Office of the Auditor General
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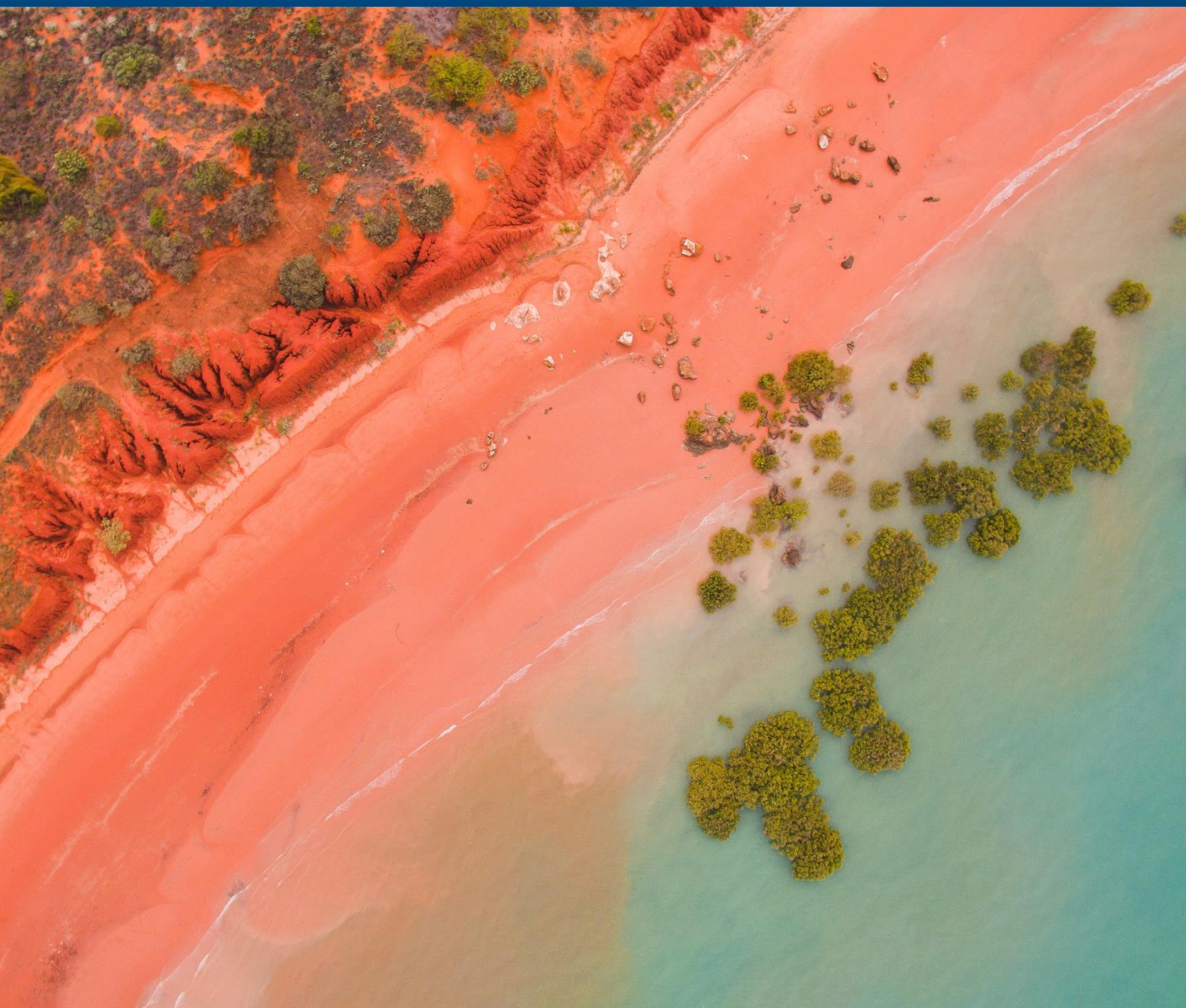
Report 23: 2024-25 | 26 June 2025

PERFORMANCE AUDIT

Conservation of Threatened Ecological Communities



Office of the Auditor General
for Western Australia

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The Office of the Auditor General acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

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WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT

Conservation of Threatened Ecological Communities

Report 23: 2024-25
26 June 2025

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THE PRESIDENT
LEGISLATIVE COUNCIL

THE SPEAKER
LEGISLATIVE ASSEMBLY

CONSERVATION OF THREATENED ECOLOGICAL COMMUNITIES

This report has been prepared for submission to Parliament under the provisions of sections 24 and 25 of the *Auditor General Act 2006*.

Performance audits are an integral part of my Office's overall program of audit and assurance for Parliament. They seek to provide Parliament and the people of WA with assessments of the effectiveness and efficiency of public sector programs and activities, and identify opportunities for improved performance.

This audit assessed if the Department of Biodiversity, Conservation and Attractions is effectively managing threatened ecological communities.

I wish to acknowledge the entity's staff for their cooperation with this audit.

Caroline Spencer
Auditor General
26 June 2025

Contents

Auditor General's overview

Western Australia has globally significant biodiversity and preserving it for the future is an important responsibility we all share. The Department of Biodiversity, Conservation and Attractions (the Department) is the entity with primary responsibility for conservation, including for threatened ecological communities (TECs) like Roebuck Bay in the Kimberley and Bluff Knoll in our South Coast region.

Ecological communities are unique groups of plants, animals, and micro-organisms that live together and interact in a specific environment. Once a TEC is destroyed it is unlikely to recover.

The *Biodiversity Conservation Act 2016* (BC Act) introduced statutory protections that controls modifications to prevent the collapse of the State's TECs, and the Department has listed 65 TECs throughout Western Australia. However, the Department is not yet giving full effect to those protections for all TECs, leaving some more vulnerable than others. The Department also identified 390 other Priority Ecological Communities that are threatened or rare and likely threatened, however there is currently no plan to work through the backlog.

The Department has focused its monitoring and protection activities on the 28 per cent of TECs that occur on the land it manages. It has not made significant progress with monitoring the condition of the 72 per cent not on Department-managed land, and is not using the avenues, like section 50 notifications available under the BC Act to make landowners aware of available assistance to protect the TECs on their land. In part this reflects the fact that the Department did not secure additional resources to implement the BC Act although it also reflects weaknesses in its implementation planning.

The Department also needs to improve its strategic planning to ensure that its conservation activities align with overall goals, the allocation of resources is risk based, and that it can clearly demonstrate the level and type of resources it needs to effectively protect TECs and support well informed decision making. The lack of available information on the condition of TECs is also more apparent because there has not been a State of the Environment report since 2007.

I am pleased to report that the Department is taking the first step in protecting the State's 65 TECs. While I acknowledge the resource constraints, the Department now needs to take the next steps in its planning and operations to utilise the powers and meet the obligations it has, to give fuller protection to the State's threatened ecological communities, in turn protecting our unique flora and fauna for generations to come.

Executive summary

Introduction

This audit assessed if the Department of Biodiversity, Conservation and Attractions (the Department) is effectively managing threatened ecological communities (TECs). The criteria were whether TECs are classified and listed according to key legislation and guidelines, managed according to clear and appropriate conservation plans, and if the desired outcomes for TEC conservation are being achieved.

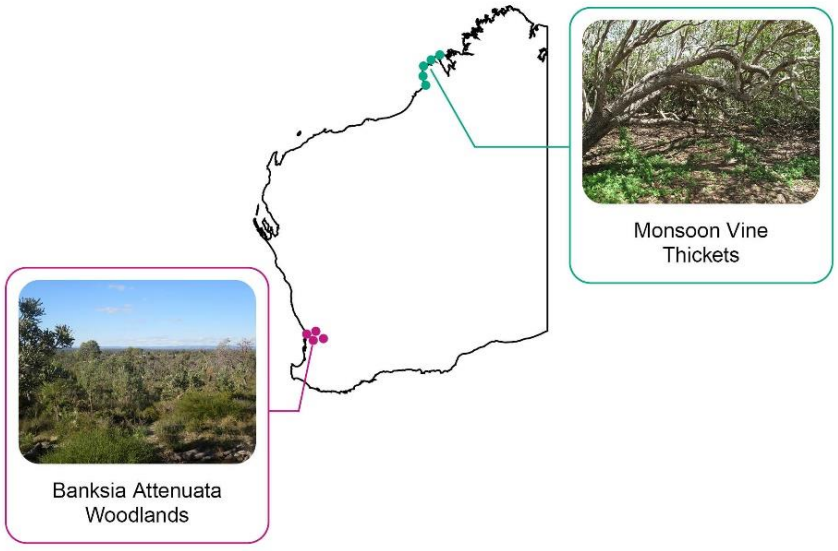
Background

Ecological communities as a feature of conservation activity

Western Australia covers 2.5 million square kilometres which is about one third of Australia. Of that, 13 per cent (328,000 square kilometres) is actively managed by the Department, a land area greater in size than Victoria and Tasmania combined. This includes State forests, regional parks, marine parks, national parks, conservation parks and nature reserves managed under the *Conservation and Land Management Act 1984* (CALM Act). Outside of its managed land and waters the Department has a role in conserving biodiversity and delivering conservation outcomes throughout the State.

