

Independent Biodiversity Legislation Review Panel

Personal Submission – Jane Judd

I write as a person with many years experience of biodiversity conservation at a personal and a political level. I live in Coonabarabran. I have been a member of NPWS Regional Advisory Committees since the early 1980s. I was on the NPWS Advisory Council for 8 years, chairing it for 2 of those years. During this time I was part of the consultation process of developing policy around this issue. My husband and I owned a farm which has become protected as an Aboriginal Area so I understand the perspective of the landowner. I am on the Environmental Flows Reference Group for the Macquarie and Cudgegong Rivers

This is a worthwhile review and a good first step in protecting our biodiversity. But we are starting at the wrong level and asking the wrong questions.

Unless we as a society value biodiversity, no legislation will protect it. One hundred years ago, at Federation, we valued the natural assets that made Australia unique. We now treat them as lacking in any value and are willing to sacrifice them to allow development, always taking the easy option of impacting natural areas rather than purchasing back private property.

There appears to be a lack of commitment to improved conservation outcomes by government at all levels. This may come down to the lack of genuine knowledge about the functioning of ecosystems by the participants and their advisors. There needs to be a change of government rhetoric to value natural areas, not criticize and undermine them. For this to happen we need education at the highest levels.

From now on the highest priority should go to good environmental outcomes. And the place to start with this is to work on our leaders, decision-makers and those who influence opinions. There may be a need for some sort of education and information program for them rather than just focusing on the landholders.

Theme 1: Objects and principles for biodiversity conservation.

Since European arrival in Australia activities for the benefit of humans have predominated. Land has been cleared, natural resources have been overexploited and invasive species have taken over.

The way to satisfy our responsibilities under the International Convention on Biodiversity is not to reduce the protection of what we have left but to enhance it. It is not the conservation laws which are failing but the ongoing prioritising of development and exploitation of our environment over its protection.

The current State Plan commits “to protect high value conservation land, native vegetation and biodiversity” and yet government planning decisions constantly eat away at the areas needing to be protected. This ranges from allowing encroachment into natural areas of built public recreation areas and car parks, to

allowing the wholesale destruction of Leard State Forest to allow Whitehaven to develop a coal mine.

In the mean time current legislation should not be weakened on the grounds of “increasing regulatory efficiency” or “encouraging economic development.” In all cases we need to consider the environment first, we’ve got little enough of it left.

The introduction of the Native Vegetation Act has been instrumental in reducing the rate of clearing and protecting vital natural areas. It should be further strengthened to plug loopholes and assess regrowth for environmental values.

Theme 2: Conservation Action

Consideration should always be given to cumulative impacts. While each proposal is considered on its individual merits there is gradual whittling away of what is valuable.

High conservation value land, at least 15% of each bioregion, should be identified in a tenure blind manner. These areas should be protected at all costs, if necessary providing ongoing compensation to landholders, purchasing where necessary and preventing adverse development in those areas.

Individual species recovery plans have also acted against effective conservation. We instead need to change focus to suites of species and their corresponding landscapes with recognition of good management by landholders, whether public or private, and strong action against poor managers and those that flout the system.

Theme 3: Conservation in land use planning

Review classification of all public lands, especially that set aside in reserves. Many areas presently classified as National Parks would be better served by being Nature Reserves. Many small individual reserves should be combined with other nearby, similar reserves. And the State Conservation Area classification for many areas should be reviewed as required by law after 5 years when no moves towards mineral extraction have taken place in that time period.

There may be some value in biodiversity certification as long as it is not constantly revisited and protection of important places downgraded to allow later development.

Plans of management for natural areas need to be broad enough to allow a variety of practices not allowed at present. Fire is a case in point.

The current aims of NPWS fire management strategies are essentially the protection of assets. The third aim mentions biodiversity but asset protection seems to take priority. These aims need to be revisited to encourage the use of fire to enhance ecological outcomes. There has been considerable research into

the ecological use of fire both here and in the US (Watson 2001; Brockway et al 2002; Harrison et al 2003; Bradstock et al 2005).

Authorities are quick to dismiss Aboriginal fire management strategies. While specific local detail may have been lost, much of the general process continues in Northern Australia and is explored in detail in *Culture, Ecology and Economy of Fire Management in Northern Australia* (J Russell Smith, P Whitehead, P Cooke: CSIRO Publishing: 2009 and Lewis 1989). Bill Gammage's book, *The Greatest Estate on Earth*, documents a landscape, shaped by fire, which supported a biodiversity much greater than now. These burning practices can best be described as small and patchy, working at a microscale with cool season burning to develop a fire break months prior to the much hotter burn required to eliminate some species presently described as Invasive Native Vegetation.

