

Submission from *Rewilding Australia* *Incorporated* on Independent Biodiversity Legislation Review Panel Issues Paper

Prepared by [REDACTED] for Rewilding Australia Inc.

Introduction

Regarding the terms of reference that has set the scope for the review; the point should be made that two of the objectives of the NSW Government; to (i) *support sustainable development* and (ii) *reduce red tape* seem to be a counter-productive message in terms of biodiversity protection.

A vastly more appropriate objective, one which any Review Panel should work towards, and wording for the objectives of legislation being designed to protect biodiversity would be legislation that aims to (i) *prevent unsustainable development* and to ensure *legislative oversight over development that impacts on biodiversity*.

Addressed in this Submission are:

- Theme 1, qu. 1;
- Theme 2, qu. 1, 2 & 4; and
- Theme 5, qu. 1, 2, 4 & 5.

Theme 1: Objects and principles for biodiversity conservation

1. Should there be an aspirational goal for biodiversity conservation?

There should be an aspirational goal for biodiversity conservation in NSW. The first NSW Biodiversity Strategy released in 1999 had a goal “to protect the biodiversity of NSW”, which is vague and un-inspirational, and open to dampening the intent of the goal.

The aspirational goal for biodiversity conservation in NSW should be to *actively protect and restore complex ecosystems to their natural state*. Here the impetus should be placed on enhancement of biodiversity, not just stemming the flow from an environment which is already substantially degraded in terms of biodiversity loss.

The rationale for this approach is that without an active attempt at reintroducing lost species into the environment, the existing state of the environment functions poorly.

For example, the decline of many of our smaller ground dwelling mammal species such as the bettong and potoroo means that less nutrients and seeds are dug back into the soil, resulting in an increase in leaf-litter loads on the surface and reducing nutrient availability for plants. The resulting ecosystem is more fire-prone and less diverse.

It is no good just protecting the existing level of biodiversity – with a wide array of *key threatening processes* impacting NSW ecosystems. NSW requires novel concepts, active management and intervention that will restore lost complexity.

Theme 2: Conservation action

- 1. Is the current system effective in encouraging landowners to generate public benefits from their land and rewarding them as environmental stewards? Or are current mechanisms too focused on requiring private landowners to protect ecosystem services and biodiversity at their own cost?**

Supporting landowners involved in novel conservation actions

The current system is not nearly effective enough in encouraging landowners to conserve or enhance biodiversity. There is very little incentive for a small, medium or large-scale farmer/landowner to do anything to their land in terms of biodiversity management. Beyond accessing the occasional *landcare* or *catchment management* grant for trees or fencing, and which do not generally support protection of biodiversity from key threatening processes, there is little direction provided to landowners on how best to conserve existing biodiversity, and certainly even less on how to enhance biodiversity.

A lock it up and leave it approach does not work in an environment that is overrun with pest animal and plant species - and as has been shown in NSW, this lock it up approach is likely to be exacerbating the rate of biodiversity loss.

Using a South Australian example, which applies equally to NSW; a property owner has fenced off his part of his land to protect it from the ravages of foxes, cats and wild dogs. His 'Food Forest' (www.foodforest.com.au) is highly productive and provides a model medium scale agricultural system that could be replicated across much NSW rural landscape. The owner has introduced the highly endangered *bettong* to his property, which turns over the soil, adding nutrient rich leaf litter to the ground, and keeps weed species at bay through their grazing. His biggest problem in the past has been working out what to do with excess bettongs. He's requested the Government provide predator proof sanctuaries within their National Parks, so excess stock can have somewhere safe to go, to no avail. His Food Forest has been far more effective in conserving bettongs than most Government programs, yet he receives no incentive or support from Government in the way of subsidising fencing materials or by the Government utilising National Parks to provide a network of larger-scale protected lands for free-roaming reintroduction of species. So the bettong ultimately suffers an ongoing decline in the wild.

Listing the fox as a pest and providing improved support to control foxes

In NSW the introduced Red Fox is not classified as a pest. Essentially, there is no legal requirement for landowners to undertake control on their properties. Further, in NSW a person is allowed to keep foxes in captivity, as a pet. There is something critically amiss

when you would receive a significant fine or prison sentence for keeping a native mammal, such as a sugar glider in captivity in NSW, but you are free to keep the most destructive land predator ever introduced to the Australian continent.

2. Are there elements of the current system for private land conservation that raise impediments (for example, the binding nature of agreements and potential loss of production) for individuals who want to manage their land for conservation? If so what are they? What incentives might be effective, efficient and equitable in promoting biodiversity conservation on private land?

