On 31 October 2012 the Senate referred the following matter to the Senate Standing Committees on Environment and Communications for inquiry and report.

The effectiveness of threatened species and ecological communities' protection in Australia

Submissions Extension granted to 21 December 2012 for reporting **28 February 2013**.The Committee is seeking written submissions from interested individuals and organisations

Submission from
Prue Acton O.B.E. Dr. of Arts honoris causa RMIT University

To Senate Inquiry Committee
ec.sen@aph.gov.au as an attachment.

We have to design the future in terms of the environment or it will design our future.

There are some things we cannot change however we can design and uphold good laws covering Australia's *Environment*: through *Protection* of its *Biodiversity*, through *Conservation*.

There is an old bushie saying: *Always leave the place better than you found it.*

Actions count: for us and for our children to flourish, and for the continuing evolution of species on this unique and beautiful ancient land, indeed for life on this planet.

There are thousands of people, scientists, educators, artists, lawyers and economists working to save us from ourselves; in my submission I shall document some of their findings, actions and demands.

Summary -

Since settlement we have cleared 50% of native forests and most woodlands and grasslands; water catchments are impacted whilst wetlands and aquifers are drained, waterways silted from lack of flow and erosion, polluted from herbicides and pesticides impacting downstream on fish and shellfish nurseries thus affecting marine health.

One Big System where three words matter: habitat, habitat, habitat.

My submission is based mainly on experience of forest eco-systems and in particular the demise of the Southern Koala found on the far south coast, NSW and how we can bring this Vulnerable group of koalas back from the brink of regional extinction.

Recommendations

1. Recognise, design and act to protect, connect and restore land habitats and so improve waterways and marine environments – it is one big system.

2. To not just accept the Hawke Review but to redesign the *EPBC Act* for maximum effectiveness to stop habitat loss = species loss, across all states and territories.
3. To reinstate the EPBC Act in *Regional Forest Agreements*
4. To terminate, not renew RFAs. Future logging agreements must recognise climate, water, soils and eco-system impacts.
5. Stop exports of native forest logs, chips and pellets
6. Rule out biomass from native forests once and for all.
7. Big trees matter; disallow virtual clear-fell logging practices in native forests, design around big trees and provide buffers; improve planning overlays to prevent removal for urbanization, mining and agriculture.
8. To establish a wildlife sanctuary within the Bega Valley and Eurobodalla Shires under the *Great Eastern Ranges – Mountains to the Coast* parameters of conservation connectivity. This will protect the last 60 odd Southern Koalas genotype from extinction in NSW and in time they can again repopulate vast areas, with economic and cultural benefits for all.
9. To establish other sanctuaries for wildlife habitat such as Mountain Ash forests in Victoria, and Marri forests in WA.

Terms of Reference
On 31 October 2012 the Senate referred the following matter to the Environment and Communications References Committee for inquiry and report:

The effectiveness of threatened species and ecological communities' protection in Australia, including:

(a) management of key threats to listed species and ecological communities;
(b) development and implementation of recovery plans;
(c) management of critical habitat across all land tenures;
(d) regulatory and funding arrangements at all levels of government;
(e) timeliness and risk management within the listings processes;
(f) the historical record of state and territory governments on these matter

(g) and any other related matter.

Note; I have only responded to (f and g). I endorse Submissions by South East Conservation Alliance Inc. (SERCA), Environment East Gippsland (EEG), Australian Forests and Climate Inc. (AFCA) Harriet Swift, and Lawyers for Forests.

Prue Acton

21 December 2012

SUBMISSION

(f) the historical record of state and territory governments on these matters

As Tim Flannery says: “Australian politics…is failing the conservation of our national heritage. Cash starved state governments are rolling back even the inadequate present protections”

Impact of Commonwealth passing environment laws to the States for RFAs

Excluding native forests in state forests under Regional Forest Agreements (RFA) from EPBC Act has degraded habitat, water catchments and soils.
As Prof. David Lindemayer has written, the East Coast, which contain the world’s tallest flowering plants - carbon dense eucalypts - have changing from wet to dry scheraphyll. Unbelievably, 400-600 year old trees are logged to make way for regrowth. These trees are mainly woodchipped in WA and East Gippsland See EEG submission, photographs available.

Global Decline in Large Old Trees
David B. Lindenmayer et al.

The loss of large old trees in many ecosystems around the world poses a threat to ecosystem integrity.

Current logging practices are changing multi-age, multi-species to single aged single species to supply the woodchip market with consequent loss of biodiversity.
Big trees and understorey, healthy soils and clean waterways, the powerful owls and gliders, koalas, quolls, form the whole suite of species essential to forest resilience in an ever changing climate. National Parks are as Lindemayer has pointed out, mainly on poor soils and steep terrain and often do not provide alternative habitat. Forests are now more prone to devastating wildfires and as we see in Victoria, after fires, the need to fill wood contracts outweighs the question of habitat for at-risk species.

Here is an experiment gone horribly wrong when Commonwealth hands on its environmental responsibilities.

Prime Minister John Howard was responsible for removing the EPBC Act from native forestry, under the Regional Forest Agreements (RFA) and the rest is history, a story of over-logging and the native forest industry collapsing despite massive subsidies and under-regulation.

One can speculate that retaining the EPBC Act may have prevented over-logging resulting in loss of saw logs, which is driving the move to log in National Parks, the loss of public support and the subsequent continuation of the “Forest Wars”.

Howard made this move to stop Bob Brown’s High Court case against the logging of Swift Parrot breeding grounds on Tasmania’s east coast. With the continued over-logging of their winter feeding grounds around the Eden chip mill what hope is there for survival of the 1000 pairs that may remain? See SERCA inc. Submission.