Ecological communities: *a naturally occurring assemblage of organisms that occurs in a particular habitat.*

One of the Department's key roles is conservation. Under the *Biodiversity Conservation Act* 2016 (BC Act), the Department is responsible for managing biodiversity and biodiversity components. Along with flora and fauna, ecological communities also falls within the Department's responsibility. **Ecological communities** are unique groups of plants, animals, and microorganisms that interact and rely on each other in a specific environment. The same community can occur across multiple locations (an occurrence). An ecological community is usually made up of many occurrences, some can include as many as 30 or more (Figure 1).



Source: OAG

Note: diagram is illustrative only and not accurate placement of a TEC.

Figure 1: Visual representation of how an ecological community can occur in different locations

Ecological communities at risk of being degraded to the point of collapse and no longer a viable community are known as TECs. A TEC can contain species of flora and fauna that are both threatened and not threatened. Once a TEC is destroyed it is unlikely to recover.

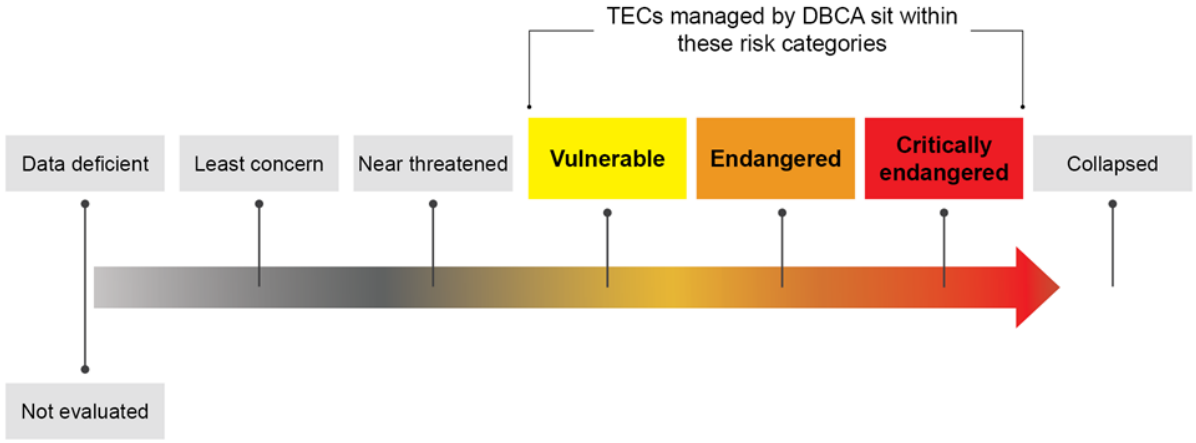
The concept of a TEC provides a 'whole of system' approach to conservation. Since the entire area is protected, this means that the unique interactions and mix of plants, animals and microorganisms is protected. A TEC can form part of a larger ecosystem where multiple ecological communities interact with each other and with non-living factors like the climate.

TECs may be under pressure from a range of threatening processes and may need different conservation and management strategies in response. These threats may include land clearing, climate change, inappropriate fire regimes, pest animals and weeds, and plant diseases.

Management of TECs and Priority Ecological Communities in Western Australia

The CALM Act and BC Act are the pieces of legislation that guide the Department's conservation activities. The CALM Act provides for the use, protection and management of certain public lands and the flora and fauna on those lands.

The BC Act contains a range of provisions relevant to TECs, including the process to determine if an ecological community qualifies as a TEC. TECs were afforded no statutory protection under previous conservation legislation, although there were some protections under the *Environmental Protection Act* 1986. The BC Act adopts a global standard[1] to assess risks and apply a ranking system to ecological communities (Figure 2).



Source: OAG adapted from The Red List of Ecosystems

Figure 2: Risk categories for ecological communities as per the global standard[1]

The Department also maintains a listing of 390 Priority Ecological Communities (PECs) that are either:

- likely threatened but do not have enough information to be listed as a TEC or
- rare but not currently threatened.

[1] International Union for Conservation of Nature - Commission on Ecosystem Management (IUCN-CEM), *Red List of Ecosystems Categories & Criteria*, IUCN website, Version 2022-1, accessed 20 November 2024

Several areas within the Department play an active role in managing conservation activity under the BC Act

The Department performs legislative, advisory and operational functions to conserve TECs. Given that a TEC is unique these functions are completed collaboratively across multiple divisions of the Department. On-ground conservation is completed by the nine regional offices of the Department. These offices plan and respond to fire threats, facilitate parks and visitor services, and conduct research. Appendix 1 shows the Department's organisational structure.

Biodiversity and Conservation Science (BCS) a division within the Department, largely through the Species and Communities program, undertakes listing of threatened species and ecological communities and provides policy advice to the Department's nine regions and other divisions. BCS science programs undertake research and monitoring that informs TEC assessment, listing and management.

Conservation and Ecosystem Management Division and Regional and Fire Management Services Division deliver program guidance and on-ground management through a range of activities, including fencing, weed and pest animal control, and management of fire and visitors, to maintain or improve the condition of TECs.

Conclusion

The Department's listing of 65 TECs under the BC Act provided legislative protections for these unique groups of threatened plants, animals and microorganisms wherever they occur in the State. However, the Department cannot effectively track or demonstrate what impact its practical conservation activities are having on the condition of TECs, and it is not yet using all the protection options available to it under the BC Act, leaving some TECs with legal but not practical protection. At current rates it would take over 100 years to list and protect the 390 ecological communities on the Department's priority list if they were all deemed suitable for listing.

All TEC occurrences have statutory protection once listed. For those on private land there are mechanisms under the BC Act to help the Department give effect to that protection, but it has not yet pursued those mechanisms, so those occurrences have limited statutory protection. Almost three quarters of TEC occurrences are on land not managed by the Department, but it does not monitor the condition of these occurrences despite having the ability to do so. The Department has not set clear objectives for the TECs on its own land and lacks reliable information on the effectiveness of its conservation activities. It is not clear if the condition of TECs across Western Australia is improving or declining.

The absence of a statewide TEC strategic plan makes it difficult to ensure regional activity on TECs aligns with overall Departmental priorities. It also makes it difficult for the Department to demonstrate the level of resourcing needed to meet its TEC responsibilities and objectives. Historically the Department has supplemented appropriation funding with grants and other short-term funding, but this has made it difficult to sustain recovery activity that can take a decade or more to achieve the desired outcomes. The Department has started implementing processes to prioritise conservation work across its regions and has recognised the need for significant change in its strategic planning. This work is a step in the right direction, but the Department should ensure that this process is not a lengthy one to make sure TECs are sufficiently protected.

Key findings

Listing Western Australia's 65 TECs gave those TECs legislative protections, but the listing process was complex and lengthy

TECs were not automatically protected when the BC Act passed in 2016. It was only when the 65 TECs were nominated and listed in 2023 that they gained statutory protection. It is a long and complex process to list a TEC because of the scientific skills and information required to prepare the nominations and assess them.

The Department did not secure additional resources to implement the BC Act. It estimates with current resources that that it takes on average six months to complete one nomination for a TEC to be listed as threatened. Overall, it can take at least 18 months from nomination to listing under the BC Act.

To ensure ecological communities in WA were afforded the protections under the BC Act the Department focused its resources on completing the initial listing of 65 TECs. The process began in 2019 when regulations were introduced and was completed in May 2023 with 45 critically endangered, nine endangered and 11 vulnerable communities listed.

It would take over 100 years at current rates to list all 390 PECs

With a PEC list of 390 communities, it is estimated it would take over 100 years with the current level of departmental resourcing allocated to the task to write the nominations for PECs that may meet the necessary criteria for TEC listing. This delays the legislative protections that come with attaining TEC status. WA is the only state to maintain a PEC list.

However, the Department advised that almost half of the PECs cannot be listed as a TEC because it needs to assess the condition before it can support a nomination, and it lacks the resources to do so.

The Department is not utilising all its powers under the BC Act, leaving some TECs more vulnerable than others

The Department has not implemented all of the provisions within the BC Act. It informed us that it had deliberately prioritised some provisions over others. For example, listing the 65 TECs was a prioritised provision because it gave TECs legal protections. However, we could not find any documentation indicating that this was a deliberate decision that considered the risks and trade-offs of this course of action. This, in conjunction with not securing additional funding, has led to the Department not yet exercising all its responsibilities under the BC Act.

Of the 18 new provisions within the BC Act, six have been implemented by the Department. Although the Department initiated some protections by listing the TECs, it has not accessed and implemented the other greater legislative protections.

The Department is not effectively monitoring TECs not on its land, and the limited collaboration with other landowners has further delayed progress

The BC Act enables the Department to monitor TEC occurrences on non-department managed land in collaboration with landowners, but it currently has no comprehensive plans to extend its monitoring to include the 72 per cent of TEC occurrences not on Department managed land. This is because the Department's resources are being prioritised towards monitoring and managing the 28 per cent of TEC occurrences that are on Department managed land. The monitoring of TECs on non-department managed land requires a collaborative approach with the support of the landowner.

Landowners may not know of the existence of a TEC on their land because the Department did not utilise its powers under the legislation to formally notify them. As a result, the

Department cannot use the associated legislative monitoring and enforcement powers that come from these notifications. The BC Act provides the Department with monitoring and enforcement powers for TEC occurrences on non-department land and supports these powers through section 50 notifications. A section 50 notification enables the Department to formally inform landowners of the existence of a TEC on their land and identify available mechanisms to assist landowners in protecting those TECs.

