



Friends of Grasslands

supporting native grassy ecosystems

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Committee Secretary
Senate Standing Committees on Environment and Communications
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Parliament House
Canberra ACT 2600
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Dear Sir/Madam

Senate inquiry: Australia's faunal extinction crisis

Friends of Grasslands (FOG) is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

Our particular concern with the subject of this inquiry are grassland fauna species – often overlooked because of their small size and lack of visibility in the landscape. We have the following comments to make in relation to the inquiry's terms of reference:

a) the ongoing decline in the population and conservation status of Australia's nearly 500 threatened fauna species

Hard information on what is happening on each species is appallingly inadequate. As a community group which makes numerous submissions, it can be difficult to obtain good information on what is occurring with any one species. Instead we often need to rely on anecdotal information, chasing up expert opinion, etc., which is less than satisfactory. Time series data need to be developed quickly on what is happening on each species, if necessary using data modelling and expert opinion. Obviously such data may initially be of limited accuracy but will provide a framework which would guide the development of accurate data.

FOG has been taking a strong interest in the development of Economic and Environment Accounting that are linked to the System of National Accounts. COAG has agreed to and is arranging for each jurisdiction to develop these accounts under the overall coordination of the Commonwealth. This statistical accounting framework should enable time series statistics on the environment, including statistics on biodiversity, to sit alongside statistics of Australian economic growth, employment etc. Statistical and other data on threatened species and communities could sit nicely within the framework.

It is essential that management of threatened fauna species (and its funding) be not just maintaining current populations but also include building in resilience to fluctuations in climate due to climate change. A case in point is the Grassland Earless Dragon, a critically endangered species with one of its last strongholds in the ACT. Numbers plummeted in the recent drought. Since then, and with the aid of management by the ACT government, some recovery has occurred, but it highlights the impact of just one event on a vulnerable species.

b) the wider ecological impact of faunal extinction;

It is difficult to comment on this because it is often difficult to know what ecological function particular fauna species played before their numbers seriously declined. However, there is a strong negative psychological impact as species decline and attempts to keep them fail. For example, people committed to saving the Grassland Earless Dragon would experience a great sense of failure should their efforts be unsuccessful.

c) the international and domestic obligations of the Commonwealth Government in conserving threatened fauna;

The current government seems to have distanced itself from protecting our threatened fauna as evidenced by its savage cutting back on funding for biodiversity and its lack of promotion of its importance, apart from a few occasional glib references to it. We believe that it is failing to meet its domestic obligations to protect our biodiversity. Internationally, where it has in the past shown leadership on biodiversity policy, it has vacated that role. Cuts to foreign aid which may have assisted to strengthen biodiversity institutions in developing countries has not assisted.

d) 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 2015 amendments to the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 have weakened the protection for threatened fauna by devolving some responsibilities to the States and Territories. A copy of our submission to the Senate inquiry on these amendments is attached. It is obvious from what has occurred in some jurisdictions that the amendments have allowed more destruction of native habitat. While the habitat in question may not be habitat for endangered species per se, its destruction will lead to more species becoming endangered. A case in point is a number of the woodland bird species such as the hooded and scarlet robins, diamond firetail and little eagle, whose numbers are declining in large part due to habitat loss.

An example of this is the protection of natural temperate grasslands of the southern highlands of NSW and the ACT and their associated fauna. The Commonwealth in the past has invested significant resources into these. These grasslands are regarded as critically endangered by the Commonwealth. Many announcements have been made in the past by elements of the NSW government that they would be declared as an endangered community. However, attempts to do this within the NSW government appear to have been blocked by certain interests which promote clearing of natural temperate grasslands.

On a related issue, brumbies are significant threat to highly fragile wetlands in the Snowy Mountains area. If left unmanaged, brumby number can increase by a third annually. However, recently the NSW government has jumped to the defense of brumbies rather than allowing numbers to be managed for the best conservation outcomes.

The Commonwealth has remained silent on another issue, that of what appears to be deliberate clearing of areas of natural temperate grasslands (listed as critically endangered at the national level and in the ACT) on the Monaro.

Additionally, staff of the Commonwealth Department of the Environment have been restricted from sharing information on their work on threatened species. Lack of transparency is a hallmark of the current government.