Selling the message correctly – of the benefits that conservation brings

A new message of the benefits of conservation needs to be tailored to landowners. If the Government sells the message that conservation is an impediment to production, or provides binding agreements, there will always be resistance from landowners in terms of their willingness to conserve. Conservation can add to the production capacity of land, in terms of nutrient replenishment of soil, drought-proofing, prevention of water and wind erosion, and providing shelter for stock.

A relevant example of the benefit that an agriculturally landscape receives from a healthy ecosystem complete with a full assemblage of apex predator species is found in Jones (1923, pp. 91-92); who noted that the absence of eastern quolls from much of its former range was viewed by many land-owners as a loss, and that many people would welcome its return in order to keep mice plagues within check. Jones stated that there was no doubt that as a predator of mice, rats, and young rabbits the eastern quoll played an extremely useful part in Australian rural economy and was a real asset to the country.

Government interaction with landowners needs to approach conservation in terms of the benefits that it can provide landowners, not only from the intrinsic value of conserving biodiversity, but from the economic benefit it can provide. There are plenty of landowners in NSW that would adopt land management practices that actively restore ecosystems if the message can be better tailored.

4. How should the government determine priorities for its investment in biodiversity conservation while enabling and encouraging others (e.g. community groups) to contribute to their own biodiversity conservation priorities?

Investment in improved fox control

Government should determine the priorities in investment in biodiversity conservation by better responding to the *Key Threatening Processes* operating in NSW. It is clear that the red fox, followed closely by the cat has had the most impact on NSW biodiversity. There is a critical underinvestment in fox control and seeking out a longer term solution to the fox in NSW. Developing a fox immune-contraceptive bait should be revisited by both NSW and Federal agencies (CSIRO) as a priority.

At a grassroots / community level, communities could be encouraged to participate in a coordinated program of baiting and shooting – which has *never* been undertaken in NSW. A program could be modelled on the Western Australian program ‘*Operation Western Shield*’ and aim to ensure a whole community approach to fox control, which relies on baiting programs coordinated to occur at the same time of the year and at similar intensity across the landscape.

Predator-Proof Wildlife Fencing

Protective wildlife fencing allowing free-ranging species should also be used more prominently for biodiversity management, and the positive impact of reintroducing many of our highly endangered species should be monitored and evaluated to provide data to support the positive role these small mammals or ‘ecosystem engineers’ have in the environment. Successive species reintroduction programs have failed as a result of animals being released into unprotected areas – whereas predator proof sanctuaries have allowed most species to thrive.

A recent study on small mammals in Tasmania (which now only exist in extremely low densities and across a restricted range in NSW) demonstrate the effectiveness of these species at reducing bushfire intensity (by burying leaf-litter) as well as in regeneration of native plant species (by burying seeds). It is clear that developing strategies to reintroduce these species across the landscape should be a priority investment avenue. For example, private landowners could be encouraged to provide predator proof fencing in high fire-danger areas, where small mammals could thrive and reduce bushfire loads.

Significant impediments to such avenues exist for private landowners. Impediments include accessing native mammals that could be reintroduced into predator-proofed areas. For example, it would be far easier for a landowner to put up a fence and breed cats than it would to introduce our very own native marsupial ‘cat’ the eastern quoll. This needs to change.

Reestablishing, or ‘Rewilding’ lost apex predator species

Developing methods to use natural control mechanisms for feral pest species should also be evaluated as a priority. This low cost, [potentially] high value strategy, which requires [relatively] little long-term human intervention should seek to determine the interaction between the fox and a reintroduced population of Tasmanian devils. Anecdotal evidence suggests that Tasmanian devils may have prevented the establishment of foxes on at least 6 occasions in Tasmania over the past century and a half, and may prey on fox cubs. If devils do suppress fox populations, then reintroducing them to their former NSW range may prove a highly effective mechanism for landscape-scale fox suppression.

Theme 5: Wildlife management

1. Have the threats to biodiversity posed by: (a) people taking animals and plants from the wild, (b) feral animals and weeds, and (c) illegally imported species, been effectively managed?

The threat to biodiversity posed by (a) people taking animals and plants from the wild is probably overstated, and is likely to be the lowest level of threat to NSW wildlife. There will always be a black-market for native wildlife, however Government should aim to reduce this market by improving legal access to appropriate species, if a person is able to appropriately house, care, or for example, be part of a coordinated breeding program for some of our rarer species. Many of our rarest species are notoriously easy to breed, given the correct conditions.

2. Has the NPW Act and the supporting policy framework led to a positive change in the welfare of native animals (captive and free-living)? What role if any should the government have in ensuring the welfare of individual native animals – particularly where there are already stand-alone welfare laws such as the Prevention of Cruelty to Animals Act 1979?

Animal welfare

Animal welfare should always be of concern, however past experience has demonstrated that setting the priority of animal welfare to protect an individual animal, can come at the detriment of the entire species.

