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## **Submission on the effectiveness of threatened species and ecological communities' protection in Australia**

The Clarence Valley Conservation Coalition (CVCC) is a Grafton-based community group which is run by volunteers and is self-funded. The group has been involved with conservation issues in the Clarence Valley and beyond since its formation in 1988.

In this submission the CVCC discusses matters largely to do with NSW. Because of time constraints we have been unable to make more detailed comments on all of the Terms of Reference.

### **INTRODUCTION**

The CVCC makes the following general comments about the current situation:

- The world is moving rapidly towards the second great species extinction.
- The actions of governments, individuals and non-profit organisations are not achieving the desired result in protecting threatened species and ecological communities.
- Governments at all levels realize the importance of the natural environment but the environment plays "third fiddle" to economic and social issues. This is because there is a general failure to realize that the environment is not separate to these other issues but that these issues are actually a subset of the environment.
- The growth economy, so beloved of politicians, is not sustainable.
- Population growth, urban expansion, land clearing, and rampant consumerism are all impacting on the natural world.

- There's an urgent need to draw the line on land clearing.
- There is a need to take into account cumulative impacts on the environment. "Death by a thousand cuts" is happening continually.
- Governments and planners fail to take into account the ecological carrying capacity of an area.
- Many people are divorced from the natural world and fail to recognise its importance to their well-being and the well-being of humanity into the future.
- State government departments are being hamstrung by the loss of staff as governments cut expenditure.
- Many state governments – and the NSW Government's attitude to the environment is a prime example – are out of touch with the people.
- There is a need to convince politicians that biodiversity loss is an urgent matter – not just something to which they can pay lip-service.
- Provision of "compensatory" habitat does not work in preventing biodiversity loss.
- Protection of threatened species and biodiversity in general needs to be better funded and this funding needs to be channelled effectively.

#### **(a) MANAGEMENT OF KEY THREATS TO LISTED SPECIES AND ECOLOGICAL COMMUNITIES:**

Below is some discussion of a number of key threatening processes.

##### **1. Red Fox.**

The Red Fox is listed as a key threatening process in NSW. The National Parks & Wildlife Service's (NPWS) Fox Threat Abatement Plan (FoxTAP) has involved targeted baiting of foxes particularly around areas where shorebirds such as Little Terns, Pied Oystercatchers and Beach Stone-curlews are vulnerable. While this program has had some success in relation to these shorebirds there are other threats to their survival and to their successful breeding. Chief among these is the activity of people accessing breeding areas despite signage about the significance of these areas. Dogs pose another threat. For example, Belongil Creek, near Byron Bay, which used to be a Little Tern nesting area, is no longer used by the Terns because of the activities of humans and dogs.

##### **2. Cane Toad**

The Cane Toad is another species listed as a key threatening process in NSW. The Cane Toad is spreading from the north and its advance front is the eastern portion of the Clarence Valley. From there it is spreading in a south and south westerly direction. There has been a disjunct population in Yamba for around 20 years and there are now satellite populations in Brooms Head, Townsend, Mororo, Woombah, Warregah Island, Micalo Island and Palmers Island. The spread of this pest is apparently being facilitated by its ability to "hitch a ride" on vehicles which is assumed to be the reason for its arrival as isolated populations in Port Macquarie<sup>1</sup> and Taren Point<sup>2</sup>.

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<sup>1</sup> A population of this pest was discovered in 1997 at Port Macquarie. Eradication there has apparently been successful.

In the Clarence Valley 10,417 toads were collected and euthanased between July 2011 and June 2012. Some of these were collected by contractors to NPWS, some were collected in the annual March Cane Toad Roundup at Yamba Golf Course while others were collected at the outlying areas (the new fronts) by volunteers working with the Clarence Valley Conservation in Action (CIA) Landcare group founded by Sharon Lehman. The CIA, with some grant assistance, is doing an excellent job in educating landowners about toad habits, toad-proofing farm dams etc as well as in collecting the pests.

It is our understanding that in recent years funding available to NPWS for this work has been reduced. Another important constraint to NPWS involvement in cane toad eradication has been the fact that much of this activity in our area has been "off park" and is therefore not really part of the NPWS role. Some of the funding that may have been directed to eradication activities has also been directed to research. We understand that Sydney University is doing research into a cane toad / tadpole trap. (The current light traps have not been successful in NSW.)