Another issue is protection of faunal species and their habitat where the species numbers are known to be in decline but the species is not yet at a stage to be classified as threatened. It would be far better to arrest these declines before numbers are so low that the species is classified as threatened, but there is no mechanism under either Commonwealth or State legislation or processes to do so. This would be better done at the Commonwealth level. A classification of "declining population, approaching

threatened species listing" would be helpful to identify such species and protect their habitat before it is too late.

e) the adequacy and effectiveness of protections for critical habitat for threatened fauna under the Environment Protection and Biodiversity Conservation Act 1999;

The same arguments apply to protection of critical habitat as above.

While the concept of critical habitat may be narrower than that of threatened ecological communities, many grassy ecosystems are regarded as critically threatened. In the case of natural temperate grasslands, a number of their fauna species have been listed separately as threatened. However, it needs to be remembered that by listing an ecological community as threatened, protection is thereby given to many species that are rare and could otherwise be candidates for listing.

f) the adequacy of the management and extent of the National Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving threatened fauna;

Much good work has been done in this area. However, many wildlife corridors remain under threat or inadequately protected. For example, the Travelling Stock Reserves and Corridors in both New South Wales and Queensland form an important network for threatened birds and also for other species in decline. However, they generally are not part of the National Reserve System and in some cases lack any sort of protection at all.

g) the use of traditional knowledge and management for threatened species recovery and other outcomes as well as opportunities to expand the use of traditional knowledge and management for conservation;

FOG has made a series of efforts to understand, promote and integrate into its on-ground work traditional land management practices. For example, it conducted a series of two-day community workshops led by Ngarigo Elder Rodney Mason, an experienced traditional land management and educational practitioner, and successfully encouraged Kosciuszko to Coast to continue similar education workshops on private landholdings on the Monaro. FOG works with the National Capital Authority in running working bees and educational activities on their extensive grassland and grassy woodland areas to remove weeds and restore functionality. A group of Ngunnawal people are closely associated with this work. Elsewhere in its activities and submissions FOG attempts to incorporate Ngunnawal priorities.

We consider our approach to traditional knowledge and management of grassy ecosystems in our region to be important. As such activities are, like ours, often local, there needs to be a mechanism for this approach to be adopted more broadly across temperate Australia where appropriate.

h) the adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general;

In FOG's view one of the biggest problems in protecting threatened fauna is lack of funding. Small grassland species are not covered by the big picture programs. In the ACT, the government has implemented programs to manage threatened grassland fauna and their habitats. Much of the funding for this has come from offsets, which is not a long term funding arrangement. If we are serious about conserving threatened fauna, there needs to be dedicated adequate funding streams that are not subject to political pressures.

i) the adequacy of existing monitoring practices in relation to the threatened fauna assessment and adaptive management responses;

FOG has participated in many surveys of fauna and flora in grasslands, including surveys of Striped Legless Lizard and Grassland Earless Dragon. In 2010-11 it obtained a grant and extensively survey Golden Sun Moth in the ACT and nearby NWS. It is thus familiar with many of the techniques used in monitoring. We believe that many current approaches are somewhat fragmented and do not adequately lead to providing the data necessary provide overall comprehensive time series statistics on

individual species. We believe that more effort is required to time series statistics on threatened species as outlined earlier.

j) the adequacy of existing assessment processes for identifying threatened fauna conservation status;

If anything we believe that many of the processes are cumbersome and slow and err on the side of non-listing when often there is clear anecdotal and other evidence that listing is required.

k) the adequacy of existing compliance mechanisms for enforcing Commonwealth environment law.

Compliance mechanisms are inadequate, no doubt due to funding and other resource constraints. There are few audits of approvals under the EPBC Act relative to the number of approvals granted. These appear to be desktop audits rather than a check that the approval conditions have been met on the ground. It isn't clear to FOG that any action is taken or penalties imposed when approval conditions are not met.