NSW National Parks and Wildlife Service Policy of not allowing quolls and other mammals to be kept in captivity, under a rigorous keeper licencing scheme (of which operate in Victoria and South Australia), is, and will continue to contribute to the under-appreciation and longer term decline in many mammal species in NSW. This policy was developed many decades ago under the guise of the potential animal welfare concerns for individual animals. It has resulted in the total loss of this species in the wild – and no NSW eastern quoll stock remaining in captivity. As a result, all eastern quolls now in wildlife sanctuaries on mainland Australia are derived from Tasmanian stock.

It is a shocking state of affairs when the NSW National Parks and Wildlife Services own website states that native animals such as sugar gliders, bandicoots and quolls make bad ‘pets’ because “*They generally cannot be enjoyed in the same way as a dog or cat*”. The response to this statement is that many people, are not looking for the type of enjoyment that a cat or dog offer, and would much rather learn about our own native fauna.

This sort of thinking will ensure that our native marsupial species remain undervalued, and by many; completely unknown. Many residents of NSW don’t have a clue what a sugar glider or a quoll is; and the unknown is always unappreciated and undervalued.

Liberation of [Native] Animals

Another aspect of wildlife management in NSW requires clarification, which even the NPWS Wildlife Licencing and Management Unit has been unable to establish, or communicate to the scientific community is that under the *National Parks & Wildlife Act 1974, Section 109 Unlawful liberation of animals*; the existing legislation does not provide clarity on reintroducing extinct animals into the State, with particular respect to Tasmanian devils. The fact that the NPWS is reluctant to acknowledge that the Tasmanian devil is a former resident and native animal to NSW (that is now extinct as a result of a pest species being introduced into Australia) is a frightening position, particularly to the scientists who see the potential benefit in reintroducing the devil to the mainland in an effort to (i) suppress fox numbers and (ii) to restore a degraded ecosystem that requires the return of native apex predator species.

Foxes & cats

While provisions on managing foxes and cats are found in the *Rural Lands Protection Act 1998*, the *NSW Companion Animals Act 1998*, and the *Game and Feral Animal Control Act 2002*, which are not currently under review, it is essential that the *National Parks and Wildlife Act* incorporate legislation (i) to prevent foxes being kept in captivity in NSW (ii) to allow roaming cats to be seized in public places and to (iii) classify the fox as a pest species, which is not currently the case in NSW. These additions to the legislation would bring about

a paradigm shift in current pest animal management and highlight the requirement for a more suited approach to fox and cat management in NSW.

4. Is the current framework for wildlife licensing, offences and defences, including those applying to threatened species, easily understood? Is the current licensing system too complex? How can it be improved and simplified to focus on conservation outcomes?

See response above to question 2, theme 5, which incorporates a discussion on the *conservations outcomes* issue.

5. Is there currently appropriate regulation for the sustainable use and trade of wildlife?

The current framework for wildlife licencing could be vastly improved and should be reviewed as a priority. See response above to question 2, theme 5 which incorporates a discussion on the *sustainable trade of wildlife*.

Any review however should seek to ensure that an expanded licencing scheme incorporating native mammals form part of a landscape-scale wildlife management approach in NSW.

Rewilding Australia Inc. is a strong advocate for the keeping of both spotted-tailed quolls and eastern quolls in captivity, if sufficiently housed, regulated (i.e. checked for animal welfare), and are part of a stud-book that is managed by either the Government, or probably more suitably; a private wildlife management organisation involved in breeding quolls. There is no reason that there could not be a thousand small 'sanctuaries' that housed quolls throughout their former range whose aim was to provide protected 'founder populations' of quolls that could potentially be released back into the environments in areas where effective feral pest control had been undertaken.

In April 2013 Victoria's Department of Sustainability and Environment added 11 species of mammals to the species listed in their schedules, allowing the keeping and trading of these species, and reduced the regulatory restrictions on five other species. These changes were based on consultation with industry representatives, consultation with relevant experts and an assessment of a range of criteria for each proposed change. The assessment criteria included the risk of take from the wild (the availability in the captive trade), the ease of husbandry, the conservation status of the species and the potential for it to become established as a pest should it escape. NSW should adopt elements of this system (i.e. species listed on the Victorian Schedule of mammals - refer to the VIC DSE's Regulatory Impact Statement Wildlife Regulations 2013). This system should be complimented with a rigorous licencing methodology that aims to ensure accessibility of animals for welfare checks and which links mammal licence holders to other keepers and breeding programs. The ultimate aim being to ensure breeding is undertaken primarily to maintain suitable genetic diversity within a species as well as to provide stock for species reintroduction programs.

END OF SUBMISSION