

Senate Enquiry into the Faunal Extinction Crisis.

My name is Kathrina Southwell, General Manager of Australian Seabird Rescue and the Ballina Byron Sea Turtle Hospital. I am also studying a Graduate diploma of Ornithology through Charles Sturt University. Australian Seabird Rescue is licensed in NSW to rescue, rehabilitate and release Seabirds, Shorebirds and Sea Turtles, many of which are vulnerable, endangered or critically endangered under different state, federal and international acts and laws. I welcome the opportunity to address the senate enquiry into the faunal extinction crisis in relation to these animals that I research and rehabilitate every day. I also educate thousands of members of the public every year when they visit our Wildlifelink Sanctuary in Ballina, where our sea turtle hospital and aviaries for the sick and injured birds are situated.

Australia's faunal extinction crisis, including:

**1. the ongoing decline in the population and conservation status of Australia's nearly 500 threatened fauna species;**

Many seabirds, shorebirds and sea turtle species are in decline. Migratory shorebirds numbers have declined by up to 50% due to loss of habitat. Developments still keep threatening critical habitat for migratory birds.

**2. the wider ecological impact of faunal extinction;**

The wider ecological impact of faunal extinction will have an effect on the flora and the ecosystem as a whole, which, in turn, will affect our quality of life in Australia in regards to food and water quality and lifestyle.

The cumulative impacts that presently threaten seabirds and sea turtles, including over-fishing, habitat degradation, pollution and climate change, require a shift towards better management and conservation of marine ecosystems to help protect these threatened and endangered species. If we do not address these problems nationally with a wholistic ecosystem approach, many more species will become extinct.

**3. the international and domestic obligations of the Commonwealth Government in conserving threatened fauna;**

The EPBC Act does not protect species that has a species action plan under any of the international conventions and agreements.

Australia has an obligation under JAMBA and CAMBA to protect migratory shorebirds. These agreements do not hold and are often not even taken into consideration when using them to try to protect a species that will be affected by future development of habitats.

It is no use having Commonwealth laws that are supposed to protect threatened species if they can be overridden by state acts, for example: The Shark net trial in northern NSW, under the Fisheries Management Act, the New South Wales Government passed a clause within the act that absolves

them from any other acts of law in relation to the Shark Net trial in northern New South Wales.

**4. the adequacy of Commonwealth environment laws, including but not limited to the Environment Protection and Biodiversity Conservation Act 1999, in providing sufficient protections for threatened fauna and against key threatening processes;**

Shark nets used to be listed as a Key Threatening Process - shark control programs must include the severe ecological costs of such programs, including the associated problems of a high degree of bycatch with shark nets.

Bycatch of protected, harmless and threatened wildlife in Australia's shark control programs is a significant issue which could affect critically endangered species. Often bycatch from shark net programs is more severe than bycatch associated with Australia's commercial fisheries. Given the threatened status of many of the species that are killed as bycatch, the Senate Committee should be concerned with the adverse impacts of shark net programs on marine wildlife that is threatened with extinction. Many species caught as bycatch are listed as threatened with extinction under state and federal laws, and international treaties including, the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (EPBC Act, 1999); the NSW Threatened Species Conservation Act, 1995; the NSW Fisheries Management Act, 1994; and, the QLD Nature Conservation Act, 1992, the UN Convention on Migratory Species (CMS) and the UN Convention on Trade in Endangered Species (CITES). Therefore, Australian state, territory and federal governments are obliged to protect and promote the recovery of threatened species populations, rather than result in unnecessary mortality as seen in the bycatch results of the shark net trial in northern NSW.

**5. the adequacy and effectiveness of protections for critical habitat for threatened fauna under the Environment Protection and Biodiversity Conservation Act 1999;**

The proposed development at Toondah Harbour, Qld, will permanently destroy feeding habitat used by Eastern Curlews (80% decline in this species in the last 30 years) and other migratory shorebirds. At present, there is no evidence that feeding habitat can be recreated for the species, and the proposed remediation and rehabilitation offset projects within Moreton Bay will not provide sufficient replacement for the loss of feeding habitat caused by the development. In short, the proposal will result in a permanent loss of feeding habitat which is critical for Eastern Curlews in an internationally important site for the species.

The EPBC referral for exemption for the shark net trial in northern NSW which only identified one species of many threatened species that can be

harmed by shark nets. Migratory species such as Hawksbill and Loggerhead and Leatherback sea turtles which are supposed to be protected under international convention agreements have been proven to be impacted through death. The Federal Environment department did not consider these species when applying for the exemption.

The proposed dredging near Abbott Point in north Qld and proposed dumping of dredge into the Caley Valley Wetlands will affect numerous migratory shorebird species that use the critical habitat to feed and rest and roost.

So many conservation organisations are spending precious time and resources on legal challenges in relation to the Adani mine and other proposed mining developments that will affect the health of the Great Barrier Reef. There should be effective laws in place to protect the reef and other endangered animals before the extinction crisis becomes even more severe.

#### **6. the adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general;**

Many threatened seabirds and shorebirds do not have up-to-date recovery plans or any recovery plan at all. There are too many species of seabirds and shorebirds to list in this submission but you only have to look at the IUCN red list, the EPBC Act and other lists and compare to the recovery plans and you can see the contrasting differences in information or up-to-date plans in place.

