



Biodiversity Conservation Act

Presentation to
Environmental Consultants Association
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About EDOWA

- Community legal centre
- Public interest environmental law
- Independent
- Rely on community funding!

BC Act: A positive step forward

- WA – A biodiversity hotspot
- Concerning rate of species loss
- BC Act – a significant and long awaited development for biodiversity in WA



Some important improvements

- Critical habitat
 - Currently the law only provides incidental protection of habitat (eg via EP Act – Part IV EIA or Part V assessment of clearing permit application)
 - Public register
 - Habitat conservation notices – see Act
- Recognition of Threatened Ecological Communities
- Key threatening processes



Important improvements

- Threatened species / ecological communities recovery plans
- Biodiversity Management Programmes
- Biodiversity Conservation Agreements
- Biodiversity Conservation Covenants



Some challenges for discussion!



Interaction with related legislation

- Alignment between BC Act and EP Act
 - Clearing permit assessments
 - Schedule 5, EP Act
 - Exemptions
 - Part IV EIA for “significant proposals”
- “Authorisation” defence
 - “could not reasonably have been avoided”
 - “did not know / could not reasonably have known”
the species / TEC was present

Interaction with related legislation

- Other legislation:
 - Planning laws
 - Mining Act
- Land access
 - Tenure for conservation purposes
 - Significant land held in Crown leasehold (pastoral) and competing mining tenure
 - Multiple agencies
- Example – Biodiversity Conservation Agreements and Covenants

Agency discretion vs agency forcing

- Discretionary provisions
- Critical tools (eg recovery plans) not mandatory
- Absence of timeframes
- Reporting success of Act



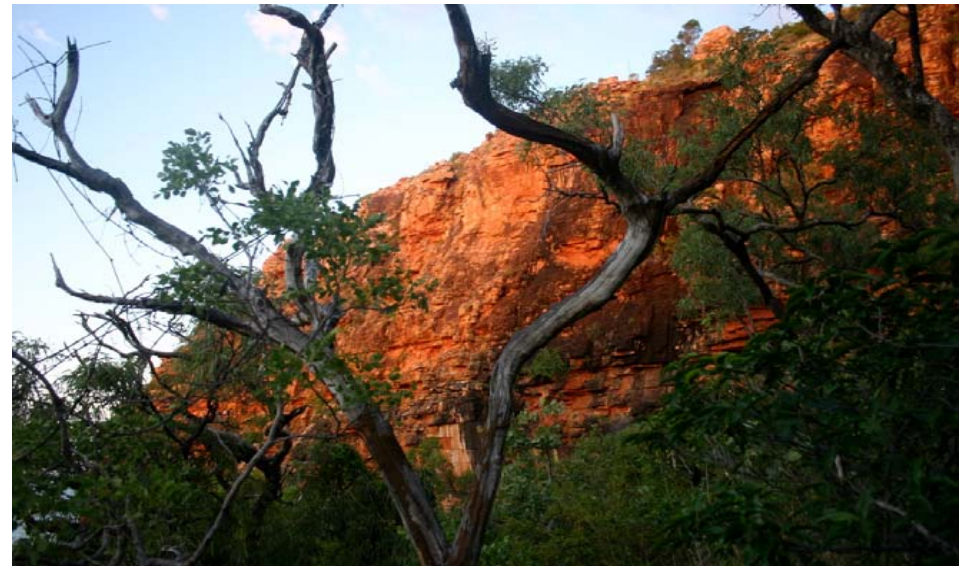
Resourcing and enforcement

- Resourcing
- Civil v Criminal Penalties



Other considerations

- Role of science in decision making
- Data / information
- Monitoring progress



Thank you!

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