



Environmental  
Defenders Office

**Submission on the Draft Threatened Species Strategy  
(Tasmania)**

**1 May 2026**

## About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

***Successful environmental outcomes using the law.*** With over 40 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

***Broad environmental expertise.*** EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

***Independent and accessible services.*** As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

**[www.edo.org.au](http://www.edo.org.au)**

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## **Acknowledgement of Country**

EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises self-determination as a person's right to freely determine their own political status and freely pursue their economic, social and cultural development. EDO respects all First Nations' right to be self-determined, which extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

## Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the Draft Threatened Species Strategy for Tasmania.

In our view, the Draft Strategy in its current form misses the opportunity to modernise Tasmania's approach to threatened species protection. It fails to keep in step with current Australian and international standards, measures and expectations. Further, in attempting to set a more high-level strategic framework for threatened species protection, the Draft Strategy fails to provide the detail required to give effective guidance for implementation. In addition, we are concerned that the emphasis on community engagement and involvement is not sufficiently underpinned by a clear statement of the government's ultimate responsibility for the protection of threatened species, and for achievement of the strategy.

We recommend that the Draft Strategy be revised taking into account the recommendations set out in our submission, and that the draft Implementation Plan and Prioritisation Framework are made subject to consultation.

### Summary of Recommendations

1. Amend the Draft Strategy in alignment with national and international ambition.
2. Amend the Draft Strategy to incorporate principles and process for prioritisation, implementation, monitoring and evaluation.
3. Publicly release the draft Prioritisation Framework and Implementation Plan for feedback prior to finalisation.
4. Incorporate the criteria for priority species, if not the Prioritisation Framework altogether, into the strategy.
5. Amend the Draft Strategy to express commitment to the ongoing monitoring and protection of non-priority species.
6. Put in place mechanisms to prevent shifting priorities that undermine threatened species protection and management.
7. Allocate adequate resourcing to threatened species protection and management.
8. Specify timeframes for regular reviews and reporting against the strategic objectives in the Draft Strategy.
9. Clearly outline what steps government will take to enhance regulatory mechanisms and improve utilisation of them to protect threatened species.

## Introduction

Thank you for the opportunity to comment on the Draft Threatened Species Strategy (**Draft Strategy**) and Consultation Paper. EDO is a community legal centre specialising in

public interest environmental law. We have a long history of providing legal advice on laws relating to biodiversity and threatened species conservation.

Our submission considers the Draft Strategy through a legal lens, which includes regard to the *Threatened Species Protection Act 1995* (Tas) (**TSP Act**) (under which the Strategy is made), and how the framework as a whole can deliver improved outcomes for threatened species.

Our submission:

1. provides overarching comments about the Draft Threatened Species Strategy for Tasmania; and
2. reiterates [EDO's previous comments](#) (**enclosed**) on the development of a new threatened species strategy, which have not been adequately addressed.

**Overall, a new Threatened Species Strategy is welcome, and presents a significant opportunity to modernise and strengthen Tasmania's threatened species regulatory framework and increase capacity for its implementation. The Draft Strategy, with the improvements discussed below, has the potential to achieve these aims.**

## 1. Background

Tasmania is renowned for its many iconic species and communities, such as the Tasmanian Devil, Swift and Orange-bellied Parrots, Maugean Skate, Red and Spotted Handfish, Alpine Sphagnum Bogs, Morrisbys Gum, Risdon Peppermint and Miena Cider Gum. All these species and communities are threatened, and some, like the Maugean Skate and Orange-bellied and Swift Parrots, are in danger of extinction.

A new Threatened Species Strategy is well overdue. Since the publication of the current Threatened Species Strategy in 2000 (**Current Strategy**), biodiversity has continued to decline in Tasmania and elsewhere. At the same time, there have been significant developments in scientific understanding, international and domestic policy goals, and legislative and regulatory tools.

Tasmania's 2024 State of the Environment Report found that:

- 31% (588 species) of Tasmanian flora is considered threatened or possibly threatened. The number of endangered and vulnerable Tasmanian flora under the TSP Act has increased significantly from 189 species in 2008 to 230 species in 2022.<sup>1</sup>

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<sup>1</sup> Tasmanian Planning Commission, *State of the Environment Report, Volume 1: Summary report (2024)* 140.