Irrespective of section 50 notifications, collaboration with landowners could help to protect TECs, but the Department has not used this approach consistently either. We found only two of the eight regions had any formal arrangements, like Memoranda of Understanding (MOUs), in place with landowners. To enable consistent collaboration with landowners the regions require clearer policies and guidance on how to navigate the rights of private property owners noting the sensitivities around entering private property.

All TEC recovery plans are interim and outdated while the Department determines an approach to comply with the intent of the BC Act

Many TECs do not have recovery plans which means that the Department is not laying out their conservation approaches to protect and manage TECs and track their condition. Those that do, are interim plans, specifically:

- 0 of 65 listed TECs have a recovery plan approved by the Minister
- 40 of 65 (62%) listed have an interim recovery plan. These are approved internally by the Department but not approved by the Minister for Environment (Minister)
- 0 of 40 interim recovery plans have been developed since the BC Act came into effect, so they are not required to comply with the BC Act's requirement to be updated every five years.

The Department does not currently complete recovery plans for TECs, citing resource constraints, and this has hindered future planning. An options paper prepared by the Department cited eight alternatives to recovery planning as per the BC Act. But a replacement for recovery planning has not been formally agreed upon.

The Department does not have a TEC strategy, and it is not clear if TEC activities align to long-term conservation goals

Regional conservation planning is a positive development, but it has not been linked to a Departmental TEC strategic plan and is yet to be endorsed by the Executive. As of May 2025, the Department has begun prioritising regional conservation activities, but it does not have an overarching TEC strategy to guide the completion of this activity.

Weaknesses in strategic planning mean the Department cannot articulate its long-term goals and resourcing requirements

It has been difficult for the Department to determine if its funding and staffing requirements are sufficient to achieve long-term conservation success, because the Department has not developed a long-term TEC conservation plan.

The absence of a TEC strategic plan has made it difficult to properly identify what resources are needed to deliver TEC conservation activity. So additional recurrent funding has not been sought and this has resulted in the regional offices relying on grant funding to deliver core business activities. For example, regions obtain on average 33 per cent of the value of their regular funding through short-term grants to support conservation efforts.

Because TEC conservation activity can be reliant on the ability of a region to secure external grants each year, the funding bodies outside the Department can indirectly influence what

conservation activities are prioritised, which may not always align with the Department's own priorities.

Improved TEC condition is a long-term investment and without continuous effort and stable funding, the benefits of the conservation activity may not be achieved.

Progress to maintain and protect TECs is not clear, because it is not adequately monitored and reported

A lack of metrics and monitoring makes it difficult to assess the Department's progress across the State and to also determine the impact conservation activity is having on managing TECs. There are no consistent metrics at the Department, region or TEC level to monitor the progress made to maintain or improve the condition of TECs. To resolve this some regions have developed their own reports including annual progress reports, quarterly progress reports, as well as a tracking application that monitors live progress.

Public facing, current and transparent information about the Department's conservation activity and progress is not easily accessible, which impacts community engagement and the Department's accountability to the public to conserve TECs.

A new database, Boranga, is intended to serve as a central, shared point of truth for TEC information but functions that would improve information sharing within the Department were taken out of the scope of this phase of the project.

Recommendations

1. So that the Department can ensure an effective and efficient allocation of resources, it should define clear goals and short-term objectives that it aims to achieve for TEC conservation including:

    a. determining how various functions of the Department integrate to provide oversight of TEC conservation

    b. reviewing how the Department administers the provisions of the BC Act to ensure Department processes recognise the potential of TEC protections that are available.

    Implementation timeframe: 12-24 months

    Entity response:
    The department will review its suite of policies and guidelines to determine the most effective approach to integrate TEC conservation and ensure there is an appropriate strategy in place for threatened species and TECs, that articulates goals and objectives for conservation and management in the context of the provisions of the *Biodiversity Conservation Act 2016* and *Conservation and Land Management Act 1984*. The review will clarify the roles and responsibilities of the department, stakeholders and other entities and individuals and how the department can better work with these stakeholders and other entities and will consider of the necessity of recovery plans (noting these elements are outlined in recommendation 2). The department has already commenced development of a framework to guide decision making on whether recovery plans should be prepared for threatened species or ecological communities and intends to finalise and operationalise this framework.

2. To support improved alignment of the work of the Department to the goals for TEC conservation, the Department should develop and implement a resourced centralised strategic plan for the conservation of TECs to ensure it is working towards its goals and short-term objectives. The plan should contain:

    a. details on how to engage with stakeholders so that recovery activities can be managed for all TECs regardless of location

    b. a position on the necessity or otherwise of recovery plan development and currency

    c. how recovery planning and regional conservation planning work together in compliment.

    Implementation timeframe: 24-36 months (post implementation of recommendation 1)

    Entity response: As outlined in the report, multiple parts of the department have a role to play in TEC and threatened species management and conservation. The outcomes of the review at recommendation 1 will inform the actions necessary to align the department's activities with the identified goals and short-term objectives. It is recognised that some of these actions are likely to require additional resources and the department will consider opportunities to enhance its existing funding base for TEC and threatened species conservation.

3. To assist the Department in assessing performance and progress against the strategic goals they set, the Department should establish a monitoring and reporting framework for TEC conservation to determine progress and evaluate performance against goals and short-term objectives. The framework should consider:

a. assessment and reporting of TEC condition at defined intervals for each TEC across the state.

b. implementation of a database that facilitates a single, current and accurate record of TEC occurrence and conservation activities from which reporting can be drawn. Action in response to a data management review, including the integration of databases, was recommended in the 2017 *Rich and Rare: Conservation of Threatened Species Follow-up Audit* and remains outstanding.

Implementation timeframe: 24-36 months and ongoing (post implementation of recommendation 2)

Entity response: A monitoring and reporting framework will be considered as part of the work outlined in response to recommendation 2, noting that its implementation particularly for TECs that are not on land managed by the department will require new resources and dedicated effort to liaise with landowners and occupiers.

Progress on the implementation of a database to deliver on Rich and Rare audit findings is substantial, with a view to it being delivered in 2025. Subject to resources being made available, the department will incorporate TEC monitoring data into the Boranga threatened species database, as the basis for assessment and reporting of TEC condition at defined intervals. Boranga has not been designed to incorporate information on conservation activities and any expansion of the database to include this will require further consideration and resources.

Response from the Department of Biodiversity, Conservation and Attractions

The Department of Biodiversity, Conservation and Attractions (DBCA, the department) acknowledges the audit findings and thanks the staff of the Office of the Auditor General (OAG) for their thorough and consultative approach. The TEC performance audit follows the 2017 OAG 'Rich and Rare' performance audit of conservation of threatened species. There is significant commonality between actions taken to conserve and manage threatened species and those for threatened ecological communities (TEC). The department has been progressively implementing measures to address the findings of the Rich and Rare audit within its resource capacity and is committed to do so in regard to the findings of the current TEC performance audit.

The department has four primary responsibilities for conservation of TECs under the Biodiversity Conservation Act 2016 (BC Act): (i) listing, (ii) authorising modifications, (iii) notifying landholders and (iv) recovery planning, and additional responsibilities for on ground TEC protection and conservation on lands it manages under the Conservation and Land Management Act 1984 (CALM Act). DBCA prioritises the allocation of resources to deliver TEC conservation towards addressing high priority actions for TECs and threatened species, delivering land management outcomes consistent with CALM Act responsibilities and undertaking science to inform listing processes and on-ground management of TECs and threatened species.

DBCA considers the listing of TECs as paramount, with all other BC Act provisions being dependent on listing. While the BC Act provides greater legal protection for TECs than previous frameworks, the resources required to implement the BC Act are significant. No additional resourcing was provided when the BC Act came into force. Establishing and implementing new processes for assessing and listing TECs and for assessing applications for Ministerial authorisation to modify them have been prioritised.

Audit focus and scope

The objective of this audit was to assess if the Department of Biodiversity, Conservation and Attractions is effectively managing threatened ecological communities.

We based our audit on the following criteria:

- Are TECs classified and listed according to key legislation and guidelines?
- Once listed, are TECs managed according to clear and appropriate conservation plans?
- Are the desired outcomes for TEC conservation being achieved?

As part of this audit we:

- reviewed the management of 15 of the 65 listed TECs (Appendix 3)
- reviewed Department documentation for listing, planning and operational activities relevant to conservation of TECs
- analysed data from the Department
- interviewed staff at the Department (including four regional offices)
- interviewed staff from other government entities, professional bodies and non-profit organisations with an interest in TEC conservation
- received written feedback from relevant stakeholders.

The evidence basis or validity for individual conservation actions were not examined as part of this audit.

This audit did not assess the conservation activities undertaken by the following statutory authorities: Botanic Gardens and Parks Authority, Rottnest Island Authority and Zoological Parks Authority. We note that there is some overlap between state and Commonwealth legislation but we do not audit Commonwealth legislation or entities.

