



# Hunter Bird Observers Club

*Affiliated with BirdLife Australia*

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## **Submission to: Senate Standing Committees On Environment and Communications**

Dear Senate Standing Committees on Environment and Communications,

Thank you for the opportunity to provide feedback to the Senate's Inquiry into Australia's faunal extinction crisis.

I am making this submission on behalf of the Hunter Bird Observers Club Inc. (HBOC), based in the Hunter Region of NSW. HBOC is the largest club or group in the Hunter Region that caters specifically for those with an interest in birds in their natural habitat, with approximately 350 members. HBOC is affiliated with BirdLife Australia; the country's largest bird conservation organisation with over 85,000 members and supporters across the country. HBOC are most concerned with the increasing crisis in faunal extinction particularly with avifauna.

HBOC members currently contribute in excess of 2000 hours per annum in volunteer work surveying the migratory shorebirds in the Hunter River estuary. In addition there are many more hours dedicated to locating, identifying and recording in a national database bird species frequenting the Hunter Valley area. These surveys have shown a disturbing trend with the assessments of many species populations classified as "uncertain", "decreasing" "probably declining". (1.)

HBOC believes there is an identifiable need to strengthen and broaden Commonwealth environment laws with additional overarching legislation to mould State environment laws into a system that will not only reverse the current declines in national biodiversity but improve it into the future. One faunal extinction will confirm that the current laws are inadequate, not addressing the broader biodiversity issues or not being suitably enforced.

No Australian wants to see another of our unique flora and fauna species become extinct.

I would like to address the following terms of reference:

### ***The ongoing decline in the population and conservation status of Australia's nearly 500 threatened fauna species***

A recent study found that unless management improves Australia stands to lose another 10 birds and 7 mammals by 2038 (Geyle et al. 2018). In the same study 4 birds are listed with a 75% or higher chance of becoming extinct in the next 20 years.

The Federal Government's own report "The Australia State of the Environment 2016 states: *"The outlook for Australian biodiversity is generally poor, given the current overall poor status, deteriorating trends and increasing pressures. Our current investments in biodiversity management*

*are not keeping pace with the scale and magnitude of current pressures. Resources for managing biodiversity and for limiting the impact of key pressures mostly appear inadequate to arrest the declining status of many species. Biodiversity and broader conservation management will require major reinvestments across long timeframes to reverse deteriorating trends." (2)*

## **ISSUES**

- **Habitat Destruction**

According to the *NSW Report on Native Vegetation 2014-16 - NSW Office of Environment and Heritage* land clearing in NSW increased by 800% in 3 years. The NSW Government gave permission to clear in excess of 7000 hectares of native vegetation during 2015-16. (3)

The impacts from the replacement of the Native Vegetation Act with the much weaker Biodiversity Conservation Act 2017 are yet to be realised with forecasts suggesting substantial increases in loss of habitat.

With biodiversity on the decline and many species of birds on the brink of extinction increases in land clearing will put further pressure on their survival.

- **State Planning Laws**

Over the last 3 decades the Hunter Valley has experienced unprecedented expansion of coal mining with resultant substantial habitat destruction.

State governments have amended legislation and planning laws to facilitate this expansion with consequential weakening of biodiversity protections, offset requirements, and acceptance of inadequate restoration including abandonment of mining voids.

Commonwealth environment legislation must be strengthened and broadened to mitigate the impacts where endangered or vulnerable species are impacted.

- **Inappropriate Fire Regimes**

Controlled Burns - Each Spring fire services agencies undertake "controlled burns "in urban bushland, Crown Lands and National Parks. From late winter many avian species commence breeding with continuation throughout spring. Any "controlled burns "in bushland undertaken during this time have the potential to destroy nests, eggs and young. There are also impacts on territories as birds are displaced, reductions in food supply (plant and animal) and exposure to predation due to undergrowth removal. As much of urban bushland exists as discrete islands of habitat possible repopulation after regular firing is impaired or totally excluded. Each of these impacts has the potential for creating loss of populations and /or vulnerable species.

Ecological assessment / training – With the potential impacts noted above some form of ecological assessment or survey should be carried out immediately prior to the anticipated controlled burn.

Also all supervising staff in fire service agencies involved in controlled burns should undertake some ecological training.

Suitable legislation is urgently needed.

