

Dear Biodiversity Review Panel,

I am writing to comment on the Issues Paper drafted by the Biodiversity Review Panel.

I am frightened for the future of our flora and fauna. I feel that governments are increasingly supporting industries and processes that degrade our diminish our natural environment. I also worry that governments don't even currently fulfil their environmental obligations. A classic example is the federal endangered species legislation that requires states to have action plans for all endangered species. Currently governments do not enforce their own environmental laws. In the case of the biodiversity offsets for Whitehaven coal, no one from any government department checked any of their field surveys. It seems that our current and past government don't care if their rules are followed. In the case of Whitehaven coal the field surveys were at best 5% correct. The court said it could not stop the clearing. The only thing that could be done was the company could be prosecuted. This seems to ignore the really important fact of the laws being there to protect the environment and it's biodiversity. Some habitat and species have really bad prospects for their survival right now. This will be exacerbated with a changing climate. You need to do something now that will preserve what we have and allow those animals to exist as viable populations into the future. The role of government is to protect public assets not destroy them.

The UN decade on biodiversity, which began in 2011, recognises the global challenge posed by the dramatic decline in species. NSW is contributing to this trend and the Review into conservation legislation is an opportunity to reverse it.

The Review must set a clear goal to reserve the decline in biodiversity and restore ecosystem function across NSW. Below is an overview of significant issues that must be addressed by the Review.

Existing protections are not enough

Existing biodiversity and conservation laws, including the Native Vegetation Act 2003 and Threatened Species Conservation Act 1995, must be maintained and strengthened. This includes a clear commitment to end broad-scale land clearing across NSW, and a commitment to 'no net loss' of native vegetation.

The existing framework of conservation legislation has slowed biodiversity loss, but it is not enough to stop species' decline.

Objective decision making must lead to improved environmental outcomes

The principle of "improving or maintaining" environmental outcomes should retained, and extended so that it applies to all development activities.

Decisions must be based on objective science-based decision making criteria (e.g. Environment Outcomes Assessment Methodology under the NV Act), and discretionary decision making should be very limited.

Biodiversity offsetting must be done well

The purpose of offsetting is to ensure than any development that affects biodiversity leads to an overall improvement for wildlife and species. It is important that rules around biodiversity offsetting reflect this key principle.

Where development is approved that significantly impacts native flora or fauna, the 'like for like' offsetting principle is fundamental and must not be weakened.

Retain the Independent Scientific Committee

The role of the Independent Scientific Committee under the Threatened Species Conservation Act, to decide which species are threatened and deserve special protection, should be retained. Listing of threatened species must continue to be based on the professional advice of the Scientific Committee.

Summary

This review provides a once in a decade opportunity for improving our conservation and biodiversity legislation for posterity. It is absolutely critical that we use this opportunity by taking an evidenced based and scientific approach with a goal towards improving biodiversity across New South Wales.

Yours sincerely,
Kylie Jones