This was an independent performance audit, conducted under section 18 of the *Auditor General Act 2006*, in accordance with Australian Standard on Assurance Engagements ASAE 3500 *Performance Engagements*. We complied with the independence and other ethical requirements related to assurance engagements. Performance audits focus primarily on the effective management and operations of entity programs and activities. The approximate cost of undertaking the audit and reporting was $290,000.

Findings

Listing WA's 65 TECs gave them legislative protections, but the listing process was complex and lengthy

TECs can remain vulnerable to degradation while they undergo the slow process to be listed. In May 2023 the first listing of 65 TECs[2] was completed and categorised but this process took significant time and resources for the Department to complete. The TECs were listed as below:

- 45 critically endangered
- nine endangered
- 11 vulnerable.

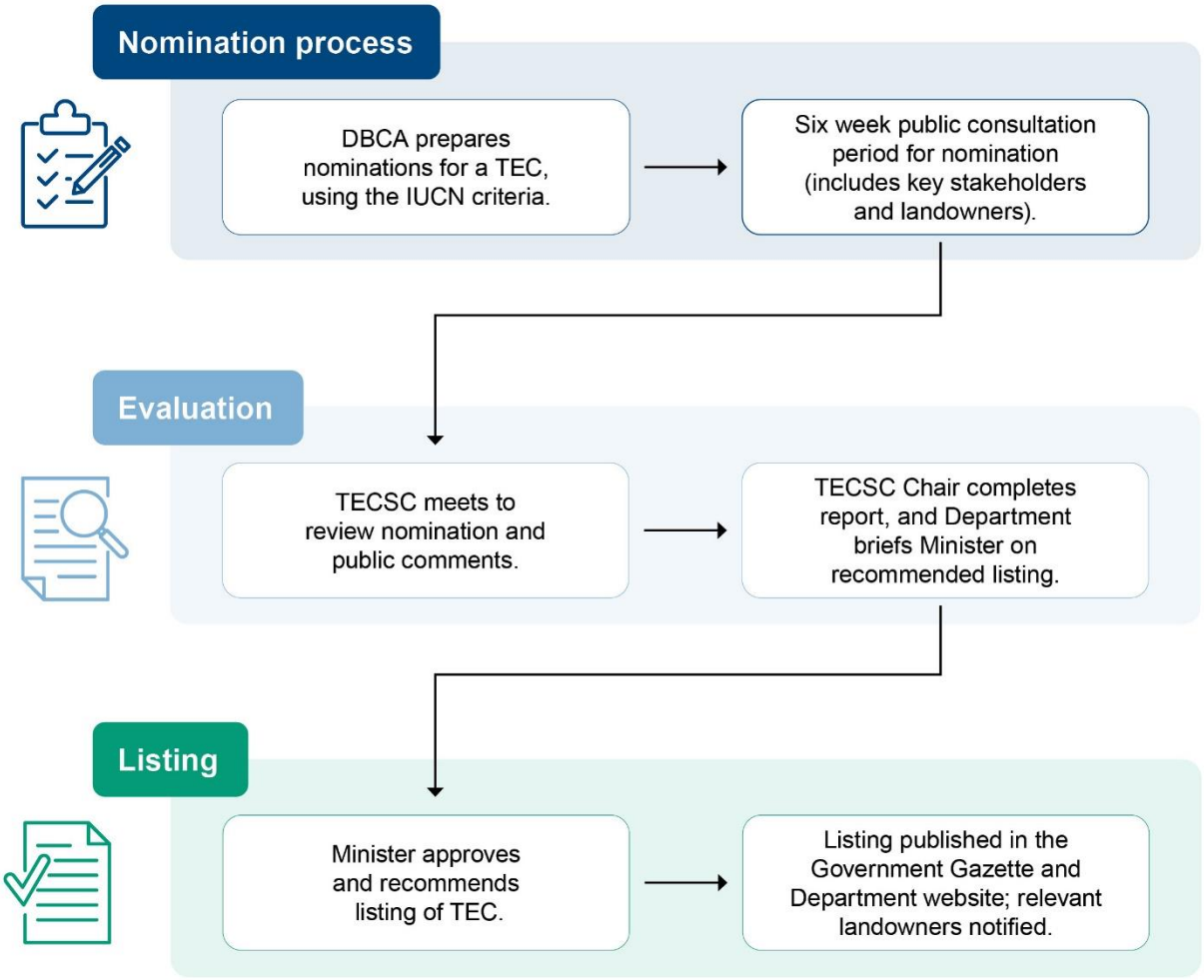
Natural environments are complex and dynamic, and the process to describe ecological communities is challenging and requires scientific expertise. This means it can take months to formally list a TEC under the BC Act.

WA has adopted a system consistent with international standards to classify and list TECs. A comprehensive and scientific assessment of TECs occurs before they are listed and the nominations for listing are considered by the **TEC Scientific Committee** (TECSC) (Figure 3).

TEC Scientific Committee (TECSC): *a group of subject matter experts who provide scientific advice and recommendations to the Minister about TEC nominations.*

This process requires significant technical knowledge, as the burden of proof to complete the nomination is quite high. As a result, nomination forms are lengthy and take time to complete. We saw some nomination forms that were over 30 pages long. The Department estimates that it takes on average six months to complete one nomination. Once the nominations are submitted to the TECSC, the assessment can take at least 12 months, as the committee may only meet once a year. Overall, it can take at least 18 months from nomination to listing.

[2] A full list of the listed TECs can be seen on the Department's website (https://www.dbca.wa.gov.au/wildlife-and-ecosystems/threatened-ecological-communities/list-threatened-ecological-communities).



Source: OAG adapted from DBCA internal documents

Figure 3: Process to list a TEC under the BC Act

To ensure ecological communities in WA were afforded the protections under the BC Act, the Department focused its resources on completing the initial listing of 65 TECs (examples in Figure 4). This represented a significant administrative effort for the Department and involved the efforts of the entire Species and Communities program to ensure sufficient and accurate information was provided to the Minister.

Once listed, TECs are afforded legal protections. These legal protections work together with the practical protections, through conservation work, to maintain and improve TECs. These protections include:

- penalties on landowners and the general public if a TEC is **modified** without authorisation
- legislative tools to regulate TEC condition (such as approvals required for any action that will damage a TEC, access rights for the Department to monitor occurrences, and requirements to notify the Department of changes in TEC ownership).

While TECs are recognised and may be protected in development approval processes for resource and other projects, a section 45 authorisation may still be required.

***Modified** is changing the occurrence of the threatened ecological community to such an extent that the occurrence is unlikely to recover its species composition and/ or structure, or the destruction of the occurrence of the threatened ecological community.*

Montane Heath and Thicket - Bluff Knoll - South Coast Region

Banksia Woodlands - Swan Region

Roebuck Bay - Kimberley Region

Source: DBCA and Shutterstock

Figure 4: Some examples of critically endangered TECs that were listed in May 2023

It would take over 100 years at current rates to assess and list the other 390 PECs

The Department estimates at its current pace with 0.8 full time equivalent staff allocated it would take over 100 years to write the nominations for the roughly estimated 200 PECs that may meet the necessary criteria for TEC listing. The Department has a PEC list, which identifies 390 ecological communities[3] that are at risk and a priority for listing as a TEC. WA is the only state to maintain a PEC list. Delaying the nomination of a PEC essentially delays the potential legislative protections that come with TEC status. As an example, one legal protection under the BC Act is that ministerial approval is required before a person can modify a TEC. So, there is the risk that threatened communities are not protected from these modifications the longer they remain a PEC.

Consequently, ecological communities under threat and of high value may not have the focus and protection that is afforded by the BC Act. Half of the PECs are not yet in a state that would classify them as a TEC. However, the Department advised that the other half of the PEC list cannot be classified as a TEC because it does not have enough information to determine the condition to support a listing.

[3] PEC list available on the Department's website (https://www.dbca.wa.gov.au/media/1730/download)

The Department is not utilising all its powers under the BC Act, leaving some TECs more vulnerable than others

The Department did not have a plan to fully operationalise its role and responsibilities under the BC Act

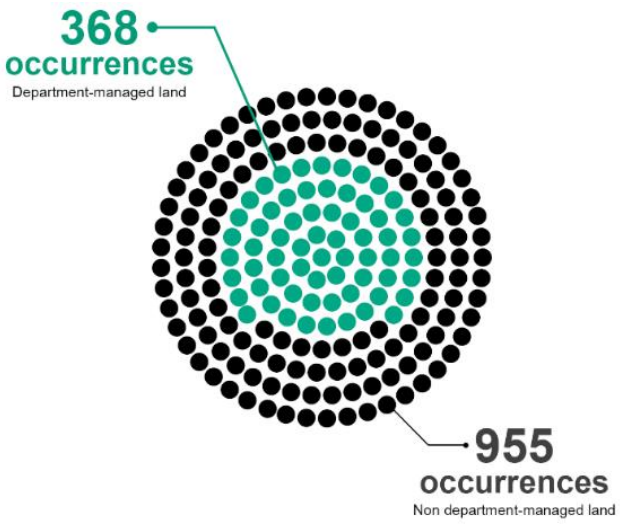
Our review of the 18 new provisions in the BC Act determined that to date six (33 per cent) of these have been implemented by the Department (Appendix 2). These provisions expanded the Department's role in protecting TECs and ranged from process directives that allowed for ministerial approvals of recovery action, to empowering the Department to impose penalties for actions that damaged TECs. Since the remaining provisions within the BC Act were not adopted by the Department, the greater legislative protections the BC Act offered have not been fully realised.

