Submission to the Senate Enquiry into the Effectiveness of Threatened Species and Ecological Communities' Protection in Australia

Australia has between 7% and 10% of all species on Earth. Its long isolation means that the majority of these species occur nowhere else (Chapman 2005). Unlike other continents, the lack of glaciation in the past few million years has allowed the survival of many species-rich ecological communities (Steffan 2009).

Many of Australia's species occur nowhere else on earth. Approximately 85% of terrestrial mammals, 91% of flowering plants, 90% of reptiles and frogs and more than 50% of the world's marsupial species are only found here (Chapman 2005; Lindenmayer 2007; Dickman and Woodford Ganf 2007). In addition, most Australian groups of plants and animals have particular features differentiating them from counterpart groups on other continents.

It is our priviledge and responsibility to be stewards of this array of species that call Australia home. However, in my experience working in the environmental field in government agencies and authorities, in the non-government sector and also in the commercial sector, I have seen the protection of threatened species relegated to last place time and again.

My experience is Victorian-based and in this state the main legislation that we have for the protection of threatened flora and fauna is the Flora and Fauna Guarantee Act, 1998 which provides virtually no guarantee for flora or fauna (with small but significant exceptions such as that which was used argued effectively by Environment East Gippsland in the Brown Mountain Case). Other than that as an ecological consultant, I can be assured that I will use more paper by detailing FFG listed species and then outlining that there are no requirements for their protection in most circumstances. However, in response to the challenge to VicForests and win by EEG the State Government then retaliated by threatening to adjust the Forestry Code of Practice to effectively exempt logging from consideration under the FFG Act. Furthermore, one of the first acts that the Baillieu government enacted was to provide partial responsibility for certain sections of the FFG Act to the Minister for Agriculture and Food Security whereas formerly it was just the Minister for Environment.

Furthermore, the Victorian Government contributes very little money (if none outside of funding for threatened species officers, who are now disappearing faster than the species themselves) for on-ground programs to support the actions within Action Statements for species listed under the FFG Act. In addition to this, there are fewer than half of listed species that have had Action Statements prepared for their recovery (301 out of 675 species listed) (EDO 2012). This is an Act that is failing threatened species and cheating Victorians of their heritage.

In addition to the FFG Act, Victoria has a list of Rare or Threatened Species (VROTS), which as far as I'm aware has no legal standing at all except for the fact that the species listed on it are utilized to determine the Conservation Significance of patches of remnant vegetation or scattered trees that are proposed to be cleared via the method outlined in Victoria's Native Vegetation Management Framework (DNRE 2002). It appears that this list is more comprehensive than the FFG list, but without strong legal backup, it merely serves as a list of species that we are doomed to lose eventually.

In lieu of any effective Victorian legislation, the Environment Protection and Biodiversity Conservation (EPBC) Act, 1999 has provided at least some form of protection for threatened species and communities, present in Victoria that are deemed to be Matters of National Environmental Significance (MNES). In fact the EPBC Act has really provided the main protective legislation for species or communities in Victoria, especially as sometimes the habitat requirements of MNES will coincide with other threatened species that are not MNES.

As we are the most cleared state in Australia, it has also been fortuitous that we have in recent years seen a number of communities listed including:

- Alpine Sphagnum Bogs and Associated Fens;
- Gippsland Red Gum (Eucalyptus tereticornis subsp. mediana) Grassy Woodland and Associated Native Grassland;
- Grassy Eucalypt Woodland of the Victorian Volcanic Plain;
- Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia;
- Natural Temperate Grassland of the Victorian Volcanic Plain; and
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains

Although the EPBC Act is far from perfect, at least the Federal Government directs funding towards on-ground activities (via Catchment Management Authorities in Victoria) to implement Recovery Plans for MNES (where they exist) and will even direct money where the recovery plans don't exist but activities have been identified by Recovery teams that are expert in methods that will aid a species' recovery.

Furthermore, where a MNES will potentially be affected by an activity, such as a development, the proponent is obliged to refer their activity to the Department of Sustainability, Environment, Water, Population and Communities, or any member of the community can prepare a referral. The EPBC Act can determine that the activity would constitute a 'controlled action' (meaning that it will be damaging and should not be undertaken) and could prosecute if it were to go ahead. Although prosecutions are rarely undertaken, there have been some that have occurred which at least help to act as a deterrent to others and to boost morale amongst local people who are used to seeing inaction over the environment.

However, we have now seen that the EPBC Act is no match for recalcitrant State Governments with the interests of developers at heart through the assessment process for the expansion of Melbourne's Urban Growth Boundary. This process, the first 'Strategic Assessment' to near completion in Australia, and a test case for what the Federal Government hopes will be its new modus operandi has failed to adequately protect threatened species and communities through a series of failings. The Federal Government's role in the process is to generally oversee and sign off on the final reports at the end, but relies on the State Government to undertake all of the assessment. The failings of the Melbourne Strategic Assessment are many and include more mundane (but extremely important) facts like a ludicrously rushed process, lack of consultation with community, experts and involvement of relevant scientists, lack of data and complete inadequacy of data upon which decisions have been made. There has also been a profound lack of on-ground survey for threatened species prior to locking these areas into development plans. Throughout the process new prescriptions for protection have been determined for threatened species and communities that have no basis in science or fact. One example being, under the Strategic Assessment the prescription for Natural Temperate Grasslands of the Victorian Volcanic Plain will allow areas of this Critically Endangered community to be cleared if they are less than 150 hectares in area and if they are not deemed to provide high habitat value for the Golden Sun Moth or contain endangered orchids. As may be expected with a critically endangered community, there are very few areas remaining around Melbourne that comprise more than 150 hectares of grassland. Furthermore, local governments and habitat management organizations have proven that areas of grassland less than 20 hectares in size can be effectively managed to maintain their values, and importantly provide habitat for the plants and animals (many of them threatened) that call them home. This is just one example of many, in a process that is too complex to easily explain. Suffice to say that the Federal Government should firstly undertake an independent review of the assessment work prior to it signing off on 60 years of clearing of some of Victoria's most critically endangered species and communities, and secondly, evaluate the process itself before it applies it to anywhere else in Australia.

Within Australia, we need a huge shift in our cultural awareness around how we think of threatened species and communities. Our threatened species and communities represent only fragments of the huge amount that we've lost already and are signal posts for what we are surely yet to lose. With the impacts of climate change already

taking hold we are all facing an even more dire future together. The Australian environment is home to all of us and we have to ask our leaders to start looking after it properly, beginning with the most threatened.

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