When the EPBC Act was first passed into law, the listing of a species as nationally threatened triggered a legal requirement for the development of a National Recovery Plan; a document that captures current understanding of how present and past threats contributed to the species' decline and the key actions needed to recover the species. While such plans are not directly enforceable, a strong plan can impose measures to help protect a species, for example by identifying areas of critical habitat that must be protected, specifying limits to loss or specifying clear, time-bound management objectives for a species and its habitat. Importantly, the Environment Minister cannot approve an action that is inconsistent with a Recovery Plan.

Over time, Recovery Plans have become increasingly insipid as governments have sought to avoid strong prescriptions that might limit activities within a species' range or require resources for the implementation of priority actions.

In 2007, the EPBC Act was amended to allow the Minister to decide that a Recovery Plan is not required for individual listed species. In these cases, the only information required to be produced is a 'Conservation Advice' produced at the time of listing; typically, a much shorter document that provides a high-level perspective on why a species has declined and the "simple" actions that are required for recovery. Most Conservation Advices lack the detail required to implement recovery actions. Worse still, these documents are not binding on decision makers.

As the lists of threatened species have grown, funding for the development and implementation of Plans has declined. Today, most listed species don't have Recovery Plans. For those that do, Recovery Plans were mostly drafted long ago and have not been updated within the required five-year time frame.

Leatherback Turtle (*Dermochelys coriacea*) □ Vulnerable ~ Commonwealth ~ EPBC Act, 1999 □ Protected ~ NSW ~ National Parks and Wildlife Act, 1974 □ Vulnerable ~ NSW ~ Threatened Species Conservation Act, 1995 □ Endangered ~ Worldwide ~ IUCN Red List 2000 □ Endangered ~ QLD ~ Nature Conservation Act, 1992 □ Appendix I ~ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) □ Appendix I and II ~ Convention for the Protection of Migratory Species of Wild Animals (CMS)

Green Turtle (*Chelonia mydas*) □ Vulnerable ~ Commonwealth ~ EPBC Act, 1999 □ Vulnerable ~ NSW ~ Threatened Species Conservation Act, 1995 □ Endangered ~ Worldwide ~ IUCN Red List 2000 □ Vulnerable ~ QLD ~ Nature Conservation Act, 1992 □ Appendix I ~ Convention on International Trade in Endangered Species of Wild Fauna and □ Flora (CITES) □ Appendix I and II ~ Convention for the Protection of Migratory Species of Wild Animals (CMS)

Loggerhead Turtle (*Caretta caretta*) □ Listed as Endangered under the EPBC Act and under all State listings

Flatback Turtle □ Vulnerable ~ Commonwealth ~ EPBC Act, 1999 □ Vulnerable (Nature Conservation Act 1992 (Queensland) □ Vulnerable (Wildlife Conservation Act 1950 (Western Australia) □ Data Deficient (Global Status: IUCN Red List of Threatened Species)

Hawksbill Turtle (*Eretmochelys imbricata*) □ Vulnerable ~ Commonwealth ~ EPBC Act, 1999 □ Critically Endangered ~ Worldwide ~ IUCN Red List □ Protected ~ NSW ~ National Parks and Wildlife Act, 1974 □ Vulnerable ~ QLD ~ Nature Conservation Act, 1992 □ Appendix I ~ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) □ Convention for the Protection of Migratory Species of Wild Animals (CMS). Once again the above listings under various laws and conventions are indicative of the vulnerability of sea turtles and the resultant requirement that we manage them with caution. The life history characteristics of sea turtles make them particularly susceptible to human induced threats such as plastic entanglement or ingestion. One hundred percent of our sea turtles rescued have microplastic in their faeces and are slow to recover from such threats. A sea turtle may take up to 30-50 years to mature and will not breed every year. Sea turtles spend most of their life in the sea, are migratory, occupy different habitats at different stages in their life and do not nest every year, all characteristics which make population size estimates and management of these species very difficult.

**7. the adequacy of existing monitoring practices in relation to the threatened fauna assessment and adaptive management responses;**

The Environment Protection & Biodiversity Conservation Act 1999 is neither protecting the environment nor conserving biodiversity. The inherent weaknesses in the Act, including its exemptions, allowance for ministerial discretion and ambiguous definition of 'significant impact', allows strong scientific evidence to be ignored and protects decisions from being scrutinised or challenged. Recovery Plans can be left to gather dust because there is no legal imperative for their implementation, meaning many neglected threatened species are simply being left to their own devices.

The five main threats to sea turtles are – Climate change, marine debris/plastic pollution entanglement and ingestion, terrestrial chemical runoff, terrestrial predation of eggs by feral species and light pollution.

The biggest threats to seabirds is commercial fishing practices and marine debris/ingestion and entanglement and loss of habitat and predation of eggs by feral species.

**8. the adequacy of existing compliance mechanisms for enforcing Commonwealth environment law; and**

The Federal Environment Minister has the discretion to choose whether to use the EPBC Act to protect species and even where provisions exist, they are unlikely to be used unless it is politically favourable to do so.

The sunset clause can allow the Northern NSW net trial, even when it is already failing on bycatch levels and amount of target sharks caught to be conducted for another 3 years: This trial has been undertaken by the NSW Department of Primary Industries (DPI) under an exemption from the usual environmental impact and assessment processes in the EPBC Act because the trial of the nets was deemed to be in the 'national interest'. So far, the trial has seen the mortality of a range of threatened and protected species such as Leatherback, Green and Loggerhead turtles.