In "Old Days, Old Ways" 1934 (pp152/3), Dame Mary Gilmore describes Wiradjuri burning practices observed by her. "Red Steers and White Death" by George Mann in *Australian Humanities Review*, Issue 33, October 2004, analyses non-Aboriginal views of fire usage to manage landscape.

The application of important land clearing laws should be extended so that all development subscribes to the same policy of "improving or maintaining" environment outcomes. This should apply to extractive industries such as coal mining. It should also apply to forestry, urban development and agriculture. Laws need to recognize that not everywhere was forest, that some areas were natural grasslands or open woodlands and should remain as such.

Theme 4: Conservation in development approval processes

Biodiversity offsets do not work. They destroy good quality areas, apparently preserving areas elsewhere. These may be degraded and require rehabilitation. It is always less expensive, less time consuming and more effective to preserve good areas than to rehabilitate poor areas. And you still lose the good quality area. Not like for like

Offsets encourage roting. The same areas are being used as offsets in more than one proposal. Land set aside as offsets was subsequently claimed by the industry for development as with coal mines in the Hunter.

Mitigation of impacts is similarly flawed. The impacts are still there, whether they be light, noise or air pollution, soil or water contamination or fragmentation of quality bushland. It would seem that the impacts of the invasion of the coal seam gas industry in the Pilliga will be dealt with by an attempt at mitigation.

Government decision-making bodies need to have the right to say no, not just put conditions on a licence. Basing decision-making on a sound scientific basis must be embraced. Discretionary decisions undermine good conservation outcomes and open decision-making to corruption as is seen in the recent ICAC Inquiries.

The Independent Scientific Committee is the key and must not just be allowed to continue but resourcing should increase allowing it to do its job properly.

Agricultural development as such should cease. Anything which was worth clearing has already been cleared. RAMAs need to continue rather than being relaxed, and restricted to genuinely low impact activities. Monitoring and enforcement need increased resources. Protection of native vegetation

Theme 5: Wildlife Management

People value their cats and dogs far more than the native fauna because they have little knowledge of the native animals except as pests – kangaroos, possums, wombats. There may be value in all making it easier to have some native animals as pets, eg quolls instead of cats, to develop greater appreciation of what we have here in Australia.

Legally and illegally imported plants pose a major threat to natural areas. Strengthening oversight of plant imports by nurseries and education of nursery owners may be of value. Lippia, a major weed of inland wetlands is still being sold in nurseries as a lawn replacement.

Pasture species imported from other countries also pose a major threat. We mismanage good palatable native grasses like Themeda and Mitchell Grass, then replace them with much less suitable grasses from somewhere else.

Theme 6: Information Provisions

What we have in the way of biodiversity data presently is very variable and not easily accessible. It is densest in areas where the population is densest such as coastal areas and much more sparse where population density is lower. This seems to indicate the need for greater responsibility for collecting this data going to government agencies in these areas.

There is also a tendency on the part of the scientific community to dismiss observations and reports from those less qualified. In the past OEHL was developing a very useful program to assess biodiversity across the state. I don't know if this is still going.

The identification and protection of critical habitat is a key to biodiversity conservation.

The mere collection of data is no use unless it is easily available and used. Unfortunately it is also ignored when it suits the purposes of developers to do so. The published results of a community survey in the Pilliga in September 2011 have been ignored by coal seam gas proponents.

Private conservation data is just as important as that obtained on public land but needs to be handled sensitively. During the BBS Regional Assessment very few landholders were willing to have surveys done on their land. We did and found

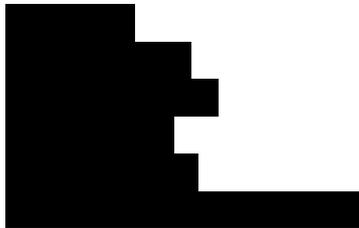
out some wonderful stuff about what was living there, including 10 threatened species.

In Conclusion

Existing legislation supporting biodiversity conservation must be maintained and strengthened. Maintaining or improving environmental outcomes must be the driver of any development and considered at the planning stage. Cumulative impacts must not be ignored.

What we have left in Australia is special and irreplaceable. It's what makes Australia unique. It must be protected.

Yours faithfully

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