Colong Foundation for Wilderness

INQUIRY INTO THE -
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMDT (RETAINING FEDERAL APPROVAL POWERS) BILL 2012

Senate Standing Committees on Environment and Communications
Parliament House
Canberra ACT 2600

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

email: ec.sen@aph.gov.au

Re: the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012

The continued expansion of our economy places ever more demands on natural resources, produced from once natural lands that were cleared for farming or other forms of exploitation. It follows that the pressure on remaining natural areas is also ever increasing, which is partly why Federal laws protecting threatened species and ecological communities are now essential bulwarks to hold back these economic pressures. **In this context of increased pressure on the natural environment, it is essential that Federal environmental powers are not delegated to the states, as the states do not have a duty under international law to protect the biodiversity. This duty falls on the shoulders of the Federal Government.**

Wilderness is part of the **International Convention on Biological Diversity**, and a Federal Statute precedent for wilderness under this Convention already exists[1].

In wilderness native species are safe in natural habitats that not yet fragmented for our purposes. The hostile wilderness critics wish to permit further fragmentation and foster the use of protected areas for the usual economic and social imperatives. So in many protected areas in the National Reserves System, native plants and animals are now unsafe as our needs are becoming a primary consideration.

Wilderness in the National Reserve System is not adequately protected under state law and are being fragmented. Wilderness in the National Reserve System should be bastions for nature. These areas are our bequest to nature and our future generations.

The protection afforded to native flora and fauna in national parks and wilderness is the best practical alternative to intensive wildlife management methods that rely on uncertain, much greater inputs of capital and human resources.

This inquiry should note that Federal statute law can protect wilderness areas within National Reserve System using the International Convention on Biological Diversity as a head of power. This Inquiry should recommend that the Federal Government identify wilderness within the National Reserve System and protected it from fragmentation and degradation.

[1] By way of precedence, this provision in the Convention was used for protection of wilderness in the Telecommunications (Environmental Impact Information) Regulation 1997 No. 252.

This Inquiry should further recommend that wilderness areas in the National Reserve System should be declared matters of national environmental significance, so that proposed development in these "protected" wilderness areas could be deemed controlled actions when appropriate. In this way the loss of wilderness within our wonderfully protected areas in the National Reserve System can be curbed.

At the Kyoto Conference 31 developed nations agreed to limit their emissions by the year 2012 to targets below the levels of 1990. Australia, Ireland and Norway were allowed to increase their emissions. The targets, however, were only allowed be increased if additional emissions were offset by the establishment of "carbon sinks", which Australia was to achieve by stopping land clearing.

This Inquiry should recommend that any clearing of not only threatened species and ecological community habitats but also large intact natural areas could be able to be considered as potential controlled actions that could affect matters of national environmental significance.

PEST SPECIES MANAGEMENT

Pest species are animals (including invertebrates) and plants that have negative environmental, economic and social impacts. In parks, pests may have impacts across the range of park values, including impacts on biodiversity, cultural heritage, catchment and scenic values.

It is estimated that Australia gains around 20 new pests or diseases each year. Some well-known examples include cane toads, rabbits, willows and, more recently, black striped mussels and red fire ants.

There are very serious vertebrate pest problems across the entire continent. It's not a problem restricted to national parks. A rational response to this environmental threat requires well-planned and coordinated programs with specific goals of environmental impact reduction, using effective and humane methods, and with monitoring to assess whether goals are being met.

Pests are among the greatest threats to biodiversity. In New South Wales, by 2007 they had been identified as a threat to 657 of 945 (70%) species, populations and communities listed under the *Threatened Species Conservation Act 1995*; more than any other process except the destruction and disturbance of native vegetation. Minimising the impacts of pests on biodiversity is thus the main objective of pest management.

The mantra of wilderness opponents, that wilderness is a refuge for weeds and pest animals is generally incorrect. Pests are controlled in wilderness as they are on all public lands, and are less prevalent in well managed wild places.

