

The Auditor-General
Auditor-General Report No. 19 2021–22
Performance Audit

**Management of Threatened Species and Ecological
Communities under the *Environment Protection and
Biodiversity Conservation Act 1999***

Department of Agriculture, Water and the Environment

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Canberra ACT
17 March 2022

Dear Mr President
Dear Mr Speaker

In accordance with the authority contained in the *Auditor-General Act 1997*, I have undertaken an independent performance audit in the Department of Agriculture, Water and the Environment. The report is titled *Management of Threatened Species and Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999*. Pursuant to Senate Standing Order 166 relating to the presentation of documents when the Senate is not sitting, I present the report of this audit to the Parliament.

Following its presentation and receipt, the report will be placed on the Australian National Audit Office's website — <http://www.anao.gov.au>.

Yours sincerely



Grant Hehir
Auditor-General

The Honourable the President of the Senate
The Honourable the Speaker of the House of Representatives
Parliament House
Canberra ACT

AUDITING FOR AUSTRALIA

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Audit snapshot

Auditor-General Report No.19 2021–22

Management of Threatened Species and Ecological Communities under the EPBC Act



Why did we do this audit?

- ▶ The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for species and ecological communities to be listed as threatened, and for conservation advice, recovery plans and threat abatement plans to be developed for their protection.
- ▶ Listing threatened species and ecological communities, and developing plans and advice, establishes regulatory requirements under the EPBC Act and the Australian Government's strategy for protecting threatened species and communities.
- ▶ Effective and efficient listing and planning processes ensure conservation and regulatory activities are effectively targeted at species and ecological communities at risk of extinction.



What did we find?

- ▶ The Department of Agriculture, Water and the Environment's (the department) administration of threatened species and ecological communities under the EPBC Act is partly effective. The department is unable to demonstrate it is efficient.
- ▶ Listing assessments, conservation advice, recovery plans and threat abatement plans are largely completed in accordance with the EPBC Act, but procedural guidance needs updating and is not consistently followed.
- ▶ The department does not effectively review or support the implementation of conservation advice, recovery plans and threat abatement plans.
- ▶ Measurement, monitoring and reporting does not indicate desired outcomes are being achieved.



Key facts

- ▶ As of February 2022, there are 1944 threatened species, 93 threatened ecological communities and 21 key threatening processes listed under the EPBC Act.
- ▶ There are 410 recovery plans (covering 734 species and ecological communities), 12 threat abatement plans and 1595 items of conservation advice.



What did we recommend?

- ▶ There were six recommendations to the department.
- ▶ The department agreed to all six recommendations.

222

Species and ecological communities being assessed for listing as threatened, as of February 2022.

940 days

Average duration of listing assessments that were completed in 2020–21.

2%

Percentage of recovery plans that were completed within statutory timeframes since 1 July 2013.

Summary and recommendations

Background

1. The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides Australia's national framework to identify, protect and manage threatened¹ native species and ecological communities.²
2. Under the EPBC Act, the Minister for the Environment (the Minister) is required to maintain a list of threatened species and ecological communities, which records species and communities in different categories based on their risk of extinction.³ The Minister must also maintain a list of 'key threatening processes', which are processes that may threaten the survival, abundance, or evolutionary development of a species or community.⁴
3. The EPBC Act provides for conservation plans to be developed for listed threatened species, threatened ecological communities and key threatening processes, in accordance with statutory timeframes and requirements. The three types of conservation plan are specified below.
 - Conservation advice — must be produced for most listed threatened species and ecological communities to establish why they were listed and what can be done to stop their decline or support their recovery.⁵
 - Recovery plans — are optional for listed species and communities (the Minister must determine whether they are required) and provide for the actions necessary to stop their decline and support their recovery.
 - Threat abatement plans — are optional for listed key threatening processes (the Minister must determine whether they are required) and provide for the actions necessary to reduce the process to an acceptable level.
4. The Threatened Species Scientific Committee (TSSC), an independent statutory committee under the EPBC Act, advises the Minister on listing decisions and conservation plans. The Department of Agriculture, Water and the Environment (the department) provides support to the TSSC in advising the Minister and to the Minister in the administration of the EPBC Act.
5. Listed threatened species and ecological communities receive statutory protection as a 'matter of national environmental significance' under the EPBC Act (unless listed in certain

1 Under the EPBC Act, a species or ecological community is considered threatened if it has a high or greater chance of extinction in the wild in the medium-term future or earlier.

2 An ecological community is the extent in nature of an assemblage of native species that inhabits a particular area, such as the 'Eucalypt Woodlands of the Western Australian Wheatbelt'.

3 Species may be listed in the categories of 'extinct', 'extinct in the wild', 'critically endangered', 'endangered', 'vulnerable' and 'conservation dependent'. Ecological communities may be listed in the categories of 'critically endangered', 'endangered' and 'vulnerable'.

4 Key threatening processes are eligible for listing if they may adversely impact multiple listed species or ecological communities, or cause a native species or community to become listed in a category at higher risk of extinction. Examples of key threatening processes include predation by feral cats and land clearance.

5 Conservation advice is not required for species listed in the categories of 'extinct' or 'conservation dependent'. It is also not required for species that had recovery plans in place or under development when the conservation advice provisions of the EPBC Act came into effect in 2007.

categories⁶). Any action which may have a significant impact on these species or ecological communities is prohibited without approval from the Minister. When approving actions, the Minister must not make a decision that is inconsistent with a recovery or threat abatement plan and must have regard to any relevant conservation advice.

6. Recovery plans and threat abatement plans are required to be implemented by the Australian Government to the extent that they apply in Commonwealth areas. The Australian Government must also seek the cooperation of states and territories to jointly implement plans in non-Commonwealth areas.

Rationale for undertaking the audit

7. The listing of threatened species and ecological communities, and development of conservation advice, recovery plans and threat abatement plans, establishes regulatory requirements under the EPBC Act and the Australian Government's strategy for protecting threatened species and ecological communities.

8. This audit provides assurance to Parliament over the effectiveness and efficiency of listing and planning processes under the EPBC Act. Effective and efficient management of these processes supports the accuracy and currency of lists and plans, and therefore ensures conservation and regulatory activities are effectively targeted at species and ecological communities at risk of extinction.

Audit objective and criteria

9. The audit objective was to assess the effectiveness and efficiency of the management of threatened species and ecological communities under the EPBC Act.

10. To form a conclusion against this objective, the following high-level audit criteria were adopted.

- Is the administration of the listing process effective?
- Have effective arrangements been established to develop and implement plans and advice?
- Is the administration of the listing and planning processes timely and efficient?
- Does measurement, monitoring and reporting support the achievement of desired outcomes?

Conclusion

11. The administration of threatened species and ecological communities under the EPBC Act is partly effective. The department is unable to demonstrate it is efficient. There is limited evidence that desired outcomes are being achieved, due to the department's lack of monitoring, reporting and support for the implementation of conservation advice, recovery plans and threat abatement plans.

6 Species listed as 'extinct' or 'conservation dependent' and ecological communities listed as 'vulnerable' are not matters of national environmental significance.

12. The department's administration of the listing process is partly effective. The process to determine what should be considered for listing could be improved by establishing a strategy to ensure it identifies the species, ecological communities and key threatening processes that will have the greatest impact on achieving the objectives of the EPBC Act. Largely appropriate definitions and guidelines have been established to set out when items are eligible for listing, but procedural guidance for undertaking listing assessments does not fully capture all relevant requirements of the EPBC Act and is not complete, up to date or consistently implemented.

13. The department is partly effective in developing and supporting the implementation of conservation advice, recovery plans and threat abatement plans. Procedural guidance for development needs updating and is not fully followed, and arrangements for review and update are not appropriate. There are arrangements to prioritise some funding programs and align them with conservation advice, recovery plans and threat abatement plans. There are not currently any other effective arrangements to provide coordinated support for or obtain assurance over the implementation of conservation advice, recovery plans and threat abatement plans.

14. Most listing assessments are completed within statutory timeframes, although some species assessments and most ecological community assessments require extensions. Recovery plans, recovery plan reviews, threat abatement plan reviews and changes to the list are not completed within statutory timeframes. The department is unable to demonstrate that its efficiency has improved over time. Systems and processes partly support timeliness and efficiency.

15. Measurement, monitoring and reporting arrangements are not sufficient to support the achievement of desired outcomes. The statuses of some threatened species are monitored, but most species are not. The statuses of ecological communities and key threatening processes are not monitored. There is no measurement, monitoring or reporting on progress, or on the contribution of listing assessments, conservation advice, recovery plans and threat abatement plans to their desired outcomes. Available information does not indicate desired outcomes have been achieved.

Supporting findings

Listing assessments

16. In the absence of a strategy to ensure the items identified for listing are those that will have the greatest impacts on achieving the objectives of the EPBC Act, there is a partly effective process to determine what should be considered for listing. There are processes to support public nominations, identify potential TSSC nominations of species and ecological communities, and process and prioritise nominations, although some improvement is needed. There is not an effective approach to identifying key threatening processes for listing. (See paragraphs 2.3 to 2.28)

17. The administration of listing decisions and assessments is partly effective. Largely appropriate definitions and guidelines have been established to set out when items are eligible for listing. Procedural guidance for undertaking listing assessments does not fully capture all relevant requirements of the EPBC Act and is not complete, up to date or consistently implemented. (See paragraphs 2.29 to 2.61)

Conservation planning

18. There is a partly effective process for the development of conservation advice, recovery plans and threat abatement plans. Processes have been established to determine when recovery and threat abatement plans are required. Procedural guidance for the development of conservation advice, recovery plans and threat abatement plans requires updating and is not fully followed. Arrangements to review and update conservation advice, recovery plans and threat abatement plans are not appropriate. (See paragraphs 3.4 to 3.58)

19. The department has limited effective arrangements to support the implementation of conservation advice, recovery plans and threat abatement plans. There are arrangements to prioritise some departmental investments in threatened species and ecological communities and align them with conservation advice and recovery plans. The department does not currently track or support the implementation of most conservation plans, threat abatement plans or recovery plans by other Commonwealth entities, states and territories, or non-governmental groups and individuals. (See paragraphs 3.59 to 3.88)

Timeliness and efficiency

20. Most listing assessments are provided to the Minister for the Environment within the statutory timeframe, although some species assessments and most ecological community assessments require extensions. Recovery plans, recovery plan reviews, threat abatement plan reviews and final decisions on listing have not been completed within statutory timeframes. The department has initiated projects to improve compliance with statutory timeframes. (See paragraphs 4.3 to 4.17)

21. The department has not established arrangements to measure its efficiency. Available records indicate that number of listing assessments and conservation plans completed per dollar of budget has not increased over time. (See paragraphs 4.18 to 4.21)

22. Partly appropriate arrangements have been implemented to support timeliness and efficiency. The department has made periodic improvements to its approach to listing assessments and conservation advice that were intended to improve timeliness and efficiency, but improvements have not been made to the approach to recovery and threat abatement plans. Systems, processes, and planning arrangements do not fully support timeliness and efficiency. (See paragraphs 4.22 to 4.31)

Measurement, monitoring and reporting

23. The department has established largely fit for purpose external performance measures for the status of threatened species, but performance reporting does not indicate how listing and conservation planning activities have contributed to the outcomes. There are no performance measures for threatened ecological communities or the abatement of key threatening processes. There are no internal performance measures or evaluation arrangements. (See paragraphs 5.3 to 5.22)

24. Monitoring and reporting do not effectively inform the management of threatened species and ecological communities. Monitoring and reporting on listing assessments, conservation advice, recovery plans and threat abatement plans do not support decision-making

or public confidence. While there is some monitoring on the status of threatened species, most species are not monitored. The status of threatened ecological communities and key threatening processes is not monitored. (See paragraphs 5.23 to 5.43)

25. Measurement and reporting do not indicate the management of threatened species and ecological communities is achieving desired outcomes. Available information indicates that the status of threatened species is declining. Progress has been made on the targets of the common assessment method and *Threatened Species Strategy 2015–2020*, but most targets were not met. (See paragraphs 5.44 to 5.57)

Recommendations

Recommendation no. 1
Paragraph 2.17 The Department of Agriculture, Water and the Environment develop a strategy to ensure that its processes for determining what should be considered for listing identify the species, ecological communities and key threatening processes that will have the greatest impact on achieving the objectives of the EPBC Act.

Department of Agriculture, Water and the Environment response:
Agreed.

Recommendation no. 2
Paragraph 2.58 The Department of Agriculture, Water and the Environment regularly review, update and implement procedural guidance, training and quality assurance arrangements, to ensure listing assessments are conducted in an effective manner that meets legislative and procedural requirements.

Department of Agriculture, Water and the Environment response:
Agreed.

Recommendation no. 3
Paragraph 3.57 The Department of Agriculture, Water and the Environment establish arrangements to:

- (a) ensure conservation advice, recovery plans and threat abatement plans are reviewed and updated; and
- (b) ensure all reviews assess whether the objectives and actions of the plan have been completed.

Department of Agriculture, Water and the Environment response:
Agreed.

Recommendation no. 4
Paragraph 3.87 The Department of Agriculture, Water and the Environment:

- (a) establish arrangements to obtain assurance over the implementation of conservation advice, recovery plans and threat abatement plans; and
- (b) use the results of these arrangements to identify conservation advice, recovery plans or threat abatement plans that require departmental support or coordination.

Department of Agriculture, Water and the Environment response:
Agreed.

Recommendation no. 5
Paragraph 4.30

The Department of Agriculture, Water and the Environment measure its efficiency, timeliness and use of resources in listing assessments and conservation planning, and use these measures to inform a targeted approach to improving its timeliness and efficiency.

Department of Agriculture, Water and the Environment response:
Agreed.

Recommendation no. 6
Paragraph 5.21

The Department of Agriculture, Water and the Environment establish a framework for measurement, monitoring and reporting on listing assessments, conservation advice, recovery plans and threat abatement plans that includes:

- (a) information on how listing assessments and the development and support for the implementation of conservation plans have contributed to the achievement of intended outcomes;
- (b) aggregate output information on the department's progress against listing assessments and the development and implementation of conservation advice, recovery plans and threat abatement plans, to better support internal decision-making; and
- (c) a schedule for periodic evaluation.

Department of Agriculture, Water and the Environment response:
Agreed.

Summary of Department of Agriculture, Water and the Environment's response

26. The Department of Agriculture, Water and the Environment's summary response is provided below and its full response is included at Appendix 1.

The Department of Agriculture, Water and the Environment (the department) welcomes the report's conclusions and findings. All six recommendations are accepted by the department and will be implemented in a timely manner.

The department notes that the report recognises that its administration of threatened species and ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999* is partly effective, and that the department is mostly compliant with the requirements of the Act.

The department is pleased to report that, as a result of recent investments, every listed species and ecological community now has a statutory conservation planning document in place. This is despite a major increase in demand for these protections in the wake of the Black Summer bushfires. The department is committed to continuous improvement in delivering these protections.

We have achieved these results by adopting a more strategic response to emerging threats, while modernising our approach to conservation planning. Further improvements will be achieved through delivery of our national environmental law reforms and other recent initiatives, such as the new Threatened Species Strategy Action Plan. We recognise that there remain opportunities to do better and we welcome the guidance provided by the recommendations.

27. At Appendix 2, there is a summary of improvements that were observed by the ANAO during the course of the audit.

Key messages from this audit for all Australian Government entities

28. Below is a summary of key messages, including instances of good practice, which have been identified in this audit and may be relevant for the operations of other Australian Government entities.

Policy/program implementation

- Establishing appropriate procedural guidance supports officials to undertake work in an effective manner. It may also support efficiency by providing officials with clear instructions and the information they need to complete their work in a timely manner. Where procedural guidance is out of date, incomplete or not fully followed, the accountable authority has limited assurance over the way in which work is being undertaken.
- Robust prioritisation arrangements support entities to allocate resources to the areas where they will have the greatest impact. Documenting what factors were considered as part of the prioritisation, what options were considered and what judgements were made provides assurance that the approach was appropriate. Making these prioritisation arrangements publicly available, where appropriate, can support transparency and public confidence in decision-making.

Performance and impact measurement

- Appropriate frameworks for measurement, monitoring and reporting provide evidence that intended outcomes are being achieved and support informed decision-making. These frameworks should be established even where entities are not the ones implementing the policies they have developed, to provide assurance that the policy approach is achieving intended outcomes and allow decision-makers to adjust the approach accordingly.
- Entities that do not measure their efficiency or resource use are poorly placed to demonstrate they are governed efficiently. They are also limited in their ability to identify areas for improvement or demonstrate that changes intended to improve their efficiency have been successful. Measuring efficiency and resource use allows entities to make informed decisions about resource allocation.

Audit findings

1. Background

Introduction

1.1 The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides Australia's national framework to identify, protect and manage threatened⁷ native species and ecological communities.⁸

1.2 The EPBC Act gives effect to Australia's obligations for threatened species and ecological communities under the United Nations *Convention on Biological Diversity*, in accordance with Commonwealth responsibilities under the 1997 *Heads of agreement on Commonwealth and State roles and responsibilities for the Environment*.

1.3 Under the EPBC Act, the Minister for the Environment (the Minister) is required to determine whether species and ecological communities should be listed as threatened, and whether conservation plans (conservation advice, recovery plans and threat abatement plans) should be made to support their recovery.

1.4 The Threatened Species Scientific Committee (TSSC), an independent statutory committee under the EPBC Act, advises the Minister on listing decisions and conservation plans.⁹ The Department of Agriculture, Water and the Environment (the department) provides support to the TSSC in advising the Minister, and to the Minister in the administration of the EPBC Act.

Listing process

1.5 The Minister is required to determine which species and ecological communities should be listed as threatened under the EPBC Act. Species and ecological communities are listed in different categories based on their risk of extinction.¹⁰ The Minister must also maintain a list of 'key threatening processes', which are processes that may threaten the survival, abundance or evolutionary development of a species or ecological community.¹¹

1.6 The listing of species, ecological communities and key threatening processes is subject to statutory timeframes and requirements (see Figure 1.1 for a diagram of these processes). It consists of the following two periods.

- A nomination period — in which the Minister determines which species, ecological communities and processes will be assessed for listing, following the receipt and

7 Under the EPBC Act, a species or ecological community is considered threatened if it has a high or greater chance of extinction in the wild in the medium-term future.

8 An ecological community is the extent in nature of an assemblage of native species that inhabits a particular area, such as the 'Eucalypt Woodlands of the Western Australian Wheatbelt'.

9 The members of the TSSC are appointed by the Minister. As of February 2022, the TSSC consists of 12 experts from relevant academic fields.

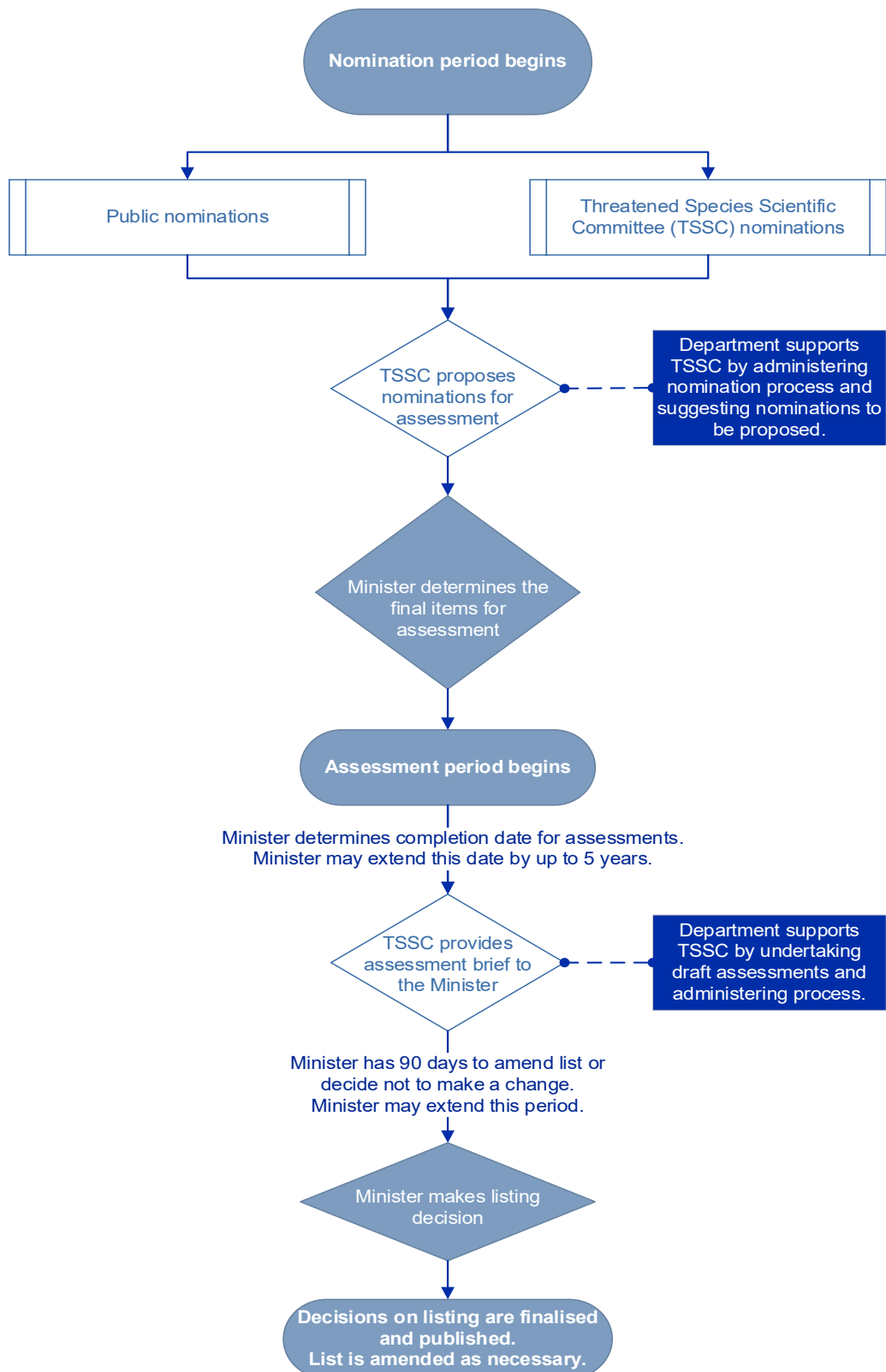
10 Species may be listed in the categories of 'extinct', 'extinct in the wild', 'critically endangered', 'endangered', 'vulnerable' and 'conservation dependent'. Ecological communities may be listed in the categories of 'critically endangered', 'endangered' and 'vulnerable'.

11 Key threatening processes are eligible for listing if they may adversely impact multiple listed species or ecological communities, or cause a native species or ecological community to become listed in a category at higher risk of extinction. Examples of key threatening processes include predation by feral cats and land clearance.

prioritisation of public nominations, and the development of a proposed assessment list by the TSSC.