- 16.5% (76 species) of Tasmania’s fauna are listed as threatened species. Between 1995 and 2023, the total number of threatened fauna species increased in every habitat type.<sup>2</sup>

Threatened species in Tasmania are experiencing numerous threats causing habitat loss, fragmentation and degradation. These include farming, urban development, forestry, climate change impacts, invasive species, feral animals, and disease.<sup>3</sup>

In Tasmania, threatened species management is governed by the TSP Act, the Threatened Species Strategy (which is required to be prepared under the TSP Act), listing statements, recovery plans, threat abatement plans, land management plans and Interim Protection Orders. Threatened native vegetation communities are listed under the *Nature Conservation Act 2002* (Tas) and managed principally through the *Forest Practices Act 1985* (Tas). The TSP Act interacts with other resource laws, including the *Land Use Planning and Approvals Act 1993* (Tas), and *Water Management Act 1999* (Tas).

The development of a new Threatened Species Strategy for Tasmania provides a significant opportunity to modernise and improve Tasmania’s approach to threatened species conservation. For this to be achieved, the Draft Strategy and any subsidiary documents such as the proposed Prioritisation Framework and Implementation Plan, must outline a clear framework, with sufficient detail to effectively guide action. Our submission highlights key matters that should be addressed by the new threatened species strategy.

## 2. Overarching comments

Our comments on the Draft Strategy are organised according to the following categories, discussed below:

- A. Strategic framework
- B. Prioritisation
- C. Implementation

### **A. Strategic framework**

The Draft Strategy is structured around a vision and updated guiding approaches, supported by strategic pillars outlining the long-term aims of the strategy. The Draft Strategy sets out the high-level principles, governance expectations and accountability framework for threatened species protection and recovery. It is intended to be supported by a separate Implementation Plan that will operationalise the strategy. A Prioritisation Framework will also sit alongside the strategy.

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<sup>2</sup> Ibid 143.

<sup>3</sup> Ibid 141, 145.

The Draft Strategy is designed to operate in a hierarchy with the Implementation Plan (to be developed in consultation with stakeholders) and Prioritisation Framework. The Implementation Plan and Prioritisation Framework have not yet been finalised, and the Consultation Paper does not provide a timeframe for that work. According to the 2023 ‘Developing a new threatened species strategy for Tasmania’ **Discussion Paper**, the strategy was also to be supported by an evaluation framework and performance indicators,<sup>4</sup> though these are not mentioned in the Draft Strategy or Consultation Paper.

We make the following comments on the elements of the Draft Strategy:

Vision: The vision for the new Threatened Species Strategy should be strengthened to match national and international ambition – including to halt extinctions, recover species, protect, conserve, and restore land – set by Australia’s Threatened Species Action Plan 2022-2032 and the Kunming-Montreal Global Biodiversity Framework.

Guiding approaches: Aspects of collective action (regarding the role of government) and prioritisation are discussed below.

Protect and restore strategic pillar: The aims of this pillar are said to be tied to specific priority threats, species and places. However, the Draft Strategy does not identify what the priority threats, species and places are, nor provide criteria for how these will be identified. The aim that (some) priority threatened species are ‘secured *or* recovered’ is not ambitious enough, and potentially leaves non-priority threatened species vulnerable to extinction (see further Recommendations 4–7 below).

Partner and engage strategic pillar: The Tasmanian Government needs to explicitly state its responsibility for leading and facilitating the actions under this pillar, including partnering with Tasmanian Aboriginal people. EDO recognises the importance of shared commitment to protecting threatened species, but without significant leadership, coordination and resourcing by government, Aims 4-6 cannot be achieved.

Building knowledge strategic pillar: A focus on improved data collection and sharing is a positive step, but again this pillar lacks sufficient detail and ambition to effectively guide this process. It is not clear what is meant by Aim 6: ‘Data and knowledge gaps are actively addressed to support proactive and adaptive decision-making’. What would demonstrate that this has been achieved? We also suggest that introducing or increasing access and use of a central data repository, such as a LIST database, will support the achievement of the Aims 7 and 8. A clear framework for data collection and management may encourage increased data sharing and support informed decision-making.

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<sup>4</sup> Department of Natural Resources and Environment Tasmania (**Dept. NRE**), *Developing a new threatened species strategy for Tasmania: Discussion paper* (2023) 17.

Getting the systems right strategic pillar: The aims of this pillar are robust governance, regulation and resourcing for threatened species protection and management. The Draft Strategy is not currently detailed enough to provide a clear framework for action. The Tasmanian Government must commit to updating the TSP Act in alignment with national and international ambition, and increase funding for implementing the Act and strategy. This pillar points to the importance of resourcing, yet highlights that existing resources will not be increased. Instead, responsibility is passed to ‘stakeholders’ to achieve what is essentially government responsibility – environmental governance and regulatory frameworks (see further Recommendation 7 below).