While the Department identified the need for additional resources, the lack of an implementation plan and change process made it more difficult to secure those resources. The Department did not undertake a change management process to embed the provisions of the BC Act into its organisation and practice or identify risks to its existing activities and responsibilities. One of the key risks was, and remains, the adequacy of resourcing to both sustain existing workload and meet new responsibilities.

Conservation resources are focused on land managed by the Department despite 72 per cent of TEC occurrences existing on other land

Despite 72 per cent (955) of TEC occurrences being located on non-department managed land (Figure 5), the Department's conservation activity is focused on the occurrences on department-managed land. The Department's regional conservation plans show that almost all TEC conservation activity is on department managed land, and during the course of the audit the team noted that only two regions had arrangements in place to work with other landowners.

The CALM Act outlines the land that the Department has a responsibility to manage. This includes national parks, nature reserves, conservation parks, regional parks, State forests and timber reserves. The Department also manages land under other arrangements, like memorandum of understandings (MOUs) with the Department of Planning, Lands and Heritage, or Crown lands of State interest. Non-department land like private land, pastoral land or land held under an indigenous land use agreement, also contain TEC occurrences.



Source: OAG from DBCA data

Figure 5: TEC occurrence numbers on and off department-managed land

TECs on other land are therefore at a higher risk of degradation if the Department does not actively conserve, monitor, or collaborate with landowners to ensure condition is maintained.

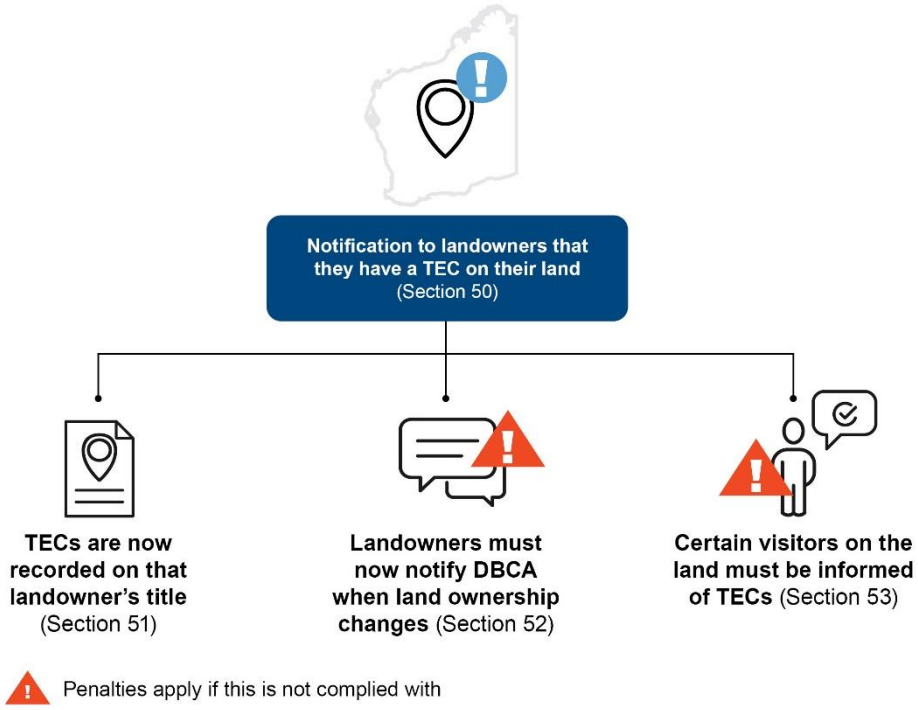
The Department is not effectively monitoring TECs that are not on its land, leaving them without full protection

The Department is not in a position to use its enforcement powers because it does not conduct any ongoing compliance monitoring on TECs outside department-managed land. The BC Act extended the Department's responsibility to conserve TECs across Western Australia, not just occurrences on its own land. The BC Act also empowered the Department to engage in monitoring of TEC conservation on non-departmental land. These monitoring mechanisms were designed to enable the Department to identify the existence of TECs and any potential degradation.

Because the Department has not, issued any section 50 notices under the BC Act to date its monitoring of TECs on non-department managed lands is weakened. For example, section 50 of the BC Act allows the Department to give formal notifications to landowners that a TEC exists on their land (Figure 6), and for this to be noted on their land title. This notification is significant because recording the occurrence of the TEC on the land title informs current and future landowners that a TEC exists on their land and the BC Act permits landowners to contest a penalty for unauthorised modification of a TEC if they can demonstrate they were unaware of its existence[4]. Given the technical skills required to identify and assess the status of a TEC, landowners are unlikely to be able to identify a TEC occurrence so specific notification is a reliable way to ensure the protection and penalties provided under the BC Act can be applied.

Not only do section 50 notices trigger obligations on landowners to protect the TEC because they have been informed that they have one on their land, it also requires the Department to be notified when changes in land ownership occur. These obligations allow for the Department to monitor landowners and whether they are continuing to maintain the condition of the TEC on their land.

[4] *Biodiversity Conservation Act 2016,* section 48(2)b



Source: OAG

Figure 6: Obligations on landowners under the BC Act

Although the Department wrote to all affected landowners in 2023 to inform them of its intention to list the TECs that occurred on their land it did not create notifications under section 50. During the consultation process on the listing, the Department sent over 400 letters to landowners to notify that a TEC was present on their property. They also engaged with indigenous land user groups and Aboriginal body corporates as part of this process.

The Department has not widely or consistently engaged with other landowners, which further limits its knowledge of the condition of TECs on other land. A key reason for this was the underutilisation of the section 50 provision. Formally recognising the existence of a TEC on a landowner's title enables the Department to more easily map all TECs across the State. It would also allow the Department to monitor changes in land ownership so it could continue to engage and collaborate with new landowners. In addition with its powers to enter and inspect the Department would be in a better position to hold landowners accountable for any significant damages to a TEC.

During our audit we noted that some efforts were made to work with owners of non-department managed land, but this was ad-hoc, opportunistic and independently driven by the regional offices. For example, some regional offices actively seek out MOUs and opportunities to partner with other landowners to ensure TECs are adequately managed. However, in the absence of clear direction, support and resources, it is difficult for all regions to make a similar investment.

Without active monitoring, the Department cannot take action to enforce the penalties established in the BC Act. The BC Act introduced penalties for non-compliance. The penalties for destroying or damaging a TEC beyond repair range from $300,000 for a vulnerable TEC to $500,000 for a critically endangered one. The Department has not yet imposed any penalties on a landowner. The barrier to this is largely a result of the lack of monitoring. For example, the standard of evidence required to impose a penalty is relatively high and would require consistent monitoring and application of the penalties to ensure it is equitable.

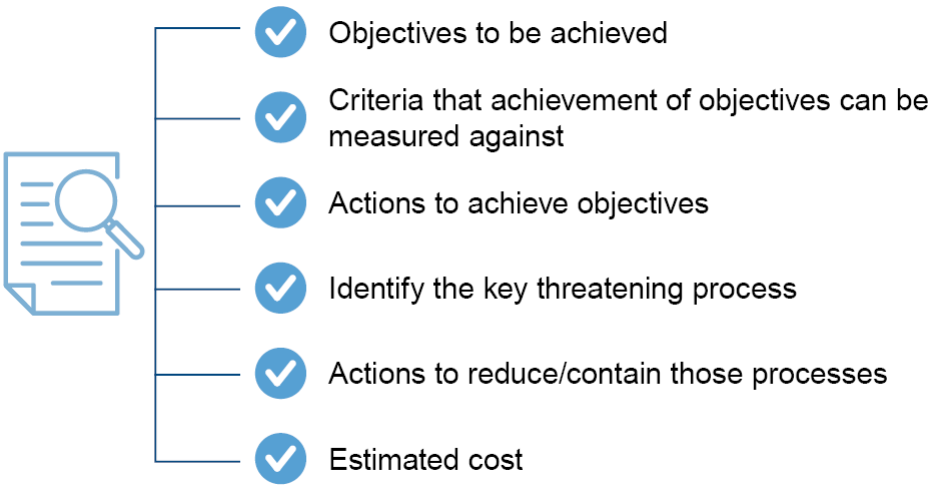
The Department also reported that under the BC Act wildlife officers are the only employees empowered to enter private property, however they lack the technical knowledge to assess or monitor the condition of TECs. Having sufficient appropriately trained personnel is a resourcing issue that the Department can address rather than a constraint to exercising protection powers under the BC Act. The Department has not indicated that it has a plan to operationalise its regulatory responsibilities for TECs.

All TEC recovery plans are interim and outdated while the Department determines an approach to comply with the intent of the BC Act

Recovery plans include information about the TEC and its threats, as well as what activities are needed for recovery, but there are no recovery plans for any of the TECs within WA. We found:

- 0 of 65 listed TECs have an approved recovery plan
- 40 of 65 (62%) listed have an interim recovery plan. These are approved internally by the Department but not approved by the Minister
- 0 of 40 interim recovery plans have been developed since the BC Act came into effect, so they are not required to comply with the BC Act requirement to be updated every five years.