- An assessment period — in which the TSSC assesses whether each item is eligible for listing, and the Minister determines if the items will be listed.

Figure 1.1: Nomination and listing process



Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Common assessment method

1.7 The Australian Government has committed to listing threatened species using a common assessment method that was agreed with states and territories in a 2015 memorandum of understanding (CAM MoU).¹²

1.8 Each state and territory maintains a separate list of threatened species. The CAM MoU aims to align lists between jurisdictions and establish a single national list of threatened species. It requires each jurisdiction to recognise assessments by other jurisdictions conducted using the common assessment method.¹³

1.9 Under the CAM MoU, the Australian Government has responsibility for assessing species that occur across jurisdictions, while states and territories are responsible for assessing species that occur only within their borders.¹⁴ The CAM MoU also requires the reassessment of species that were not previously assessed in accordance with the common assessment method.

1.10 Assessments of ecological communities and key threatening processes are not conducted under the CAM MoU.¹⁵

Conservation plans

1.11 The EPBC Act requires conservation plans to be developed for listed threatened species, threatened ecological communities and key threatening processes. The three types of conservation plans, which have statutory timeframes and requirements for their development and review (see Figure 1.2 for a diagram of these processes), are specified below.

- Conservation advice — must be produced for most listed threatened species and ecological communities to establish why they were listed and what can be done to stop their decline or support their recovery.¹⁶
- Recovery plans — are optional for listed threatened species and ecological communities (the Minister must determine whether they are required) and provide for the actions necessary to stop their decline and support their recovery.

12 All states and territories except South Australia have signed the memorandum of understanding; *Intergovernmental memorandum of understanding – Agreement on a common assessment method for listing of threatened species and threatened ecological communities* [Internet], 2015, available from <https://www.awe.gov.au/sites/default/files/documents/mou-cam.pdf> [accessed 18 October 2021].

13 Most states and territories previously used assessment methods that did not meet the requirements of the CAM MoU.

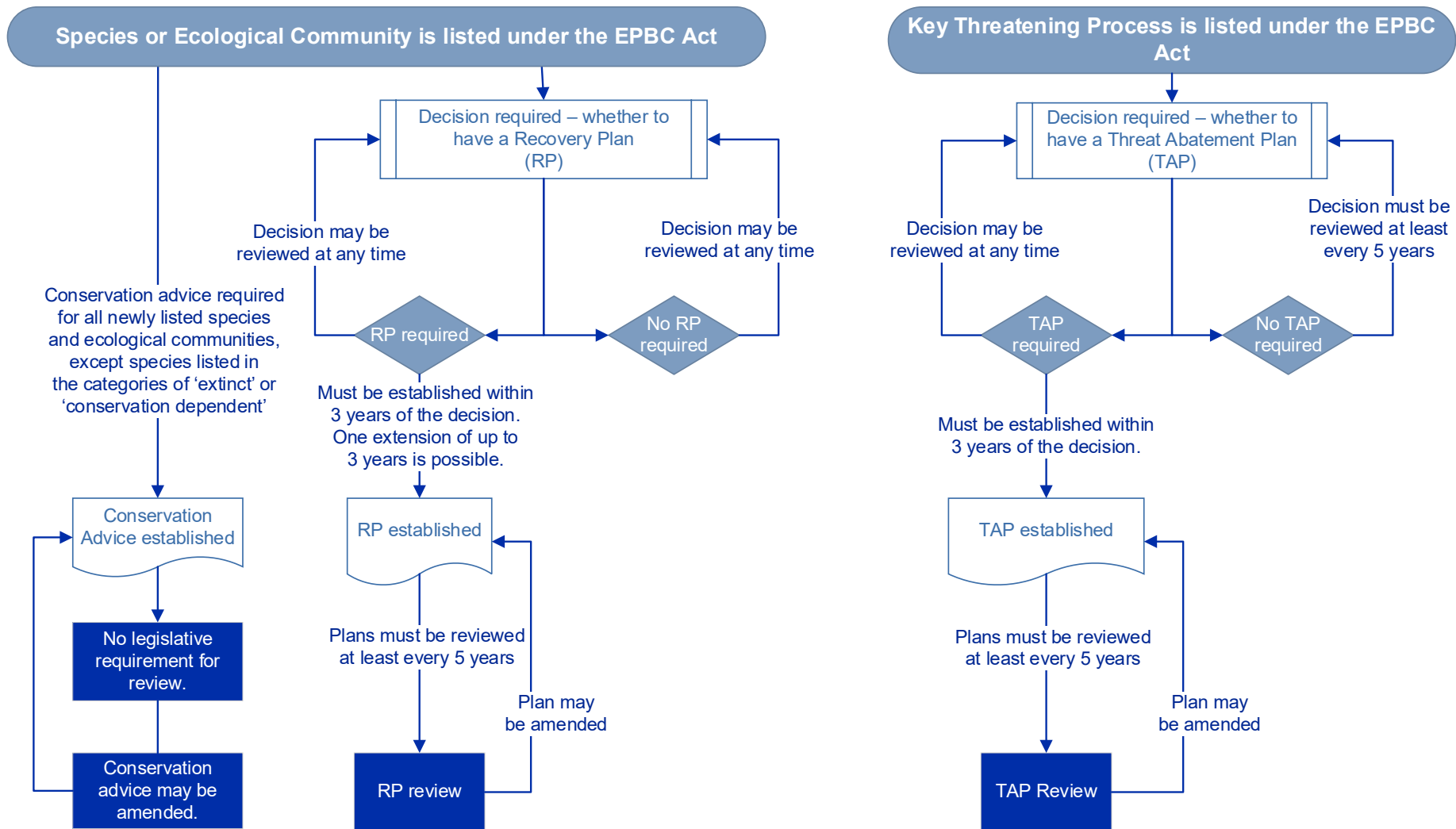
14 For example, the humpback whale occurs across multiple states and territories and is therefore the responsibility of the Australian Government, while the Wollemi pine occurs only in New South Wales and is therefore the responsibility of the New South Wales government. Governments may assess species that would not otherwise be their responsibility if agreed by other jurisdictions.

15 While the CAM MoU contains an opt-in provision for a common assessment method for ecological communities, this would require amendments to the Environment Protection and Biodiversity Conservation Regulations and has not been adopted by the Australian Government.

16 Conservation advice is not required for species listed in the categories of 'extinct' or 'conservation dependent'. It is also not required for species that had recovery plans in place or under development when the conservation advice provisions of the EPBC Act came into effect in 2007.

- Threat abatement plans — are optional for listed key threatening processes (the Minister must determine whether they are required) and provide for the actions necessary to reduce the process to an acceptable level.

Figure 1.2: Conservation planning process



Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Statutory implications of listing and conservation planning

1.12 Listed threatened species and ecological communities receive statutory protection as a ‘matter of national environmental significance’ under the EPBC Act (unless listed in certain categories).¹⁷ Actions which may have a significant impact on these species or ecological communities are prohibited without approval from the Minister. When approving actions, the Minister must not make a decision that is inconsistent with a recovery or threat abatement plan and must have regard to any relevant conservation advice.¹⁸

1.13 Recovery plans and threat abatement plans are required to be implemented by the Australian Government to the extent they apply in Commonwealth areas. The Australian Government must also seek the cooperation of states and territories to jointly implement plans in non-Commonwealth areas.

Recent status

1.14 As of February 2022, there are 1944 threatened species, 93 threatened ecological communities and 21 key threatening processes listed under the EPBC Act. There are 410 recovery plans (covering 734 species and communities), 12 threat abatement plans and 1595 items of conservation advice.¹⁹

1.15 In response to the 2019–2020 bushfires, the Australian Government provided \$16.5 million over two years from 1 July 2020 to assess the listing status of bushfire-affected species and update conservation plans. The TSSC announced a 10-point Bushfire Response Plan in March 2020, which included commitments to accelerate listing processes and update conservation plans for fire-affected species.²⁰

1.16 For 2020–21, the department informed the ANAO that the areas of the department responsible for the management of the listing process and development of conservation plans had a budget of \$12.7 million, with a full-time equivalent staffing level of 45.9.²¹ These areas also undertake other work.

17 This does not include species listed as ‘extinct’ or ‘conservation dependent’, and ecological communities listed as ‘vulnerable’.

18 The administration of the approval process was examined in Auditor-General Report No.47 2019–20 *Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999*.

19 The conservation advice provisions were added to the EPBC Act in 2007. Species and ecological communities with established recovery plans or recovery plans under development prior to these amendments do not require conservation advice.

20 Department of Agriculture, Water and the Environment, *The Threatened Species Scientific Committee 10-point Bushfire Response Plan* [Internet], 2020, available from <https://www.awe.gov.au/system/files/resources/02258163-308d-4308-bfea-be24cf2bf1a9/files/threatened-species-scientific-committee-bushfire-response-plan.pdf> [accessed 21 April 2021].

21 This represents a \$5.9 million (86 per cent) increase in budget compared to the previous year, and a full-time equivalent staffing level increase of six (10 per cent). The average staffing level does not include contractors.

Previous reviews

1.17 The ANAO examined elements of the department's management of the EPBC Act on seven occasions between 2002–2003 and 2019–2020.²² These audits noted multiple weaknesses, including governance arrangements, coordination with states and territories, performance measurement, and compliance with statutory timeframes.

1.18 Past parliamentary inquiries have identified issues with the management of the listing process, and the development and implementation of recovery and threat abatement plans.²³ These issues included completeness and accuracy of lists, delays in the listing process and development of plans, limited implementation of plans, and a lack of monitoring and performance measurement.

Rationale for undertaking the audit

1.19 The listing of threatened species and ecological communities, and development of conservation advice, recovery plans and threat abatement plans, establishes regulatory requirements under the EPBC Act and the Australian Government's strategy for protecting threatened species and ecological communities.

1.20 This audit provides assurance to Parliament over the effectiveness and efficiency of listing and planning processes under the EPBC Act. Effective and efficient management of these processes supports the accuracy and currency of lists and plans, and therefore ensures conservation and regulatory activities are effectively targeted at species and ecological communities at risk of extinction.

Audit approach

Audit objective, criteria and scope

1.21 The audit objective was to assess the effectiveness and efficiency of the management of threatened species and ecological communities under the EPBC Act.

1.22 To form a conclusion against this objective, the following high-level audit criteria were adopted.

- Is the administration of the listing process effective?

22 Auditor-General Report No.38 2002–03 *Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999*; Auditor-General Report No.31 2006–07 *The Conservation and Protection of National Threatened Species and Ecological Communities*; Auditor-General Report No.43 2013–14 *Managing Compliance with Environment Protection and Biodiversity Conservation Act 1999 Conditions of Approval*; Auditor-General Report No.7 2015–16 *Managing Compliance with the Wildlife Trade Provisions of the Environment Protection and Biodiversity Conservation Act 1999*; Auditor-General Report No.31 2016–17 *Monitoring compliance with Environment Protection and Biodiversity Conservation Act 1999 Conditions of Approval: Follow-on audit*; Auditor-General Report No.47 2019–20 *Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999*; Auditor-General Report No.32 2017–18 *Funding Models for Threatened Species Management*.

23 Senate Environment and Communications References Committee, *Effectiveness of threatened species and ecological communities protection in Australia*, 2013; Senate Environment and Communications References Committee, *Australia's faunal extinction crisis — interim report*, 2019.

- Have effective arrangements been established to develop and implement plans and advice?
- Is the administration of the listing and planning processes timely and efficient?
- Does measurement, monitoring and reporting support the achievement of desired outcomes?

1.23 The audit scope included the administration of the listing process for threatened species and ecological communities, and the development and support for the implementation of conservation advice, recovery plans and threat abatement plans.

1.24 The scope did not include:

- a complete examination of all departmental actions to implement plans and advice, with the audit scope instead limited to central arrangements to support and obtain assurance over the implementation of plans and advice;
- examination of listing and planning for other matters under the EPBC Act, such as migratory species or heritage places; or
- departmental activities to support threatened species and ecological communities that were not specifically related to listing assessments, conservation advice, recovery plans or threat abatement plans.

1.25 For example, while the ANAO examined arrangements established in the department's *Threatened Species Strategy 2015–2020* and *Threatened Species Strategy 2021–2031* that contributed to the development, implementation or monitoring of actions or objectives in conservation advice, recovery plans and threat abatement plans, the strategies were not audited in their entirety.

Audit methodology

1.26 The audit methodology included: reviewing departmental documentation; examining samples of listing assessments, conservation advice, recovery plans and threat abatement plans; analysis of departmental data; reviewing documentation of TSSC meetings; and meetings with departmental staff and the TSSC.

1.27 The information in this report is accurate as of November 2021, except where otherwise specified.

1.28 The audit was conducted in accordance with ANAO Auditing Standards at a cost to the ANAO of approximately \$394,317.

1.29 The team members for this audit were Isaac Gravolin, Sam Khaw, Jacob Opray, Ben Thomson, Michael White and Corinne Horton.

2. Listing assessments

Areas examined

This chapter examines whether the Department of Agriculture, Water and the Environment (the department) effectively administers the process for listing threatened species, threatened ecological communities and key threatening processes under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Conclusion

The department's administration of the listing process is partly effective. The process to determine what should be considered for listing could be improved by establishing a strategy to ensure it identifies the species, ecological communities and key threatening processes that will have the greatest impact on achieving the objectives of the EPBC Act. Largely appropriate definitions and guidelines have been established to set out when items are eligible for listing, but procedural guidance for undertaking listing assessments does not fully capture all relevant requirements of the EPBC Act and is not complete, up to date or consistently implemented.

Areas for improvement

The ANAO made two recommendations, aimed at: identifying strategic priorities for listing; and reviewing and implementing procedural guidance, training and quality assurance arrangements.

The ANAO also suggested that the department: consider alternate engagement strategies to attract public nominations; ensure estimates of capacity for new assessments are robust; and establish a schedule to review and update processes relating to public nominations, prioritisation, processing nominations and listing eligibility.

2.1 Effective administration of the listing process supports the lists of threatened species, threatened ecological communities and key threatening processes to be accurate and up to date. Accurate and up to date lists, in turn, support the department's regulation and conservation activities to be targeted at species and ecological communities at risk of extinction.

2.2 The ANAO examined whether there is an effective process to determine what should be considered for listing, and whether listing decisions and assessments are administered effectively.

Is there an effective process to determine what should be considered for listing?

In the absence of a strategy to ensure the items identified for listing are those that will have the greatest impacts on achieving the objectives of the EPBC Act, there is a partly effective process to determine what should be considered for listing. There are processes to support public nominations, identify potential Threatened Species Scientific Committee nominations of species and ecological communities, and process and prioritise nominations, although some improvement is needed. There is not an effective approach to identifying key threatening processes for listing.

2.3 The listing of species, ecological communities and key threatening processes under the EPBC Act is conducted in a yearly cycle (see Figure 1.1 for a diagram of the process). It begins with a nomination period each year, in which the items to be assessed for listing are determined.²⁴

2.4 Nominations for listing are received from both the public and Threatened Species Scientific Committee (TSSC). Nominations must meet requirements established under the Environment Protection and Biodiversity Conservation Regulations (EPBC Regulations) to be eligible. The TSSC, with the support of the department, proposes to the Minister for the Environment (the Minister) which of the eligible nominations should be assessed for listing. The Minister then determines the final list of items to be assessed.

Supporting public nominations

2.5 The objects of the EPBC Act include ‘promoting a co-operative approach to the protection and management of the environment involving ... the community’. Establishing appropriate arrangements to support public nominations facilitates the achievement of this objective.

2.6 Most assessed items are not nominated by the public. From 2013 to 2021, 14 per cent of items (84 of 603) on the final assessment lists were public nominations.²⁵ During that period, an average of 17 eligible public nominations were received²⁶ and nine were included in the final assessment list each year.

2.7 The department has established guidelines and forms to support public nominations and undertakes public engagement in accordance with the EPBC Act (Table 2.1). To better position it to support public nominations, the ANAO suggests the department establish a schedule for reviewing the forms and guidelines and target its engagement activities.

Table 2.1: Arrangements established to support public nominations

Category	Arrangements established	
Forms and guidelines	▲	<p>Guidelines and nomination forms have been published for species, ecological communities, and key threatening processes. There is an example nomination for ecological communities.</p> <p>Some concerns expressed by the TSSC about the accessibility of the forms and guidelines have not been addressed.^{a,b} There is no schedule for when the forms and guidelines will be reviewed. In practice, they were presented to the TSSC for review and update in November 2017 for species, November 2016 for ecological communities, and March 2018 for key threatening processes.</p>
Public engagement	▲	<p>A public engagement process has been established for the nomination period that meets the requirements of the EPBC Act. It includes publishing a notice on the department’s website, in a national newspaper, and on the department’s social media accounts.</p> <p>Procedural guidance for advertising nominations states that the department will determine an advertising strategy for each year, and ‘may need to focus the [notice] at particular audiences to encourage increased interest — and therefore</p>

24 The timing for this period is not fixed. For the 2021 nomination period, nominations closed on 31 March 2021 and the priorities for assessment were published on 17 September 2021.

25 This is accurate as of November 2021.

26 Departmental records identify that two ineligible nominations were received during this period.

Category	Arrangements established
	increased nominations'. However, since 2016, no advertising strategies have been developed and no targeted engagement has been undertaken.

Legend: ◆ Arrangement effective; ▲ Arrangement partly effective; ■ Arrangement not effective.

Note a: The TSSC requested a plain English guide to nominations for the general public in November 2013. A draft guide was developed in June 2014, with the TSSC requesting it be revised. This remained unaddressed until the department removed it from the list of TSSC action items in February 2018.

Note b: The minutes of the November 2017 TSSC meeting in which the species guidelines and forms were last reviewed stated the form 'remains a formidable document that requires further simplification' and that the department would present a revised form and guidelines in September 2018 — this did not occur.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

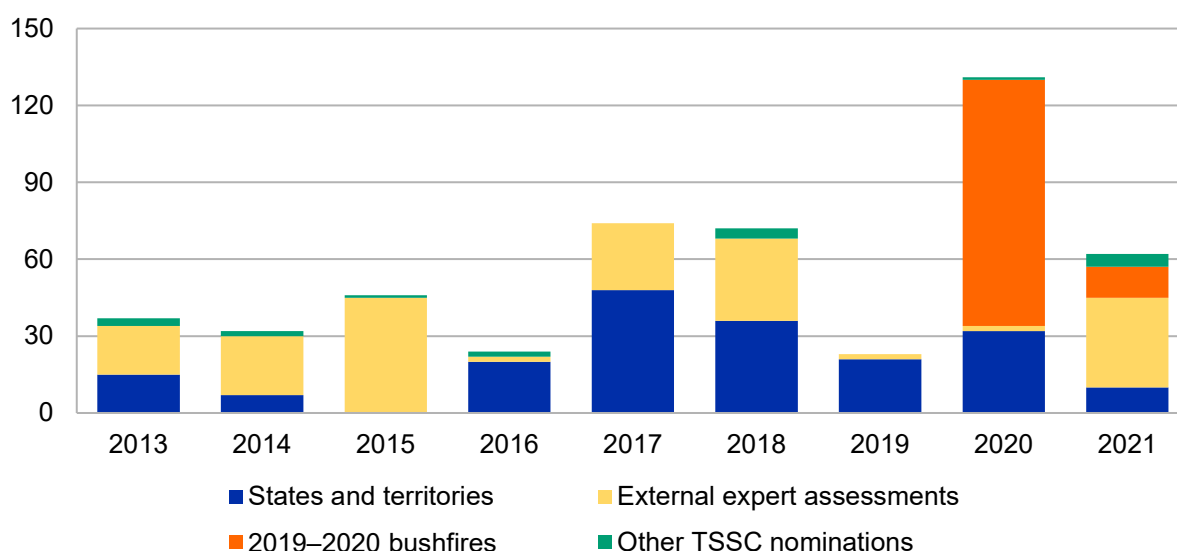
Identifying Threatened Species Scientific Committee nominations

2.8 Effective arrangements to identify species, ecological communities and key threatening processes for nomination help ensure the items being assessed are those that will have the greatest impact on the objectives of the EPBC Act.

Species

2.9 Most TSSC nominations of species have been identified through states and territories, assessments conducted by external experts, or species identified as impacted by the 2019–2020 bushfires. Of the 501 TSSC nominations included on the final assessment lists from 2013 to 2021, 483 have come from these sources (Figure 2.1).

Figure 2.1: Sources of TSSC nominations in the final assessment list^a



Note a: In 2020 and 2021, the department continued to accept nominations and make amendments to the final assessment list outside the standard nomination period. These numbers are accurate as of November 2021.

Source: ANAO based on Department of Agriculture, Water and the Environment records. As discussed in paragraph 5.26, these records are manually compiled by the department and the ANAO does not provide assurance over their accuracy.

2.10 The department has established largely appropriate processes to identify potential TSSC nominations from these sources (Table 2.2).

2.11 There is no process to assess the list of species to identify gaps or strategic priorities. Without this, and in the absence of a strategy to ensure the species identified through other sources are those that most require listing, there is limited assurance that the species being nominated are those that will have the greatest impact on achieving the objectives of the EPBC Act. Similarly, there is no process to determine when listed species should be reassessed, limiting the assurance that the list is up to date.

Table 2.2: Potential sources of TSSC nominations for species

Source	Processes established	
States and territories	◆	<p>All completed listing assessments by states and territories that meet the requirements of the CAM MoU are nominated by the TSSC for inclusion in the final assessment list. This recognition of state and territory assessments is required by the CAM MoU.</p> <p>In addition, the department has consulted with states and territories on cross-jurisdictional priorities^a for assessment each year since 2017, with the species receiving the most support presented to the TSSC for consideration. The methodology for determining these priorities has not been finalised.</p>
External expert assessments	◆	<p>Scientific experts periodically assess the status of different groups of species.^b The department uses these assessments to identify species that require listing or reassessment as potential TSSC nominations.</p> <p>Since 2013, species identified from expert assessments of birds, mammals, fish, frogs, lizards and snakes have been included on the final assessment list. Additional expert assessments are currently underway, including 8 procured by the department for a total cost of \$3.7 million.</p> <p>Principles were developed in 2018 to select potential nominations from expert assessments, which have been applied to subsequent expert assessments.</p>
2019–2020 bushfires	◆	<p>The department has identified bushfire-affected plant and vertebrate animal species for nomination by the TSSC. A documented methodology was applied to 26,062 plant and 210 vertebrate species or subspecies to determine which fire-affected species are likely to be eligible for listing.</p> <p>Bushfire-affected invertebrate animal species have not yet been identified for listing. The department is funding an assessment of bushfire affected invertebrates under the National Environmental Science Program, which was expected to result in species being considered for nomination in June 2021, but this is now expected in March 2022. This may limit the department’s ability to complete these assessments before the funding for assessing bushfire-impacted species ends in June 2022.</p>
Strategic priorities	■	<p>The department has not established a process to assess the full list of threatened species to identify gaps or identify strategic priorities for listing. It periodically reviews some aspects of the list through expert assessments, but these do not cover the entire list and have not been used to identify strategic priorities to inform future nominations.</p>

Source	Processes established
Reassessment	<p>■ There is no process to determine when listed species should be nominated for reassessment. Some species may be reassessed through expert assessments or other sources described above, but these processes do not cover the entire list.</p> <p>The need for guidelines to determine when species should be reassessed was identified by the TSSC in February 2019. This resulted in the development of a broader set of principles for prioritising assessments, but this did not provide specific guidance on when to reassess species.</p> <p>The department informed the ANAO that ‘initial discussions’ had occurred to develop a policy on triggers for reassessment.</p>

Legend: ◆ Process largely appropriate; ▲ Process partly appropriate; ■ No process established.