Wildfire – Current firefighting techniques appear to be based around containment, watch and act, and management of the fire rather than suppression and immediate extinguishment. This results in large scale burns with more severe impacts than noted in “Controlled Burns” above.

During 2018 the impacts of climate change have manifested in catastrophic wildfires across Australia and many other countries not normally subjected to such fires. An urgent imperative exists for an Australia wide inquiry into current fire management techniques across Australia and changes necessary to mitigate impacts on threatened species into the future.

***The adequacy of Commonwealth environment laws, including but not limited to the Environment Protection and Biodiversity Conservation Act 1999, in providing sufficient protections for threatened fauna and against key threatening processes;***

The initiation by the Senate of this inquiry and that public submissions are being lodged confirms that something is very wrong with either the legislation or the will to manage and enforce that legislation.

When the Federal EPBC Act was legislated in 1999 the intent was good and the Act incorporated many provisions suitable for that time. Unfortunately it also contained weaknesses that have led to the current environmental challenges and decline of many species. For instance allowing ministerial discretion in decision making can result in scientific findings being ignored, overruled or redefined for economic or ideological reasons. Pressures on government to develop the economy and for “jobs and growth” encourage environmental decision making that may be detrimental to the environment, critical habitat or create further pressure on threatened species.

The Act also contains exemptions and loopholes such as with Regional Forest Agreements being exempted allowing the logging industry to log important habitat such as nesting habitat of the critically endangered Swift Parrot.

Other issues with the legislation include:-

- i. Lack of species recovery plans to address threats and actions needed to recover species going forward. This is critical to the survival of many species.
- ii. Cumulative impacts and increasing national population growth inadequately addressed
- iii. Poor compliance and enforcement of environmental conditions placed upon development. Lack of follow up checks during and at completion of projects
- iv. Little political imperative to consider, strengthen or enforce current environmental laws. Focus is elsewhere on human growth, development and the economy.

The Australian Panel of Experts on Environmental Law (APEEL) has produced several papers on subjects related to this inquiry. *APEEL “urges a fundamental change to the current environmental federalism system to empower the Commonwealth to perform a strong national leadership role of a strategic nature in relation to environmental matters under the next generation of Commonwealth environmental laws.” (4)*

APEEL also proposes *“that a multi-pronged approach to biodiversity conservation and natural resource management (NRM) law reform is needed. Real reform will be costly, and some initiatives will encounter opposition, but more effective environmental law is essential to the long-term viability of ecological systems, agricultural production, and community amenity and wellbeing.”* (5)

Any proposed new environmental laws must be robust enough to address and withstand the challenges of our greater than anticipated population growth and the inherent pressures this applies to the remaining natural areas. Commonwealth laws must also dovetail with or drive state environmental laws as biodiversity is a national issue.

The Australian government must embrace the philosophy of ecologically sustainable development and incorporate that philosophy not only into environmental law but also into economic planning and governance.

## **SUMMARY**

The Environment Protection and Biodiversity Conservation Act 1999 has not served to adequately conserve Australia’s biodiversity and many species have proceeded down the slope towards critical endangerment and extinction.

New legislation is required to carry the nation into the future. This legislation must not only arrest the slide into extinction of many species but must also drive action plans to improve the survivability of all species going forward.

*“Recent research has found that, globally, the strongest factor in reducing biodiversity loss is a robust set of conservation laws that are consistently enforced.”* (6)

Huge challenges are ahead associated with a rapidly increasing population, climate change and profit driven development including that by multi-national companies with their own nationalistic imperatives.

We hope that this inquiry will cross all party political lines and initiate the formulation of new environmental laws and philosophy to ensure the survival of Australia’s unique flora and fauna. These laws need to be managed and enforced by an independent national environment protection agency with real “teeth” and sufficient funding to turn around the faunal extinction path Australia is following.

## **References :**

- 1) Hunter Region Of New South Wales – Annual Bird Report Number 24 (2016) HBOC
- 2) The Australia State of the Environment 2016 (SOE 2016)
- 3) NSW Report on Native Vegetation 2014-16 - NSW Office of Environment and Heritage
- 4) APEEL - Environmental Governance Background Paper
- 5) APEEL-The Terrestrial Biodiversity Conservation And Natural Resource Management Paper
- 6) Restoring the Balance. The Case for a New Generation of Australian Environmental Laws – BIRDLIFE AUSTRALIA