

BIODIVERSITY LEGISLATION REVIEW

Submission by
R.W. Medd PhD

There is a general malaise about nature and biodiversity. A belief that no matter what mankind throws its way, nature will heal itself and biodiversity will prevail.

How wrong.

And the evidence – a human-made mass extinction of species is eroding not just NSW but the world due to complacency, ignorance and greed.

I am a lifelong resident of NSW, growing up on the family farm in the Upper Hunter before undertaking secondary and tertiary education elsewhere. I graduated from Agricultural College with honours before undertaking a Rural Science degree, also graduating with honours, and have a PhD in Applied Weed Science. Based primarily in Orange my career of 40 + years served the State as an Applied Weed Scientist, providing advice and developing new technology for farmers, leading scientific groups and training new scientists. I have been a member of the local Field Naturalist and Conservation Society for over 30 years. In my retirement I am studying and documenting the native flora of the Central Tablelands (CT) where agriculture west of the Great Dividing Range started almost 200 years ago, at Bathurst in 1815.

The native flora of the CT has never been scientifically documented, in part because botanists have considered it too degraded and uninteresting to bother with. By my estimation there are at least 1,200 native plant species in the region, more than half of which are inadequately represented on local conservation lands. Thirty four of these species are endemic to the region, 26 are listed under the Threatened Species Act, a further 20 species have ROTAP listings and probably around 18 species, which have not been recorded in the area for over 100 years, could be considered regionally extinct. Besides that, riparian ecosystems have been decimated and as for roadsides, they have been overrun with exotic species spilt over from agriculture and other environmental disturbances such as mining. There are upwards of 800 exotic plant species in the region - an abysmal legacy of lax biosecurity.

The rhetoric of farmers and allied organisations that the Threatened Species Act ‘red tape’ needs to be cut in order to provide better environmental outcomes is a pure nonsense when weighed against the record I have outlined above. In 200 years, agriculture has provided a dismal record in the CT, and that is just for plants, in one region of the State. Animals have fared even worse and there is well grounded evidence that woodland bird species have declined and continue to do so because of native vegetation clearing and loss of habitat. Agriculture has wreaked havoc on biodiversity.

But farmers should not shoulder all the responsibility – poor regulation is equally to blame. Individual farmers are primarily concerned with managing ‘their lot’ – they do not see or care

too much about the bigger landscape. That is precisely why overarching legislation, leadership and the provision of expertise and guidance by governments is required to protect the whole, to ensure connectivity between remnants and guide the repair and restoration of degraded systems. It is also why it is imperative that NSW ensure provisions be strengthened to reduce loopholes allowing clearing without a *Property Vegetation Plan*.

It is beholden on governments to protect us from ourselves and not only maintain nature and biodiversity but improve it through legislation and stewardship. The laws in place need to not only be maintained but strengthened to prevent NSW from becoming a wasteland of invasive species. How shameful will that be? Instead we need to conserve a place so rich in the inherent biodiversity that future generations, my grandchildren and theirs, will be able to appreciate it.

Based on my scientific knowledge, understanding of farming systems, appreciation of nature and for all of the reasons outlined I submit that the *Native Vegetation Conservation Act* (2003), *Threatened Species Conservation Act* (1995) and *Environmental Planning & Assessment Act* (1979) are vitaly necessary to mitigate destructive effects on biodiversity and habitat. The principles of ecologically sustainable development must be enshrined in a strong and workable legislation, along with an end to broad-scale land clearing across NSW. The offsetting 'like for like' principle should clearly be strengthened to ensure that the net loss of biodiversity is minimised for development approvals that significantly impacts native flora or fauna, not just threatened species. The necessary work of the *Independent Scientific Committee* under the TSC Act must be maintained to ensure those species deemed under threat are overseen by impartial professional advice of the Scientific Committee.

Management must be based on objective science-based decision making criteria (such as the *Environment Outcomes Assessment Methodology* under the NV Act), and discretionary decision making should be discouraged. In that regard, I note the incremental erosion of the scientific base in NSW does not bode well for future conservation of nature and the protection of biodiversity. Biodiversity legislation needs to be strengthened, not curtailed or streamlined, as any relaxation of regulation will see an acceleration of decline in biodiversity. Resilience of many species and ecosystems has been so compromised that wholesale collapse is foreseen if laws, their oversight and implementation are weakened.

Remember, it takes around 100 years or more for hollows to form in certain gum trees – the wanton destruction of any isolated remnant old tree is a further incremental loss of 'homes' and threat to biodiversity. That is why I consider *Routine Agricultural Management Activities* should continue to be restricted to genuinely low impact activities.

The National Parks of NSW and other lands in the 'Conservation Estate' must continue to have biodiversity conservation as their primary objective and focus. Any corruption or compromise of this objective, such as commercial development, is counterproductive to improving and maintaining environmental outcomes. *The National Parks and Wildlife Act* 1974, I submit, plays such a pivotal role in fostering biodiversity that any softening or cutting of resources will send the strongest and most shameless signal that biodiversity is irrelevant to the NSW Government.