Note a: Under the CAM MoU, the Australian Government has default responsibility for assessing species that occur across multiple jurisdictions.

Note b: Some expert assessments are produced to inform listings under the EPBC Act and may receive funding from the department, while others are not produced for that purpose.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Ecological communities

2.12 The department and TSSC have established processes to identify ecological communities for nomination from a range of sources.

2.13 These sources include state and territory listed ecological communities, communities affected by the 2019–2020 bushfires, and reviewing the EPBC Act list of communities to identify strategic priorities. However, there are no arrangements to determine when listed ecological communities should be nominated for reassessment and there would be merit in updating strategic priorities (Table 2.3).

Table 2.3: Potential sources of TSSC nominations for ecological communities

Source	Processes established
State and territory listed communities	<p>◆ Following a 2007 ANAO recommendation to review state and territory ecological community lists to identify potential nominations^a, the department worked with states and territories to develop lists of priority state-listed communities for nomination under the EPBC Act. The last list was developed in 2011.</p> <p>From 2013 to September 2020^b, the department recorded that 7 of the 9 potential TSSC ecological community nominations proposed by the department between 2013 and September 2020 were aligned with a state-listed community. One was from the 2011 priority list of state and territory ecological communities.</p> <p>There is no longer a formal process in place to identify priority state-listed ecological communities for nomination.^c With 5 new ecological communities listed by states and territories since 1 July 2016^d, the department informed the ANAO that it did not consider a formal process necessary to track the listing of communities by states and territories.</p>

Source	Processes established	
2019–2020 bushfires	◆	In November 2020, the department established a framework to identify bushfire-affected ecological communities for assessment. The department applied this framework to 48 state-recognised ecological communities, ranking them based on whether they were likely to be eligible for listing, the complexity involved in assessing them, and the conservation benefit of their listing. This resulted in 7 TSSC nominations of fire-affected ecological communities being included in the 2020 and 2021 final assessment lists.
Strategic priorities	▲	From 2009 to 2012, the department undertook a series of analyses of the list of ecological communities to identify gaps and strategic priorities for listing. The department recorded that 8 of the 9 potential TSSC ecological community nominations proposed by the department between 2013 and September 2020 were aligned with a strategic priority. ^b Given the time since the priorities were identified, there would be merit in reassessing the status of the list and updating the strategic priorities.
Reassessment	■	The department has not established a process to determine when listed ecological communities should be nominated for reassessment. The department informed the ANAO that ‘initial discussions’ had occurred to develop a policy on triggers for reassessment.

Legend: ◆ Appropriate process established; ▲ Process requires updating; ■ No process established.

Note a: Auditor-General Report No.31 2006–07 *The Conservation and Protection of National Threatened Species and Ecological Communities*, paragraph 3.29.

Note b: After September 2020, ecological community nominations were primarily focused on communities impacted by the 2019–2020 bushfires.

Note c: The CAM MoU contains an ‘opt in’ provision for a common assessment method for ecological communities, which would provide for the recognition of communities listed in states and territories. The Australian Government has not opted in. Opting in would require amendments to the EPBC Regulations.

Note d: One additional ecological community was listed by a territory. This community was aligned with an ecological community that was already listed under the EPBC Act.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Key threatening processes

2.14 There is not an effective process to identify key threatening processes for TSSC nomination. No key threatening processes have been proposed as TSSC nominations since at least 2011. However, the TSSC has stated that ‘there are several major causes of species decline not currently listed’ as key threatening processes.²⁷

2.15 Two primary issues have been identified by the department and TSSC — the lack of a process to proactively identify key threatening processes for nomination, and the lack of a framework to determine when invasive species should be listed or recognised in other ways. The department has attempted to address these issues, but they have not yet been resolved (Table 2.4).

27 H Marsh, H Campbell, K Dixon, L Gilfedder, D Kendal, S Legge, N Mitchell, C Simpfendorfer, S Bunn and D Keith, *Submission to the Senate Inquiry on Australia’s faunal extinction crisis from the Commonwealth Threatened Species Scientific Committee (TSSC)* [Internet], 2018, p. 10, available from <https://www.aph.gov.au/DocumentStore.ashx?id=f0b4f73d-5af8-4a6d-a66a-4c2c1724b843&subId=659693> [accessed 5 October 2021].

Table 2.4: Issues with identifying key threatening processes for nomination

Issue	Description
No process to strategically identify potential key threatening processes.	<p>The lack of a process to strategically identify priority key threatening processes for nomination has been identified by external reviewers, the department and TSSC in 2009^a, 2012, 2018^b, and 2020.^c</p> <p>The department planned to hold a workshop in February 2020 to address this issue by examining prioritisation methods, but it was delayed due to bushfires and COVID-19. The department subsequently participated in a workshop with the Australian Academy of Science to develop a 'typology' of threats to assist in identifying priority threats for listing. The department informed the ANAO that further work was on hold 'due to a lack of staff' and is expected to be progressed in 2022.</p>
No framework to determine when invasive species should be individually recognised, outside the <i>Novel biota and their impact on biodiversity</i> key threatening process.	<p>The key threatening process <i>Novel biota and their impact on biodiversity</i>, listed in 2013, includes all invasive species and their impacts.</p> <p>The department and TSSC have identified that the broad-scale nature of this listing means that a corresponding threat abatement plan 'would have little focus and be less useful practically in terms of specifying responsibilities and actions'. They have identified the need for a framework to identify when individual invasive species require listing as key threatening processes or recognition in another way under the <i>Novel biota and their impact on biodiversity</i> process.</p> <p>The department proposed options for identifying and recognising invasive species of concern to the TSSC in 2014, 2016 and 2018. These have not yet been implemented.</p>

Note a: A Hawke, *Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999*, Commonwealth of Australia, 2009, p. 132.

Note b: H Marsh, H Campbell, K Dixon, L Gilfedder, D Kendal, S Legge, N Mitchell, C Simpfendorfer, S Bunn and D Keith, *Submission to the Senate Inquiry on Australia's faunal extinction crisis from the Commonwealth Threatened Species Scientific Committee (TSSC)* [Internet], 2018, pp. 2 and 10, available from <https://www.aph.gov.au/DocumentStore.ashx?id=f0b4f73d-5af8-4a6d-a66a-4c2c1724b843&subId=659693> [accessed 5 October 2021].

Note c: H Marsh, K Dixon, C Gore-Birch, R Harper, D Keith, S Legge, N Mitchell and C Simpfendorfer, *Independent review of the Environment Protection and Biodiversity Conservation Act 1999 — Submission from the Threatened Species Scientific Committee, a Statutory Committee established by the EPBC Act* [Internet], 2020, p. 29, available from <https://epbcactreview.awe.gov.au/sites/default/files/2020-05/ANON-K57V-XF2U-J%20-%20Threatened%20Species%20Scientific%20Committee%20%281%29.pdf> [accessed 5 October 2021].

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

2.16 The department has not developed a strategy to ensure the species, ecological communities and key threatening processes that are most in need of listing are being identified. Without such a strategy, the absence of processes to identify key threatening processes for nomination and assess the list of threatened species to identify strategic priorities, coupled with the time since ecological community strategic priorities were identified, limits the assurance that the items being nominated are those that will have the greatest impact on achieving the objectives of the EPBC Act.

Recommendation no. 1

2.17 The Department of Agriculture, Water and the Environment develop a strategy to ensure that its processes for determining what should be considered for listing identify the species, ecological communities and key threatening processes that will have the greatest impact on achieving the objectives of the EPBC Act.

Department of Agriculture, Water and the Environment response: Agreed.

2.18 *The department will achieve this by building on our strategic prioritisation framework developed as part of our response to bushfire recovery. We will continue to utilise expert reports, including those generated through the National Environmental Science Program and the International Union of Conservation of Nature (IUCN) Red List process, and advice from our Threatened Species Scientific Committee, to identify emerging trends and threats. We will improve our engagement framework to more effectively and efficiently draw on the wider scientific community and the general public to inform the listing nomination and prioritisation process. We will link our work with the national environmental law reform's long-term strategy to better understand the trend and condition of matters of national environmental significance.*

Processing and prioritising nominations

2.19 Once nominations are received from the public and the TSSC, the department should have procedures that enable it to effectively process the nominations and prioritise them for inclusion in the proposed assessment list.

Procedures for processing nominations

2.20 The department has established procedural guidance for receiving and processing nominations, which includes the relevant requirements of the EPBC Act. However, the procedural guidance is not complete (it did not include activities undertaken to consult with states and territories on nominations under the CAM MoU) and requires updating (some referenced documents were out of date or no longer in use, and some roles and responsibilities specified in the guidance were identified by the department as incorrect).

2.21 To better support officials to undertake work in an effective manner, the ANAO suggests the department establish arrangements to ensure the guidance is complete and up to date.

Prioritising nominations

2.22 To determine whether the department effectively supports the TSSC to decide which nominations should be proposed for assessment, the ANAO examined whether there is an agreed prioritisation framework, and whether appropriate information is provided about the capacity for new assessments.

Prioritisation framework

2.23 The department supports the TSSC to prioritise nominations by providing 'prioritisation decision support tools' for each nominated item. The tools include an assessment of the associated

risk of extinction of the item²⁸, the impacts that the listing would have, the complexity of the assessment, and whether enough information is available to list the nominated item.

2.24 There is no schedule for when the prioritisation decision support tools should be updated. In practice, the ecological community prioritisation decision support tool was updated in 2017, 2018 and 2020, the species tool was updated in 2019, and the key threatening process tool was updated in 2018. To ensure the decision support tools remain fit for purpose, the ANAO suggests the department establish an agreed schedule for their review.

2.25 The decision support tools for ecological communities and key threatening processes provide rankings to support the TSSC in determining what to propose for assessment (Table 2.5). However, the department has not yet established an approach that provides a clear comparison between species. Draft principles for prioritising species assessments were presented to the TSSC in February 2020, but have not yet been finalised — the department informed the ANAO that, in the meantime, it has been using the draft principles.

Table 2.5: Processes established to prioritise nominations

Category	Approach to prioritising nominations	
Species	▲	The species decision support tool ranks each nomination as 'include', 'more information required ... consider for following [year]', or 'unlikely to be eligible or data deficient do not assess'. These rankings do not support prioritisation between species that have sufficient information and are likely to be eligible. The department stopped preparing decision support tools for TSSC nominations in 2018 ^a , further limiting the information available to the TSSC to prioritise between nominations. The department informed the ANAO that the TSSC is aware of this change, but was unable to provide documentation of the change being approved.
Ecological communities	◆	The ecological community decision support tool provides a ranking of each nomination, by generating a score for each community. This allows prioritisation between the different nominations received each year.
Key threatening processes	◆	The key threatening process tool ranks each nomination as 'high', 'medium' or 'low' priority, based on a qualitative assessment. Given the low numbers of nominations considered each year, this allows prioritisation between each nomination. ^b

Legend: ◆ Process supports prioritisation of nominations; ▲ Process does not fully support prioritisation of nominations; ■ Process does not support prioritisation of nominations.

Note a: Decision support tools were completed for 13 of 54 potential TSSC nominations in 2018.

Note b: For example, a total of two key threatening process nominations (both public nominations) were considered from 2019 to 2021.

Source: ANAO based on the Department of Agriculture, Water and the Environment documents.

Assessment of capacity

2.26 To support the TSSC to determine how many items should be proposed for assessment, the department provides an estimate of the department's capacity for new species and ecological community assessments each year. The department does not provide a capacity estimate for key

28 For species and ecological communities, this is the risk they will become extinct. For key threatening processes, this is the risk it poses to species and ecological communities.

threatening processes and has recommended that no key threatening process nominations be included since at least 2016.²⁹

2.27 For ecological communities, the capacity estimate is determined each year by calculating the average number of assessments that would be underway per official. For species, the estimate was determined until 2019 by a calculation of the expected workload of different assessments in comparison to staffing capacity. The department did not undertake capacity calculations for species assessments in 2020 and 2021.³⁰ It is unclear how the department determined the species capacity estimate it provided to the TSSC in 2020 and 2021.

2.28 The ANAO suggests the department ensure its estimate of its capacity for new assessments each year is informed by robust calculations, so the TSSC can make informed decisions about how many items to propose for assessment. Given that most ecological community assessments exceed their initial timeframes (paragraph 4.7), there would be merit in revising the methodology for estimating capacity for ecological community assessments.

Are listing decisions and assessments administered effectively?

The administration of listing decisions and assessments is partly effective. Largely appropriate definitions and guidelines have been established to set out when items are eligible for listing. Procedural guidance for undertaking listing assessments does not fully capture all relevant requirements of the EPBC Act and is not complete, up to date or consistently implemented.

2.29 Once the Minister has determined what will be assessed, the department supports the TSSC to assess whether each species, ecological community or threatening process is eligible for listing (see Figure 1.1 for a diagram of the process). In practice, these assessments are conducted by the department with review and oversight by the TSSC. The TSSC must then provide the listing assessment to the Minister, who determines whether to list the assessed item under the EPBC Act.

Policies, procedures and training

2.30 Key arrangements to support officials to undertake work in a consistent and effective manner include defined criteria for listing eligibility, procedural guidance, and training.

Eligibility criteria

2.31 The EPBC Act and EPBC Regulations establish the criteria that make a species, ecological community or threatening process eligible for listing under the EPBC Act. As noted by the TSSC, these criteria include subjective terms such as ‘substantial’, ‘high’ or ‘very high’ rates of decline. Establishing clear definitions for how these terms will be applied supports consistency and public confidence in listing decisions.

29 Since 2017, the department has informed the TSSC that ‘given the limited regulatory influence of the list of key threatening processes, and the limited capacity of the Department to support complex assessments’ it does not recommend any key threatening processes to be proposed for assessment.

30 The department informed the ANAO that this was due to the increased funding for listing assessments for bushfire-affected species.

Species

2.32 The department has largely adopted the definitions and guidelines established by the International Union for the Conservation of Nature (IUCN) for determining whether species meet the criteria for threatened.³¹ These have been incorporated into the department's eligibility guidelines, which are consistent with the requirements of the EPBC Act.

2.33 Alignment with the IUCN definitions and guidelines is required under the CAM MoU. The IUCN definitions and guidelines allow for listing species under one sub-category that is not included in the EPBC Regulations.³² This leaves the CAM MoU and the listing process under the EPBC Act not fully aligned.

2.34 The department has worked with states and territories to develop policies to clarify how the IUCN definitions and guidelines should be interpreted under the common assessment method.³³ However, eight out of 10 areas of 'inconsistent interpretation', identified by the department and states and territories in 2018, have not yet been addressed.³⁴

2.35 The IUCN definitions were last updated in 2012. The associated IUCN guidelines were updated six times since then, with the most recent changes in August 2019. The department last presented its guidelines on applying the definitions and criteria to the TSSC in November 2017 but has updated its guidelines to reflect the updated IUCN guidelines.

Ecological communities and key threatening processes

2.36 The department has developed definitions and guidelines to determine when ecological communities and key threatening processes meet the criteria for listing under the EPBC Act. These are consistent with the requirements of the EPBC Act.

2.37 The definitions and guidelines for applying the ecological community eligibility criteria were last updated in November 2016, and the definitions and guidelines for applying the key threatening process criteria were last updated in March 2018.

2.38 There is no schedule to review the definitions and guidelines for the ecological community and key threatening process listing criteria. To support the definitions and guidelines to remain fit for purpose over time, the ANAO suggests the department establish a schedule for their review.

Procedural guidance

2.39 The department has established a procedural guidance manual for undertaking assessments of species and key threatening processes. This manual requires updating, is not fully complete, and could more fully capture some requirements of the EPBC Act (Table 2.6).

31 The International Union for the Conservation of Nature (IUCN) is a union of more than 1400 organisations, including 91 states and 121 government agencies. It maintains an international list of threatened species and their conservation status; IUCN Species Survival Commission, *IUCN Red List categories and criteria: version 3.1, 2012*; IUCN Standards and Petitions Committee, *Guidelines for Using the IUCN Red List Categories and Criteria, 2019*.

32 IUCN Criterion D2 — the species has a very restricted distribution.

33 These include policies relating to standards of evidence, which species are eligible for listing, and on assessing species at the national level.

34 Of the 10 issues identified for further action, two have been addressed by new policies.

2.40 A procedural guidance manual for undertaking assessments of ecological communities has not been completed. The department informed the ANAO that the manual for species and key threatening processes ‘was also originally developed for’ ecological communities, and that some of the procedures in the manual were generic and would also apply to ecological communities. The manual for species and key threatening processes still contains some documents that relate to ecological communities.³⁵

2.41 Without complete and up to date procedural guidance, officials are reduced in their ability to support the TSSC to provide effective advice to the Minister and undertake assessments in a way that meets the requirements of the EPBC Act and CAM MoU.

Table 2.6: ANAO assessment of procedural guidance for listing assessments

Guidance attribute	Species	Key threatening processes
Up to date	■ 7 of 9 examined documents contained links that did not work, or information that required updating.	■ 4 of 5 examined documents contained links that did not work, or information that required updating.
Complete	▲ Procedural guidance does not include required engagement with states and territories under the CAM MoU. Templates and diagrams have been developed for these activities but are not linked to the guidance. Some other required activities are not included or linked to the primary procedural guidance documents. ^a	▲ Procedural guidance does not include the delisting of key threatening processes.
Includes EPBC Act requirements	▲ Of 45 relevant subsections of the EPBC Act, 11 were not found in the main text of the guidance but were included in an extract of the EPBC Act as an appendix, and 2 were not found. ^b	▲ Of 28 relevant subsections of the EPBC Act, 10 were not found in the main text of the guidance but were included in an extract of the EPBC Act as an appendix, and 4 were not found. ^c

Legend: ◆ Attribute achieved; ▲ Attribute partly achieved; ■ Attribute not achieved.

Note a: Activities not linked to include processing state-led assessments under the CAM MoU. Activities not included include updating tracking spreadsheets and publishing news items on the department’s website.

Note b: Requirements not found for species include subsections 189A(1), and section 194. Subsections were assessed as not being found if any requirements of that subsection were not included.

Note c: Requirements not found for key threatening processes include subsections 188(1), 188(2), 188(3) and section 194. Subsections were assessed as not being found if any requirements of that subsection were not included.

Source: ANAO based on assessment of Department of Agriculture, Water and the Environment documentation.

2.42 In addition, there is no schedule for when the procedural guidance for assessments should be reviewed or updated. Records indicate that since 1 July 2016, the guidance was updated twice in 2016 and once in 2019. Establishing a review schedule would better support the guidance to be complete, up to date and include all the requirements of the EPBC Act.

35 Eleven of 68 examined documents in the procedural guidance manual for species and key threatening processes contained guidance for ecological communities. These documents were last updated in 2015.

Training

2.43 Departmental officials have received training on the application of the IUCN assessment guidelines from IUCN accredited trainers. This was delivered in March 2020, October 2020, March 2021, October 2021, December 2021 and February 2022.

2.44 There is no policy for which officials should undertake training or how often they should be trained. The department also does not maintain consolidated records of whether officials have been trained, although there are records of attendance at individual training sessions. Establishing agreed training requirements and monitoring their completion would provide greater assurance that officials have the skills required to undertake effective assessments.

Stakeholder consultation

2.45 Information relevant to listing assessments is held by a range of stakeholders. These include states and territories, non-governmental organisations, traditional owners and scientific experts. Effective arrangements to consult with stakeholders support the department to obtain this information.

Ecological communities

2.46 As discussed in paragraph 2.40, there is no current procedural guidance for undertaking assessments of ecological communities.

2.47 In the absence of documented procedures, the ANAO examined the consultation undertaken for each of the 13 ecological community assessments completed between 1 July 2016 and 30 June 2021. In practice, each assessment involved consultation with the public (as required by the EPBC Act), a targeted selection of experts and at least one state or territory, and a workshop or field trip with stakeholders. All but one involved consultation with traditional owners.

2.48 The department did not consistently demonstrate how submissions had been considered. Of the 13 assessments, four described to the Minister how each submission had been considered, while five provided an overall description or a description for some but not all submissions. Similarly, two described to the TSSC how each submission had been considered, with seven providing an overall description or a description for some submissions.

Species and key threatening processes

2.49 As described in Table 2.7, the department has established procedures for consultation on species and key threatening process assessments that provide a basis for obtaining and considering information from the public, experts, stakeholders, traditional owners, and states and territories.

Table 2.7: Consultation procedures for species and key threatening processes

Consultation method	Species	Key threatening processes
Statutory public consultation	The department has established public consultation procedures in accordance with the EPBC Act. It includes a consultation period of at least 30 days, and requires each submission, a summary of all submissions and details of how the submissions were taken into account to be provided to the TSSC and Minister.	
Targeted consultation	Departmental procedures require targeted consultation with experts and stakeholders. The list of experts and questions to ask are to be approved by the TSSC.	
State and territory consultation	A formal consultation process has been established under the CAM MoU. It requires the department to provide the states and territories in which the species occurs with copies of draft and final assessments.	There are no documented procedures other than the public and targeted consultation procedures detailed above to consult with states and territories on assessments of key threatening processes.
Traditional owner consultation	Procedural guidance requires officials to document how consultation with traditional owners may be undertaken, following contact with the 'appropriate Indigenous Land Manager/s'.	

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

2.50 While consultation requirements under the EPBC Act were met, some departmental procedures are not consistently followed. An examination of 26 species listing assessments randomly selected from all species assessments completed between 1 July 2016 and 30 June 2021 found that:³⁶

- the list of targeted experts and questions to ask was not presented to the TSSC prior to consultation for one assessment;
- while relevant states and territories were provided copies of the draft assessment for all but one assessment, there were not records on file of states and territories being provided with the final assessment for 20 of 24 assessments³⁷, as required under the CAM MoU;
- details of how submissions were taken into account was not provided to the TSSC for 19 assessments, and not provided to the Minister for 25 of 26 assessments; and
- details of how traditional owners may be consulted were not found for 23 of 26 assessments — the department has subsequently implemented arrangements to improve its engagement with traditional owners.³⁸

36 These are the same species listing assessments examined in paragraphs 2.53 and 2.54. No key threatening process assessments were examined as none were completed between 1 July 2016 and 30 June 2021.

