

Attention: Secretary
Senate Environment, Communications and the Arts Committee
Inquiry into the operation of the *Environment Protection and Biodiversity
Conservation Act 1999*

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Chair
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Wednesday, 16 July 2008

Dear Sir/Madam

Thankyou for the opportunity to make a submission to your inquiry. Please find my submission below (I have responded to each of the seven terms of reference in order - I hope that is the right thing to do).

I am the Chair of the Aldgate Valley Landcare Group Inc. in South Australia. Our Landcare Group manages an endangered species project ('Valley of the Bandicoots'), which is aimed at protecting a small local population of a species listed as nationally endangered under the EPBC Act (the 'Southern Brown Bandicoot - *Isodoon obesulus obesulus*). We have at least one other EPBC-listed endangered species in the area (a fauna species -

Our Valley of the Bandicots project works on both private and public land (about 25 properties in all, linked by continuously vegetated road reserves) and is aimed at both habitat protection & restoration, and at predator control.

Overall my experience of the EPBC Act is that it is good legislation at face value, but that it has been rendered irrelevant because it gives too much discretionary power to the Minister, allowing politics to dominate over science. I would like to see new trigger issues introduced (and existing triggers tightened), but there is no point in doing this unless some mechanism is found to remove the Ministerial discretion which has allowed the legislation to be misused and underused.

Here are my specific responses to the inquiry's terms of reference:

a. the findings of the National Audit Office Audit 38 Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999;

I am not familiar with the findings of the National Audit Office Report, so I can't comment.

b. lessons learnt from the first 10 years of operation of the EPBC Act in relation to the protection of critical habitats of threatened species and ecological communities, and potential for measures to improve their recovery;

We have found the EPBC Act to be irrelevant, for all practical purposes, to our efforts to conserve the nationally endangered southern brown bandicoot (and its habitat), even though we are operating under an accredited Recovery Plan under the Act (the Recovery Plan for the Southern Brown Bandicoot in the Mt Lofty Ranges).

The main pressures on bandicoots come from private landowners and the local council, neither of which have any knowledge of the EPBC Act, and which the Act offers no practical method of engaging. We have looked a number of times at the possibility of making referrals under the Act, but this has not been practical due to:

(i) ignorance on the part of the local council that federal law applies (or may apply) in such cases

(ii) the small scale of the referrals we have contemplated (single properties - usually council properties)

(iii) the requirement that the EPBC Act only comes into play when specific new developments are formally being proposed - rather than intensification of diffuse pressures (eg. clearing, recreational activities, burning, cat ownership, poor weed management etc.), or the formalisation of previously informal arrangements (eg. off-leash dog walking in bandicoot reserves). My feeling is that EPBC Act should be able to be invoked for any actual change in management (formal or informal) which threatens the relevant species.

(iv) the complexity and cost of working out where we stand and what our options are, let alone making a referral (our volunteers are weekend working bee people - they are not lawyers or environmental advocates)

(v) confusion between landholders' (including the Council) responsibility to remove weeds and make fire breaks and their responsibility under the EPBC Act to protect the endangered species which are harbouring in those weeds and firebreak areas.

(vi) word of mouth advice from knowledgeable people that the EPBC Act is a toothless piece of legislation which can be altered at the whim of the Federal Minister. Essentially we came to believe that without the personal support of the Federal environment minister, referrals would not succeed, and that the minister's support in this electorate would depend on the advocacy of our local member, which was most unlikely to be forthcoming (in short: EPBC Act enforcement was driven by politics, not by science)

(vii) lack of federal biodiversity funding (eg. the political carve up of the \$36 million 'Hot Spots' package, which could have been spent on EPBC priorities, and the diversion of Federal NHT, NLP and other environmental funding into non-biodiversity uses). For example: the Coalition Government (under Minister Hill) initially outlaid quite significant funding for its NHT1 'Bushcare' program (and related

programs), but this was progressively whittled away and diverted until it disappeared altogether following the NHT Mid-Term review.

c. the cumulative impacts of EPBC Act approvals on threatened species and ecological communities, for example on Cumberland Plain Woodland, Cassowary habitat, Grassy White Box Woodlands and the Paradise Dam;

To our knowledge, the EPBC Act has had no positive impact for threatened species and communities in our area, or in most of the Mt Lofty Ranges (it has been invoked only twice in the Mt Lofty Ranges to my knowledge - both times successfully - in limited circumstances: to prevent clearing for a powerline, and to prevent clearing for a horse trail. Neither of these were in our area).

