Victoria. Are you in any position or is your agency in any position to rank the management of them and thereby be able to offer advice to the various jurisdictions on best practice for managing these sites with all the various complexities that they have, both environmental and in land management and resource management?

Mr TAYLOR: It is always tricky to respond. It is like picking your favourite child.

Mr D O'BRIEN: Just say 'Victoria'.

Mr TAYLOR: Victoria is totally the best! But everybody faces challenges. Most often it has got to do with resources. Australia faces this issue for protected area management across all states. How do you look after an area when you could do it a lot better if you had a lot more people engaged in on-ground management? But that said, and despite my comment beforehand being slightly facetious, I really would want to commend Victoria on having really effectively responded to the recommendations from the earlier audit. I think the management responses have been really well put in place—very comprehensive and well thought out. The team in Victoria got in touch with us. We had a number of briefings. We worked through the individual responses, and I thought that was very effective. They have been very proactive in working with us around [inaudible] threats and how to deal with a response on that.

Mr RIORDAN: Okay. I get the sense that you think in light of the 2016 report there have been improvements, so that is good news. Are you in any way able to benchmark, then, what we are doing at a state level and national level internationally? Are there some management structures elsewhere in the world that do it particularly well, or are you not really in a position to be able to comment on how others do it?

Mr TAYLOR: I do appreciate where you are coming from, and I—

Mr RIORDAN: Because they are obviously very complex areas—

Mr TAYLOR: They are.

Mr RIORDAN: so it is understandable that no-one is going to be perfect in the space, but I just wonder whether there are any stand-out or shining examples of where and how it can be done better. Or is that not really—

Mr TAYLOR: I will make two comments. Number one is to say that I think the Victorian model, which has engagement of catchment management agencies and state national parks, if you like, as well as urban water authorities in having a broader based approach towards whether management, is really effective, is well integrated and puts the management responsibility where it can be most effectively dealt with. It is not the case everywhere, so I think that is really a very effective model, number one.

Where it is done really well in other places—it depends on what you are talking about, because wetlands are different everywhere, but if you wanted examples of how to manage impacts on peri-urban effects, then the work which is being done in London at the moment is a very effective model for looking at how to deal with wetlands in an urban environment, particularly where there are urban development pressures. I think Australia is facing this. We are seeing it in a number of other cities, and that is an area which could certainly be looked at.

We could send you some advice around that, if that is useful for the Committee. I do want to caveat that by saying it all depends upon the nature of the sites. If you have got one particular site, you need to be looking at somewhere around the world which is perhaps the same, but you are going to encounter some difficulty in trying to get a good model for that. Australia is in fact pretty bloody good at what we do, and we have more resourcing than most, and more commitment and more scientific experience and background, so others tend to look to us. I will perhaps leave my comments there.

Mr HIBBINS: Hi, Mark. It is Sam Hibbins here. A number of our submissions have referred to a specific project in a specific area, and that is the AGL gas import terminal in Western Port Bay, which is a Ramsar protected wetlands. I understand that has been referred federally under the EPBC Act, and I just wanted to get an understanding of what your department's role is in regard to that process, having regard to the obligations under the Ramsar convention.

Mr TAYLOR: Thanks, Sam. Yes, it is a good opportunity to explain. With projects like the Western Port gasification project from the Federal Government under the EPBC Act, the folks in the department who manage that get inputs from a number of different areas, particularly to address what are known as matters of national environmental significance. A Ramsar site is a matter of national environmental significance, and so the proposal would be referred to us for our advice in relation to the potential impacts on the site of the project. The project you are referring to would have been referred to us, and we would have provided advice which would go into, then, matters which are being considered by the delegate, and we would have talked about the potential impact on issues such as the hydrology, the quality of the water, the impact on key species involved in the area, changes to the nature of the inflows into the bay—a whole range of things like that—anything essentially which might affect the ecological character of the wetland site. And we provide advice on that. We would also provide advice on possible mitigations which might make sense.

Mr HIBBINS: When you say providing advice, you are providing advice to—

Mr TAYLOR: To an internal decision-maker who is the delegate of the Minister.

Mr HIBBINS: Okay. Great; thanks.

Mr D O'BRIEN: It is Danny O'Brien, Mark. Just a couple of questions. Just to start off with, with respect to the Ramsar convention generally I assume there is no actual enforcement measure at an international level. For example, if we are breaching our obligations, what are the ramifications, if any?

Mr TAYLOR: It is a good question, Danny. Because it is an international treaty that we have signed up to underneath the IUCN, really the implementation of it is something which is a matter for the state's party. There is no form of international penalty, if you like, so if Australia is doing the wrong thing, the most we would expect is to have the secretariat writing to ministers and demanding responses and for it to be raised at party conferences of parties. In essence the issue is one of reputational risk on the international stage. Australia is responsible for implementing it in the country, so it is up to the Government and governments who are responsible as to how that happens.

Mr D O'BRIEN: Just moving to the Murray-Darling Basin—obviously the Ramsar sites in Victoria that are in the basin—has the whole Murray-Darling Basin plan and the *Water Act 2007* complicated things further for management of the Ramsar sites in the basin?

Mr TAYLOR: No, Danny, I would say not complicated at all. In fact what I would say is that the fact of the plan and the quantity of water which is available for the environment, both from the commonwealth environmental water holder and the VEWH, has provided a great deal more certainty about the level of support on water which can be provided into those wetlands. I think it has been a really beneficial thing.

Mr D O'BRIEN: The other question I have—I do not whether this cuts across your policy on fees or whether you are engaged in it—is the whole management of European carp and the potential release of the carp herpes virus. Is that something that you and your department has had involvement in, or is it managed by other agencies altogether?

Mr TAYLOR: It has really been managed by another agency. It was the federal Department of Agriculture and Water Resources, Danny. We did have an input—one of our staff was engaged in the process—but we were never actually responsible for it. I am not certain as to where that particular project currently is. I have not had an update for some time now on its development. Does that help?

Mr D O'BRIEN: It was what I expected; that is fine. I am probably talking to the wrong people, but that is fine. Thanks, Mark.

Mr TAYLOR: No worries.

The CHAIR: Thank you very much, Mark, for making the time to speak with us today. We appreciate your very detailed statement, which is useful, and the follow-up questions that have been asked by the Committee members. You will be forwarded a transcript to verify shortly, and then it will be available on the website. Thank you very much for your time today.

Mr TAYLOR: No worries, Chair. If I could just make an offer: if there are other questions which members would like to have addressed, they could provide them in writing and we would be happy to provide a written response as well—to the extent that that is useful. I am conscious that this phone way of engagement is not the best way, so if the responses have not been quite as comprehensive as you would have liked, then I am happy to expand on them and also happy to provide some other written statement if that is required.

The CHAIR: Thanks so much. Much appreciated.

Mr TAYLOR: Okay. Thanks very much. All the best everybody.

Witness withdrew.