37 Two assessments did not require consultation under the CAM MoU, as they were either not compliant with the common assessment method or did not occur within a state or territory.

38 Since the examined assessments, the department has: commenced development of a framework to guide Indigenous collaboration; undertaken consultation with traditional owners on three species using a professionally prepared animation and Indigenous engagement strategy; and required contractors delivering assessments of bushfire-affected species to develop an Indigenous engagement plan.

Conduct of assessments

2.51 Undertaking listing assessments in accordance with procedural and legislative requirements ensures that listing decisions are consistent, legally valid and meet the expectations of the TSSC.

Quality assurance

2.52 Quality assurance arrangements support the accountable authority to ensure work is completed appropriately.

2.53 The department has established quality assurance arrangements for assessments of species and key threatening processes, but they have not been implemented (Table 2.8). No standard quality assurance arrangements have been established for ecological communities. This limits the department's assurance that assessments are being completed in an effective manner.

Table 2.8: Quality assurance arrangements for listing assessments

Category	Arrangements established	Implementation
Species	◆ Draft species and key threatening process assessments are required to be reviewed by a supervisor and manager, final assessments are required to be reviewed by a manager, and the final brief to the Minister is required to be reviewed by a manager and senior executive.	■ Of 26 species listing assessments randomly selected from all assessments completed between 1 July 2016 and 30 June 2021 ^a , 1 quality assurance checklist was found on file and it was not fully complete. The department informed the ANAO that officials are not required to save the completed checklist.
Key threatening processes	Quality assurance checklists are required to be completed before assessments are provided to the TSSC and before the assessment brief is provided to the Minister.	△ As no key threatening process assessments were completed between 1 July 2016 and 30 June 2021, none were examined.
Ecological communities	■ As there is no current guidance for ecological community assessments (paragraph 2.40), there are no documented quality assurance procedures.	

Legend: ◆ Process effective; ▲ Process partly effective; ■ Process not effective; △ Not examined.

Note a: These are the same species listing assessments examined in paragraphs 2.47 and 2.54.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Implementation of requirements

2.54 To determine whether listing assessments are conducted in accordance with procedural and legislative requirements, the ANAO examined 29 listing assessments led by the Australian Government (26 species and three ecological communities).³⁹ These assessments were randomly selected from all listing assessments completed between 1 July 2016 and 30 June 2021.⁴⁰

2.55 All assessments were compliant with the EPBC Act. However, there were high rates of non-compliance with procedural requirements (Table 2.9).

³⁹ The species listing assessments are the same as those examined in paragraphs 2.50 and 2.53.

⁴⁰ No key threatening process assessments were completed during this period.

Table 2.9: Compliance with procedural and legislative requirements

Requirement	ANAO assessment	
Work plan developed ^a	■	While the department's procedural guidance states that officials assessing species and key threatening processes should 'prepare a work plan ... outlining the proposed timeline for undertaking the assessment', no work plans were found on file for the 26 species assessments examined. Some areas of the department prepare collective work plans that include multiple species (see Table 4.2).
Consultation undertaken in accordance with requirements	▲	Public consultation was undertaken for each examined assessment, as required by the EPBC Act. However, as discussed in paragraph 2.50, some procedural requirements for planning consultation for species were not met.
Results of consultation considered	▲	The TSSC was presented with the submissions from consultation for each assessment, in accordance with the EPBC Act. 21 assessments (19 species and 2 ecological communities) did not document how submissions were considered (see paragraphs 2.48 and 2.50).
Species or ecological community identified as meeting listing criteria	◆	All assessments identified the species or ecological community as meeting the required criteria for listing under the EPBC Act and CAM MoU.
Listing assessment approved by TSSC	◆	All listing assessments were approved by the TSSC, in accordance with the EPBC Act.
Brief provided to Minister with required attachments	▲	Briefs were provided to the Minister with the required attachments under the EPBC Act. As discussed in paragraph 2.50, 25 of 26 species assessments did not meet the procedural requirement to include a description of how received submissions were taken into account. ^b
Quality assurance checklists completed ^a	■	As discussed in paragraph 2.53, no completed quality assurance checklists were found on file.

Legend: ◆ Requirements met; ▲ Requirements partly met; ■ Requirements not met.

Note a: Requirement only applies to species.

Note b: One additional assessment described how some (but not all) submissions were taken into account.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

2.56 In addition, the ANAO examined 12 species that were assessed by states or territories under the CAM MoU and processed for listing under the EPBC Act. For each of these assessments, the department had completed a required checklist to determine whether the assessments met the requirements of the CAM MoU.

2.57 The high rate of non-compliance with procedural guidance indicates that greater quality assurance is required. Establishing improved arrangements to ensure compliance with procedural guidance, alongside updating the guidance, would better position the department to ensure listing assessments are conducted in an effective manner.

Recommendation no. 2

2.58 The Department of Agriculture, Water and the Environment regularly review, update and implement procedural guidance, training and quality assurance arrangements, to ensure listing assessments are conducted in an effective manner that meets legislative and procedural requirements.

Department of Agriculture, Water and the Environment response: *Agreed.*

2.59 *The department has significantly increased the resourcing of listing assessment processes, both within the department and to support the work of the Threatened Species Scientific Committee. This has been accompanied by increased investment in training and quality assurance processes, covering staff and scientific providers. The department will build on this to ensure procedural guidance, training and quality assurance arrangements are subject to regular review and update.*

Acceptance by the Threatened Species Scientific Committee

2.60 As the department's role in listing assessments is to support the TSSC, the TSSC's acceptance of final assessments during TSSC meetings may provide an indication of the department's effectiveness in administering assessments and compliance with TSSC requirements.

2.61 Of the 26 Australian Government led listing assessments completed during 2020–2021, 18 final assessments were approved by the TSSC subject to feedback provided during the meeting, and eight required revision and subsequent out of session approval by a subset of the TSSC. None were rejected or required to be recompleted or re-presented at another TSSC meeting.

3. Conservation planning

Areas examined

This chapter examines whether the Department of Agriculture, Water and the Environment (the department) effectively develops and supports the implementation of conservation advice, recovery plans and threat abatement plans under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Conclusion

The department is partly effective in developing and supporting the implementation of conservation advice, recovery plans and threat abatement plans. Procedural guidance for development needs updating and is not fully followed, and arrangements for review and update are not appropriate. There are arrangements to prioritise some funding programs and align them with conservation advice, recovery plans and threat abatement plans. There are not currently any other effective arrangements to provide coordinated support for or obtain assurance over the implementation of conservation advice, recovery plans and threat abatement plans.

Areas for improvement

The ANAO made two recommendations, aimed at: implementing arrangements to ensure that conservation advice, recovery plans and threat abatement plans are reviewed and updated; and obtaining assurance over the implementation of conservation advice, recovery plans and threat abatement plans.

The ANAO also suggested that the department applies its criteria for determining when threat abatement plans are required and establishes a schedule for the review and update of the approach (including procedural guidance) to recovery and threat abatement plans.

3.1 Under the 1992 United Nations *Convention on Biological Diversity*, the Australian Government is required (as far as possible and as appropriate) to develop and implement plans or management strategies to promote the recovery of threatened species and rehabilitate and restore degraded ecosystems.⁴¹

3.2 The EPBC Act gives effect to this by requiring the development of conservation advice for most threatened species and ecological communities when they are listed, and recovery plans and threat abatement plans where it has been determined they are needed (see Figure 1.2 for a diagram of this process). These documents, collectively referred to as conservation plans, establish the actions necessary to protect and recover the relevant species and ecological communities.

3.3 Establishing effective conservation planning arrangements supports the recovery of threatened species and ecological communities, and allows Australia to meet its obligations under the *Convention on Biological Diversity*. Effective conservation planning arrangements include:

- effective processes to develop and review conservation plans; and
- effective arrangements to support the implementation of conservation plans.

41 United Nations, *Convention on Biological Diversity*, 1992, p. 6.

Is there an effective process to develop and review plans and advice?

There is a partly effective process for the development of conservation advice, recovery plans and threat abatement plans. Processes have been established to determine when recovery and threat abatement plans are required. Procedural guidance for the development of conservation advice, recovery plans and threat abatement plans requires updating and is not fully followed. Arrangements to review and update conservation advice, recovery plans and threat abatement plans are not appropriate.

3.4 Establishing effective processes for conservation planning supports conservation advice, recovery plans and threat abatement plans to be targeted at the actions that will be most successful in conserving threatened species and ecological communities.

Determining whether plans are required

3.5 Under the EPBC Act, the Threatened Species Scientific Committee (TSSC) provides recommendations to the Minister for the Environment (the Minister) about whether recovery plans and threat abatement plans are required. The department supports the TSSC in making these recommendations.

3.6 Recovery and threat abatement plans provide statutory protection under the EPBC Act.⁴² However, they can take a long time to develop (see paragraph 4.11 for plan development timeframes).

3.7 Establishing an effective process to recommend whether recovery or threat abatement plans are required supports the department and TSSC to allocate the resources necessary for plan development to the species and ecological communities where they will have the greatest impact.

Recovery plan decisions

3.8 The Minister has determined that recovery plans are required for 911 (48 per cent) of listed threatened species and ecological communities.⁴³ Four species and one ecological community have not had a recovery plan decision made, although each had a recovery plan developed for it.⁴⁴

Recovery plan decision principles

3.9 The TSSC has published principles for determining when a recovery plan is required or when conservation advice alone will be sufficient. The principles state that conservation advice will be considered sufficient, unless:⁴⁵

42 The Minister must not approve actions under the EPBC Act that are inconsistent with recovery or threat abatement plans, Commonwealth entities must implement recovery and threat abatement plans in Commonwealth areas, and Commonwealth entities must not act inconsistently with recovery and threat abatement plans.

43 This is accurate as of November 2021. It includes species and ecological communities that were determined to require a recovery plan as part of the transitional arrangements of the *Environment and Heritage Legislation Amendment Act (No. 1) 2006*. The percentage does not include species listed in the categories of 'extinct' and 'conservation dependent'.

44 The department informed the ANAO that its legal area is assessing the status of these recovery plan decisions.

45 Threatened Species Scientific Committee, *Ongoing modernisation of conservation planning under the EPBC Act* [Internet], 2021, pp. 3–4, available from <https://www.awe.gov.au/sites/default/files/documents/ongoing-modernisation-conservation-planning-under-the-epbc-act-tssc.pdf> [accessed 10 November 2021].

- there are complexities in conservation planning that present challenges for the coordination of effort⁴⁶;
- the species or community has significant occurrences in Commonwealth areas;
- there is an established recovery team willing to review and update the recovery plan; or
- there is a high-quality draft recovery plan already available.

3.10 The department has not been able to provide the TSSC with supporting evidence for these principles that demonstrates the relative effectiveness of recovery plans and conservation advice. The TSSC requested in 2015 that the department provide an example of how having a recovery plan instead of conservation advice has impacted the conservation of a species, but this request was removed from the list of pending actions in 2019 as the data was ‘unavailable’. In the absence of this evidence, the department and TSSC have held workshops with experts and stakeholders to inform the approach to recovery plan decisions.

Recovery plan decision procedures

3.11 The department supports the TSSC to recommend whether a recovery plan is required by providing a ‘decision support tool’ for each species and ecological community. The tool summarises a range of factors in accordance with the recovery plan decision principles, including: the complexity of recovery actions required; whether the additional regulatory support provided by a recovery plan would be beneficial; and the rate at which the species is declining.

3.12 The department has also established procedural guidance to process recovery plan decisions, for initial decisions made during listing assessments and subsequent decisions made after the listing assessment. The guidance is consistent with the EPBC Act. However, it only covers subsequent decisions to not have a plan.⁴⁷

Recovery plan decision review project

3.13 In 2014, the department informed the Minister that it had ‘limited capacity to fund and little jurisdictional support to develop new or revised recovery plans’ and was ‘facilitating the making of a smaller number but prioritised set of recovery plans’. To support this, the department and TSSC commenced a project to review all recovery plan decisions made before 2013. The project is scheduled to finish in October 2022.

3.14 As part of the project, the TSSC and department applied the recovery plan decision support tool to 811 species and ecological communities that had previously been determined to require a plan. The TSSC provided advice to the Minister in May 2021 proposing that 675 species and

46 These complexities were noted to arise from: the entity being subject to multiple significant threats; the range of the species or ecological community occurring across multiple government borders, land tenures, or across a high proportion of private land; large numbers or diverse views of stakeholders; and the entity being subject to high development pressure or other threats that can be regulated under the EPBC Act.

47 The EPBC Act places different requirements on subsequent recovery plan decisions depending on whether they are to have a plan or not have a plan.

communities no longer require a recovery plan and 136 continue to require a plan.⁴⁸ As of February 2022, these proposed decisions are undergoing staged public consultation.

3.15 A preliminary analysis of the results for the first 185 species and ecological communities that underwent consultation was presented to the TSSC in December 2021. The analysis indicated that all 6701 received submissions (6505 of which were part of campaigns) disagreed with the proposed decisions to not require plans. The department informed the ANAO that ‘the preliminary analysis is an initial step in a larger process’ and ‘the comments contained in the submissions were wide ranging and therefore not only restricted to an opinion on the decision (to not require recovery plans)’.

Threat abatement plan decisions

3.16 The Minister has determined that threat abatement plans are required for 11 of the 21 listed key threatening processes.

3.17 Under the EPBC Act, the Minister is required to decide to have a threat abatement plan for a key threatening process if they believe it is a feasible, effective and efficient way to abate the process. Where it is determined a threat abatement plan is not required, the Minister must review this decision every five years.

3.18 The department and TSSC have published criteria for determining whether a threat abatement plan would be a feasible, effective and efficient way to abate the key threatening process. The department has not established procedural guidance for applying the criteria or processing threat abatement plan decisions.

3.19 The department did not apply the criteria for feasibility, effectiveness and efficiency in the three threat abatement plan decision reviews conducted since 1 July 2016.⁴⁹ The reviews provided overall advice on whether threat abatement plans would be feasible, effective and efficient, but did not address those factors individually. As part of reviews of threat abatement plans (see paragraph 3.54), the department has outlined the advantages and disadvantages of different threat abatement approaches, but has not applied the criteria or individually assessed feasibility, effectiveness or efficiency.

3.20 The ANAO suggests the department apply the criteria for feasibility, effectiveness and efficiency when making and reviewing threat abatement plan decisions, to support the Minister to make consistent and effective decisions about whether threat abatement plans are required.

Development of conservation plans

3.21 The ANAO examined whether the department has established an effective approach to developing conservation advice, recovery plans and threat abatement plans.

48 Since the May 2021 brief, one species and two ecological communities were added to the list of those proposed to no longer require a plan and four species were removed. The brief also stated that an additional 103 species and ecological communities that had recovery plans established since 2014 would be reviewed at a later date.

49 As no key threatening processes were listed during this period, no initial threat abatement plan decisions have been made.

Conservation advice development

3.22 Conservation advice is required to be established under the EPBC Act for most listed threatened species and ecological communities⁵⁰, to set out what can be done to stop the decline or support the recovery of the species or community.

3.23 From 1 July 2016 to 30 June 2021, 379 conservation advice documents were established. Conservation advice is in place for all relevant species, but two ecological communities do not have required conservation advice. These two ecological communities have recovery plans.

Procedural guidance

3.24 The department has established procedural guidance for the development of conservation advice, which is consistent with the EPBC Act but not complete or fully up to date (Table 3.1). It has also established a quality assurance checklist for the development of conservation advice.

3.25 This procedural guidance applies to conservation advice for species assessed for listing by the department. For species assessed by states and territories and processed under the common assessment method, the conservation advice is developed by the state or territory.

Table 3.1: ANAO assessment of conservation advice procedural guidance

Characteristic	ANAO assessment	
Up to date	▲	Procedural guidance on file is not the last version approved by the TSSC. 1 of the 2 documents on file had a broken link and placeholder text.
Complete	▲	Guidance for conservation advice for ecological communities is still in development. An ecological community conservation advice template was approved by the TSSC in December 2021.
Includes EPBC Act requirements	◆	Guidance contains all relevant requirements of the EPBC Act.

Legend: ◆ Attribute achieved; ▲ Attribute partly achieved; ■ Attribute not achieved.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Compliance with procedural and legislative requirements

3.26 Conservation advice has been partly developed in accordance with requirements. The ANAO examined 33 conservation advice documents, randomly selected from all conservation advice developed by the department between 1 July 2016 and 30 June 2021⁵¹, and found that 10 did not meet legislative or procedural requirements. Identified issues included that:

- seven did not contain ‘a statement that sets out the main factors that are the cause of it being [eligible for listing]’, as required by the EPBC Act — however, this information could be gathered from the entirety of the document;
- five did not include monitoring actions to provide information on the performance of other actions in the conservation advice, as required by procedure; and

50 The conservation advice requirement came into effect in 2007. Species and ecological communities that had recovery plans in place or under development prior to this date do not require conservation advice. Species listed as ‘extinct’ or ‘conservation dependent’ do not require conservation advice.

51 This does not include conservation advice developed by states and territories under the common assessment method.

- five conservation advice documents established since 2018 did not meet a range of new requirements introduced during that period.⁵²

3.27 No quality assurance checklists were found on file.⁵³ The department informed the ANAO that officials are not required to save the completed checklist.

Continuous improvement

3.28 The department and TSSC regularly assess the approach to conservation advice, to better support the recovery of threatened species and ecological communities.

3.29 Since 1 July 2016, the approach to conservation advice has been discussed during at least 15 TSSC meetings.⁵⁴ The department and TSSC have agreed to review the procedural guidance for conservation advice annually, with potential improvements to be discussed at each TSSC meeting and added to a register. Key improvements that have been made are:

- the inclusion of objectives from 2021, to better identify the intended outcomes of the conservation advice; and
- the inclusion of information on 'habitat critical to the survival of the species' from 2020, which is a key factor in regulatory decision-making.⁵⁵

3.30 However, some issues identified by the TSSC or department have not yet been resolved. For example, the department has not established arrangements to align conservation advice for species assessed by states and territories under the common assessment method with better practice requirements that have been established for other conservation advice.⁵⁶

Recovery plan development

3.31 Recovery plans are intended to protect and manage threatened species or ecological communities, by providing for the actions necessary to stop the decline and support the recovery of the species or community. Recovery plans can be made by the Australian Government, adopted from states and territories, or made jointly with states and territories.

52 Of the five conservation advice documents established after 2018, two did not meet the requirements of: the primary conservation action making it clear what impacts must be avoided; including required aspects for public engagement actions; using current evidence for threats; or recommending the development of a management strategy for species with small populations, with input from local experts. One did not meet the requirement of ensuring all identified threats are addressed by actions.

53 This was determined by examining 26 species listing assessments, randomly selected from all listing assessments completed between 1 July 2016 and 30 June 2021. These are the same checklists as discussed in paragraph 2.53. As conservation advice is developed at the same time as the listing assessment is undertaken, one checklist is used to cover both the listing assessment and conservation advice.

54 There were 20 TSSC meetings during this period. This does not include the supplementary monthly meetings held to process large numbers of listing assessments of bushfire-affected species.

55 The department's significant impact guidelines state that actions that would adversely affect habitat critical to the survival of a threatened species are likely to constitute a significant impact; Department of the Environment, *Matters of National Environmental Significance: Significant impact guidelines 1.1* [Internet], 2013, pp. 8–9, available from https://www.awe.gov.au/sites/default/files/documents/nes-guidelines_1.pdf [accessed 21 November 2021].

56 Of 13 conservation advice documents produced by states and territories, randomly selected from all conservation advice established between 1 July 2016 and 30 June 2021, 12 did not include monitoring actions that provide performance information and nine did not identify relevant stakeholders.

3.32 From 1 July 2016 to 30 June 2021, four recovery plans were made by the Australian Government, eight state and territory plans were adopted, and two plans made jointly with states and territories. Recovery plans have not been established for 164 species and ecological communities determined to require them.⁵⁷

Procedural guidance

3.33 The department has established procedural guidance for the development of recovery plans. It has also established two quality assurance checklists to be completed for each recovery plan and provided to the TSSC.

3.34 As shown in Table 3.2, the procedural guidance is not up to date or complete and does not include all the requirements of the EPBC Act. The department informed the ANAO that it is aware the guidance needs updating and has begun developing new guidance.

Table 3.2: ANAO assessment of recovery plan procedural guidance

Characteristic	ANAO assessment	
Up to date	▲	1 of 3 examined documents contained broken links and indicators that it was not up to date, including tracked comments and placeholder text.
Complete	▲	Does not include how to request or document the Minister’s approval for extensions to statutory due dates, or how to vary jointly made or adopted plans.
Includes EPBC Act requirements	▲	Does not include requirements relating to: statutory timeframes; taking into account the views of states and territories; and the TSSC providing advice to the Minister on the timing and order in which plans should be made.

Legend: ◆ Attribute achieved; ▲ Attribute partly achieved; ■ Attribute not achieved.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Compliance with procedural and legislative requirements

3.35 The four recovery plans developed by the department between 1 July 2016 and 30 June 2021 were largely developed in accordance with requirements. Most quality assurance checklists were completed.⁵⁸

3.36 Stakeholder engagement strategies, which are required by procedural guidance, were not found on file for the four recovery plans. The development of each recovery plan involved consultation with the public (as required under the EPBC Act), targeted experts, and states and territories. The development of three of the four plans involved consultation with traditional owners and documented how stakeholder feedback had been taken into account.⁵⁹

57 This is correct as of November 2021. This figure includes species that previously had a recovery plan, but the plan has sunset under section 50 of the *Legislation Act 2003*. Many of these species are proposed to no longer require a recovery plan under the recovery plan decision review project (see paragraphs 3.13 to 3.15).

58 One of the two required checklists were not completed for one recovery plan.

59 As part of the development of this recovery plan, the department provided the TSSC and Minister with all received submissions, but not details of how each of those submissions had been considered. For one other recovery plan, it was detailed to the TSSC how submissions had been considered but the submissions (and details of how they had been taken into account) were not provided to the Minister.

Continuous improvement

3.37 The department informed the ANAO that it is currently reviewing the procedural guidance for developing recovery plans, and the procedural guidance for adopting state and territory plans was updated in 2020. A review of the procedural guidance and overall approach for recovery planning has not been completed since at least 1 July 2016. The TSSC has periodically discussed aspects of the approach⁶⁰ and the department informed the ANAO some administrative processes (such as briefing materials) have been updated.

3.38 There is no schedule for future review. To ensure recovery plans are developed effectively, the ANAO suggests the department establish a schedule to periodically review and update the approach (including procedural guidance) to recovery planning.

Threat abatement plan development

3.39 Threat abatement plans are intended to reduce the effect of a key threatening process. They must provide for the actions necessary to reduce the process to an acceptable level, to maximise the chances of survival of affected species and ecological communities.