Even the national's iconic Koala is at risk from loss of habitat despite Federal Environment Minister Burke's recent pronouncement of Vulnerable status. Minister Burke failed to include of koalas in RFAs and in Victoria, where there are no surveys on numbers or research on their genetic diversity, caused through inbreeding from relocation programs.

Koalas need good soils and hydrology to produce gum leaves with less toxins and therefore live in state forests; private land may be cleared, close to cows and dogs and less friendly generally. Current logging regimes are causing the loss of continuous habitats that koalas travel across – up to 50 ks is not unusual for these territorial animals, e.g. recent intense logging of the narrow strip of forests connecting Gulaga and Bermagui State Forests.

In these State forests of the South East NSW are remnants of the largest koala, the long haired Southern Koala genotype, which once was found from the borders of Queensland to South Australia and now may only number around 60. This Koala faces ongoing logging of the big trees it must have to survive and breed, despite NSW listing Koalas as Endangered. The only other group of this genetically separate and non-inbreed koala is to be found in the forests of the Strzeleckis, East Gippsland. Logging takes place In private forests by Hancocks; it has no protection under Victorian laws, nor Commonwealth therefore no surveys are undertaken; its fate is not clear.

Premier Bettie was the only Premier not to sign on to RFAs and after twenty years of forest peace, Premier Newman is now planning to let loggers into National Parks. Premier O'Farrell is also considering this retrograde step as he needs the support of the Shooters and Fishers Party to pass legislation.

In NSW the people are denied legal rights to seek enforcement of the regulations on endangered species. And the Commonwealth refuses to intervene.

In Victoria the Flora and Fauns Act exists still and has meant successful legal actions by Environment East Gippsland (EEG) challenging the state government's environmental oversight. That a volunteer organization has to undertake expensive litigation along with Lawyers for Forests demonstrates the need for the EPBC Act for RFA's.

In Victoria, even the state emblem, the Leadbeaters Possom, now down to 1000, has its last Mountain Ash habitat logged; Western Australia's state faunal emblem, the Numbat is also close to extinction at around 1000; it needs fallen big trees for ground habitat.

Logging in National Parks

Premier Bettie was the only Premier not to sign on to RFAs and after twenty years of forest peace; Premier Newman is now planning to let loggers into National Parks. Premier O'Farrell is also considering this retrograde step as he needs the support of the Shooters and Fishers Party to pass legislation as well as not wanting to pay compensation to Boral, etc., for the lack of saw log supplies.

Environmentalists have long called for the reintroduction of the EPBC Act to cover native forest logging and the retirement of RFAs; instead we are to have this unchecked degradation of our native forests, in state forests and next in National Parks. Extensions are already offered to industry for another 20 years.

The “forest wars” will continue unless stronger laws are designed to protect, connect and restore our forest eco-systems and the surrounding landscapes.

(g)
Another matter –
Recent COAG move to take over environmental laws from the Commonwealth.

This move by COAG was meet by resistance from scientists, lawyers, economists and environmentalists.
The BCA would be better advised to call for the strengthening of Commonwealth laws rather than have to deal with inadequate state oversight which would result in public exposure and legal actions. A recent example is the proposed Gunn’s pulp mill where poor state planning resulted in lack of finance backing and the company’s downgrade.

Global 500 Laureates including David Attenborough have stated:

> “*We have been concerned to hear however that there are proposals in train to weaken the EPBC Act and to allow the states and territories to approve developments affecting Matters of National Environment Significance without any Commonwealth oversight. We believe this would be a retrograde step in relation to the development of environmental law in Australia, with significant and negative implications for the conservation of biological diversity and achieving ecologically sustainable development”.*

ANU Prof. David Lindemayer 6 December 2012
This proposal to water down environmental laws is the biggest backward step for the Australian nation in 40 years. It is absurd to hand all powers to the States when it is clear that, especially for the mainland eastern states, that they are among some of the most environmentally bankrupt administrations since Federation. This is clearly evidenced from the Federal Minister's need to intervene repeatedly on many key environmental issues; cattle grazing in the Victorian High Country is but one of many examples. Indeed, the Minister's own State of the Environment Report (2011) states quite clearly that the leadership role of the Australian Government is critical to conserving the nation's biodiversity. Having several levels of environmental regulation is not "green tape" but rather a very much appropriate set of processes to curb the excesses of over-development and the poor management of natural resources and especially the management of biodiversity.

Australia already has an appalling record of poor resource management and biodiversity loss. It is critical that the Federal Government maintains its

leadership role in this area and the Minister does not abdicate his important responsibilities.

WENTWORTH GROUP OF CONCERNED SCIENTISTS
Mr Peter Cosier, Dr Richard Davis, Prof Tim Flannery, Dr Ronnie Harding, Prof Lesley Hughes, Prof David Karoly,
Prof Hugh Possingham FAA, Mr Robert Purves AM, Dr Denis Saunders AM, Prof Bruce Thom AM, Dr John Williams FTSE
September 2012

"The prognosis for the environment at a national level is highly dependent on how seriously the Australian Government takes its leadership role."

A response to the Business Council of Australia's Discussion Paper for the COAG Business Advisory Forum: On environmental assessments and approvals,
by Economists At Large, Melbourne, Australia.
Report author/s: Tristan Knowles

The BCA paper fails to consider the benefits of the EPBC or the potential costs from streamlining it. Further, The BCA Paper ignores the wider context of the debate by focusing only on costs to business.