

Senate inquiry – *The effectiveness of threatened species and ecological communities protection in Australia.*

Australia has one of the worst records for mammal species extinction in the world. In NSW we currently appear to be not learning from past mistakes but repeating them.

Logging in **NSW State Forests** is reported to operate at a loss . This industry is subsidised by the taxpayer for largely nothing better than export woodchips. Repeated breaches by NSW State Forests in threatened species habitat and incursions into Endangered Ecological Communities usually have to be reported by individuals , with no meaningful fines or actions resulting . **Inadequate regulatory frameworks will not protect biodiversity values.**

Under Regional Forest Agreements federally protected species are subject to the protections of the States. Will the recent Federal listing of koalas help save koala habitat from logging in NSW State forests? Considering the much publicised comments from the NSW Environment Minister that “logging protects Koalas” I do not think **leaving such issues for federally protected species up to the State's is adequate protection.**

In NSW even **National Parks** are no longer granted adequate protection with grazing ‘trials’ already underway and recreational hunting by amateurs approved as part of a political deal . Forestry in NSW is now seeking access to NP's and the NSW Environment Minister refuses to rule out such logging . Bans on duck hunting are being overturned in exchange for more political favours and NP's staff are facing job cuts. **If the NP's system and iconic species such as koalas cannot receive appropriate protections then what hope for protection on private lands and other listed species?**

Threats to listed species and EC's on private lands.

Private Native Forestry (PNF) approvals by the NSW Environment Minister clearly demonstrates the flaws in ‘streamlining’ processes and reliance on ‘self regulation’ . It should be taken as a cautionary tale of what may eventuate under future proposals in NSW to weaken native vegetation clearing regulations and replace with self regulation or tree thinning without approvals .

Logging approvals under PNF come with bio certification by the NSW Environment Minister and are hailed as positive legislation for biodiversity while actually facilitating logging and **providing a means to ignore threatened species and EC's**. In its current form PNF legislation is removing protections for threatened species and EC's on private lands by replacing the requirements of the Threatened Species and Native Vegetation acts with silvicultural treatments and inadequate tree retentions.

My own personal experience of PNF is in Mount Rae forest where I live. Far from representing protections for areas previously unregulated, the Mount Rae forest case demonstrates how PNF has taken an area previously protected by DEC and local councillors and allowed a non resident landowner (a fulltime firewood merchant) to log at a commercial scale . For the sole purpose of firewood .

The NSW State government through the then DEC (Threatened Species Unit South Branch) targeted this area for protection and opposed past logging applications to local council –Upper Lachlan Shire Council (ULSC) . Forestry required dual consent in this area. . Local councillors voted no to this operation . DEC recognised commercial scale logging as a threat to this forest and its threatened species.

The landowner was informed of the presence of the NSW listed as Endangered and EPBC act listed as vulnerable *Diuris aequalis* orchid (Buttercup Doubletail) on his property . A section 91 license to log in known threatened species habitat would be required. Council was informed this forest contained under represented vegetation types eligible for listing as EEC's and this forest was part of an area considered of regional significance and contributing to connectivity at a landscape scale . Past complaints of clearing trees with a bulldozer for commercial firewood were dealt with by compliance officers from DEC stating that that there be no further removal of standing trees. "

Sydney Water placed had also placed a 'stop the clock ' order on the past development application with concerns over insufficient information on effects on water quality.

Under PNF the need for council consent has been removed. All past input by the departments own threatened species experts are now ignored . These plans do not require approval or on ground truthing by local Catchment Management Authorities.PNF Property Vegetation Plans (PVP's) are automatically deemed through the granting of biodiversity certification to meet the requirements of the NV and TS acts without actually demonstrating how.

A worse outcome has now been delivered for this forest than previously existed.
Streamlining and self regulation at the expense of scientific facts, past departmental advice and strong opposition from the local community will lead to inadequate protections for TS and EC's.

On average PNF PVP's take 28 days for approval. No community consultation. No neighbour notification. I was refused copies of PNF PVP's for this forest by the DECCW. It took the intervention of the NSW ombudsman to have plans released to me of the logging next door. In the north of the state it took the threat of legal action.

All that is required is a signature to agree to abide by the PNF Code of Practice and a map of the property showing the area for logging. In this case it covered all available forested areas . Under PNF 20% of available area may be clearfelled in patches with the rest being available for "harvesting" to the level of approximately 10 trees per ha.

No environmental surveys are required . A check of the NSW Wildlife atlas is all that is necessary . As most private lands have never undergone surveys then it is left to the landowner to identify and notify of any listed threatened species and ECs on their property. **There are already enough issues with dodgy consultants reports and regional councils not having environmental expertise and adequate resources without the NSW environment minister relying on the ecological knowledge of a firewood merchant** and then invoke prescriptions under a Code of Practice . The process is quite clearly a farce.

Unfortunately for the developer the rare *D.aequalis* orchid had been identified by Government botanists and ecologists prior to land purchase so their presence could no longer be denied. Only when a threatened species is admitted to are any prescriptions in the Code of Practice for threatened species invoked. So what were the prescriptions for this EPBC act listed orchid? There was none. Five years later, after the release of the final draft Code of Practice protective measures are available . This orchid has been granted the lowest of all protections –"minimise harm to the greatest extent possible" . Even the more common potatoe orchid – cinammon bells has been granted a higher level of protection. Why?

Listed recommendations on Government websites and priority actions for this species are completely ignored . What is the point of spending money on scientific study and advice only to ignore it? Logging with heavy machinery is contrary to all advice for this species.