3.40 From 1 July 2016 to 30 June 2021, six threat abatement plans were developed. Threat abatement plans have been established for all 11 key threatening processes determined to require them.

3.41 The department has also established other non-statutory documents (five ‘threat abatement advice’ and two ‘national action plans’) to provide for the management of key threatening processes. The department informed the ANAO that it ‘takes a flexible approach to the type of guidance document most likely to lead to effective threat abatement, such as using national actions plans where there are multiple stakeholders to own and implement the plan’. As these documents are not produced under the EPBC Act, the ANAO has not examined them as part of this audit.

Procedural guidance

3.42 The department has established procedural guidance for threat abatement plans, but it is not up to date or complete, and does not contain all relevant requirements of the EPBC Act (Table 3.3). The department has also established a quality assurance checklist which is to be completed for each plan.

60 Primary topics discussed at TSSC meetings since 1 July 2016 were developing costings for actions in recovery plans, and the identification of habitat critical to the survival of species. Both of these elements are required, to the extent possible, under the EPBC Act.

Table 3.3: ANAO assessment of threat abatement plan procedural guidance

Characteristic	ANAO assessment	
Up to date	▲	References to other documents were no longer current, with 1 referenced document not on file.
Complete	▲	Does not include how to make a plan jointly with states and territories, how to publish notices of a plan, how to revoke a plan, or how to vary a plan.
Includes EPBC Act requirements	▲	Does not include requirements relating to: statutory timeframes; the TSSC providing advice to the Minister on the timing and order in which plans should be made; publishing notices of a plan; and being satisfied plans cannot be made jointly with states and territories within required timeframes.

Legend: ◆ Attribute achieved; ▲ Attribute partly achieved; ■ Attribute not achieved.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Compliance with procedural and legislative requirements

3.43 The six threat abatement plans established since 1 July 2016 were largely consistent with procedural and legislative requirements for content. Four did not meet the legislative requirement to state where actions most needed to be taken for threat abatement — three of these instead stated that priority areas needed to be identified, which has not been completed as of February 2022.

3.44 No quality assurance checklists were found on file. Without this, there was limited evidence that the development process was consistent with EPBC Act requirements. For example, the EPBC Act requires that regard is had to ‘minimising ... significant adverse social and economic impacts’ and to ‘the role and interests of Indigenous people in the conservation of Australia’s biodiversity’, but this was not clearly demonstrated in some plans.⁶¹ The quality assurance checklist is intended to demonstrate how these requirements were met.

Continuous improvement

3.45 While the department and TSSC have periodically discussed the approach to determining whether a threat abatement plan is required and whether non-statutory documents may be more appropriate, the procedures or approach for developing threat abatement plans have not been reviewed since at least 1 July 2016. The department informed the ANAO that a review of the procedural guidance is planned for 2022.

3.46 There is no schedule for the review of threat abatement plan procedural guidance. The ANAO suggests the department establish a schedule for the periodic review and update of the approach to threat abatement planning, to ensure procedural guidance is effective and threat abatement plans achieve their desired outcomes.

Review of plans and advice

3.47 Establishing arrangements for the review and update of conservation plans supports them to remain effective over time. This is recognised in the EPBC Act, which requires recovery plans and threat abatement plans to be reviewed every five years.

61 Four plans did not refer to social and economic impacts. Five plans did not include details relating to the role and interests of Indigenous people.

Conservation advice reviews

3.48 The department has not yet established a procedure for how or when conservation advice should be reviewed or updated. In practice, 59 currently listed species and ecological communities (three per cent of all species and ecological communities requiring conservation advice) have had their conservation advice updated outside of a new listing assessment.⁶² The average conservation advice is more than nine years old.

3.49 The absence of arrangements to review and update conservation advice limits the department and TSSC's ability to ensure they are up to date and effective. The department informed the TSSC in 2018 that it 'recognises the regulatory and conservation risks associated with out-of-date Conservation Advices but has very limited capacity to update advices at this time'. The issue was raised by the TSSC in 2015, 2017 and 2021, with the TSSC committing in 2021 to work with the department to develop a system for updating conservation advice.⁶³

Recovery plan reviews

3.50 The department has established a template and procedural guidance for the review of recovery plans, which includes an assessment of whether the objectives and actions of the plan have been achieved.

3.51 In practice, most reviews of recovery plans have not used the template or assessed whether the plan's objectives or actions had been achieved. Of the 77 recovery plans due for their first five-year review between 1 July 2016 and 30 June 2021:

- nine had the achievement of their objectives and actions assessed using the template, with two additional reviews assessing the achievement of actions but not objectives;
- fifty-seven had their need for a recovery plan reassessed;
- three were agreed to have been reviewed based on a listing assessment or conservation advice that had either been completed or was underway;
- six had not been completed, although two of these were signed off as having been reviewed.⁶⁴

3.52 Some recovery plans have been updated, with 180 currently listed species and ecological communities (22 per cent of all species and communities that have had recovery plans) having had their original recovery plan replaced by a newer one. This has slowed over time, with 31 species and communities having new recovery plans established since 1 July 2016. The average recovery plan is more than 12 years old.

Threat abatement plan reviews

3.53 The department has established guidance for how to review threat abatement plans, which states that reviews will assess progress towards achieving the objectives of the plan. It also states

62 Updates to conservation advice were determined to be associated with a listing assessment if they came into effect on the same day as the listing status.

63 Threatened Species Scientific Committee, *Ongoing modernisation of conservation planning under the EPBC Act* [Internet], 2021, p. 6, available from <https://www.awe.gov.au/sites/default/files/documents/ongoing-modernisation-conservation-planning-under-the-epbc-act-tssc.pdf> [accessed 10 November 2021].

64 The department informed the ANAO that reviews of these two recovery plans were underway.

reviews will involve identifying potential revisions to the plan and include an assessment of how plans may be developed and implemented more effectively and efficiently in future.

3.54 In practice, one threat abatement plan has been reviewed since 1 July 2016. This review assessed progress towards the objectives of the plan, identified areas for revision, and assessed the advantages and disadvantages of different options for abating the threat going forward (such as keeping the current plan, revising the plan or revoking the plan). The review did not assess how plans may be developed and implemented more effectively or efficiently in future.

3.55 Six updated plans were produced between 1 July 2016 and 30 June 2021 (see paragraphs 3.40–3.44) based on previous plan reviews. Three more plans were assessed as requiring revision in reviews between 2013 to 2015 but have not yet been updated. The average threat abatement plan is more than seven years old.

3.56 The limited review and update of threat abatement plans, as well as conservation advice and recovery plans, reduces the department’s assurance that conservation plans are up to date and effectively provide for the protection of species and ecological communities.

Recommendation no. 3

3.57 The Department of Agriculture, Water and the Environment establish arrangements to:

- (a) ensure conservation advice, recovery plans and threat abatement plans are reviewed and updated; and
- (b) ensure all reviews assess whether the objectives and actions of the plan have been completed.

Department of Agriculture, Water and the Environment response: *Agreed.*

3.58 *The department has made significant investments to modernise our conservation planning approach, including (since 2020) the development and update of 110 conservation advices, the review of threat abatement plans and significant progress on recovery plans covering 42 species. The department will continue to refine the arrangements to ensure our statutory documents remain fit-for-purpose. We will continue to report on the objectives and actions through the monitoring and reporting requirements of our Commonwealth-led programs and products. The department will build on existing conservation planning initiatives (including the Threatened Species Strategy Action Plan) to effectively assess objectives and actions described in the planning documents.*

Are there effective arrangements to support the implementation of plans and advice?

The department has limited effective arrangements to support the implementation of conservation advice, recovery plans and threat abatement plans. There are arrangements to prioritise some departmental investments in threatened species and ecological communities and align them with conservation advice and recovery plans. The department does not currently track or support the implementation of most conservation plans, threat abatement plans or

recovery plans by other Commonwealth entities, states and territories, or non-governmental groups and individuals.

3.59 Establishing effective arrangements to support the implementation of conservation advice, recovery plans and threat abatement plans promotes compliance with the requirements of the EPBC Act and United Nations *Convention on Biological Diversity*.⁶⁵ It also supports the protection of threatened species and ecological communities.

Implementation through departmental programs

3.60 The department may implement conservation plans through a range of activities. These include funding programs, the regulation of actions that may have a significant impact on threatened species and ecological communities, activities conducted through program areas such as the Commonwealth Environmental Water Office, and research funded through the National Environmental Science Program.

3.61 The department has not established arrangements to coordinate or obtain assurance over the implementation of conservation advice, recovery plans and threat abatement plans through regulation, program areas or research.

3.62 For funding programs for threatened species and ecological communities, the department has established a prioritisation framework and arrangements to align some programs with conservation advice, recovery plans and threat abatement plans. These arrangements are examined below.

Prioritisation framework

3.63 The department's approach to prioritising investment in threatened species and ecological communities is established in the *Threatened Species Strategy 2015–2020* and *Threatened Species Strategy 2021–2031*. Each strategy provides for the identification of priority species and actions, to support the department to target its investments at the species and ecological communities where it will have the greatest impact.

3.64 The department adopted a documented prioritisation methodology for the 2021–2031 strategy, to identify priority species. It also plans to identify 'priority places' (which may include ecological communities), which are still being identified as of February 2022. This addresses issues with the previous strategy, including that the prioritisation methodology was not documented, only identified priority birds, mammals and plants, and did not identify priority ecological communities (Table 3.4).

65 The EPBC Act requires the Australian Government to implement recovery and threat abatement plans to the extent they apply in Commonwealth areas, and to seek to cooperate with states and territories to jointly implement plans in other areas. The *Convention on Biological Diversity* requires the Australian Government to (as far as practicable and possible) implement plans and management strategies for threatened species and degraded ecosystems.

Table 3.4: Prioritisation approach established for each threatened species strategy

Prioritisation step	Threatened Species Strategy 2015–2020		Threatened Species Strategy 2021–2031	
Prioritisation principles developed	◆	Prioritisation principles were developed, including factors relating to the risk of extinction of the species and impact of the investment.	◆	Prioritisation principles were developed, including factors relating to the risk of extinction of the species or place and impact of the investment.
Prioritisation principles applied	■	The department was unable to provide a documented methodology for how the prioritisation principles were applied. ^a	◆	To identify priority species, the department contracted the University of Melbourne to undertake a quantitative assessment against each prioritisation principle for 1760 species. Each species' score against the principles was then weighted based on stakeholder workshops, to develop a ranking of priority species. This was then manually adjusted to ensure a range of species types were represented in a final list of 100 species. The second strategy also involves the identification of priority places, which may include threatened ecological communities. As the identification of priority places had not been completed at the time of the audit, their prioritisation was not examined by the ANAO.
Species and ecological communities selected	▲	21 birds, 20 mammals and 30 plants were selected. There were no ecological communities, fish, invertebrates, reptiles, or frogs.	◆	20 bird, 20 mammal, 9 fish, 9 reptile, 9 invertebrate, 3 frog and 30 plant species were selected. As of February 2022, 6 of out of a proposed 20 priority places have been identified. 1 of these places includes a threatened ecological community. ^b

Legend: ◆ Appropriate approach; ▲ Partly appropriate approach; ■ Approach not appropriate.

Note a: Records were provided with general justification for 59 of 91 selected species, and 16 species not selected as priorities. However, these records did not make it clear how those species were selected from all threatened species, or how the principles were applied.

Note b: This place is Kangaroo Island, which includes the threatened ecological community of Kangaroo Island Narrow-leaved Mallee (*Eucalyptus cneorifolia*) Woodland.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

3.65 Since the release of the *Threatened Species Strategy 2015–2020*, four of eight funding programs that included threatened species in their outputs or outcomes have required successful projects to be aligned with priority species or actions under the strategy (see Appendix 3).

Alignment between programs and conservation plans

3.66 Aligning funding programs with conservation plans supports those programs to effectively support threatened species and ecological communities.

3.67 Not all funding programs require or assess the alignment of projects with conservation plans. Of the eight programs since 1 July 2016 that included threatened species or ecological

communities as an outcome or output (listed in Appendix 3), four did not include alignment with conservation plans as a requirement or criteria for assessment.⁶⁶

3.68 For some programs, the department requires funding recipients to record in a database how their projects are aligned with identified priorities, plans or strategies, including conservation plans. For the two funding opportunities since 1 July 2016 that targeted threatened species or ecological communities and required this information to be recorded (*20 Million Trees: Grants Round Three* and *Regional Land Partnerships*), 190 of 219 relevant projects had referenced a conservation advice, recovery plan or threat abatement plan.⁶⁷

Implementation by Commonwealth entities, states and territories, and other organisations and individuals

3.69 Activities to protect threatened species and ecological communities are undertaken by other Commonwealth entities, states and territories, and non-governmental groups and individuals. Establishing arrangements to coordinate and support action from these groups helps facilitate the successful implementation of conservation plans.

Commonwealth entities

3.70 The EPBC Act requires Commonwealth entities to implement recovery and threat abatement plans to the extent they apply in Commonwealth areas. Entities responsible for managing Commonwealth areas include the Director of National Parks (who manages Commonwealth national parks) and the Department of Defence (which manages defence estates).

3.71 As the entity responsible for the administration of the EPBC Act, the department is responsible for supporting and obtaining assurance over other Commonwealth entities' compliance with these requirements.

3.72 While the department informed the ANAO that it engages with relevant Commonwealth entities when developing plans, it does not have arrangements to support or obtain assurance over the implementation of recovery plans or most threat abatement plans by Commonwealth entities.⁶⁸

States and territories

3.73 The department is required, under the EPBC Act, to seek to cooperate with states and territories to jointly implement recovery and threat abatement plans in state and territory areas.

66 These were *Environment Restoration Fund: Safe Havens*, *Environment Restoration Fund: 2019 Grant Opportunity*, *Communities Environment Program*, and *Environment Restoration Fund: Wildlife Rescue and Rehabilitation*.

67 A project was determined to reference a conservation plan if it used the words 'conservation advice', 'recovery plan' or 'threat abatement plan'. This number includes projects delivered under the Environment Restoration Fund through Regional Land Partnership contracts. The ANAO did not obtain assurance over whether projects that referenced conservation plans were consistent with the actions in those plans.

68 The department meets annually with the Australian Fisheries Management Authority (and other stakeholders) regarding the implementation of the *Threat abatement plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations*.

3.74 Under the 1997 *Heads of agreement on Commonwealth and State roles and responsibilities for the Environment*, where the Australian Government has identified the need for a cooperative environmental program, it must:⁶⁹

- consult with the states or territories on establishing a cooperative program; and
- establish an agreement for the delivery of the program with the relevant states or territories, if they agree that cooperative action is required.

3.75 There is no process to consult with states and territories on establishing cooperative programs for implementation of recovery plans or conservation advice once they have been developed (the department engages with states and territories during the development of recovery plans and conservation advice). There are no agreements with states and territories for the cooperative implementation of recovery plans or conservation advice.

3.76 For threat abatement plans, there is no standard process to consult with states and territories on the establishment of cooperative implementation programs. For two of the 12 threat abatement plans in place, the department participates in working groups with states and territories to consult on progress in addressing the threat. There are no agreements with states and territories for the cooperative implementation of threat abatement plans.

3.77 The department may fund state and territory implementation of conservation plans through funding programs, and states and territories may participate in recovery teams (see paragraphs 3.63–3.68 and 3.78–3.80, respectively). There are no other processes through which the department supports the implementation of conservation plans by states and territories.

Other organisations and individuals

3.78 Non-governmental organisations, community groups and individuals undertake a range of on-ground activities to protect threatened species and ecological communities. These groups often form ‘recovery teams’ to coordinate the implementation of a conservation advice or recovery plan.

3.79 The department informed the ANAO that the department’s ‘main role in supporting recovery teams is providing advice and guidance to groups as they establish themselves’ and that the department does not ‘typically’ provide funding for the operation of recovery teams. The ANAO identified eight recovery teams in which the department has participated.⁷⁰ The department does not have complete records of recovery teams, but has identified 90 recovery teams in operation.

3.80 To improve the governance and coordination of recovery teams, the department aimed to establish a national register of recovery teams, establish best practice governance procedures for recovery teams, and have all recovery teams follow those procedures by 2020. While best practice governance procedures have been established⁷¹, most recovery teams have not been certified as

69 Council of Australian Governments, *Heads of agreement on Commonwealth and State roles and responsibilities for the Environment* [Internet], 1997, attachment 4, paragraphs 4–5, available from <https://www.awe.gov.au/environment/epbc/publications/coag-agreement> [accessed 8 October 2021].

70 This includes recovery teams in which the department is a member or has provided other contributions. The department informed the ANAO it also participates in groups with similar intents to recovery teams, such as informal conservation groups for species and a multi-jurisdictional shark representative group.

71 Department of the Environment and Energy, *Recovery team governance — Best practice guidelines* [Internet], 2017, available from <https://www.awe.gov.au/sites/default/files/documents/recovery-team-governance-2017.pdf> [accessed 2 October 2021].

consistent with the procedures and there is not yet a national register. As of February 2022, 16 recovery teams have submitted their terms of reference to be added to the register and be certified as consistent with the governance procedures.

Assurance and tracking of implementation

3.81 Tracking the implementation of conservation plans provides assurance that they are being implemented and supports effective coordination of their implementation.

3.82 The department does not currently maintain consolidated records of the implementation of actions in conservation advice and recovery plans. It aimed in 2015 to have all recovery teams submit annual reports on their progress in implementing conservation advice and recovery plans by 2020, but has received only three annual reports as of February 2022. In February 2022, it committed to track and publish the implementation of priority actions in conservation advice and recovery plans for all 100 priority species under the *Threatened Species Strategy 2021–2030* by 2026.⁷²

3.83 For threat abatement plans, the department keeps a tracking sheet on the implementation of actions in the *Threat abatement plan for predation by feral cats*, and receives annual reporting on the *Threat abatement plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations* from the Australian Fisheries Management Authority. No ongoing records are maintained of the implementation of the other nine threat abatement plans.

3.84 The department may assess the extent to which actions were implemented as part of statutory reviews of recovery plans and threat abatement plans. As discussed in paragraphs 3.51 and 3.54, not all reviews have been completed and most reviews of recovery plans did not assess progress against the plan. The department does not aggregate or track the findings of these reviews, including whether actions have been implemented.

3.85 Where reviews of progress against recovery and threat abatement plans have been undertaken since 1 July 2016, they reported that most actions have been commenced but few actions have been completed (Table 3.6).

Table 3.5: Status of actions in recovery and threat abatement plan reviews

Type of plan	Reviews examined	Actions		
		Completed	Partly completed	Not commenced
Recovery plan	11 ^a	62 (23%)	163 (61%)	41 (15%)
Threat abatement plan	1 ^b	4 (20%)	14 (70%)	2 (10%)

Note a: This is all current recovery plans that were due for their first five-year review between 1 July 2016 and 30 June 2021 and had their progress against the actions of the plan reviewed.

Note b: This is the one threat abatement plan that has been reviewed since 1 July 2016.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

3.86 The current lack of tracking of the implementation of conservation plans, combined with the absence of support for implementation by Commonwealth entities, states and territories, and

72 Department of Agriculture, Water and the Environment, *Threatened species strategy action plan 2021–2026* [Internet], 2022, p. 20, available from <https://www.awe.gov.au/sites/default/files/documents/threatened-species-strategy-action-plan-2021-2026.pdf>.

other groups, limits the assurance that conservation advice, recovery plans and threat abatement plans are being effectively implemented.

Recommendation no. 4

3.87 The Department of Agriculture, Water and the Environment:

- (a) establish arrangements to obtain assurance over the implementation of conservation advice, recovery plans and threat abatement plans; and
- (b) use the results of these arrangements to identify conservation advice, recovery plans or threat abatement plans that require departmental support or coordination.

Department of Agriculture, Water and the Environment response: *Agreed.*

3.88 The department's arrangements ensure conservation planning documents inform Commonwealth-led activities including regulation, program delivery and research. The use of conservation advice and plans in program deliver areas ensure recovery actions are a key driver of Commonwealth-funded program outputs and outcomes. We will continue to ensure conservation planning documents are suitable for informing regulatory decision making, including those associated with reform initiatives, such as regional planning. The department agrees that improved monitoring will inform future support and coordination needs for conservation planning activities.

4. Timeliness and efficiency

Areas examined

This chapter examines whether the Department of Agriculture, Water and the Environment's (the department) administration of the listing and conservation planning processes is timely and efficient.

Conclusion

Most listing assessments are completed within statutory timeframes, although some species assessments and most ecological community assessments require extensions. Recovery plans, recovery plan reviews, threat abatement plan reviews and changes to the list are not completed within statutory timeframes. The department is unable to demonstrate that its efficiency has improved over time. Systems and processes partly support timeliness and efficiency.

Area for improvement

The ANAO made one recommendation, aimed at measuring efficiency, timeliness and resource use, and using those measurements to inform a targeted approach to improving the timeliness and efficiency of listing assessments and development of conservation advice, recovery plans and threat abatement plans.

4.1 Timely and efficient administration of the listing and conservation planning processes supports the department to complete a greater number of listing assessments and conservation plans (conservation advice, recovery plans and threat abatement plans) during a given period. This enables lists and conservation plans to remain up to date.

4.2 To determine whether the administration of the listing and conservation planning processes is timely and efficient, the ANAO examined:

- whether listing and conservation planning is completed in a timely manner;
- whether departmental records indicate listing and conservation planning is efficient; and
- whether the department has implemented appropriate arrangements to support timeliness and efficiency.

Is listing and conservation planning completed in a timely manner?

Most listing assessments are provided to the Minister for the Environment within the statutory timeframe, although some species assessments and most ecological community assessments require extensions. Recovery plans, recovery plan reviews, threat abatement plan reviews and final decisions on listing have not been completed within statutory timeframes. The department has initiated projects to improve compliance with statutory timeframes.

4.3 The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) includes statutory timeframes for listing assessments and the development and review of recovery and threat abatement plans (see Figures 1.1 and 1.2 for diagrams).

Listing assessments

4.4 The EPBC Act requires the Minister for the Environment (the Minister) to determine, following advice from the Threatened Species Scientific Committee (TSSC), the date by which each listing assessment must be provided to the Minister. The Minister may subsequently extend this timeframe by up to five years.