While the work of volunteers such as the CIA is helping to reduce numbers – and it is difficult to estimate by how much – quite obviously these efforts will not stop the advance of cane toads and their spread south and west.

The CVCC believes that Cane Toads and similar invasive pests should be listed under the Pest Control Act as noxious animals just as weeds can be listed as noxious weeds. Then landowners would be required to act to control the pests on their properties. It would, of course, be necessary for governmental assistance with this and for the regulatory authority to monitor compliance. This authority should have appropriate powers and funding to ensure it did this effectively. This should result in a much broader dealing with the issue than the current piecemeal approach where the government is not really giving the problem much attention and it's being left largely to volunteers.

### 3. *Phytophthora cinnamomi*

The root-rot fungus *Phytophthora cinnamomi* was also listed as a key threatening process in NSW (gazetted in December 2002). This fungus has been identified in the vicinity of the Shannon Creek Dam<sup>3</sup>, a major component of the Clarence Valley- Coffs Harbour Regional Water Scheme (RWS). Testing was done for the fungus in this area in 2004 with the results being negative. Between then and 2006 there was considerable pre-construction work including geotechnical surveys. Further tests in 2006 showed the presence of the fungus.

The RWS management had developed a Plan of Management for *Phytophthora* which included washdown stations and other measures. However the Plan was never implemented during dam construction despite a complaint from the Clarence Environment Centre (CEC). Eventually the CEC learned, through documents obtained under Freedom of Information, that the General Manager of the RWS had unilaterally scrapped the Plan several days before commencement of dam construction, apparently because the fungus was already present in the area. The government department for the environment (which may have been named the Department of Environment and Conservation at this time – the name has changed a number of times since then!) allowed this to happen.

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<sup>2</sup> Some years ago a population was discovered at Taren Point in Sutherland Shire. There the local Council and the NPWS have been working together on the problem. Around 250 toads were collected in the area between January and July 2010. <http://www.environment.nsw.gov.au/media/DecMedia10072001.htm>

<sup>3</sup> Shannon Creek Dam is a 30,000 ML off-stream storage south-west of Grafton in the Clarence Valley.

This incident highlights an issue which is of considerable concern to the CVCC – the effectiveness of authorities in ensuring compliance with Plans of Management and other measures such as conditions of consent. This issue is of concern across all levels of government. These measures are supposed to ensure that operations are carried out in an accepted manner. Yet very often the community learns that those managing these protective or mitigating measures avoid implementing them and do so with impunity. (This compliance issue is also discussed in Term of Reference (d) 2 iv) below.

## **(b) DEVELOPMENT AND IMPLEMENTATION OF RECOVERY PLANS**

In NSW recovery plans are being developed in terms of communities or landscapes rather than individual species. In Priority Action Statements (PAS) species are divided into species needing management at species level and others at the landscape level. Because of limited funding for threatened species, PAS have been drawn up to direct funding to the most viable populations in the state. This means that all other populations will not receive funding for their management. This could lead to fragmented distribution of threatened species in the future. If this happens, threatened species would survive in core areas but with little genetic diversity.

## **(c) MANAGEMENT OF CRITICAL HABITAT ACROSS ALL LAND TENURES.**

Comments made in Term of Reference (d) 2 below in relation to the National Parks estate also apply in this section.

## **(d) REGULATORY AND FUNDING ARRANGEMENTS AT ALL LEVELS OF GOVERNMENT.**

### **1. Funding**

The CVCC believes that funding is totally inadequate for threatened species protection, given that we are facing what has been called the second great species extinction. This has already been discussed in Terms of Reference (a)2 and (b) above and is discussed in Term of Reference (d)2i) below.

### **2. Regulatory Arrangement**

With regard to regulation for biodiversity and threatened species protection, the CVCC believes governments frequently opt out because of political expediency or the ideological conviction of elements in their political parties. The National Parks estate plays a critical role in providing sanctuary for threatened species. Yet this estate in NSW is increasingly threatened by the demands of interest groups seeking approval for inappropriate activities in these reserves – activities which are inimical to the core function of biodiversity conservation.