Wilderness is not pristine but it is the best, least disturbed bush that is left, and society should do all it can to protect these areas, including statutory protection and adequate pest management. Eradicating wilderness by opening it up to horse riding, 4WD vehicles and

trail bikes can only make the pest management task harder as these vehicles are vectors for weeds and access tracks provide ready ingress for foxes, cats and dogs.

The Colong Foundation strongly supports appropriate and effective weed control and humane culling of all exotic pests. Where a national park is involved these management actions should be approved by a park plan of management.

Highly qualified pest control officers can kill hundreds of vertebrate pests a day. For example, through the use of helicopters they can eradicate hundreds of goats in a few hours. Amateur hunters in a ground-based operation can only cover a few hectares, provided they have the sufficient fitness to safely traverse rugged park terrain.

Supervised hunting activities actually restrict effective control of pest species by diverting limited park staff and resources. Even if feral animals are located during these hunting forays, amateur hunters will find it difficult to get a clear shot in forested parks. Animals will be maimed and suffer horrible deaths as a result.

The NSW Shooters and Fishers Party allege that the impact by recreational hunters on pest and feral animal populations has been proven as every pest animal killed counts. They also say that shooting ducks is appropriate because there are millions of ducks and the ones hunters shoot would die anyway. Unlike native ducks, whose long-term population levels are in decline, feral animal populations are on the increase and require effective control. To control feral animals, the techniques used must remove over half of a population annually. Hunting just doesn't have any positive impact on vertebrate pest populations.

The Foundation's recommendations on vertebrate pest management (from the National Parks Association of NSW submission to the 2002 NSW Upper House Inquiry into the management of feral animals) are:

1 There should be integrated pest-species control regimes, based on specific action plans, covering natural geographic areas such as whole catchments or bioregions.

2 More detailed information, more study is needed into the ecology of certain feral animals, e.g. foxes.

3 Much more work needs to be done into the development of biological control agents and the use of sterilisation agents.

4 There should be adequate, enforceable deterrents against the release of animals into the wild.

The cost of removal/destruction of animals released, or escaping from custody, should be clearly the responsibility of and borne by the owner, who should also be subject to prosecution.

5 Shooting is still one of the most effective and humane methods for the eradication/control of large feral animals, including horses, as long as sufficient calibre rifles and qualified shooters are used.

The Committee should recommend against the ban on aerial shooting of horses.

6 No aerial or surface use of poisons (1080) should be permitted.

7 1080 should only be targeted at canids (foxes and dogs) and, if used, should only be placed in special bait stations under more than 10 cm of soil.

No more than one bait per bait station should be used.

The quantity of 1080 per bait should be reduced below 3 mg - the exact quantity - so as to avoid the accidental by-kill of Dasyuris maculatus as determined by recent scientific measurement.

8 Animals killed by poison should be collected and taken out of the surface foodchain by being buried at least 50 cm below the ground.

9 All baiting programs (whether to protect stock or wildlife) should only be a component of a larger, long-term, ongoing action plan which includes the use of other, appropriate management techniques.

10 Greater resources should be applied to control of feral animals, and

11 More rational, cross-jurisdictional and uniform sets of legislative procedures should be formulated for the control of pest species

In 2010-11 the NSW Game Council issued 15,080 hunting licences and reported 14,161 animals killed on public land or 0.9 pests per hunting trip. Some 46% of the animals shot were rabbits, about 20% were goats and about 16% were pigs. Wild dogs, which are one of the biggest problems for landholders made up just 0.5% of all animals taken (NSW Game Council Ann. Rpt., pgs 13 & 15). The annual budget for the NSW Game Council is $2.5 million, so each pest animal killed on public land cost $176.50.

These figures demonstrate ground-based recreational hunting is an ineffective means of feral animal control. Removing the occasional rabbit, goat or pig using recreational hunters is a waste of public money and time.

