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Senate Inquiry Submission

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

As a father with two young girls and a committed environmentalist I find that it is extremely important to voice my views how important it is that we strengthen our environmental laws and not weaken them. Over the last ten years I have become very involved in wildlife conservation. One of the species that I have been involved with, in this period is survey counts of the critically endangered Orange bellied parrot. I have seen the dramatic decline of the species on mainland sights where I participate in these counts. The tragedy of this species is that I will most probably not be able to give my daughters the same opportunity to see this species in the wild as I have. It is this very reason why our environmental laws need to be strengthened, so future generations are able to enjoy our natural heritage as we have.

Recent history has shown us that the Federal government has a critical role in protecting matters of national environmental significance like that of :

- The world's largest network of Marine parks and Sanctuaries,
- Banning cattle grazing from the Victorian Alpine National Park
- The forest agreement in Tasmania,

With pending decisions also to be made on issues like:

- James Price Point Kimberly
- Tarkine Wilderness Tasmania
- Great Barrier Reef Queensland,

Not to forget that since the talks of cutting green tape have occurred that motions like:

- Proposed logging of koala habitat woodlands in northern NSW
 - Proposed logging of Red gum forests along the Murray R. In Victoria
 - Allowing shooters back into National Parks in the eastern states
 - Proposed major tourism developments in parks within Victoria,
- have taken place so it is vital not to abdicate these powers to the states.

In Victoria the Department of Sustainability and Environment has failed with the states environmental laws, this was pointed out by the states auditor general in 2009 and again this year, to meet regulatory regulations. The Flora and Fauna Guarantee Act was passed to allow our environment to evolve through natural processes (flora, fauna and ecological communities) and to conserve threatened species and ecological communities and to minimise activities that posed a threat to Victoria's ecosystems. In the 21 years since its inception, 653 species have been listed as threatened under the Act. By contrast, the department's own 'advisory' list contains over 2,200 species, many of which would qualify for threatened status under the Act. Of those species listed as threatened, less than one-half have had an action statement prepared, and only a handful of these action statements have been reviewed and updated.

Also of concern is that most legal measures within the FFG act have never been used, on top of this the act is supposed to have a current biodiversity strategy at all times and is supposed to be updated every two years. However the last time the biodiversity strategy was updated was in 1997.

Other problems with the processes include the following;

- Under current legislation, (i.e. the Victorian flora and Fauna Guarantee Act 1988 and the federal Environment Protection and Biodiversity Conservation Act 1999) not all endangered or threatened species are protected – only those that have been listed are.
- There is no automatic process for a threatened species to be listed; listing depends on someone submitting an application. Often the professionals with the requisite knowledge to complete the application are so overwhelmed they don't have the time to do it, so an endangered species can remain unlisted for years.
- Once an application has been made for a species to be listed, the process of approval can take years.
- There is no emergency listing process, so a newly discovered species, or one that suddenly becomes critically endangered as a result of a catastrophic event is not protected until the process has been completed.
- After listing, it can take several more years for an action statement/recovery plan to be written, approved and adopted.
- Action statements are generally written by knowledgeable scientists and others but may be poorly constructed so that they do not give effective protection. They can be subject to interpretation and challenged in unintended ways that favour development and exploitation over conservation, as was highlighted in a case recently brought forward by a local community group (My Environment) in relation to Victoria's faunal emblem (the first such emblem in Australia) the Leadbeaters possum.
- Governments tend to support development and exploitation over conservation, even though they publicly espouse the importance of biodiversity protection. Like Tony Abbott calling himself a conservationist this year in his land mark speech about the environment, then making a reference about how a species of bird that had not been seen in an area on the Mornington peninsula for 25 years had stopped a development. The species in question was the critically endangered orange bellied parrot and just because this bird had not been seen here recently doesn't mean that it is not there. If Mr Abbott had bothered to find out more about the area in question or the species he would have known that the area is vast and hard to cover and observation of the species is mostly dependant on volunteers!
- Once the Action Statement or Recovery Plan has been written it may or may not be implemented; funding required for implementation may not be available.
- No one effectively ensures, supervises or monitors implementation.
- No one is held accountable for failure to implement an Action Statement or for failure of an implemented Action Statement to protect a threatened species.
- Action Statements and Recovery Plans are not reviewed and updated.
- In practice the main practical value of Action Statements and Recovery Plans appears to be that they are invoked by vested interests, government agencies and governments to claim that species are protected, even when the intended protection is not effective and the species continues to decline. This is something that I have also witnessed first hand with the Southern Brown Bandicoot on the Mornington peninsula.