This is of grave concern at a time when environmental degradation and species loss is alarming an increasing number of scientists and community members. Governments and those entrusted with managing our remaining natural areas should be taking a much more precautionary approach than they have been in recent years.

In NSW the move to allow access to the National Parks estate for inappropriate activities has occurred under both the previous Labor Government and the current Coalition Government.

#### i) Hunting in the National Park Estate

The national parks estate is where the community would expect that threatened species and biodiversity in general would be protected. However, the current NSW Government has shown a cynical indifference to the biodiversity protection role of the community's parks in the National Parks estate. It is allowing hunting in 79 of these reserves on the pretext that recreational hunters will do the work of eradicating the feral animals which threaten the native species in these parks. And some feral animals obviously impact on threatened species. However, there is no evidence that these amateurs, whose primary interest is in their sport – and in the continued existence of their target species - have any altruistic interest in benefitting biodiversity conservation.

Whether the number of reserves open to hunting will remain at 79 is open to question. Robert Borsak of the Shooters and Fishers Party has indicated that he expects all but about 40 of the National Parks estate to be opened up to recreational hunting<sup>4</sup>. And recent events show that the Government continues to cave in to this minority group in order to have its legislation pass through the Legislative Council.

Another question relates to government funding of feral control programs conducted in national parks by those with expertise in this area – the rangers employed in NPWS. Will the government use the presence of recreational hunters as an excuse to further erode the funding to National Parks management – funding which has declined in recent years?

Hunters licensed by the NSW Game Council<sup>5</sup> have had access for some years to State Forests and other Crown Land areas for hunting. In the twelve months prior to the end of April this year, the NSW Game Council estimated licensed hunters killed 15,663 animals, mostly rabbits, on these public lands. This is scarcely an impressive record of feral animal eradication, particularly when these recreational hunters had access to 400 forests and crown land areas.

Moreover, there has been no assessment – scientific or otherwise – of the effectiveness of recreational hunters controlling feral animal species in any of the public lands to which they have had access for years.

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<sup>4</sup> <http://www.smh.com.au/nsw/shooters-mp-foresees-hunting-in-all-but-about-40-nsw-national-parks-20120625-20yme.html#ixzz1yw1OdSsH>

<sup>5</sup> The NSW Game Council was established in 2002 by the former Labor Government as a result of a deal with the Shooters and Fishers Party. From its current annual budget of \$3.8 million, one third is funded from licenses and the rest directly by NSW taxpayers.

Indeed there appears to be little, if any support, for claims by the NSW Game Council or the Shooters and Fishers Party, that such hunting is effective. In an essay published on the Invasive Species Council website (<http://www.invasives.org.au>), *Is recreational hunting effective for feral animal control?*<sup>6</sup> Dr Carol Booth debunks the claims of the Game Council.

#### ii) Grazing in National Parks

The NSW Government has shown a further disregard for the core purpose of the state's national parks in recently announcing trial grazing in some of the newer National Parks. The Government has claimed that this will be "established and monitored under scientific conditions" and that "lands that are subject to the grazing trial are regulated under the Threatened Species Conservation Act 1995 and the National Parks and Wildlife Act 1974."

<sup>7</sup>Grazing is scarcely compatible with either of those Acts. And then, as this is a "trial", there is the question about what will happen following the conclusion of this trial. Will it be expanded to other National Parks?

#### iii) Inquiry into the Management of Public Lands in NSW

There are concerns that the current Legislative Council Inquiry into the Management of Public Lands in NSW<sup>8</sup> will recommend further undermining of the biodiversity protection role of reserves in the National Parks estate.

#### iv) Compliance

Compliance is a major issue in relation to regulatory arrangements. [This has already been referred to at the end of Term of Reference (a) above.]

When conditions are imposed on an activity or development, it is essential that monitoring takes place to ensure that the conditions are being adhered to. If this does not happen, there is little point in imposing conditions. The CVCC is more familiar with the failure of compliance matters in relation to local government but it is aware that this is an issue as well with the other two levels of government.

An example of the inadequacy of ensuring compliance is given below. This is not an isolated case.