This Inquiry should not the inability of the NSW Government to control recreational hunters and fire arms.

Given these poor outcomes, **this Inquiry should recommend that recreational hunting should not be considered an 'introduced animal emissions avoidance project' under the *Carbon Credits (Carbon Farming Initiative) Act 2011 (Cth)*, but instead be included in the 'negative list' of excluded projects under the regulations.**

INABILITY OF STATE REGULATORS TO PROTECT MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

The Colong Foundation draws this Inquiry's attention to the listed Temperate Highland Peat Swamps on Sandstone, a threatened ecological community.

These biodiverse swamps on Newnes Plateau to the wedst of Sydney are being damaged by intensive underground mining and unless protected by a Federal listing more will be damaged. The NSW mine regulatory authorities are well aware of the damage, and yet allowed it to continue.

Four of these listed swamps were badly damaged by underground mining on Newnes Plateau. The Federal Government then commissioned an independent expert to assess the damage to these swamps. Cenwest Environmental Services found that damage occurring to the swamps was due to intensive underground coal mining (see the **Attachment** below). As a result, a condition of approval was imposed on further mining that now prevents further swamp damage.

Four swamps were severely damaged whilst the mining was regulated by the NSW Government, until Commonwealth approval was required for coal mining under Temperate Highland Peat Swamps on Sandstone on the Plateau.

After a decade of inaction by state regulators to adequately protect this threatened swamps on Newnes Plateau, the Commonwealth approvals excluded longwall mining under high quality swamps.

This inquiry should note the protection achieved under the EPBC Act for the Temperate Highland Peat Swamps on Sandstone on Newnes Plateau that were threatened by intensive underground coal mining.

EMIRATES RESORT IN THE GREATER BLUE MOUNTAINS WORLD HERITAGE AREA

The approval of the Emirates Wolgan Valley Resort on the western side of the Blue Mountains offers a good example of the pressure on World Heritage Areas from powerful tourism industry interests and the inability of state governments to protect these areas.

The Emirates Wolgan Valley Resort was the very first ‘concept plan’ proposal under the notorious Part 3A of NSW planning law, a law that gave too much power to the Planning Minister and which slashed green tape.

The initial ‘plan’ placed most of the resort buildings on freehold land when it went on public exhibition just before Christmas 2005. Then just before Christmas 2006, **a variation of the ‘plan’ went on exhibition that relocated the proposed resort into the World Heritage listed Wollemi National Park.**

The amended ‘plan’ did not even indicate the boundary of the national park let alone explain why the 1,000 hectares of freehold land available for the proposed resort were so unsuitable that it had to go onto adjoining national park land. Being a Part 3A variation of an approval it too was approved, with no possibility of a legal challenge to that 2007 decision.

A further environmental assessment was of course required under the EPBC Act. Incredibly the tourism lobby still blames the delays in the approval of this blundered resort development

on conservationists and demands yet more green tape to be cut (Bolt, A. 2012). Nothing could be further from the truth.

Why should any Federal Government of any political make up tolerate without further comment and review the relocation of a proposed large resort from freehold land onto a world heritage listed national park?

This Inquiry should note that the Emirates Wolgan Valley resort required further Federal environmental assessment, comment and review because the proposed Emirates resort proposal was relocated onto a World Heritage property.

This Inquiry should also note that the Emirates are yet to resolve the land swamp arrangements with the state park management agency, the National Parks and Wildlife Service.

Thank you for the opportunity to make a submission.

Yours faithfully,

Keith Muir
Director
The Colong Foundation for Wilderness Ltd

Reference:

Convention on Biological Diversity (1992) includes wilderness for the purposes of identification and monitoring (reference: Article 7(a) and Annex I of the convention). Note: the Annex is part of the Convention.

Bolt, A., 2012 June 13, Human-hating greens lost in the wilderness, *Adelaide Now*.