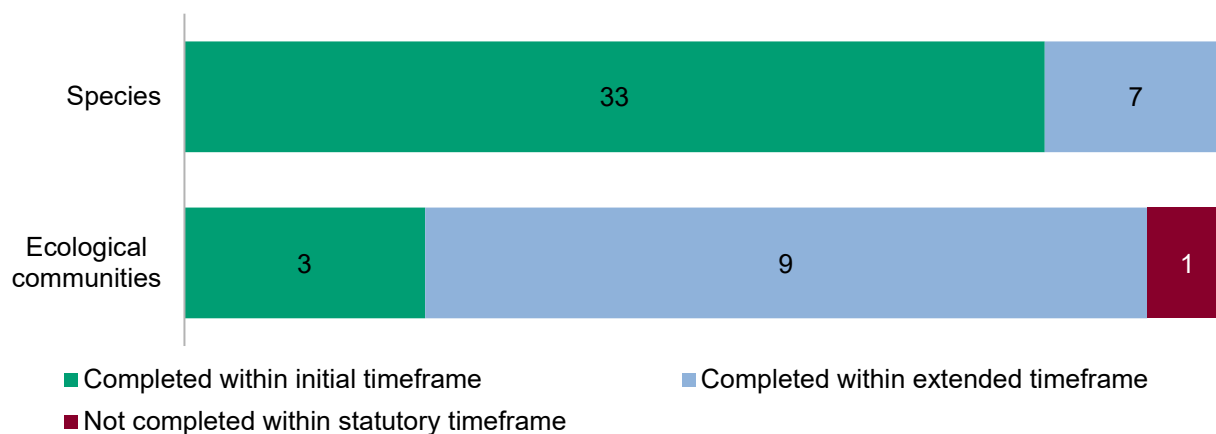
4.5 Once the TSSC has provided the Minister with the assessment, the Minister must either list the item under the EPBC Act or decide not to include it within 90 business days. This timeframe may be extended by the Minister.

Performance against statutory timeframes

4.6 To determine whether statutory timeframes were being met, the ANAO randomly selected 40 species assessments from all assessments completed between 1 July 2016 and 1 July 2021. The ANAO also examined all 13 ecological community assessments completed during this period.⁷³

4.7 As displayed in Figure 4.1, species assessments were mostly completed within their initial assessment timeframe, with the remainder completed within an extended timeframe. Most ecological community assessments had their assessment timeframe extended, with one not completed during either its original or extended statutory timeframe.⁷⁴

Figure 4.1: Assessments completed within initial and extended statutory timeframes



Source: ANAO based on Department of Agriculture, Water and the Environment records.

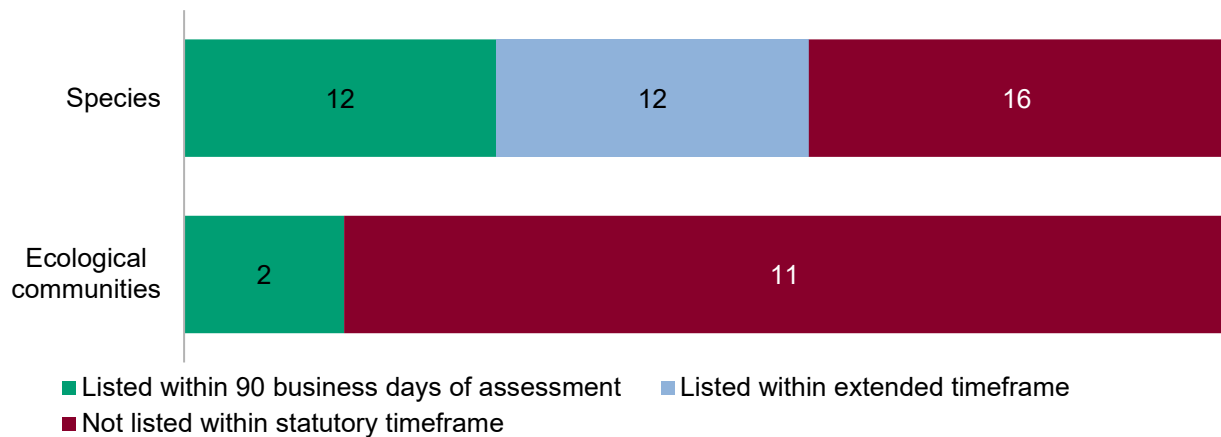
4.8 Once provided to the Minister, some species assessments and most ecological community assessments were not completed within the 90 business day period to list the item or any extended timeframes determined by the Minister (Figure 4.2).⁷⁵

73 No key threatening process assessments were completed between 1 July 2016 and 1 July 2021.

74 This assessment was commenced on 1 October 2014 and completed on 25 October 2018. The statutory deadline was originally 31 October 2015 and was subsequently extended to 31 October 2017.

75 For 23 of the 27 species and ecological communities that were not listed within the statutory timeframe, the Minister provided their decision within the statutory period but the listing was not completed in time.

Figure 4.2: Listings completed within the 90 day or extended statutory timeframe after the assessment is provided to the Minister

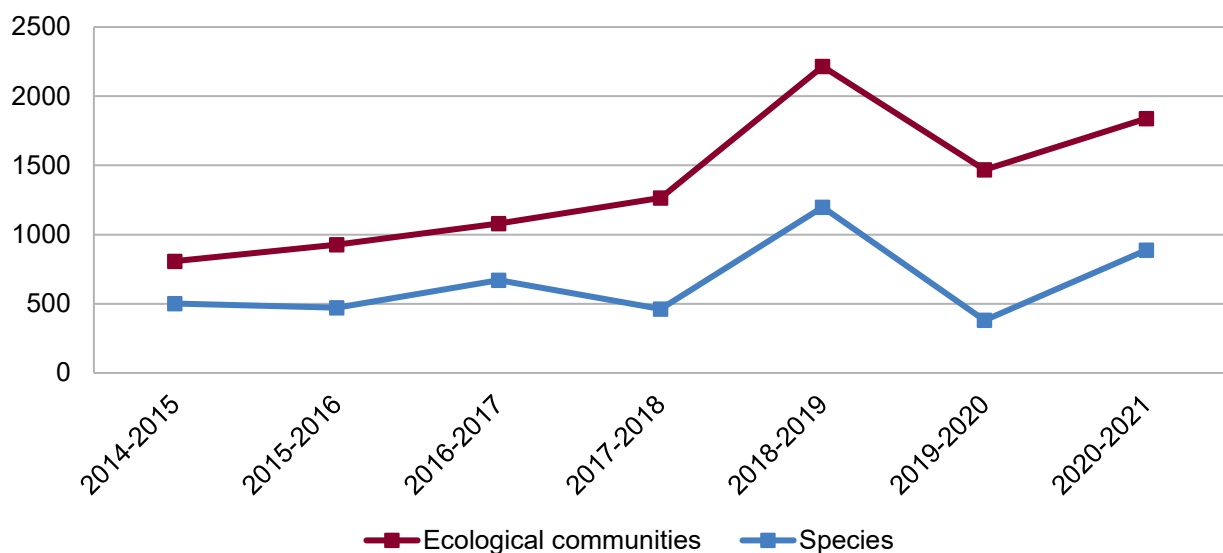


Source: ANAO based on Department of Agriculture, Water and the Environment records.

Average timeframes

4.9 Since 1 July 2014, the average timeframe from a species being included on the priority assessment list to being listed under the EPBC Act⁷⁶ has fluctuated with no clear increasing or decreasing trend (Figure 4.3). The timeframe for ecological communities has increased from around 800 days in 2014–2015 to around 1800 days in 2020–2021.

Figure 4.3: Average number of days from inclusion on the priority assessment list to listing under the EPBC Act



Source: ANAO based on Department of Agriculture, Water and the Environment records. Complete records were only available from 1 July 2014. As discussed in paragraph 5.26, these records are manually compiled by the department and the ANAO does not provide assurance over their accuracy. One ecological community listed in 2020–2021 was not specifically included in the priority assessment list (it was assessed based on an item

76 This also includes species that had their existing listing status modified (for example, from ‘vulnerable’ to ‘endangered’), or the Minister decided not to add to the list of threatened species.

in the priority assessment list for ‘any other ecological community nominated by the committee’) — this community was not included in the above calculations. Its inclusion would reduce the average to 1632 days.

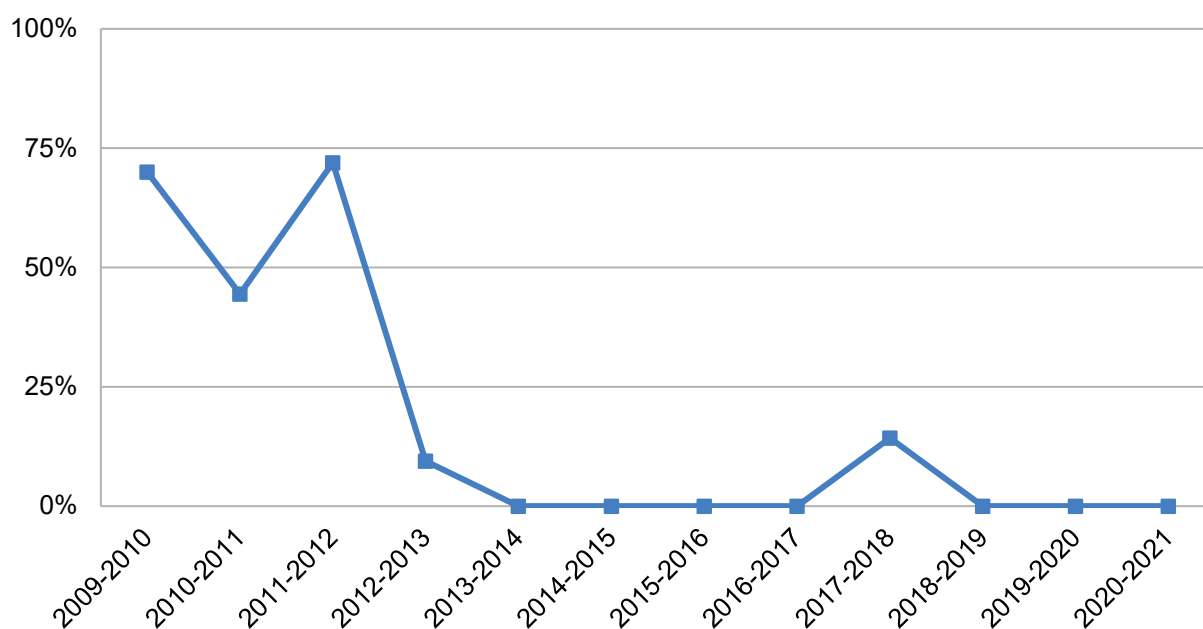
Recovery plans

4.10 Once a species or ecological community has been determined to require a recovery plan, the EPBC Act requires the plan to be established within three years. This period can be extended by up to three years by the Minister.⁷⁷

4.11 The timeliness of recovery plans has deteriorated over time (Figure 4.4). Excluding species and ecological communities that already had a recovery plan when it was determined they would require a plan⁷⁸, only one of the 55 listed species and communities with recovery plans due since 1 July 2013 met its statutory due date. The average time it took to establish a recovery plan during this period was 2355 days (6.4 years).⁷⁹

4.12 In 2018, the department’s executive board agreed to a workforce and budget reduction strategy that stated that the department would be preparing recovery plans for ‘the highest priority (<5) threatened species only’ to facilitate a reduction in staffing levels. The strategy noted that this risked an ‘increase in [the] number of statutorily overdue recovery plans’, which was realised.

Figure 4.4: Proportion of statutory timeframes met each year for recovery plans^a



77 EPBC Act, subsections 273(1) and 273(2).

78 The requirement to decide whether a species or ecological community should have a recovery plan was added to the EPBC Act in 2006. Prior to this, all species and ecological communities were required to have a recovery plan. As such, many species and ecological communities already had plans in place at the time they were determined to require a plan.

79 This is calculated based on the date of the current recovery plan decision for each currently listed species and ecological community, compared to the date it had a recovery plan established. It does not include species that still have not had their recovery plan made. These figures were correct as of November 2021.

Source: ANAO based on Department of Agriculture, Water and the Environment data. As discussed in paragraph 5.26, these records are manually compiled by the department and the ANAO does not provide assurance over their accuracy.

Note a: This data is based on whether a recovery plan was in place within three years of the current recovery plan decision for each currently listed species and ecological community. It does not include species or ecological communities that already had a recovery plan at the time they were determined to require one.

4.13 The EPBC Act also requires recovery plans to be reviewed within five years. Of the 77 recovery plans due for their first five-year review between 1 July 2016 and 30 June 2021, none were reviewed within the statutory timeframe. The minutes from a TSSC meeting in March 2018 stated that ‘resourcing constraints have led to prioritisation of assessment and listing of new species over recovery plan reviews’.

4.14 The department’s plan to review whether recovery plans are required for all species currently requiring them (commenced in 2014, scheduled for completion in October 2022 and currently undergoing consultation on the proposed recovery plan decisions; see paragraphs 3.13–3.15) is intended to bring it back into compliance with statutory timeframes.

Threat abatement plans

4.15 Once a key threatening process has been determined to require a threat abatement plan, the plan must be in place within three years. Threat abatement plans must be reviewed every five years, and decisions to not have a threat abatement plan must be reviewed every five years.

4.16 As no key threatening processes have been listed since 2014, there have not been any statutory timeframes for the development of threat abatement plans in recent years. Statutory timeframes have not been met for reviews of threat abatement plans and reviews of decisions to not have a threat abatement plan.

- All 12 key threatening processes with threat abatement plans did not meet the last statutory review date for their plans.⁸⁰
- Eight of nine key threatening processes with decisions to not have a threat abatement plan did not meet their last statutory review date. The ninth decision is not yet due for its first review.

4.17 The department presented a plan for addressing the backlog of work on threat abatement plans reviews and decision reviews to the TSSC in June 2020. Additional resourcing has been provided until July 2023 to deliver this work, with the approval minute noting that the previous resourcing levels would ‘not progress the overdue decisions significantly’.

Is listing and conservation planning efficient?

The department has not established arrangements to measure its efficiency. Available records indicate that the number of listing assessments and conservation plans completed per dollar of budget has not increased over time.

⁸⁰ This includes the last statutory review due date for nine current plans, and the last review date for three superseded plans that were replaced within the last five years.

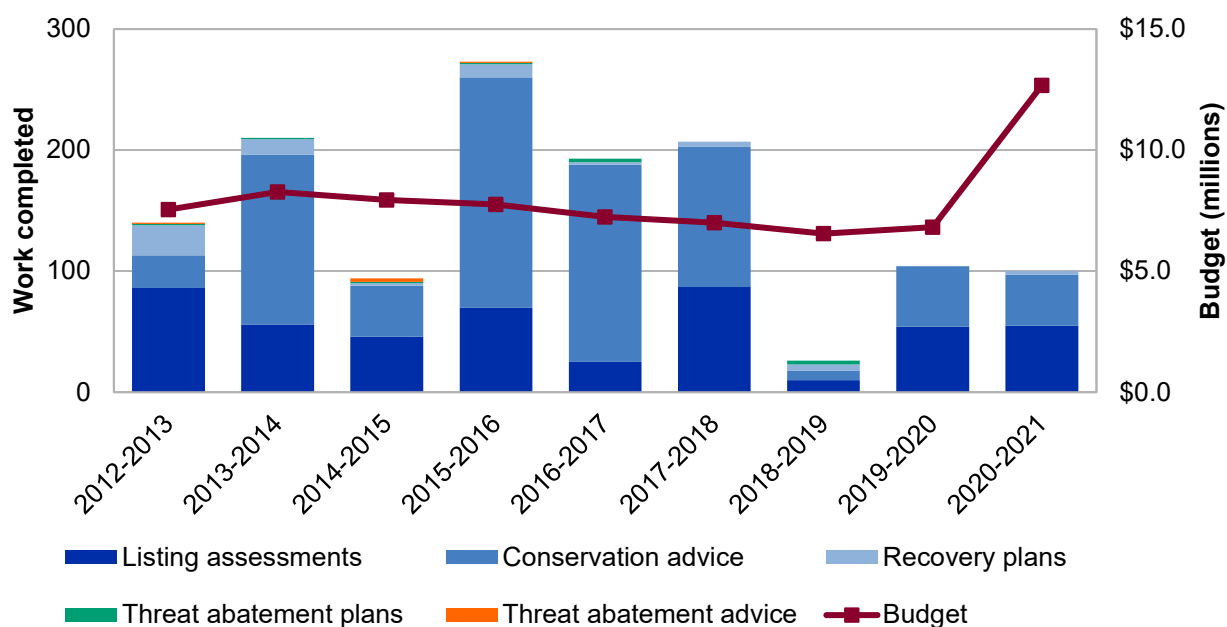
4.18 The Auditing and Assurance Standards Board defines efficiency as the ‘performance principle relating to the minimisation of inputs employed to deliver the intended outputs in terms of quality, quantity and timing’.⁸¹

4.19 The department has not established arrangements to measure its efficiency or use of resources in listing and conservation planning (see paragraph 5.28). In the absence of departmental efficiency measures, the ANAO examined the budget available to the responsible areas of the department (as an indicative input) and the number of listing assessments, conservation advice, recovery plans and threat abatement plans produced each year (as an indicative output).

4.20 The budget for the areas of the department that undertake listing and conservation planning decreased by 10 per cent from 2012–2013 to 2019–2020, and staffing decreased from an average staffing level of 55 to 40. Additional funding and staffing was provided in 2020–2021.⁸²

4.21 During this period, the number of listing assessments, conservation advice, recovery plans and threat abatement plans completed by the department did not increase in proportion to the budget (Figure 4.5). While not all the budget allocated to these areas of the department is used for listing and conservation planning, these results do not indicate efficiency has improved. The department informed the ANAO that the complexity of work increased during this period.

Figure 4.5: Work produced and budget over time^a



Note a: As most listing assessments and conservation plans take multiple years to complete, changes to the budget will not be reflected in work outputs until subsequent years.

81 Auditing and Assurance Standards Board, *Standard on Assurance Engagements ASAE 3500 Performance Engagements*, 2017.

82 See paragraph 1.15 for more information on the additional resources provided for listing and updating conservation planning documents for bushfire-affected species. The average staffing level increased to 46 in 2020–2021. This does not include contractors. The ANAO has not obtained assurance over the accuracy of budget and staffing information.

Source: ANAO based on Department of Agriculture, Water and the Environment records. The ANAO has not obtained assurance over the accuracy of budget and staffing information.

Have appropriate arrangements been implemented to support timeliness and efficiency?

Partly appropriate arrangements have been implemented to support timeliness and efficiency. The department has made periodic improvements to its approach to listing assessments and conservation advice that were intended to improve timeliness and efficiency, but improvements have not been made to the approach to recovery and threat abatement plans. Systems, processes, and planning arrangements do not fully support timeliness and efficiency.

4.22 The *Public Governance, Performance and Accountability Act 2013* requires entities to be governed in an efficient manner. Key arrangements to support efficiency and timeliness include establishing fit for purpose systems and processes, planning, and periodically reviewing and updating the approach taken.

Systems and processes

4.23 Key systems and processes to support timeliness and efficiency include:

- procedural guidance and training arrangements that provide officials with the information needed to complete work in a timely manner;
- a risk-based approach that enables resources to be allocated to those areas that will have the greatest impact on objectives; and
- effective information systems that support officials to undertake work, where available.

4.24 As shown in Table 4.1, the department's systems and processes do not yet fully support timeliness and efficiency.

Table 4.1: Systems and processes

System or process	Arrangements established by the department	
Procedural guidance and training	▲	As discussed in paragraphs 2.20, 2.39, 2.40, 3.24, 3.34 and 3.42, procedural guidance for listing and conservation planning is not complete and requires updating. Training has been provided for listing assessments. However, it has not yet been determined who should receive training and how often (paragraph 2.44).
Information systems	▲	Software for undertaking listing assessments exists but is not yet fully used by the department. The department previously informed the TSSC that listing assessment software would be implemented in 2015 but it was not able to be installed. The software was purchased and installed in 2020 — the department informed the ANAO that it has not been 'universally adopted'. The listing assessment software has been used by Victoria to undertake over 2000 species listing assessments. Minutes from an intergovernmental meeting in 2018 regarding Victoria's use of the software stated the department concluded it is 'an effective tool for streamlining the species assessment process'.

System or process	Arrangements established by the department	
Risk-based approach	▲	<p>The approach to determining what to assess for listing is designed to select species, ecological communities and key threatening processes that will have the greatest impact for the resources required, although there is room for improvement (paragraphs 2.8–2.28). Once assessments commence, they are required to be completed in the manner specified in the EPBC Act and common assessment method.</p> <p>The processes for recommending whether recovery and threat abatement plans are required are designed to ensure that the resources required for those plans are only allocated where it will have the greatest impact (paragraphs 3.5–3.20), although the process has not been fully applied for threat abatement plan decisions.</p> <p>Once the decision to have a recovery or threat abatement plan has been made, there are no processes in place to tailor the approach to developing the plan or conservation advice to the level of risk.</p>

Legend: ◆ System or process supports efficiency; ▲ System or process does not fully support efficiency; ■ System or process does not support efficiency.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Planning

4.25 Establishing work plans for listing assessments and conservation planning can support efficiency and timeliness by identifying key milestones, allocating roles and responsibilities, and allowing informed resource allocation. This includes plans for both the approach to individual listing assessments and conservation plans, and the overall approach to multiple assessments and plans.

4.26 As shown in Table 4.2, work plans have not been developed to guide the approach to individual conservation plans or species listing assessments, although most ecological community assessments have work plans. Overarching plans have been established to coordinate the approach to multiple assessments and conservation plans, but they do not all specify timeframes for milestones, establish who is responsible for each item of work, or provide for monitoring of actions.

Table 4.2: Planning arrangements established by the department

Type of plan	Planning arrangements established	
Individual listing assessments	▲	<p>The department's procedural guidance requires that officials assessing species and key threatening processes 'prepare a work plan ... outlining the proposed timeline for undertaking the assessment'. However, no work plan was on file for any of the 26 species assessments examined by the ANAO (paragraph 2.55).</p> <p>As there is no current procedural guidance for ecological communities (paragraph 2.40), there is no requirement to develop a work plan. In practice, 9 of 13 ecological community assessments completed between 1 July 2016 and 30 June 2021 had work plans on file.</p> <p>In 2020, the department proposed to develop work plans for each listing assessment and provide them to the TSSC 'to support timely and efficient delivery of listing assessments'. The TSSC agreed and requested that this be trialled, but the department informed the ANAO that 'limited' progress has been made.</p>

Type of plan	Planning arrangements established	
Individual conservation plans	■	There is no requirement to establish a work plan to guide the development of recovery plans or threat abatement plans. Work plans established for listing assessments would also include the development of conservation advice at the time of listing (however, as noted above, there are no records of these work plans being completed for species). There are no requirements to develop work plans for conservation advice outside of listing assessments.
Overall approach	▲	Different areas of the department take different approaches to planning and coordinating the different pieces of work being completed in their areas. Of the 7 work areas responsible for listing assessments and conservation planning, the area work plans varied in quality. 3 of 7 area work plans specified timeframes for the stages of each assessment or conservation plan ^a , 5 of 7 specified who was responsible for each assessment or plan ^b , and 2 of 7 were able to be used to monitor the status of each item in the plan.

Legend: ◆ Planning arrangements support timeliness and efficiency; ▲ Planning arrangements do not fully support timeliness and efficiency; ■ Planning arrangements do not support timeliness and efficiency.