Under the BC Act, recovery plans are intended to provide for the conservation, protection and management of TECs. The main elements required under the BC Act to be included in a recovery plan are detailed in Figure 7.



Source: OAG and BC Act

Figure 7: Main elements of a recovery plan as per the BC Act

Recovery plans could have allowed the Department to allocate resources to support conservation and demonstrate progress. However, the significant ongoing demands of practical conservation activity, in contrast to the Department's limited resources, means that activity has been prioritised over maintaining existing interim recovery plans and generating new ones.

According to the Department, recovery plans guide regional activities, scientific research, reserve planning, and inform advice and decisions on land use planning and development assessments. They are also a source of scientific information. However, the Department noted that recovery plans themselves can be static, historic and not reflective of modern and

adaptive conservation practice. A recovery plan can be approved by a Minister, but when not approved, a recovery plan is known as an interim recovery plan.

Because the Department recognised the challenge in resourcing the preparation, review and replacement of recovery plans, an options paper was prepared by the Department to identify eight alternatives to the current recovery plan process. These options included amending methods of information collection and content requirements to minimise the administrative requirements of developing recovery plans and improve currency. The Department has not yet determined which option it will adopt based on requirement and risk.

Recovery plans can be an important source of publicly available information on TEC conservation. A lack of updated, public recovery plans for TECs was noted by several external stakeholders during the audit. Three out of the seven stakeholders we consulted with reported that making recovery plans accessible would improve accountability of the Department and general understanding of the TEC.

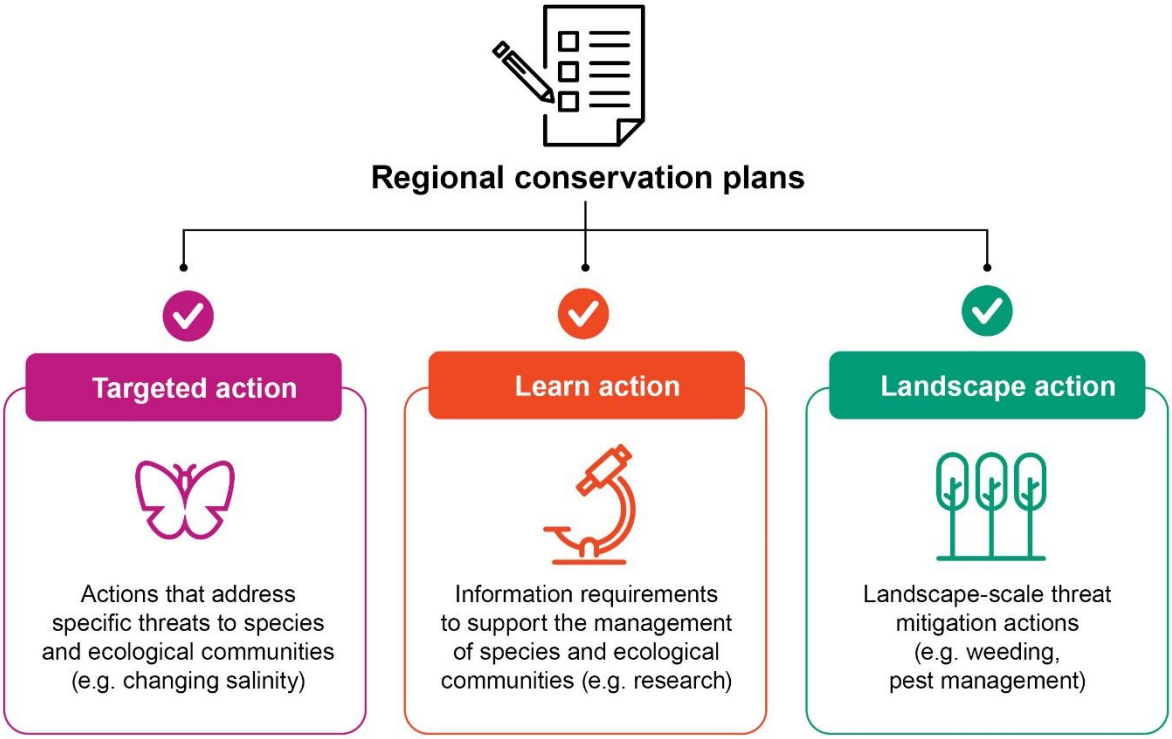
The Department does not have a TEC strategy, and it is not clear if TEC activities align to long-term conservation goals

Although the Department has prioritised regional conservation activities, it does not have an overarching TEC strategy to guide these activities

The Department does not have an overarching TEC strategy to guide and coordinate its plans for regional activity, so there is little guidance on how it will carry out its activities. A lengthy planning process to prioritise conservation actions at the regional level by creating **regional conservation plans** (RCPs) is nearing completion. However, the Department has not articulated how recovery planning, scientific research and funding will be used with the RCPs to achieve long-term TEC conservation goals. Regional conservation planning is a positive development but needs to be connected to overall departmental objectives and approach for TECs. As of May 2025, RCPs were scheduled to be circulated within the Department for cross-divisional review before being considered for Executive endorsement.

***Regional conservation plans** (RCPs): document the region's priority conservation actions for the next 10 years.*

The RCPs do not form a strategic plan and the planning process only serves to prioritise regional activity across the State. For example, the RCP process (Figure 8) is a prioritisation process that categorises actions into three types: landscape actions, targeted actions, and learn actions. The actions within the categories are informed by a robust process that considers risk and scientific best practice.



Source: OAG adapted from DBCA

Figure 8: Conservation action types in the Department's RCPs

These actions were then prioritised via a **structured elicitation process**. The outcome of this prioritisation forms a list of actions that the regions then include in their own planning. Regional offices fund, plan and complete actions such as weeding, fencing, planting and water diversion to help improve the condition of TECs and help fauna and flora in the communities recover or be maintained (Figure 9).

Structured elicitation process: *a process of making decisions and coming to a common agreement on a particular topic, often with ways in place to remove bias.*

Source: DBCA

Figure 9: Examples of conservation activity completed by the Department

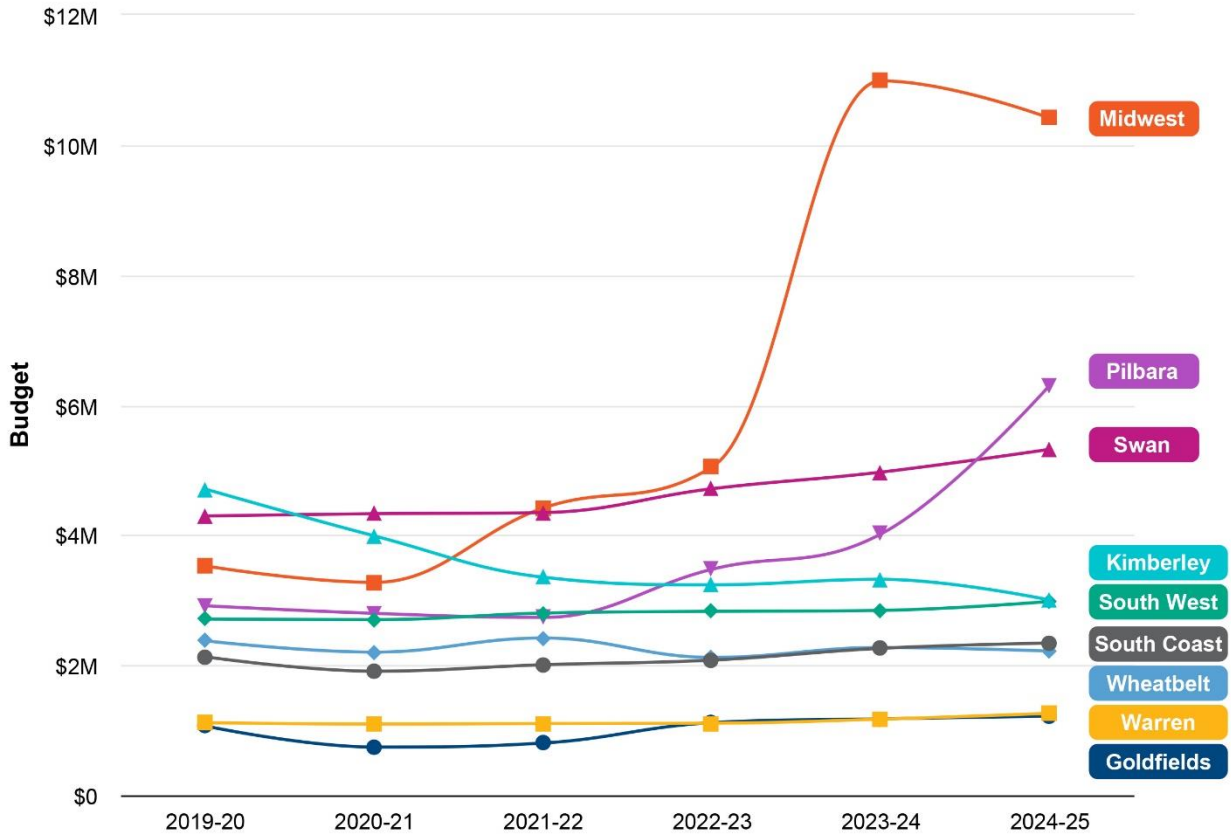
This work aligns with a 2017 recommendation[5] from our office to identify and prioritise conservation actions for species and TECs in each district area.