So from our local level we are seeing the repercussions of these insubstantial processes time and time again as they end up causing a negative flow on effect from the highest level of government right down to the individual landowners and managers.

Below are a couple of examples that I have seen unfold in front of me,

1. The Tootgarook swamp is a shallow fresh water marsh it is 380 hectares in size, has recordings the EPBC listed Australasian Bittern, the EPBC migratory protected, Greenshank, Glossy Ibis, Latham's Snipe, Marsh Sandpiper, Sharp Tailed Sandpiper, White-throated Needletail, Eastern Great Egret, and Eastern Cattle Egret. The FFG listed, White-bellied Sea-eagle, Intermediate Egret, Baillon's Crake, Australian Shoveler, Swamp Skink, White- footed Dunnart, and Lewin's Rail.

The wetland also contains at least nine bioregional endangered vegetation communities and a FFG listed community of Coastal Moonah Woodland.

Of the fauna listed above to have an FFG listed action statement made and recovery plan by the state of Victoria the three Egret species seem to be the only ones with a recovery plan, even though all are required to have an action statement.

With much of this wetland being in private ownership, there is great pressure to see this land developed for residential and industrial development. Despite the fact that there has been a number of times a investigation was called to look at rezoning the land to potentially protect this land nothing has happened, and in the mean time several permits have been lodged to develop this land. The parcels of land in question have all been environmentally vandalised and yet the responsible authorities have failed to act in every case, the last brazen act saw 85 million litres of water pumped out of the wetland.

2. The Peninsula link freeway (formerly known as the proposed Frankston bypass) which is currently under construction, for myself and many others in the community at how in affective our environmental laws really are. This freeway was built through a number of significant bushland reserves, remnant busland and a heritage listed property which also contained high quality remnant bushland. There were a number of very questionable actions that happened during this construction:

- Destruction of habitat was started before the Environmental Management Plan was signed off

- Illegal clearing occurred

- A memorandum of understanding was issued by the Department of Sustainability and Environment to allow the developer of the freeway not to comply with The Victorian Native Vegetation Framework, and the conditions that were put in place of that of the framework were not adhered to either

- The federal listed Southern Brown bandicoot was recorded by diggings and hair samples prior to freeway works in the Pines Flora and Fauna Reserve, but have not been recorded since construction works have commenced.

Clearly in this case Victoria is unable to meet it states obligations to threatened species and communities and is therefore clearly unable to meet the needs that of the nations threatened species and communities.

With Climate change already having an effect on our threatened species and the predictions of scientist that we are on the cusp of the nest great wave of extinctions, now is not the time for Australia to be cutting back funding or saving money cost of our countries iconic landscape. Australia is failing in its obligation to retain the right of every Australian, of our natural heritage. According to ICUN Red list summary by country for animals Australia is number 2, after the USA, on the list for endangered, critical and vulnerable species with a total of 783. Coupled with this most of our mammal species are endemic to this country and not found elsewhere, and are therefore irreplaceable like that of the Orange bellied parrot, southern brown bandicoot or the koala.

If state and federal governments took a more long term view of environment protection, we would be able to have a thriving economy that does not come at the expense of Australia's natural environment.

Kind regards
Craig Thomson