The department entrusted with protecting these species in NSW , the department which informed us of their presence, the department which warned us they could well go extinct, the department which held field days on my property to give correct land management advice (logging would have , we were informed a "negative effect" on the threatened species of this area) the department that urged landowners to consider conservation agreements to conserve , then became the logging advocate.

The same department **ignored all the above advice from their own ecologists** , ignored the precautionary principle for cryptic orchids which can go years between flowering , failed to recognise this forest as habitat.

The Gang gang cockatoo (*Callocephalon fimbriatum*), another threatened species well known in this forest, does not apparently exist on lands for logging under the PNF process. This despite them having been seen on these properties by dozens of people and verified on adjoining lands by environmental consultants and avian ecologists. Should anyone in NSW actually admit to these species on their lands, **what protections would be required under the PNF COP? None.** This species does not even appear on the list of threatened species for Southern NSW.

Mount Rae forest has been documented over the last 7 years to contain 11 threatened species and approximately 250 other fauna and flora species. These are only two on ground examples of the many omissions and flaws in this process. As it currently stands PNF represents a threat to biodiversity while acclaimed by the NSW Government as a biodiversity initiative protecting private lands and threatened species. **There can be no claims of effective protection for TS and EC's in NSW while PNF exists in its current form.**

For a detailed critique of the many flaws of PNF please refer to my submission to the NSW EPA on the final draft PNF Code of Practice - N. Veg. Reg no. 306.

Properties surrounding those for logging in Mount Rae have undergone government ecological surveys recognising healthy vegetation and areas matching profiles of EEC's. Those involved in logging (3 properties approved so far) are able under PNF legislation to simply deny the presence of anything of conservation value.

The hypocrisy of logging with heavy machinery being approved by NSW Environment Ministers while at the same time granting Voluntary Conservation Agreements to adjoining property owners recognising the true (non firewood) values of this forest are comical. Two properties now have legal covenants granting protection in perpetuity. Other landowners, now distrustful of dealing with government departments have entered voluntary wildlife refuge agreements with the Wildlife Land Trust. Another is now considering entering the Government VCA which will be signed by the current Environment Minister - ironically to prevent the same Environment Minister granting firewood logging approvals in threatened species habitat to any future landowner!

Efforts of locals are being undermined with an award winning local landcare group having received Federal, State, CMA and private funds (over \$360,000 so far) for tree planting and wildlife corridors linking to this forest.

As for the end product –firewood? There is **no regulation of the end product** under PNF. Firewood (or perhaps future woodchips) will now **provide the economic driver for the further destruction and fragmentation of the last native forests and woodlands of the Southern Tablelands and their dependent fauna and flora.**

The Southern Tablelands area has been largely cleared and highly modified for past agriculture and has been largely protected for the very reason that the majority of trees are not of saw log value. Most locals are now being encouraged by various government departments and websites to involve themselves in tree planting and protecting remnants, while the NSW government hypocritically approves logging the focus of these projects and cutting down in one week what volunteers plant in one year.

The precedent to clear these remaining areas for financial gain is now in place. A forestry network, who have strongly supported this operation, have publicly stated their intent to use this legislation to log a million available ha. in the Southern Tablelands (their estimates !) largely for commercial firewood with markets existing in both Canberra and Sydney. All possible under laws which are purported to be protecting biodiversity.

Climate change? Carbon storage? Clean air? Not much storage of carbon in the end product when the end product goes straight up a chimney. Health concerns for low lying city dwellers where smoke cannot dissipate? All ignored. All contrary to publicised government efforts to reduce firewood use in cities and claims of acting to reduce man made greenhouse gasses.

PNF clearly shows the **lack of any integration of policies, co-ordination with any levels of government or even those within the same department.** If this product - firewood from threatened species habitat came from overseas it would be banned. In NSW it comes with the Environment Ministers approval.

EEC's ? After 5 years a flippant response from a leading NSW bureaucrat has finally seen the issues of EEC's on lands for logging in Mount Rae forest being investigated. After nearly 10 months no findings are available and at the same time logging has commenced with no action sought to delay operations until results are known.

After 5 years and over 250,000 ha's of logging approvals in NSW under PNF, how many EECs have been identified. One. Well what do you expect when it is left to the developer to identify an EEC. Of course this is largely irrelevant as **logging is allowed in EEC's under PNF** after the preparation of a harvesting plan.

Threatened species and EEC's are still clearly at risk in NSW under inadequate regulatory frameworks that are designed more for political reasons than any genuine environmental concerns. In my opinion it is intended for the public to think that all threatened species are strongly protected across all land tenures while loopholes are left for developers to continue exploitation. **Can natural resources be managed sustainably? Yes, but not when left to those motivated by short term financial gain to manage them.**

Solutions? **The first rule of conservation is that protection now will prevent the need for expensive restoration later.** I have endeavoured countless times to raise on ground issues with the interim PNF act over the last 5 and a half years. I had originally thought that input would have been welcomed by the environment department in an effort to achieve improved outcomes in the final legislation. The opposite was true and the entire process has actually become an adversarial one. It has been made abundantly clear to me that the NSW government, while publicly encouraging input and community involvement, wish no such thing.

Reasonable requests that environmental surveys be performed prior to logging approvals and that native forests not be logged for the sole purpose of commercial firewood fall on deaf ears. Such attitudes suggest **decisions are political in nature.** Only **science based regulatory frameworks, with meaningful independent surveys and ongoing monitoring and compliance free from political interference** can solve this. Good luck with that.

I thank you for the opportunity to provide the above input and would be happy to provide evidence to any enquiry on the effectiveness of threatened species and EC protection on private lands.

Regards

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