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15 June 2006

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Director General
Department of Environment and Conservation
c/- Accreditation Scheme Manager
Biodiversity Conservation Unit
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Dear Ms Corbyn,

Accreditation Scheme for Individuals Involved in Threatened Species and Biodiversity Survey and Assessment – Draft for Comment

The Environmental Defender's Office of NSW (EDO) welcomes the opportunity to provide further comment on the proposed accreditation scheme. We refer to our previous submission on *Accreditation to Undertake Threatened Species and Biodiversity Assessments*, dated 18 February 2005. We note a number of our initial concerns have been addressed in *Accreditation Scheme for Individuals Involved in Threatened Species and Biodiversity Survey and Assessment – Draft for Comment*.

The EDO remains broadly supportive of the Accreditation Scheme. It provides a significant opportunity to address a number of long term issues in threatened species and biodiversity survey and assessment, including issues of public accountability and transparency.

We make the following comments and recommendations in relation to *Accreditation Scheme for Individuals Involved in Threatened Species and Biodiversity Survey and Assessment – Draft for Comment*:

Voluntary scheme

We reiterate our support for the Accreditation Scheme to become compulsory after an appropriate period (for example, 3 – 5 years). This would ensure a high standard across the industry, would address issues of unfair market advantage being gained, and would remove any disincentives to use cheaper unaccredited consultants.

Application interview

If the interview for the Accreditation Scheme is to be waived in cases where the applicant has a CEnvP, the scheme must ensure that the interview for the CEnvP adequately tests the skills and experience of an applicant specifically in regard to threatened species and biodiversity survey and assessment. We seek further detail regarding the mechanisms that will be put in place to ensure this.



Recognition of Accredited Individuals

We reiterate our recommendation that the Department of Environment and Conservation website should contain information on the number of points an Accredited Individual holds. This would improve the public accountability and transparency of threatened species and biodiversity survey and assessment and provide further incentive for Accredited Individuals to maintain high standards at all times.

Accreditation panel

We reiterate our support for a member of the Accreditation Panel to have specialist expertise in environmental law. This would improve the panel's ability to assess applicants for Category 2 accreditation and undertake compliance assessments of ecological impact assessment reports.

Compliance assessment

A key issue with the adequacy and quality of threatened species and biodiversity survey and assessment is the constraints placed on a consultant by the proponent in relation to time, budget, and scope of work. It is therefore important that the project brief forms part of the documents requested by the Executive Officer so that any such constraints may be properly considered when undertaking compliance assessments.

Guidelines

We support the preparation of guidelines on how the public can make a complaint about an Accredited Individual to the Executive Officer. The guidelines must clearly identify how to make a complaint, the standards required of an Accredited Individual, the grounds on which a complaint may be made, and the type of supporting information required. Reference to other appropriate guidelines such as the *NSW Threatened Species Survey and Assessment Guidelines for Environmental Impact Assessment of Developments and Activities* and clear identification of how these guidelines should be interpreted by the public in relation to making a complaint should also be made.

Points system

We support the loss of major points (up to 9 points) for failing to clearly identify the limitations of survey work and for failing to adequately supervise (unaccredited) support staff. There are a number of additional long term issues in threatened species and biodiversity survey and assessment, which may be addressed to some extent through the points system. We believe the following should also result in loss of major points:

- Failure to properly apply the key requirements of the *Threatened Species Assessment Guidelines* and the *EPBC Act Administrative Guidelines on Significance*.
- Failure to specifically consider the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) Administrative Guidelines on Significance* in cases where the Assessment of Significance has also been applied. In our experience, this is not an uncommon occurrence. The Administrative Guidelines are different to the Assessment of Significance and require a different type of inquiry.
- Failure to identify and consider all threatened species, populations or ecological communities identified for the study area on the NSW Wildlife Atlas database or the *EPBC Act 1999 Online*



Database, or made known to the consultant by a government agency or the public, that could reasonably be considered to occur in the area.

- Failure to clearly identify the study area in accordance with the definition in the *Threatened Species Assessment Guidelines* and failure to use this definition consistently throughout the report. In our experience, it is not uncommon for the definition of the study area to change throughout the report and this may result in unclear or misleading statements in relation to the significance of impacts.
- Failure to justify assertions on significant issues by failing to provide appropriate scientific evidence, reference to relevant scientific literature or previous studies, or a logical argument based on professional judgment. For example, in relation to Species Impact Statements, the NSW Wildlife Atlas records are often the only index used to indicate local and regional population sizes. This is not a scientifically valid approach. In addition, it is common for assertions to be made about the effectiveness of mitigation measures without any evidence in support.
- Misuse of the term ‘potential habitat’. In our experience, it is not uncommon for a threatened species assessment to only very crudely estimate the potential habitat of a threatened species (for example, by identifying a broad vegetation type as potential habitat despite a species having very specific habitat requirements within that broad vegetation type). This is significant because the amount of potential habitat not impacted by the proposal is often used to justify the insignificance of the impacts, or to estimate local and regional population sizes.

Should you require any further information, please contact tom.holden@edo.org.au or 9262 6989.

Yours sincerely,

Environmental Defender’s Office Ltd

Rachel Walmsley

Policy Director