Overall, the long-term aims of the strategic pillars do not clearly describe what success looks like for the strategy. The Consultation Paper expresses that ‘a higher-level Strategy, supported by a separate and adaptive implementation approach, is more likely to endure and deliver meaningful outcomes over time’.<sup>5</sup> It states that the Draft Strategy ‘establishes a clear direction and facilitates shared priorities and improved ways of working across government, communities, industry and partners’.<sup>6</sup> In our view, the Draft Strategy is so high-level that it does not provide clear direction, facilitation of shared priorities and improved ways of working. It does not outline key information about prioritisation or implementation, or the process for designing the Prioritisation Framework and Implementation Plan. To provide a clear framework for delivering measurable outcomes, the Draft Strategy must, at a minimum, state the principles for prioritisation, and specify the timing, frequency, content and responsibility for implementation, monitoring and evaluation.

We are generally supportive of government’s plan to set out key threatening processes in a separate document to allow for them to adapt as threats change and evolve. This would provide clear guidance for implementing the strategy, including the development of subsidiary documents consistent with the strategic direction. Given the reliance on the Implementation Plan and Prioritisation Framework to operationalise the strategy, these documents must be subject to public consultation. Indeed, it is difficult to fully assess the efficacy of the Draft Strategy without seeing drafts of these documents.

**Recommendations:**

1. Amend the Draft Strategy in alignment with national and international ambition
2. Amend the Draft Strategy to incorporate principles and process for prioritisation, implementation, monitoring and evaluation.
3. Publicly release the draft Prioritisation Framework and Implementation Plan for feedback prior to finalisation.

<sup>5</sup> Dept. NRE, *Delivering Tasmania’s Threatened Species Strategy: Consultation Paper* (2026) 9.

<sup>6</sup> *Ibid* 4.

## **Prioritisation**

Prioritisation is one of the two guiding approaches to the Draft Strategy. It states that prioritised action will ensure that resources are allocated where they will be most effective and recognises that ‘not all actions can be progressed at once.’<sup>7</sup> Prioritisation is intended to be ‘adaptive and ongoing, rather than a one-off exercise’ to ensure actions are responsive to change.<sup>8</sup> According to the Consultation Paper, the Prioritisation Framework will involve prioritised listing and reassessment processes, supported by risk-based approaches, improved data availability and continued alignment with the Common Assessment Method.<sup>9</sup>

The principles or process for prioritisation are not contained in the Draft Strategy or Consultation Paper. Possible prioritisation principles were outlined in the Discussion Paper, but it is unclear whether these are to be reflected in the Prioritisation Framework. We reiterate our comments from 2023 on the proposed prioritisation principles:

- The principles could be expanded to address habitat, in addition to species, given habitat loss and fragmentation is one of the biggest threats to biodiversity.
- The ‘iconic species’ principle should also prioritise species that are taxonomically and ecologically distinct (i.e. species that have no close relatives and those that have a unique function in the ecosystem).
- It is unclear how the prioritisation principles will be implemented in practice.<sup>10</sup>

In our view, the prioritisation approach must be explicitly described in the strategy document. We accept that there is a need to prioritise action due to limits on capacity and resources. However, it is imperative that the strategy does not inadvertently permit the decline of non-priority species. It is challenging to assess the effectiveness or the potential impact of prioritisation without clear guidance on what constitutes ‘priority’ threats, species and places. The long-term aims expressed in the Protect and Restore Strategic Pillar must be more ambitious and address the need for ongoing monitoring and management of non-priority threatened species. The criteria for priority species, if not the Prioritisation Framework altogether, should form part of the strategy to guide the implementation planning process.

Adequate resourcing is also needed to halt decline and recover threatened species. Any strategy can only be successful if properly resourced and implemented, with tracking of implementation and monitoring of outcomes. We reiterate EDO’s 2023 comments that in

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<sup>7</sup> Dept. NRE, *Threatened species strategy for Tasmania: Consultation Draft* (2026) 4.

<sup>8</sup> Dept. NRE, *Delivering Tasmania’s Threatened Species Strategy: Consultation Paper* (2026) 10.

<sup>9</sup> Dept. NRE (n 5) 10. The Consultation Paper states that aligning with the CAM will be a key component in maintaining a contemporary threatened species list, however, this is not addressed in the Draft Strategy, nor have legislative amendments been made to align the TSP Act with the CAM/IUCN.