Note a: The remaining five work plans only provided the final timeframe for each assessment or conservation plan, or did not provide timeframes for all assessments or conservation plans.

Note b: The remaining work plans did not specify who was responsible for all assessments and conservation plans.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Review and improvement

4.27 The department has periodically reviewed and improved its processes for undertaking listing assessments and developing conservation advice, to improve timeliness and efficiency (see Appendix 4). Many of these improvements were initiated in 2020 to support the assessment of a larger number of species following the 2019–2020 bushfires.

4.28 There have been no documented changes to the processes for developing recovery or threat abatement plans since 1 July 2016. A 2014 departmental taskforce made five recommendations aimed at improving the efficiency of recovery planning, but these were not implemented.

4.29 Without measuring its efficiency, timeliness or resource use, the department is not well placed to identify areas for improvement or demonstrate that the changes it has made have improved its timeliness and efficiency.

Recommendation no. 5

4.30 The Department of Agriculture, Water and the Environment measure its efficiency, timeliness and use of resources in listing assessments and conservation planning, and use these measures to inform a targeted approach to improving its timeliness and efficiency.

Department of Agriculture, Water and the Environment response: *Agreed.*

4.31 *The department has invested in the enhancement of databases, including the Species Profile and Threats Database (SPRAT) to assess efficiency, timeliness and the use of resources over recent years. The department will continue to strengthen these tools to facilitate improved timeliness of listing assessments and conservation planning. This will enable the department to improve decision-making about resourcing to ensure efficiency targets are met.*

5. Measurement, monitoring and reporting

Areas examined

This chapter examines whether the Department of Agriculture, Water and the Environment (the department) has established measurement, monitoring and reporting arrangements that support the achievement of desired outcomes under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It also examines whether measurement and reporting indicate desired outcomes are being achieved.

Conclusion

Measurement, monitoring and reporting arrangements are not sufficient to support the achievement of desired outcomes. The statuses of some threatened species are monitored, but most species are not. The statuses of ecological communities and key threatening processes are not monitored. There is no measurement, monitoring or reporting on progress, or on the contribution of listing assessments, conservation advice, recovery plans and threat abatement plans to their desired outcomes. Available information does not indicate desired outcomes have been achieved.

Areas for improvement

The ANAO made one recommendation aimed at establishing a measurement, monitoring and reporting framework for listing assessments and the development and implementation of recovery plans, threat abatement plans and conservation advice.

The ANAO also suggested that the department ensure its reporting against performance measures on the status of threatened species identify the impact its actions (including listing assessments and the development and implementation of recovery plans, threat abatement plans, and conservation advice) are having.

5.1 Effective measurement, monitoring and reporting arrangements provide the information necessary to determine whether desired outcomes are being achieved and support informed decision-making.

5.2 To determine whether effective measurement, monitoring and reporting has been established for listing assessments and conservation plans (conservation advice, recovery plans and threat abatement plans), the ANAO examined whether:

- an appropriate performance measurement framework has been established;
- monitoring and reporting arrangements effectively inform the management of threatened species and ecological communities; and
- measurement and reporting indicate that desired outcomes are being achieved.

Has an appropriate performance measurement framework been established?

The department has established largely fit for purpose external performance measures for the status of threatened species, but performance reporting does not indicate how listing and conservation planning activities have contributed to the outcomes. There are no performance

measures for threatened ecological communities or the abatement of key threatening processes. There are no internal performance measures or evaluation arrangements.

5.3 As noted in previous Auditor-General reports, a key element of governance is the establishment of a performance framework that provides information to external and internal stakeholders about the entity's effectiveness and efficiency in achieving intended results.⁸³

External performance measures

Commonwealth performance framework

5.4 The Commonwealth performance framework requires entities to establish performance measures in their annual corporate plans, to measure their performance in achieving their purpose.⁸⁴ Results against these measures are required to be provided in entities' annual reports, to provide accountability to the Parliament and public.⁸⁵

5.5 In 2021–22, the department included one performance measure in its corporate plan that is related to listing and conservation planning for threatened species: 'stability or improvement in the five-year rolling trajectory of the threatened species main index'. There are no performance measures that provide information on the status of threatened ecological communities or key threatening processes.

5.6 The threatened species main index is a public project led by the University of Queensland and funded under the department's National Environmental Science Program. It brings together data from multiple sources to show the average change in threatened species abundance compared to a baseline year. A pilot index of bird species was released in 2018, with mammals and plants added to the index in 2019 and 2020 respectively.⁸⁶

5.7 This measure provides information about the achievement of the EPBC Act objective of protecting threatened species. The ANAO identified the following areas for improvement.

- The index contains information on 210 of the 1814 species listed as threatened (but not extinct) under the EPBC Act, including birds, mammals and plants.⁸⁷ Continued expansion will be necessary to develop a more representative picture of all threatened species, including currently unrepresented groups such as fish and invertebrates.

83 Auditor-General Report No.42 2020–21, *Responding to Non-Compliance with Biosecurity Requirements*, paragraph 2.81; Auditor-General Report No.47 2019–20, *Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999*, paragraph 2.65; Australian National Audit Office, *Performance Measurement and Monitoring — Developing Performance Measures and Tracking Progress* [Internet], available from <https://www.anao.gov.au/work/audit-insights/performance-measurement-and-monitoring-developing-performance-measures-and-tracking-progress> [accessed 29 November 2021].

84 The Commonwealth performance framework consists of the *Public Governance, Performance and Accountability Act 2013*, the Public Governance, Performance and Accountability Rule 2014, and accompanying guidance issued by the Department of Finance.

85 The ANAO has commenced an audit of the department's 2021–2022 performance statements.

86 The University of Queensland, *TSX – A threatened species index for Australia* [Internet], available from <https://tsx.org.au/> [accessed 5 November 2021].

87 This number was determined by comparing what was being monitored under the threatened species index with the EPBC Act list at the species level (non-extinct) only. Some species may be listed under the EPBC Act at the subspecies level but monitored in the threatened species index at the species level, or vice versa.

- The description of the performance measure states that ‘the trajectory of priority species ... is the main driver of changes to the index’. However, the index averages the results of all threatened species, regardless of whether they are priority species. The department was unable to demonstrate how this statement was to be achieved.
- The description in the corporate plan alone does not provide sufficient detail to enable a reader to understand the methodology used — this information is available on the threatened species index website, but no link is provided.⁸⁸

5.8 When reporting against the index, it will be important for the department to identify how its actions have influenced the result.⁸⁹ This should include the effects of being protected under the EPBC Act as a listed threatened species or ecological community, and the implementation of conservation advice, recovery plans and threat abatement plans. Without this, it is not possible to separate the impact of the department’s actions from factors such as local, state and territory government activities, invasive species or extreme weather events.

5.9 The department’s 2019–2020 and 2020–2021 annual reports did not identify listing or conservation planning as activities undertaken to achieve its purpose and did not include analysis on how listing assessments or conservation plans had contributed to the performance results. The ANAO suggests the department ensure future performance reporting identifies the impacts of its listing and conservation planning activities.

Other external performance measures

5.10 The department also established performance targets in the *Threatened Species Strategy 2015–2020* that related to listing and conservation planning for threatened species.⁹⁰ This included targets of improved trajectories for 21 priority bird species, 20 priority mammal species, and 30 priority plant species (see paragraphs 5.52 and 5.53 for performance against the targets).

5.11 The targets for the improved trajectory of priority species provide information about the achievement of intended outcomes for the management of threatened species. The trajectory of each species was assessed by scientists under the National Environmental Science Program, with the methodology for the assessment in the third year of the strategy published online.⁹¹ The methodology for the assessment in the final year has not yet been published.

5.12 To accompany the reporting against the targets, each species had a detailed scorecard published in the third year of the strategy, with similar scorecards expected to be published for the final year of the strategy. The scorecard identified the factors contributing to the result, including the impact of actions under the strategy. It did not identify how protection as a listed threatened

88 Public Governance, Performance and Accountability Rule 2014 subsection 16F(1) requires performance results to be reported in accordance with the measurement methodology set out in the corporate plan.

89 Public Governance, Performance and Accountability Rule 2014 subsection 16F(2) item 3.

90 In February 2022, the department released the *Threatened Species Strategy Action Plan 2021–2026*, which establishes performance targets under the *Threatened Species Strategy 2021–2031*. The ANAO did not examine these targets as part of the audit, as they were established after the completion of audit fieldwork.

91 National Environmental Science Program Threatened Species Recovery Hub, *Report to Office of the Threatened Species Commissioner: 3-year review of progress on priority bird and mammal species* [Internet], 2019, available from <https://www.awe.gov.au/environment/biodiversity/threatened/publications/3-year-review-progress-priority-bird-mammal-species> [accessed 6 November 2021].

species or the development or implementation of conservation advice, recovery plans or threat abatement plans had contributed to the result.

Internal performance measures

5.13 Well defined internal performance measures of effectiveness, efficiency, outputs and cost can be a valuable source of information for decision-makers on their strategies and areas for improvement.

5.14 There are no internal performance measures on the department's effectiveness, efficiency or outputs (such as cost or timeliness) in undertaking listing assessments or developing and implementing conservation plans. Performance measures were intended to be developed for the common assessment method memorandum of understanding (CAM MoU) but have not been implemented. This limits the department's ability to make informed decisions about its approach to listing and conservation planning.

Evaluation and review

5.15 Periodic evaluation provides assurance that programs are achieving their intended outcomes and supports continuous improvement.

5.16 There has not been an evaluation of the approach to listing and conservation planning since 2014. As discussed in Table 5.1, most recommendations from past evaluations and reviews have not yet been implemented. There is no schedule or plan for future evaluations.

Table 5.1: Outcomes of past evaluations

Year	Description of evaluation	Outcomes
2012	A review was undertaken to improve the current policy framework for managing key threatening processes and threat abatement. 3 contracts with consultancies and 2 workshops were used to inform the report.	The review report included 11 recommendations and an implementation plan. The department was unable to demonstrate their consideration by senior officials or implementation.
2014	A report was produced by a departmental taskforce examining how to improve efficiency and effectiveness in the preparation and use of recovery plans and conservation advice.	The taskforce resulted in 18 recommendations. 2 have been completed, with 11 underway or partially completed, and 5 not completed. ^a

Note a: The department informed the ANAO that some aspects of the recommendations are now obsolete.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

5.17 The department has not completed most required yearly reviews of the operation and effectiveness of the CAM MoU, although it does discuss the operation and effectiveness of the CAM MoU as part of regular meetings with participating states and territories.⁹²

5.18 In the absence of formal evaluations and reviews, the TSSC and department periodically hold workshops to discuss elements of listing and conservation planning processes. These can be informal workshops held during TSSC meetings, or formal workshops with stakeholders that result

92 Of the 57 meetings held between December 2015 (the first meeting) and June 2021, two contained an agenda item of 'Review progress in implementation of the [Common assessment method]'. Other meetings discuss individual aspects of the CAM MoU's operation and effectiveness.

in a report of the outcomes. The ANAO identified one workshop in 2018 and two in 2019 that resulted in a report, and two workshops in 2021 that did not result in a report. These workshops discussed topics such as ‘future directions for conservation planning’.

5.19 In addition, the department funds research projects under the National Environmental Science Program that may provide information that informs individual aspects of the listing process and conservation planning. Examples of relevant projects include ‘improving conservation assessments and policy options for poorly known species’ and ‘managing impacts of feral and over-abundant herbivores on threatened species and ecological communities’.

5.20 While these workshops and research projects can inform the approach to listing assessments and conservation planning, they do not provide a replacement for effective performance measurement, monitoring, reporting and evaluation. Without these things, the department is not well positioned to make informed decisions or demonstrate it is achieving intended outcomes.

Recommendation no. 6

5.21 The Department of Agriculture, Water and the Environment establish a framework for measurement, monitoring and reporting on listing assessments, conservation advice, recovery plans and threat abatement plans that includes:

- (a) information on how listing assessments and development and support for the implementation of conservation plans have contributed to the achievement of intended outcomes;
- (b) aggregate output information on the department’s progress against listing assessments and the development and implementation of conservation advice, recovery plans and threat abatement plans, to better support internal decision-making; and
- (c) a schedule for periodic evaluation.

Department of Agriculture, Water and the Environment response: Agreed.

5.22 The department will continue to improve the monitoring and evaluation of progress against intended outcomes by integrating reporting on the impact of listing assessments, conservation advice and recovery plans across relevant areas of the department. In particular, the department has committed in the Threatened Species Strategy Action Plan to tracking recovery actions for all priority species and places, and reporting on progress in 2024 and 2026. Outcomes for priority species will be tracked and reported through the Threatened Species Index. We will develop appropriate performance criteria which will be tracked through the department’s governance and assurance frameworks.

Does monitoring and reporting inform the management of threatened species and ecological communities?

Monitoring and reporting do not effectively inform the management of threatened species and ecological communities. Monitoring and reporting on listing assessments, conservation advice, recovery plans and threat abatement plans do not support decision-making or public

confidence. While there is some monitoring on the status of threatened species, most species are not monitored. The status of threatened ecological communities and key threatening processes is not monitored.

5.23 Effective monitoring and reporting allow progress to be tracked, trends to be identified and officials to make informed decisions. For the management of threatened species and ecological communities, this should include information about listing assessments and conservation plans, and about the status of threatened species and communities.

Listing assessments and conservation plans

5.24 Key information to inform the management of listing assessments and conservation plans includes progress on assessments and conservation plans, progress on broader initiatives, and trends in assessments and conservation plans.

Progress on assessments and conservation plans

5.25 To determine whether the department effectively monitors and reports on its progress on assessments and conservation plans, the ANAO examined the department's internal and external monitoring and reporting arrangements.

Internal monitoring and reporting

5.26 The department tracks its progress on listing assessments and conservation plans under development in multiple spreadsheets. Some key information from these spreadsheets is incompletely or inconsistently recorded, such as when assessments were completed or when consultation occurred with states and territories. As noted in past Auditor-General reports, the use of spreadsheets to store key business information increases the risk of error, due to the lack of version controls and reporting.⁹³

5.27 Using these spreadsheets, the department manually compiles a progress report for each TSSC meeting (including an update on each assessment and conservation plan underway⁹⁴) and a weekly update on statutory decisions for relevant areas of the department.⁹⁵ With the June 2021 TSSC progress report containing 44 pages and more than 10,000 words, it is a time-consuming process to manually compile this information from multiple spreadsheets.

5.28 No other standard monitoring or reporting arrangements have been established for listing assessments and the development and implementation of conservation plans. There is no monitoring or reporting on effectiveness and efficiency, or aggregated output information such as resource use, cost or timeliness. The implementation status of most conservation plans is not

93 Auditor-General Report No.47 2019–20 *Referrals, Assessments and Approvals of Controlled Actions under the EPBC Act*, paragraph 3.21; Auditor-General Report No.13 2021–22 *Major Projects Report 2020–21*, paragraph 1.75; Auditor-General Report No.17 2018–19 *Implementation of the Annual Performance Statements Requirements 2017–18*, paragraph 4.34; Auditor-General Report No.49 2018–19 *Management of Commonwealth National Parks*, paragraph 2.16.

94 The TSSC progress report includes an update on each listing assessment, conservation advice, recovery plan and threat abatement plan in progress, the status of reviews of plans and reviews of decisions to have plans, and the statutory due dates for each item. Progress reports were not required to be presented at the extra monthly meetings initiated to progress assessments of bushfire-affected species (see Table 4.3).

95 The weekly statutory decision update includes current and upcoming statutory decisions, such as listings or the establishment of a recovery plan.

currently monitored (paragraphs 3.82–3.86). This limits the department’s ability to make informed decisions about listing assessments and conservation planning.

5.29 The department has commenced a project to enable information systems to record and report on progress against assessments, scheduled to be completed by July 2022. Implementing this project will be an important step towards improving the effectiveness and efficiency of monitoring and reporting.

External reporting

5.30 The management of threatened species and ecological communities under the EPBC Act is a topic of parliamentary and public interest. External reporting on listing assessments and the development and implementation of conservation plans helps inform stakeholders about the Australian Government’s progress.

5.31 The EPBC Act requires the department to report each financial year on the operation of the EPBC Act, including the development of conservation plans and compliance with statutory timeframes. The department includes information in its annual report on listing assessments completed and conservation plans made. However, it has not fully met the requirement to report on non-compliance with statutory timeframes — despite being non-compliant with listing decision and recovery plan review timeframes each year since 2016–2017 (paragraphs 4.8 and 4.13), these were not included in the reported non-compliances.

5.32 The Australian Government is required to report periodically on its progress in implementing the United Nations *Convention on Biological Diversity*.⁹⁶ This takes the form of reporting against Australia’s national biodiversity strategy and action plan and against targets established under the convention.⁹⁷ While some of this reporting relates to threatened species and ecological communities, it does not specifically include listing assessments or the development and implementation of conservation advice, recovery plans or threat abatement plans.⁹⁸

5.33 The department publishes information on listed species on its website, including conservation plans and the outcomes of listing assessments.⁹⁹ Some key information is not published, including most reviews of recovery and threat abatement plans, and reviews of threat abatement plan decisions.¹⁰⁰ As the department does not record information on the implementation of most conservation plans (paragraph 3.82–3.85), this is also not published.

96 The timing for reporting is determined by the Conference of the Parties. Six reports have been submitted by Australia, in 1998, 2001, 2005, 2009, 2014 and 2020.

97 Australia’s current biodiversity strategy and action plan is *Australia’s Strategy for Nature 2019–2030* [Internet], available from <https://www.cbd.int/doc/world/au/au-nbsap-v3-en.pdf> [accessed 25 January 2021]. Targets established under the convention include the Aichi Biodiversity Targets and targets in the Global Strategy For Plant Conservation.

98 An example of a relevant target from the most recent report is *Aichi Biodiversity Target 12: Reducing risk of extinction*; Australian Government, *Australia’s Sixth National Report to the Convention on Biological Diversity 2014–2018* [Internet], 2020, available from <https://www.awe.gov.au/sites/default/files/documents/sixth-national-report-convention-biological-diversity.pdf> [accessed 25 January 2021].

99 Department of Agriculture, Water and the Environment, *Species Profile and Threats Database* [Internet], available from <http://www.awe.gov.au/cgi-bin/sprat/public/sprat.pl> [accessed 13 November 2021].

100 The department informed the ANAO that while most recovery plan reviews are not published, some have been published as part of the consultation for a new plan and, where they were used to inform the new plan, would usually be published as part of that plan.

5.34 Publishing this information would better support transparency and public confidence in the management of threatened species and ecological communities under the EPBC Act.

Progress on plans and initiatives

5.35 The department has undertaken a range of broader initiatives that relate to or support the listing and conservation planning processes. Establishing agreed reporting schedules, and reporting in accordance with those schedules, provides assurance that initiatives are on track.

5.36 The department has not consistently established reporting schedules for projects and initiatives and has not met the reporting requirements of the CAM MoU (Table 5.2).

Table 5.2: Reporting against plans and initiatives

Project	Reporting conducted
Common assessment method	<p>■ The CAM MoU requires participating jurisdictions to report twice a year on their progress in implementing the common assessment method to a governance committee consisting of the heads of the relevant Commonwealth, state and territory entities. This requirement has not been met, with one report provided in each of 2015, 2017 and 2018.</p> <p>The department has reported at each TSSC meeting on the operation of the CAM MoU.</p>
TSSC bushfire response plan	<p>▲ The plan does not contain a schedule for reporting.</p> <p>Since it was published in February 2020, updates on progress have been provided to the Minister in June 2020 and July 2021. The July 2021 report was published on the department's website.^a</p>
Recovery plan decision review project	<p>▲ No reporting schedule was established.</p> <p>The department has periodically provided progress updates to the TSSC, including in September 2017, February 2020, February 2021 and June 2021. One report was provided to the Minister in 2020, after an update was requested in 2019.</p>
Threatened species strategy	<p>◆ The <i>Threatened Species Strategy 2015–2020</i> committed to yearly public reporting against output and effectiveness targets.</p> <p>This reporting was completed.</p>

Legend: ◆ Reporting conducted in accordance with agreed schedule; ▲ No reporting schedule established, but reporting conducted; ■ Reporting not conducted or not conducted in accordance with schedule.

Note a: Threatened Species Scientific Committee, *10-point Bushfire Response Plan — One year review* [Internet], 2021, available from <https://www.awe.gov.au/sites/default/files/documents/10-point-bushfire-response-plan-one-year-review.pdf> [accessed 21 October 2021].

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Identification of trends

5.37 As part of the assessment and conservation planning processes, the department collects standard information for each species and ecological community. This includes the underlying data from each listing assessment¹⁰¹, the threats affecting each assessed species and community, and

101 For example, this would include the results of the assessment against of each of the listing criteria; see paragraph 2.31.

the actions that would support their recovery. Systematically recording and reporting on this information would support the department to identify strategic priorities and trends.¹⁰²

5.38 The department's information systems do not have the capability to store or report on this information, which is currently stored in individual listing and conservation planning documents. The department has commenced a project to enable its systems to store and report on data from listing assessments, though this does not include threats or conservation actions. This project is scheduled to be completed by July 2022.¹⁰³

Status of threatened species and ecological communities

5.39 Australia is required under the United Nations *Convention on Biological Diversity* to monitor threatened species, threatened ecological communities and key threatening processes 'as far as possible and as appropriate'. This monitoring is to occur through 'sampling and other techniques' and data obtained from this monitoring is required to be maintained and organised.

5.40 The department does not have a system to collect, maintain or monitor data on the status of threatened species, ecological communities or key threatening processes. As stated in the most recent *State of the Environment Report* under the EPBC Act, 'the lack of effective monitoring and reporting has been raised in every jurisdictional report, and multiple other reports and papers as a major impediment to understanding the state and trends of Australian biodiversity'.¹⁰⁴

5.41 Some improvements have occurred for monitoring of species in recent years. This includes:

- the information in the threatened species index on 210 listed threatened species (see paragraphs 5.5–5.7); and
- the reporting against the 71 priority species in the *Threatened Species Strategy 2015–2020* (see paragraphs 5.10–5.12 and 5.52–5.53).

5.42 However, this monitoring does not include 1563 of the 1814 species listed as threatened (but not extinct), any ecological communities or any key threatening processes.¹⁰⁵ It is also reliant on information collected by other sources, which is often incomplete or unreliable.¹⁰⁶ In addition, the reporting on priority species under the threatened species strategy is not currently added to a database or organised for further use.

5.43 As part of the *Threatened Species Strategy 2021–2030*, the department has committed to 'establish national monitoring programs for species identified as requiring activities to fill critical

102 For example, identifying the number and location of species affected by different threats may allow the department to better prioritise the conservation actions it funds.

103 This is the same project as discussed in paragraph 5.29.

104 I Cresswell and H Murphy, 'Biodiversity: Key findings', *Australia state of the environment 2016* [Internet], 2016, Australian Government Department of the Environment and Energy, Canberra, available from <https://soe.awe.gov.au/theme/biodiversity/key-findings> [accessed 7 November 2021].