The EPBC Act remains a largely unused piece of legislation, despite our area being in the midst of a Federally recognised biodiversity 'hot spot', with a large number of threatened species and communities. There has been no concerted Federal attempt to come up with a recovery plan for the Hot Spot, nor for any part of it - just for a couple of the species, and those Plans have not been funded.

d. the effectiveness of responses to key threats identified within the EPBC Act, including land-clearing, climate change and invasive species, and potential for future measures to build environmental resilience and facilitate adaptation within a changing climate;

There have been no responses, other than the publication of a Recovery Plan and individual actions by volunteers (and one paid officer of the State Department of Environment and Heritage). The State Government's 'no species loss' policy has yet to result in any actions or funding, nor has there been any actions or funding from the Federal Government.

As mentioned above, there has been barely any Federal funding for genuine biodiversity conservation, and much of what has been funded has been short-term (one year) and politically distorted.

e. the effectiveness of Regional Forest Agreements, in protecting forest species and forest habitats where the EPBC Act does not directly apply;

Not relevant in this area.

f. the impacts of other environmental programmes, eg EnviroFund, GreenCorps, Caring for our Country, Environmental Stewardship Programme and Landcare in dealing with the decline and extinction of certain flora and fauna; and

(i) Envirofund

Envirofund has funded several short-term projects in this area - mostly revegetation focussed projects (measured by the number of trees planted) which are useful, but which do not address the main issue of conserving native vegetation. Envirofund funding is short-term and overtly political (community groups are resentful at being

'used' for political purposes by the local member). Envirofund is hamstrung in that it looks for short-term outcomes, and its measures of success are political (eg. number of trees planted) rather than scientific (eg. amount of native vegetation protected and rehabilitated).

(ii) Green Corps

We have had two major Green Corps projects, and a minor project, active in this area. The projects have been useful, but have also imposed heavy administrative burdens on the community projects which hosted them, for limited returns. Green Corps teams are (mostly) enthusiastic, but they are unskilled and are therefore not generally allowed into the areas which are in most need of conservation (where skilled work is needed - unskilled work can be damaging). Limits on the chemical use allowed by Green Corps teams puts severe constraints on their usefulness, and the onerous nature of Green Corps applications and management mean they are of diminishing usefulness for delivering environmental outcomes. Much of the training and 'development' components of the Green Corps programs is irrelevant to the local environment.

(iii) Landcare.

It is important to distinguish between community landcare groups, which are still very active in this district (such as the Aldgate Valley Landcare Group Inc.) and the National Landcare Program, which has ceased to be relevant for biodiversity conservation (at least in this district). The Federal Government made a decision several years ago to focus the NLP sharply on primary production, with a new triple theme (in descending order) of "profitability, productivity and sustainability". This shift in focus away from environmental work in favour of primary production subsidies has seen the virtual cessation of NLP support to many of the longest running, hardest working and most successful landcare groups in Australia - the conservation focussed groups. I feel this was a major betrayal of some of the most deserving landcare groups - with the added bitter pill that it came at the same time that the NLP finally began offering three-year funding for projects. Despite this, many of these groups have continued to put in thousands of hours a year into volunteer work, scrounging short-term funding from wherever it is available, but without institutional support other than through the emerging NRM Boards.

(iv) Caring for our Country has seen an effective 60 per cent cut in Federal funding for local environment programs, with no indication of how this is going to be made up. There is urgent need for bridging arrangements to ensure the local NRM Boards can continue to fund the necessary work while the new Federal Government designs its roll out of environmental funding.

g. the impact of programme changes and cuts in funding on the decline or extinction of flora and fauna.

I have been involved in the community landcare movement since 1989. It seems that almost every year has seen major restructures of the institutions, funding etc. for community conservation work. I am somewhat distressed that the Rudd Government is once again throwing all the pieces up into the air. The NRM Boards have taken a

long time to get to where they are, and should (in my view) continue to be the focus of environmental funding until and unless a better system is established - recent Federal cuts to the NHT, NAPSWQ, Envirofund etc. are rapidly undermining this. The Federal Government's current approach of calling for community groups to put forward major projects for funding is putting a lot of unwanted pressure on volunteers who really just want a bureaucracy somewhere to take away the pressure of constantly applying for and aquitting grants of various kinds. The NRM Boards, for all their faults, offer a way forward - please don't throw them away and make us all re-invent the wheel yet again.

I do hope the committee seriously considers these issues, and makes recommendations which will improve the situation.

Yours sincerely

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