<sup>10</sup> Environmental Defenders Office, *Submission to the Discussion Paper – Developing a new threatened species strategy for Tasmania* (2023) 16.

our view, many of the deficiencies of the current Strategy and the TSP Act more broadly, can be attributed to a lack of resourcing and implementation.<sup>11</sup> As it stands, the Draft Strategy does not sufficiently highlight the government’s responsibility for resourcing and leading implementation of the strategy. We urge the government to seize the opportunity presented by the review of the Threatened Species Strategy to affirm its commitment to threatened species conservation and restoration, and ensure the new strategy is appropriately resourced and effectively implemented.

The Consultation Paper states that separating the strategy from implementation planning allows for the strategy to provide long term direction, and for implementation to address the ‘most pressing conservation needs.’<sup>12</sup> The Draft Strategy commits to an ongoing process of prioritisation that embraces adaptability to reduce species decline and strengthen ecological health.<sup>13</sup> EDO is concerned that without clear parameters for decision-making and resource allocation, this approach risks shifting priorities that undermine and reduce the effectiveness of actions to protect threatened species. We suggest the strategy address the following questions:

- What are the criteria for determining which species will be prioritised?
- How many species may be considered a priority at any given time?
- When is a species no longer a priority? Do priority species maintain that status until they are no longer listed as threatened?
- Will any resources be allocated to non-priority species at the state level?

**Recommendations:**

4. Incorporate the criteria for priority species, if not the Prioritisation Framework altogether, into the strategy.
5. Amend the Draft Strategy to express commitment to the ongoing monitoring and protection of non-priority species.
6. Put in place mechanisms to prevent shifting priorities that undermine threatened species protection and management.
7. Allocate adequate resourcing to threatened species protection and management.

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<sup>11</sup> Ibid 10.

<sup>12</sup> Dept. NRE, (n 5) 7.

<sup>13</sup> Ibid.

## **B. Implementation**

The implementation of the Threatened Species Strategy is a key concern. The Tasmanian Government asserts that progress is being made under the Current Strategy, but that the specifics of that progress, such as what work is being undertaken under the strategy and how effective it is, are not known publicly.<sup>14</sup> Threatened species continue to decline and mechanisms under the Act, such as the critical habitat provisions, recovery plans and listing statements, are underused or yet to be put into practice.

The Threatened Species Strategy has the potential to be a key policy document to drive the conservation and recovery of threatened species in Tasmania over the next decade and beyond. Unfortunately, the TSP Act lacks crucial governance provisions, such as mandatory reporting against actions set out in the strategy and regular reviews of the strategy. This makes it difficult to understand how well the current strategy has worked, and identify progress against key actions, strengths of the strategy and areas for improvement.

The Consultation Paper refers to consistent feedback revealing ‘a perceived gap between intent and visible implementation’ of its Current Strategy.<sup>15</sup> Unfortunately, government’s response to this feedback has been to strip out much of the detail in the Current Strategy, rather than take measures to improve transparency and accountability and increase community support and involvement. In our view, the better approach to ensure implementation is achieved and understood, is to include in the Draft Strategy timeframes for regular reviews and reporting against the strategic objectives

The underutilisation of the regulatory mechanisms under the TSP Act must be urgently addressed. The TSP Act provides a range of regulatory tools for protecting threatened species, such as listing statements (s 22), critical habitat (s 23), threat abatement plans (s 27), and land management plans and agreements (ss 29-31). These tools are seriously underutilised. In the thirty years since the TSP Act came into force, for example, there have been no critical habitat listings. The Tasmanian Government’s continued failure to declare parts of Macquarie Harbour as critical habitat for the endangered Maugean Skate is illustrative (see Case Study below).

The current Threatened Species Strategy provides that, as a general principle, areas that are occupied by endangered species and are at risk from threatening processes will be declared as critical habitat.<sup>16</sup> The actions to be taken under the Current Strategy include

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<sup>14</sup> Dept. NRE (n 7) 9.

<sup>15</sup> Ibid.

<sup>16</sup> Department of Primary Industries, Water and Environment Tasmania, *Threatened Species Strategy for Tasmania* (2000) 21.

identifying areas of critical habitat and associated recovery mechanisms.<sup>17</sup> The Draft Strategy, on the other hand, makes no mention of critical habitat. Concerningly and somewhat ambiguously, in ‘Strategic Pillar 4: Getting the systems right’, it states that ‘[e]nvironmental rigour and transparency should not be at the expense of efficient systems that minimise unnecessary red tape.’<sup>18</sup>

The new threatened species strategy represents an opportunity to guide the implementation and effectiveness of regulatory mechanisms. For instance, it could establish a clear process for identifying the critical habitat for all species already listed, within a clear timeframe.<sup>19</sup> At a minimum, it must clearly set out how government will improve existing regulatory mechanisms and ensure they are used.