One example is the situation with the Molonglo Valley in the ACT. The ACT Government signed a legally binding agreement with the Commonwealth Government to meet criteria and undertake certain actions in regards to Matters of National Environmental Significance in the Molonglo Valley (the NES Plan). We believe that there are many issues related to conservation matters that have not been adequately addressed in relation to the future development of the Molonglo area. These issues include matters that:

- a) remain unresolved, including the lack of definition of the buffer between Kama Nature Reserve and urban land and lack of a decision on the future use of the Coombs peninsula moratorium area;
- b) are seemingly resolved without due consideration for conservation matters agreed to in the NES Plan, including elements in the Molonglo Stage 3 EIS exemption; and lack of detail in the Molonglo River Reserve: Draft Reserve Management Plan to guide land uses and management;
- c) are in direct opposition to decisions already made, including renegeing on the decision not to undertake urban development in Central Molonglo, the purchase of land in that area by the Land Development Agency and actions identified in the NES Plan being dropped; and
- d) have occurred in the absence of public consultation or a planning strategy to guide potential future use of the rural blocks bought by LDA (including, but not only, in Central Molonglo).

Yours sincerely

Geoff Robertson
President

9 August 2018



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Committee Secretary
Senate Standing Committees on Environment and Communications
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Dear Committee Members

Submission: Environment Protection & Biodiversity Conservation Amendment (Standing) Bill 2015

1. Friends of Grasslands (FOG) asks you to recommend against this Bill that would repeal section 487 of the Environment Protection and Biodiversity Conservation Act 1999, which currently extends standing to seek judicial review of decisions to certain individuals, organisations and associations.
2. FOG is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.
3. It is in the interest of good policy and ecologically sustainable development that legal avenues are available to protect the environment against bad decision-making and potentially damaging developments. The option of third party appeals creates a stronger incentive for proponents and the government to adhere to the law – improving the quality of environmental assessment of major projects. It is not the actual exercise of the power to enforce public rights that matters most but the threat that they will be exercised that brings improved accountability to an approval system that can be dominated by vested interests.
4. Third party rights have been found to improve decision-making, including by the Independent Commissions Against Corruption in NSW when looking at the quality of planning decisions, who commented that “Merit appeals provide a safeguard against biased decision-making by consent authorities and enhance the accountability of these authorities. The extension of third party merit appeals acts as a disincentive for corrupt decision-making by consent authorities.” They state the benefits include:
 - Building community confidence in the planning system;
 - Guarding against corruption;
 - Enhancing environmental assessments and outcomes.
5. FOG’s view is that environmental protection legislation should be both rigorously applied and enforceable. The Commonwealth government, in its administration of the EPBC Act, stands one step removed from many of the economic and other drivers of development impacting on our grassy ecosystems. Because of this, it is often more able to make the hard decisions needed to protect our endangered grassland communities, and to insist on adequate offsets where it proves impossible to avoid an impact. State and Territory governments are more likely to gain

from particular projects impacting on high conservation value areas. Political and economic drivers can exert a strong pressure on State and Territory governments, leading to them being more likely to compromise at the expense of the environment.

6. One issue specific to the ACT is the different roles of the ACT Government in relation to environmental regulation and decision making. The Government owns most of the ACT's land and, via its Land Development Agency, is the proponent in many development proposals affecting threatened natural temperate grasslands (NTG), box-gum woodlands and grassland-dependent species. If the ACT Government evaluates environmental impacts and has the power to make decisions about approvals under the EPBC Act, this is a clear conflict of interest. There is significant pressure on the ACT Government to release land for housing, both to provide "affordable housing" and to generate revenue for the Government. While the Government has shown some willingness to consider environmental values, avoid destruction of some areas of NTG and box-gum woodlands and (more recently) to offer offsets, there are many examples of either destruction or encroachment on these areas in the ACT. Examples include:
 - Proposal to put buildings on a small but stable NTG area and threatened golden sun moth population in Campbell;
 - Development at Ngunnawal impacting on a small golden sun moth population;
 - Bushfire asset zones being within Mulligan's Flat Nature Reserve rather than in the adjoining development footprint.
7. Consequently, the effective implementation of the EPBC Act by the Commonwealth is vital to the conservation of threatened biodiversity of the ACT. The last resort option for third parties to challenge poor decisions is vital to uphold high standards of conservation.

In conclusion, FOG supports any move to retain decision-making powers under the EPBC Act with the Commonwealth, and opposes delegation of such powers to the State and Territory governments.

Yours sincerely

Sarah Sharp
President

9 September 2015