Some years ago a developer submitted a Development Application to Clarence Valley Council for a rural residential subdivision in Burragan Road near Coutts Crossing (south-west of Grafton). The development was allowed to proceed despite the existence of threatened species. Council imposed a number of conditions on the development. There were numerous

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<sup>6</sup> [http://www.invasives.org.au/documents/file/reports/EssayProject\\_RecHunting\\_FeralControl.pdf](http://www.invasives.org.au/documents/file/reports/EssayProject_RecHunting_FeralControl.pdf)

<sup>7</sup> <http://www.environment.nsw.gov.au/policies/grazingtrial.htm>

<sup>8</sup> The terms of Reference for this Inquiry may be found at

[http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/18b4c6b001e0d367ca2579e9000215c2/\\$FILE/Terms%20of%20reference.pdf](http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/18b4c6b001e0d367ca2579e9000215c2/$FILE/Terms%20of%20reference.pdf) The report from this inquiry is due on 30<sup>th</sup> April 2013.

breaches of these conditions but no effective policing of them. It appears that Councils such as Clarence Valley Council lack the staff and/or funding – and perhaps even the will - to check that conditions are being adhered to. And of course, developers know that compliance monitoring is weak or non-existent which almost certainly leads to more breaches of conditions.

### **3. The CVCC believes:**

- All levels of government have a responsibility to their communities and to future generations of humans to protect biodiversity in the areas they administer.
- All levels of government also have a responsibility to the other life forms in the ecosystems on which they and we, as humans, depend for the ecosystem services they provide (e.g. clean air and water).
- Proper scientific research is not receiving adequate funding.
- Scientific research is essential for a proper understanding of threats to species and how these threats can be best managed.
- Federal funding should be available to other species in addition to those listed federally.
- While volunteers may play a part in biodiversity conservation and threatened species protection (for example – through WIRES in NSW and schemes such as Land for Wildlife) it is not reasonable to expect that volunteers should shoulder the burden for this conservation and protection.
- Where grants are being made to community groups, it is essential that there is appropriate oversight to ensure that the money is being used effectively – and that there is a proper reporting process in place.

#### **(e) TIMELINESS AND RISK MANAGEMENT WITHIN THE LISTING PROCESSES.**

The CVCC believes that if more funds were provided for the on-ground scientific work, we could have a much more efficient system of nomination and listing.

While acknowledging the necessity for a rigorous formal process in the listing process at both the state and federal level, the CVCC is concerned at the length of time a listing may take. An example of this is the years taken to list the koala federally. In NSW koalas had been listed as vulnerable for years. Of course, federally this was a complex case because of the different status of koalas in different parts of the country. However, in our region and in south-east Queensland koala numbers continued to slide dramatically while scientists and politicians shilly-shallied.

Then there is the question of the effectiveness of the listing. At one level this was illustrated by the well-publicised comments of Campbell Newman, Premier of Queensland, who deplored the federal listing as more green tape which would harm the building industry in his state. Just how committed is the Queensland Government to ensuring that its koalas survive in healthy viable populations?

This Campbell Newman comment highlights the importance of both community education and

the education of politicians. There is some hope with the community because of the iconic status of koalas but educating politicians is another matter. It is an almost impossible task given the mindset of some of these people who are obsessed by economic imperatives and fail to see that the economy is a subset of the environment and that biodiversity loss will ultimately affect the ecosystems on which we all rely.

On another level, just what practical effect will the listing have on protecting koalas in Queensland and our area of northern NSW? So much depends on the determination of the federal government to ensure that the protection works. And unfortunately there is always the possibility of interference by politicians as a matter of political expediency.

However, the success of this listing depends on other levels of government also accepting their responsibilities and, quite frankly, they do not have a good record in this matter.

#### **(f) HISTORICAL RECORD OF NSW STATE GOVERNMENT ON THESE MATTERS**

Considering the political and financial constraints since the Threatened Species Conservation Act (1995) was enacted, the management of threatened species and ecological communities has certainly improved. Despite these improvements, we are still losing too much habitat in NSW. This is due to many small decisions at the local and state level that result in piecemeal loss of habitat because of urban expansion, agricultural activities and extractive industries. Often these impacts are driven by economic and political imperatives that are often given far more weight than biodiversity loss.

The CVCC is particularly concerned about the current state government's attitude to the environment. It appears to be committed to unravelling past environmental gains rather than looking to make the necessary changes to ensure improved threatened species and ecological communities protection.

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