**Recommendations:**

8. Specify timeframes for regular reviews and reporting against the strategic objectives in the Draft Strategy.
9. Clearly outline what steps government will take to enhance regulatory mechanisms and improve utilisation of them to protect threatened species.

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<sup>17</sup> Ibid.

<sup>18</sup> Dept. NRE (n 7) 8.

<sup>19</sup> WWF & Environmental Defenders Office, *Bushfires, bureaucracy and barriers: How poorly implemented critical habitat frameworks risk failing the survival and recovery of threatened species and ecological communities* (2024) 5 <<https://www.edo.org.au/wp-content/uploads/2024/05/240508-WWF-EDO-Critical-habitat-report-FINAL.pdf>>.

### Case Study: Maugean Skate

The Maugean Skate is endemic to Tasmania and has been listed as endangered under the TSP Act since 2002. The 2024 State of the Environment Report described the skate as facing ‘serious, imminent extinction risks.’<sup>20</sup> In 2023<sup>21</sup> (and again in 2026),<sup>22</sup> the Commonwealth Threatened Species Scientific Committee concluded that ‘given Macquarie Harbour is the last remaining stronghold for the Maugean Skate, the high risk of extinction of this species, and the ongoing substantial threats, the Threatened Species Scientific Committee considers the ‘verified habitat’ ... to be irreplaceable and necessary for the persistence and recovery of the species.’<sup>23</sup> The primary threat to the Maugean Skate is habitat degradation resulting from sustained reduction of dissolved oxygen. The key anthropogenic contributor to the reduction in dissolved oxygen in the harbour is ongoing salmon farming.<sup>24</sup>

Under s 23(1) of the TSP Act, where the Secretary, after consultation with the Tasmanian Scientific Advisory Committee (**SAC**), is satisfied that an area of habitat of a listed species is critical to its survival, the Secretary must determine that habitat to be critical habitat. The SAC has advised the Secretary of the Department of Natural Resources and Environment of its unanimous decision that by any definition, Macquarie Harbour would appropriately be defined as critical habitat for the endangered Maugean Skate under the TSP Act. Despite this, the Secretary has not made a critical habitat determination for the Maugean Skate, citing the absence of criteria for making critical habitat determinations as the reason. Given the unequivocal scientific evidence and recommendations about the importance of this unique habitat to the Maugean Skate’s survival, it is difficult to see a more necessary opportunity to make a critical habitat determination.

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<sup>20</sup> Tasmanian Planning Commission (n 1) 74.

<sup>21</sup> Commonwealth Department of Climate Change, Energy, the Environment and Water (**DCCEEW**), *Conservation Advice for Zearaja maugeana (Maugean skate)* (2023) 13-14 <<https://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf>>.

<sup>22</sup> DCCEEW, *Conservation Advice for Zearaja maugeana (Maugean skate)* (2026) 17 <[83504-conservation-advice-12022026](#)>.

<sup>23</sup> DCCEEW (n 21).

<sup>24</sup> Ibid 14.

### 3. Reflection on response to Discussion Paper

In our [2023 submission](#) commenting on the Discussion Paper, we highlighted key matters that should inform and guide a new threatened species strategy. The Draft Strategy appears to address or partially address several of our key concerns. However, we have not been able to complete a comprehensive analysis of how effective the Draft Strategy will be in protecting Tasmania's threatened species and reversing species decline due to the lack of information in the Draft Strategy and accompanying Consultation Paper about prioritisation and implementation.

We enclose a copy of our 2023 submission and ask that you take our recommendations into account as you develop the Implementation Plan and Prioritisation Framework, which we understand will provide the mechanisms for effective implementation, monitoring and evaluation of the strategy. We note in particular:

- The Draft Strategy does not specifically address alignment with the Common Assessment Method or the threat criteria and categories developed by the International Union for the Conservation of Nature.
- The Strategy should acknowledge and respond to new threats (in addition to ongoing threats) using new technologies.
- The new Threatened Species Strategy should emulate the regulatory tools in other Australian jurisdictions, such as specific objectives and operative provisions addressing climate change impacts, improved legal safeguards for threatened species like mandatory refusal for developments, responsive provisions that allow for adaptive management in response to major events such as bushfires and floods, and enhanced opportunities for environmental stewardship.
- Tasmanian laws need to improve how land use planning and resource management decisions consider threatened species.
- For the new Strategy to be effective, there need to be sustainable allocated resources to the Threatened Species Section of the Department of Natural Resources and Environment to address the backlog of issues and keep pace with growing pressures.

*Thank you for the opportunity to make this submission.*

*Please do not hesitate to contact our office should you have further enquiries.*