Regions are often reliant on short-term funding for long-term conservation activities

Departmental funding allocations for nature conservation have remained broadly static for the last five years and, because of gaps in the Department planning processes, are not informed by strategic priorities. We saw that the external funding for the Department's regional offices ranged between five (Goldfields) and 105 (Pilbara) per cent of the value of their regular funding through short-term grants to support conservation efforts, with five of eight regions between 14 and 66 per cent (Figure 11). The Pilbara is unique in the amount of external funding it receives through environmental offsets from mining projects. It also does not fully reflect the resource need for regional conservation activities, which now includes TECs. Regions are often reliant on external short-term funding sources for some of their conservation work, despite that work often needing to last many years to have effect. The weaknesses in the Department's strategic planning, and lack of clear objectives for TECs, have hampered the Department's ability to clearly demonstrate its resourcing needs and secure recurrent funding.

The funding for each region for nature conservation has remained broadly static since 2019-20, other than for the Midwest and Pilbara which receive increased funding under the Plan for Our Parks initiative reflecting the substantial increases to the conservation estate in these regions (Figure 10).

[5] Office of the Auditor General, *Rich and Rare: Conservation of Threatened Species Follow-up Audit*, OAG website, 6 September 2017, page 9.

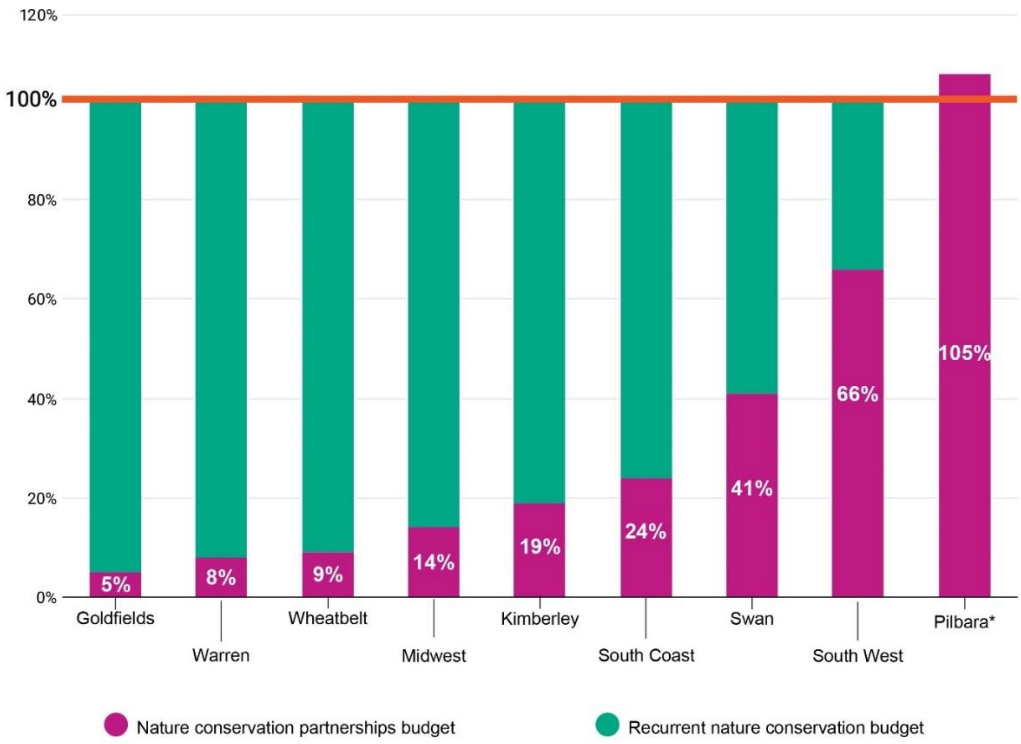


Source: OAG from DBCA data

Note: the Midwest and Pilbara's nature conservation budgets were significantly increased by a one-off investment as part of the Department's overall Plan for our Parks initiative, which explains the outlier position.

Figure 10: Nature conservation budget in the regional offices over time

The reliance of the regional offices on external grant funding to deliver core business activities is one indication of the resource limitations within the Department (Figure 11). This means that the delivery of that activity is dependent on the ability to secure that grant each year. Some regions must fund core conservation activities like phosphite spraying (to combat Dieback, a plant disease) and fencing (to reduce grazing from animals) with short-term grant funding. However, since this funding is contingent on the grant conditions, the projects may or may not align with the Department's own priorities.

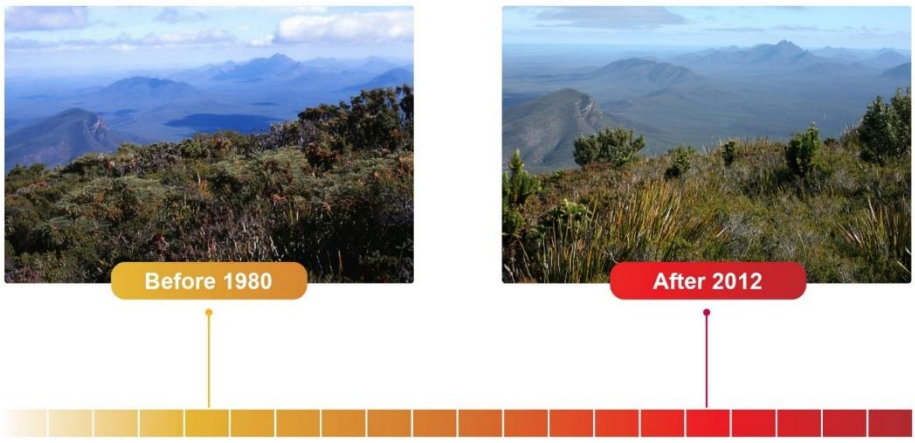


Source: OAG from DBCA data

** The Pilbara is in a unique position where they receive external funding through offset conditions for mining-based developments.*

Figure 11: Proportion of conservation budget sourced from external partnerships, on average over four years

In addition to this, improvements to TEC condition occur slowly and can take long periods of time to achieve. TEC condition is often measured over a 10-year period, as changes to condition (unless prompted by a natural or human made disaster) can take a decade or more to show (Figure 12). Because improved TEC condition is a long-term investment, without continuous effort and stable funding the benefits of the conservation activity may not be achieved. The Department has identified an opportunity for $40 million of additional funding for transformational actions for threatened species and ecological community recovery.



Source: DBCA

Figure 12: Deterioration of *Banksia montana* population on Bluff Knoll because of a harmful pathogen over 32 years

Progress to maintain and protect TECs is not clear because it is not adequately monitored and reported

Historically some recovery plans, at the TEC level, detail criteria for success and failure (i.e. reduction in numbers of exotic species or maintenance of the richness and composition of native species) but there is nothing in place to measure if the criteria are met. There are no consistent metrics at the Department, region or TEC level to monitor the progress made to maintain or protect TECs.

We found a varied and inconsistent reporting process across the State, making it difficult to compare regions and centrally collate activity and inform the Department of its impact. We expected to see a reporting framework where regions informed Executive of their activities and outcomes (including those for TECs) at regular intervals. We confirmed that no framework exists. This was also identified in the Department's Public Sector Commission Capability Review[6] that stated, 'there are no mechanisms that provide central oversight of service delivery'. In the absence of upward reporting, we found examples of regions generating their own reports. Some examples across the regions were annual progress reports, quarterly progress reports and a tracking application that monitors live progress of conservation activity.

The Department has not made TEC information accessible which limits transparency and information sharing