105 This number was determined by comparing what was being monitored in the threatened species index with the EPBC Act list at the species level. Some species may be listed under the EPBC Act at the subspecies level but monitored in the threatened species index at the species level, or vice versa.

106 For example, data was only available on 101 listed threatened species in the most recent available year of the threatened species index (2017). For the threatened species strategy, the reported confidence in the final year assessment of the trajectory for 31 out of 71 species was 'low' or below.

data and information gaps', as well as 'refine and promote a national standardised monitoring protocol and best practice guidelines for priority species and places'.¹⁰⁷

Does measurement and reporting indicate the management of threatened species and ecological communities is achieving desired outcomes?

Measurement and reporting do not indicate the management of threatened species and ecological communities is achieving desired outcomes. Available information indicates that the status of threatened species is declining. Progress has been made on the targets of the common assessment method and *Threatened Species Strategy 2015–2020*, but most targets were not met.

5.44 The listing and planning provisions of the EPBC Act aim to contribute to the protection of threatened species and ecological communities, including by preventing extinction and promoting the recovery of threatened species. This is supported by the activities, plans and initiatives undertaken by the department, including listing assessments and the development of conservation plans, which have their own desired outcomes.

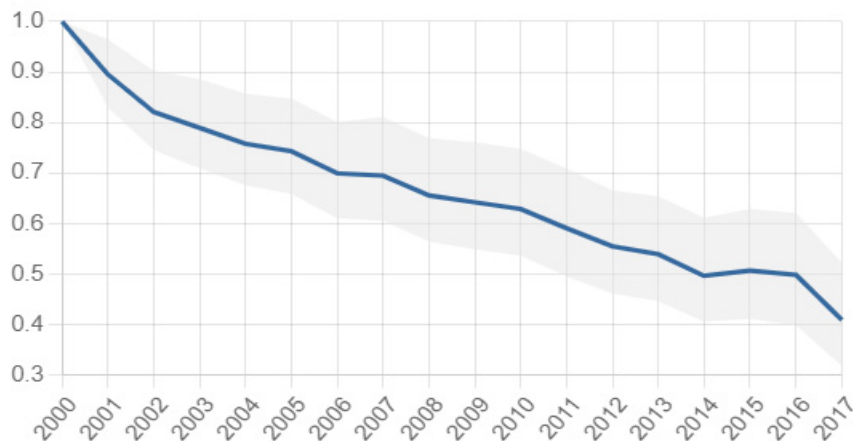
Status of species and ecological communities

5.45 As discussed in paragraphs 5.39–5.43, the department has not established measurement and reporting arrangements that provide complete and reliable information on the status of threatened species. The status of threatened ecological communities is not measured or monitored.

5.46 The information available on threatened species indicates that their status is deteriorating. The threatened species main index (see paragraphs 5.5–5.7) indicates that threatened species populations have declined around 60 per cent since the commencement of the EPBC Act in 2000 (Figure 5.1).

107 Department of Agriculture, Water and the Environment, *Threatened species strategy action plan 2021–2026* [Internet], 2022, p. 23, available from <https://www.awe.gov.au/sites/default/files/documents/threatened-species-strategy-action-plan-2021–2026.pdf>.

Figure 5.1: Average change in threatened species population size (threatened species main index)



Source: University of Queensland, *The Australian Threatened Species Index 2020* [Internet], available from <https://tsx.org.au/tsx/#/> [accessed 13 November 2021].

Status of lists

5.47 The department and TSSC have established draft objectives for the list of threatened species, which include that it should be comprehensive (include all eligible Australian species) and current (reflect the current status of those species). The department has not established arrangements to determine whether the list of threatened species is comprehensive or current.

5.48 No objectives have been established for the lists of ecological communities and key threatening processes. In the absence of objectives, it is not possible to assess whether the lists of ecological communities and key threatening processes are achieving their intended outcomes.

Conservation plan objectives

5.49 The EPBC Act establishes objectives and purposes for conservation advice, recovery plans and threat abatement plans.

5.50 The department does not undertake coordinated monitoring or reporting of whether conservation plans are achieving their objectives (Table 5.4). The available reviews of recovery and threat abatement plans indicate that most objectives have not been fully achieved.

Table 5.3: Analysis of whether measurement and reporting indicates conservation plan objectives are being achieved

Document	Objective	Achievement of objectives
Conservation advice	To establish what could be done to stop the decline or support the recovery of threatened species or ecological communities.	There is no measurement, reporting or review to determine whether conservation advice is achieving its desired outcomes.

Document	Objective	Achievement of objectives
Recovery plans	To protect, conserve and manage threatened species or ecological communities, by providing for the actions necessary to stop the decline and support the recovery of the species or community. Each recovery plan is required to establish specific objectives.	Beyond the results in individual recovery plan reviews, the department does not currently monitor or report on whether recovery plans are achieving desired outcomes (it is attempting to implement annual reporting by recovery teams; see paragraph 3.82). For the 9 recovery plans that were due for their first 5-year review between 1 July 2016 and 30 June 2021 and had their achievement of objectives assessed: ^a <ul style="list-style-type: none"> • 0 of 9 overall objectives were assessed as achieved, with 3 partly achieved and 6 not achieved; and • 5 of 45 secondary objectives were assessed as achieved, with 34 partly achieved and 6 not achieved.^b
Threat abatement plans	To reduce the effect of a key threatening process. Each threat abatement plan is required to establish specific objectives.	Beyond the results in individual threat abatement plan reviews, the department does not monitor or report on whether threat abatement plans are achieving desired outcomes. For the 1 threat abatement plan that has been reviewed since 1 July 2016, 1 of 6 objectives were assessed as achieved, with 4 partly achieved and 1 not achieved. ^c

Note a: Most reviews of recovery plans have not assessed whether objectives were achieved (paragraph 3.51).

Note b: An example of an overall objective is 'recovery of all populations to a position where they are stable'. Example secondary objectives are 'maintain and improve the condition and extent of habitat' and 'increase community awareness, understanding and involvement'.

Note c: This is based on ANAO categorisation of the review.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Key plans and initiatives

5.51 The department has undertaken initiatives to improve its management of threatened species and ecological communities under the EPBC Act. These include the *Threatened Species Strategy 2015–2020* and the alignment of the threatened species list with states and territories.

Threatened Species Strategy 2015–2020

5.52 The *Threatened Species Strategy 2015–2020* included targets grouped under five themes: tackling feral cats and their impacts, improving the trajectory of 20 threatened mammals by 2020, improving the trajectory of 20 threatened birds by 2020, protecting Australia's plants, and improving recovery practices.

5.53 Four of the 13 targets for the final year of the strategy were met. The department reported that progress was made against the other nine, but they were not fully achieved (Table 5.5). Improved trajectory targets were met for 24 of 71 mammal, bird and plant species, compared to 15 species with declining trajectories and 26 without significant changes in their trajectories.

Table 5.4: Achievement of *Threatened Species Strategy 2015–20* final year targets

Theme	Targets met	Description
Tackling feral cats and their impacts	2 of 5	The department met the targets of establishing 10 feral cat free enclosures and undertaking 10 million hectares of feral cat control. Feral cats were eradicated from 1 of the targeted 5 islands, feral cat control was undertaken on 1.9 million of the targeted 2 million hectares of Commonwealth land, and 1.6 million of the targeted 2 million cats were culled.
20 mammals by 2020	0 of 1	Of the 20 targeted mammal species, 8 had improved trajectories, 5 declined, and 7 trajectories did not change significantly.
20 birds by 2020	0 of 1	Of the 21 targeted bird species ^a , 6 had improved trajectories, 6 declined, and 9 trajectories did not change significantly.
Protecting Australia's plants	2 of 4	The department met the target of having recovery actions underway for 50 plant species and 60 ecological communities. 67% of the targeted 100% of threatened plant species had their seeds stored in a conservation seed bank. The department also targeted an improvement in the trajectory of 30 plant species. Of these, 10 trajectories improved, 4 declined, and 16 did not change significantly.
Improving recovery practices	0 of 2	While the department reported that it met the target of all states and territories operating under the common assessment method, South Australia has not signed the CAM MoU (Appendix 5). Up-to-date recovery plans and conservation advice were established for 32 of the targeted 69 species.

Note a: One extra bird species was added as a priority species, beyond the originally planned 20 species.

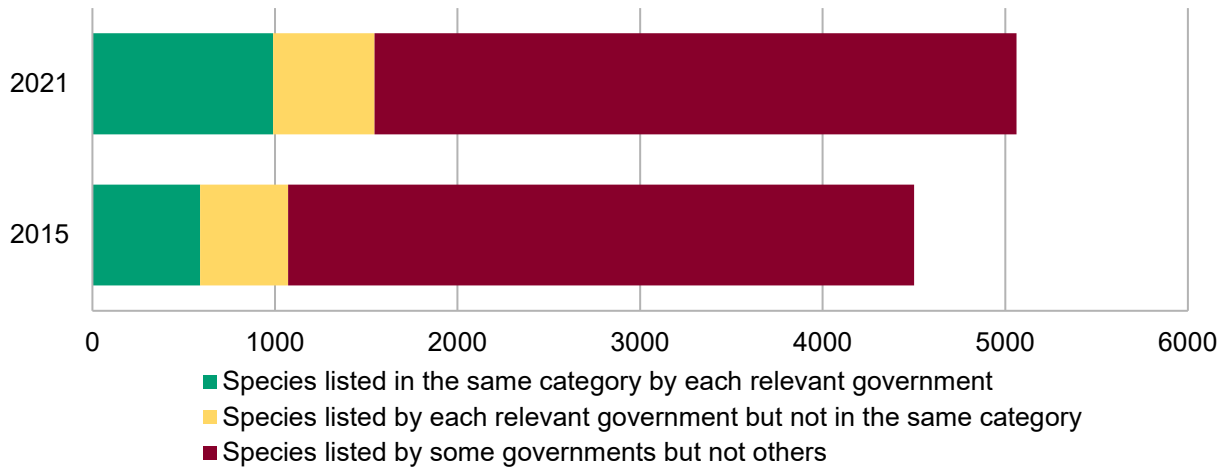
Source: ANAO based on Department of Agriculture, Water and the Environment reporting.

Alignment of threatened species list with states and territories

5.54 The Common Assessment Method Memorandum of Understanding (CAM MoU) was established in 2015 to reduce misalignment and duplication between Australian Government and state and territory threatened species lists. It aimed to have all species listed in the same category by all governments within two years 'or as soon as possible thereafter'. While progress has been made, this has not been achieved.

5.55 Figure 5.2 shows the number of species recorded by the department as being listed under the EPBC Act or by a state and territory government, and whether those species are listed in the same category by each government in whose territory they occur. Since the commencement of the CAM MoU in 2015, the proportion of species listed in the same category by each relevant government has increased from 13 to 20 per cent.

Figure 5.2: Alignment of lists of threatened species since 2015



Source: ANAO based on Department of Agriculture, Water and the Environment data. This data does not include species that do not occur within states or territories (such as marine species). The department does not maintain records of state and territory occurrence for species not listed under the EPBC Act.

5.56 The CAM MoU also aimed to have arrangements (including legislative amendments) established to enable governments to recognise each other’s species listing outcomes within two years. While progress has been made by most governments, this has not yet been completed.

5.57 The Australian Government is not currently able to recognise species listing outcomes under one of the sub-criteria established in the common assessment method (this requires amendments to the Environment Protection and Biodiversity Conservation Regulations; see paragraph 2.33). Three of eight states and territories have implemented arrangements allowing them to fully recognise species listing outcomes under the common assessment method (see Appendix 5).

Grant Hehir
Auditor-General

Canberra ACT
17 March 2022

Appendices

Appendix 1 Department of Agriculture, Water and the Environment's response



Australian Government
Department of Agriculture,
Water and the Environment

ANDREW METCALFE AO
SECRETARY

28 February 2022

Auditor General
Australian National Audit Office
GPO Box 707
Canberra ACT 2600

Dear Mr Hehir

Thank you for your email of 31 January 2022 and the opportunity to respond to the Australian National Audit Office's proposed report on 'Management of Threatened Species and Ecological Communities under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)'.

I note the proposed report concludes that the department's administration of threatened species and ecological communities under the EPBC Act is partly effective and is mostly compliant with the requirements of the EPBC Act. I recognise the report found that efficiencies could be gained through more robust governance arrangements and that better monitoring is needed to inform the effectiveness of conservation planning. The department agrees that the recommendations will help to guide our continuing focus on these areas.

The department is delivering on the highest workload for the statutory protection of threatened species and communities in recent times. The Government's response to the devastating 2019/20 black summer bushfires necessitated the holistic, agile and rapid response outlined in the 10-point Bushfire Response plan. The response includes assessing inappropriate fire regimes for listing as a key threatening process and ensuring fire affected species and ecological communities have the appropriate statutory protection. We have more than doubled the number of species under assessment by the Threatened Species Scientific Committee and commissioned panels of experts to undertake listing assessments.

As a result of this work, the Minister for the Environment, the Hon Sussan Ley MP, has made 171 listing decisions since May 2019, which is an increase compared to previous years. I am also pleased to confirm that 100 percent of listed threatened species and ecological communities which require a statutory conservation planning document now have one in place.

Despite these achievements we agree this is an area which needs reform. To date our primary focus has been on continuing to streamline listing assessments and to deliver fit-for-purpose conservation plans for all listed entities. We have also finalised the new Threatened Species Strategy Action Plan 2021-2026, which provides a strategic prioritisation of conservation efforts and sets ambitious monitoring and reporting targets. On cross-cutting issues, our Chief Environmental Biosecurity Officer has increased the focus on identifying and addressing threatening processes. We are also continuing to work on the implementation of recommendations from the recent EPBC

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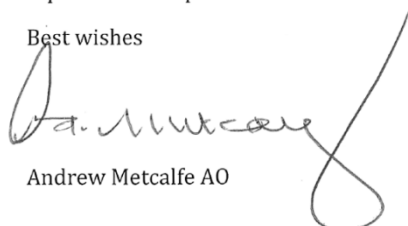
Act review to reform our national environmental law, which provides an opportunity to further streamline conservation planning.

Much of the ability to deliver the conservation outcomes in these statutory documents sits outside the portfolio, in states and territories, community groups and delivery partners. We accept we have a leadership role in this system. Better systems, communication, and information will help build that leadership capacity over time.

Thank you for your recommendations. The department will use these to guide our continuing work to make lasting improvements to conservation planning in Australia.

Please find enclosed with this letter the department's summarised response to the report and a response to the recommendations.

Best wishes

A handwritten signature in black ink, appearing to read 'A. Metcalfe', with a large, stylized flourish extending from the end of the signature.

Andrew Metcalfe AO

Appendix 2 Improvements observed by the Australian National Audit Office

1. The existence of independent external audit, and the accompanying potential for scrutiny can promote improved performance. Improvements in administrative and management practices can occur in anticipation of ANAO audit activity; during an audit engagement; as interim findings are made; and/or after the audit has been completed and formal findings are communicated.

2. The Joint Committee of Public Accounts and Audit (JCPAA) has encouraged the ANAO to consider ways in which the ANAO could capture and describe some of these impacts. The ANAO's 2021–22 Corporate Plan states that the ANAO's annual performance statements will provide a narrative that will consider, amongst other matters, analysis of key improvements made by entities during a performance audit process based on information included in tabled performance audit reports.

3. Performance audits involve close engagement between the ANAO and the audited entity as well as other stakeholders involved in the program or activity being audited. Throughout the audit engagement, the ANAO outlines to the entity the preliminary audit findings, conclusions, and potential audit recommendations. This ensures that final recommendations are appropriately targeted and encourages entities to take early remedial action on any identified matters during the course of an audit. Remedial actions entities may take during the audit include:

- strengthening governance arrangements;
- introducing or revising policies, strategies, guidelines or administrative processes; and
- initiating reviews or investigations.

4. In this context, the below actions were observed by the ANAO during the course of the audit. It is not clear whether these actions and/or the timing of these actions were planned in response to proposed or actual audit activity. The ANAO has not sought to obtain assurance over the source of these actions or whether they have been appropriately implemented.

Report paragraph	Changes implemented during the course of the audit
2.50	<p>The department has implemented new arrangements to better support Indigenous consultation during listing assessments. This includes:</p> <ul style="list-style-type: none"> • commencing development of a framework to guide Indigenous collaboration; and • requiring contractors delivering assessments of bushfire-affected species to develop an Indigenous engagement plan.
2.40, 3.24	<p>The department has commenced development of procedural guidance for ecological community listing assessments and conservation advice.</p> <p>A combined template for ecological community listing assessments and conservation advice was approved by the Threatened Species Scientific Committee in December 2021.</p>

Report paragraph	Changes implemented during the course of the audit
5.29, 5.38	<p>The department is undertaking a project to enhance its information systems. This project commenced prior to the start of the ANAO audit. It includes the addition of:</p> <ul style="list-style-type: none"> • up-to-date information on the status of listing assessments and conservation planning tasks, to enable resources to be allocated in an optimal way and allow reports to be generated; and • information on listing status and key population parameters for included items within the database, to allow analysis of data from assessments and of changes in species status.
Not applicable	<p>The department has established a project office that aims to ‘create a sustainable future workload’ for listing assessments and the development of conservation plans, by building a framework with the following areas:</p> <ul style="list-style-type: none"> • ‘defining policy setting’; • ‘improving business systems and workforce planning’; • ‘engaging and communicating with stakeholders’; • ‘establishing and managing links across the department’; and • ‘exploring outcomes, monitoring and reporting’.

Appendix 3 Alignment of threatened species funding programs with priority species

Extent funding opportunity targets threatened species	Funding opportunity	Year	Projects aligned with threatened species strategy priorities?	
Program solely targets threatened species	<i>Environment Restoration Fund: Threatened Species Strategy Action Plan — Priority Species</i>	2021	◆	Requires projects to be aligned with priority species.
	<i>Environment Restoration Fund: Safe Havens</i>	2020	◆	Did not require alignment with priority species, but required alignment with threatened species and priority actions in the <i>Threatened Species Strategy 2015–2020</i> .
	<i>Threatened Species Recovery Fund: Open Round</i>	2017	◆	Did not require alignment with priority species, but required alignment with threatened species and priority actions in the <i>Threatened Species Strategy 2015–2020</i> .
	<i>20 Million Trees Program Grants: Round Three</i>	2017	■	While it required projects to be targeted at threatened species or ecological communities, it did not require them to be aligned with priority species.
Some program outcomes or outputs target threatened species	<i>Environment Restoration Fund: Wildlife Rescue and Rehabilitation</i>	2020	■	Did not require projects targeting threatened species to be aligned with priority species.
	<i>Communities Environment Program</i>	2019	■	Did not require projects targeting threatened species to be aligned with priority species.
	<i>Environment Restoration Fund: 2019 Grant Opportunity</i>	2019	■	Did not require projects targeting threatened species to be aligned with priority species.
	<i>Regional Land Partnerships^a</i>	2017	◆	Where projects were addressing outcomes related to threatened species, they had to be aligned with priority species. ^b

Legend: ◆ Project aligned with threatened species strategy priorities; ■ Project not aligned with threatened species strategy priorities.

Note a: Successful tenderers under the Regional Land Partnerships program were also used to deliver outcomes under other programs, such as the Environment Restoration Fund. These did not all have separate requests for tender or guidelines.

Note b: Regional Land Partnerships also allowed for projects addressing other species, provided they could demonstrate alignment with the prioritisation principles from the *Threatened Species Strategy 2015–2020*.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Appendix 4 Initiatives to improve the timeliness and efficiency of listing assessments and conservation advice

Initiative	Year	Description
Review and update of conservation advice templates	Ongoing	As discussed in paragraphs 3.28 and 3.29, the department and TSSC periodically review and update templates for conservation advice. These updates include changes designed to improve efficiency. For example, the requirement to develop separate documents for consultation was removed in June 2021, reducing the number of different documents required to be produced.
Common assessment method	2015	Following the establishment of the common assessment method memorandum of understanding in 2015, the first species assessed by states and territories were listed under the EPBC Act in 2018. As most of the work on these assessments is completed by states and territories, they represent an efficient way to list species under the EPBC Act.
Fact sheets for Ministerial briefs	2020	In February 2020, the department suggested providing the Minister with a 'fact sheet' summarising each listing assessment and the key arguments for the listing change, to support more efficient processing of species assessments. Fact sheets have been included in subsequent assessments, but have not yet been incorporated into procedural guidance.
Assigning TSSC assessment leads	2020	The department and TSSC agreed in September 2020 to assign TSSC 'leads' for each listing assessment, to support TSSC members to manage their workloads and support timeliness by establishing clear responsibilities for resolving outside of formal TSSC meetings. The approach to doing so was agreed in November 2020, and leads were confirmed in February 2021.
Additional TSSC members and meetings	2020–2021	To support the department and TSSC to assess large numbers of bushfire-affected species for listing, the department and TSSC increased the size of the TSSC by 2 members in 2020 and scheduled TSSC meetings every month from June 2021 to June 2022.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.

Appendix 5 Arrangements established by governments to enable the common assessment method

Government	Progress made in enabling the common assessment method	
Australian Government	▲	The Australian Government signed the CAM MoU in October 2015. The Environment Protection and Biodiversity Conservation Regulations need to be amended to allow one assessment criteria under the CAM MoU to be adopted. All other elements of the common assessment method have been adopted.
Australian Capital Territory	◆	The Australian Capital Territory signed the CAM MoU in November 2015. Threatened species legislation was amended in 2016 and 2018 to allow the Australian Capital Territory to adopt the common assessment method.
New South Wales	▲	New South Wales signed the CAM MoU in October 2016. Some threatened species legislation has been amended, but additional amendments are required to fully adopt the common assessment method for fish species.
Northern Territory	■	The Northern Territory signed the CAM MoU in March 2016. Legislative amendments are required to allow the Northern Territory to adopt the common assessment method.
Queensland	▲	Queensland signed the CAM MoU in October 2016. Some threatened species legislation has been amended, but additional amendments are required to fully adopt the common assessment method for fish species.
South Australia	■	South Australia has not signed the CAM MoU.
Tasmania	■	Tasmania signed the CAM MoU in December 2015. Legislative amendments are required to allow Tasmania to adopt the common assessment method.
Victoria	◆	Victoria signed the CAM MoU in April 2018. Legislative amendments have been passed to enable the common assessment method. Supporting processes are being developed.
Western Australia	◆	Western Australia signed the CAM MoU in September 2015. New threatened species legislation, regulations, and ministerial guidelines have been introduced to allow Western Australia to operate in accordance with the common assessment method.

Legend: ◆ Common assessment method fully adopted; ▲ Common assessment method partly adopted; ■ Common assessment method not yet adopted.

Source: ANAO based on Department of Agriculture, Water and the Environment documents.