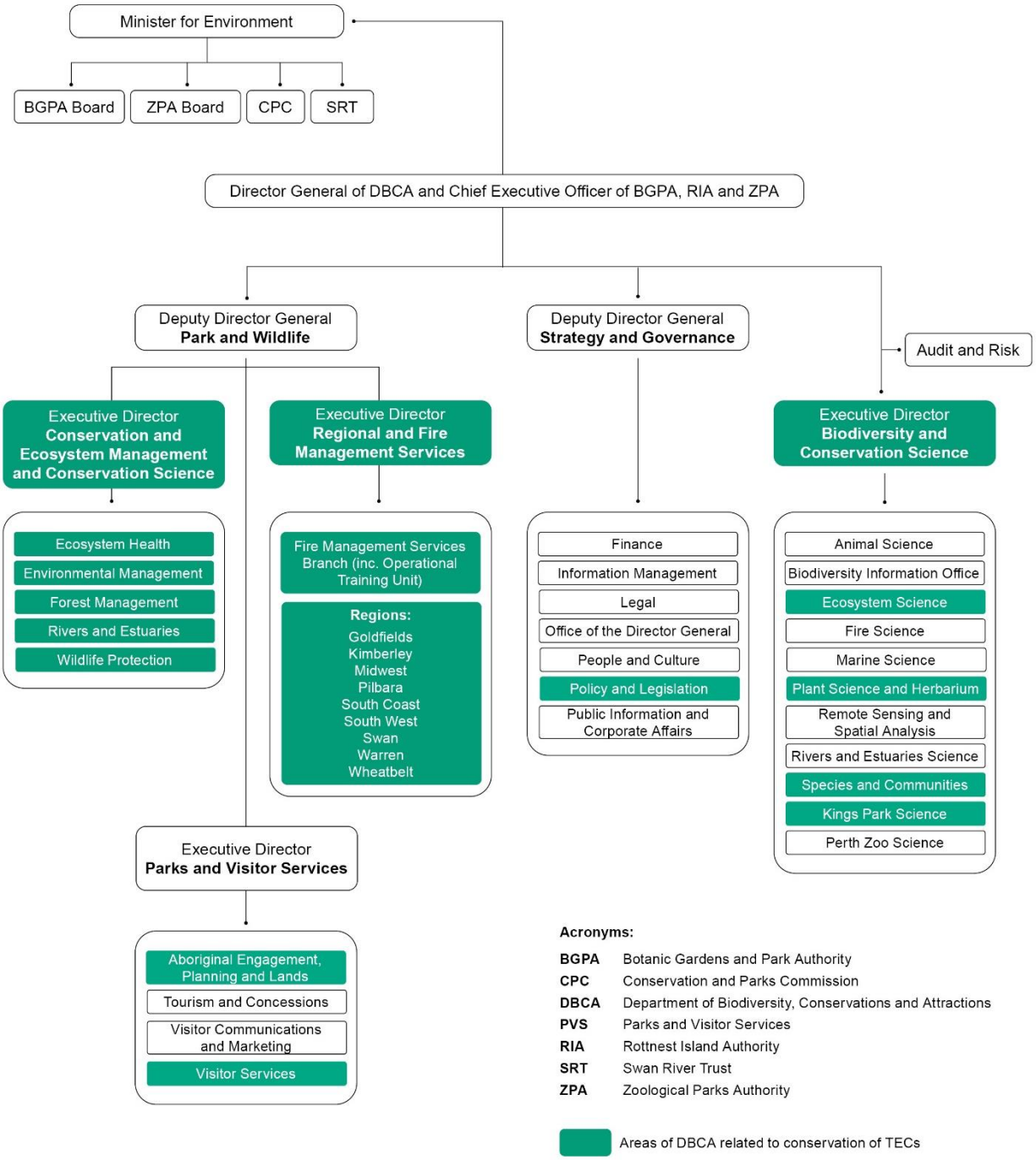
The community has a keen and active interest in the State's actions to protect biodiversity and conserve our natural environment, which makes the Department's lack of public facing, current and transparent information problematic. In speaking with external stakeholders, it was highlighted several times that access to complete information was an issue. Recovery plans are also one of the key pieces of transparent information, but these are not being kept up to date.

The Department has plans to launch its new database in June 2025, but features that would improve information sharing within the entity were descoped. For example, the capacity for regional office staff to input monitoring information was one of these features. The database was gifted the name Boranga from a Whadjuk Noongar person within the Department. In Noongar, the name describes a person's totem – something that is someone's responsibility to learn about and care for. The new database will facilitate occurrence and listing information for flora, fauna and ecological communities. It is intended to serve as a central, shared point of truth for TEC information.

There are also plans to make components of the database public facing and this will assist in improving transparency as well as the quality and availability of TEC related data. The public will be able to access basic scientific information about the TECs, including their description and threats.

[6] Public Sector Commission, *Agency Capability – Department of Biodiversity, Conservation and Attractions*, WA.gov.au website, September 2022.

Appendix 1: Department organisational chart showing TEC conservation responsibilities



Source: OAG adapted from DBCA

Appendix 2: New provisions under the BC Act

Department's adoption of new provisions under the BC Act.

New BC Act provision	Implemented (Y/N)
Capacity to list communities as 'CE' 'E' 'V' 'Collapsed'	Y
Differential penalties and protection related to degree of threat, with maximum penalty the same as threatened species	N – not yet prosecuted for illegal modification
Statutory process for public nominations for the listing, including provisions that require the Minister to provide feedback on any decision contrary to a nomination	Y
Minister must consider scientific advice when making a listing decision	Y
Ministerial authorisation require where a significant permanent modification will occur. Existing non-significant/non-permanent impacts may continue	Y
Offset conditions may be applied as necessary for mitigating or offsetting impacts on conservation of the ecological community	Y
Minister to advise owners/occupiers of presence of threatened species or community on their property (there is a defence to unlawful taking if that person is not aware the species or community is there)	N
There are provisions for the CEO to place a notification on the official title of land referring to the presence of the species/community. This means that a landowner may not sell a property without a prospective purchaser being made aware of the existence of the threatened species or community	N
Opportunity to negotiate biodiversity conservation management agreements to assist with species/community conservation	N
Fine for people who do not report threatened species or communities found in *Environment Protection Act 1986* surveys. Designed to help ensure that such discoveries do not go unreported. Reporting will help ensure the species/communities can be conserved	N – not yet prosecuted for illegal modification
Will establish formal threatened species and threatened ecological community recovery plans approved by Minister after full public consultation	N
Regulation of operations under recovery plans through the detailed mechanisms in the BC Act and Regulations	N
Provides for cooperative agreements for biodiversity conservation management of private or Crown lands	N
New biodiversity conservation covenants may be made under the BC Act to provide for permanent or long-term protection of private land biodiversity conservation efforts	N
Penalty for non-compliance with the covenant as well as injunction abilities	N
CEO may take remedial action relating to biodiversity conservation covenant	N
Guidelines must be developed for fine detail of threatened species listing criteria and standards (IUCN)	Y
Allow for interstate recovery plans to be formally adopted for Western Australia.	-

Source: OAG and DBCA

Appendix 3: Audit sample

In conducting this audit the OAG focused on the following 15 of the 65 TECs.

	TEC name	Region	Classification under the BC Act
1	Aquatic Root Mat Community Number 1 of Caves of the Leeuwin-Naturaliste Ridge (Easter and Jewel Caves)	South West	CR
2	Assemblages of Bunda Bunda organic mound springs	Kimberley	CR
3	Banksia attenuata woodlands over species rich dense shrublands (floristic community type 20a as originally described in Gibson et al. 1994)	Swan	CR
4	Corymbia calophylla woodlands on heavy soils of the southern Swan Coastal Plain (floristic community type 1b as originally described in Gibson et al. 1994)	South West	CR
5	Depot Springs stygofauna community	Goldfields	VU
6	Ethel Gorge aquifer stygobiont community	Pilbara	CR
7	Herb rich shrublands in clay pans (floristic community type 8 as originally described in Gibson et al. 1994)	South West, Swan	EN
8	Lesueur-Coomallo floristic community A1.2 as originally described by Griffin and Hopkins (1990)	Midwest	CR
9	Montane Heath and Thicket of the Eastern Stirling Range	South Coast	CR
10	Mt Lindesay – Little Lindesay Vegetation Complex	Warren	CR
11	Perth to Gingin Ironstone Association	Swan	CR
12	Plant assemblages of the Billeranga System as originally described in Beard (1976)	Midwest	CR
13	Sedgelands in Holocene dune swales of the southern Swan Coastal Plain (floristic community type 19 as originally described in Gibson et al. 1994)	South West, Swan	CR
14	Species-rich faunal community of the intertidal flats of Roebuck Bay	Kimberley	VU
15	Unwooded freshwater wetlands of the southern Wheatbelt of Western Australia, dominated by Duma horrida subsp. abdita and Tecticornia verrucosa across the lake floor (Lake Bryde)	Wheatbelt	CR

CR Critically endangered EN Endangered VU Vulnerable

Source: OAG

Auditor General's 2024-25 reports

Number	Title	Date tabled
23	Conservation of Threatened Ecological Communities	26 June 2025
22	Electricity Generation and Retail Corporation (Synergy)	25 June 2025
21	2025 Transparency Report – Major IT Projects	16 June 2025
20	Regulation of Water Licences	11 June 2025
19	Administration of Personal Leave	6 June 2025
18	Universities and TAFEs 2024 – Financial Audit Results	30 May 2025
17	Local Government Management of Purchasing Cards – Larger Metropolitan Entities	28 May 2025
16	Fraud Risks in Land Sales by DevelopmentWA	28 May 2025
15	Electricity Generation and Retail Corporation (Synergy)	30 April 2025
14	State Government 2023-24 – Information Systems Audit Results	30 April 2025
13	State Government 2023-24 – Financial Audit Results	30 April 2025
12	Local Government 2023-24 – Financial Audit Results	24 April 2025
11	Local Government 2023-24 – Information Systems Audit Results	11 April 2025
10	Fraud Risks in the WA Greyhound Racing Association	11 April 2025
9	Child Protection Case Management System – Assist	21 March 2025
8	Universities and TAFEs 2023 – Financial Audit Results	5 December 2024
7	WA Student Assistance Payment – Controls Review	27 November 2024
6	Provision of Additional Information to the Standing Committee on Estimates and Financial Operations – Opinions on Ministerial Notifications	22 November 2024
5	Implementation of the Aboriginal Procurement Policy	21 November 2024
4	Quality and Utilisation of Emergency Department Data	20 November 2024
3	Management of State Agreements	30 October 2024
2	Legislative Reform Priorities and Timeframes – Opinion on Ministerial Notification	19 August 2024
1	Supplier Master Files – Better Practice Guide	1 August 2024

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