



3 Porters Lane PO Box 269 Nambour Qld 4560
Phone (07) 5441 5747 Fax (07) 5441 7478
Email: info@scec.org.au Website: www.scec.org.au



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Committee Secretary
Senate Standing Committee on Environment, Communications and the Arts
Department of the Senate
PO Box 6100
Canberra, ACT 2600

Dear Standing Committee on Environment, Communications and the Arts,

Re: Inquiry into the operation of the EPBC Act 1999

The Sunshine Coast Environment Council (SCEC) wishes to comment about two of the Terms of Reference (ToR) for the inquiry into the operation of the EPBC Act 1999.

ToR 2. (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.

The Sunshine Coast Environment Council is concerned that the intent of the EPBC Act 1999 to reduce threats to species is not being realised and international obligations are not being met. Best practice in environmental management should reflect the principles of ecologically sustainable development by encompassing holistic, integrated, transparent decision making processes, frameworks and tools that flow from international to Federal, State / Territory, Regional and Local levels and vice versa. The EPBC Act 1999 is a legal framework and decision making process, developed according to the principles of ecologically sustainable development. It needs to have a greater scope for integration of State and Territory legislation. It should support the conservation of national biodiversity by providing sensitivity of landscape and species mosaics in a holistic sense.

A serious gap exists between the EPBC Act 1999 and State legislation such as Queensland's *Nature Conservation Act 1992* and the New South Wales *Threatened Species Conservation Act 1995*. This issue presents problems in terms of preventing isolation of species and ecosystems within their geographic distribution (fragmentation and associated impacts). Two examples are used to demonstrate this point.

Example 1: The geographic distribution of koalas covers Queensland, South Australia, New South Wales and Victoria (including the Australian Capital Territory). According to relevant state legislation, koalas are listed as:

- 'Vulnerable' in the South East Queensland Bioregion and common in the remainder of the state (*Nature Conservation Act 1992*);
- 'Vulnerable' in New South Wales (*Threatened Species Conservation Act 1995*);
- 'Rare' in South Australia (*National Parks and Wildlife Act 1972*); and
- not listed in Victoria (as population numbers are sufficient due to re introduction from island populations).

Internationally koalas are listed as potentially 'Vulnerable' (by the International Union for Conservation of Nature). Despite listing in 3 of the 4 Australian states as well as international recognition of the species fragility, koalas are currently not listed under the EPBC Act 1999. While it is true that koalas have a large geographic distribution, data collected by the Australian Koala Foundation demonstrates that their habitat is becoming increasingly fragmented which is resulting in population declines. According to the Environmental Protection Agency's *Nature Conservation (Koala) Plan 2005 and Management Program 2005 - 2015*, there are important sub-species that exist in the different states. Further habitat degradation could result in extinction or substantial decline of one or more of these significant sub-species. As it stands, the EPBC Act 1999 does not have scope to prevent decline of sub-species in different states because the Act only considers the national population.

Reversal of this degradation will be slow and costly. If the Federal Government were to examine State listings and integrate the findings, it might be a case where early intervention using the Precautionary Principle (via listing under the EPBC Act 1999) might effectively reduce fragmentation and support population recovery. To achieve

ecological sustainability, consideration of intergenerational equity through a mechanism to allow greater integration of State and Federal legislative tools should be adopted.

Example 2: The Common (or Queensland) Blossom Bat (*Syconycteris australis*) has a distribution covering North Eastern coastal areas in New South Wales and the Eastern Coast of Queensland. In the past its' distribution has been described as common in limited habitat. Blossom Bats can commute up to 4 km to feed (in rainforest, heathland or melaleuca swamp) from their roost (in rainforest or Swamp Mahogany). These roosting and feeding habitats are under threat from coastal development with much already lost.

The species is listed as 'Vulnerable' under the New South Wales *Threatened Species Conservation Act 1995*. It was listed because its' population and distribution have been reduced, it faces severe threatening processes and is an ecological specialist (depends on particular habitats for roosting and diet as well as staggered sequences of food sources). This species is not listed under Queensland's *Nature Conservation Act 1992*. However, in Queensland their habitat has become limited as coastal development has eliminated essential feeding areas (particularly in South East Queensland).

Habitat loss has been proven to have compounding and detrimental impacts. Dr Brad Law, Senior Research Scientist at NSW Department of Primary Industries Science and Research Division, provided much of the data to establish the species population dynamics in NSW. One particular study showed that the "abundance and dispersion of food has an important influence on behaviour and population dynamics of *S. australia* over long periods" (Law, 1996, p. 447). Dr Brad Law also indicated, through recent conversation, that research conducted in Far North Queensland in 1996 revealed low numbers of this species.

Jan Davey, (of Bat Rescue at Tewantin on the Sunshine Coast in Queensland) has recorded data which includes:

- The number of different species rescued since 2000
- The weight, size and forearm measurement of the species rescued since 2000

These findings demonstrate that there are fewer Blossom Bats rescued recently than in the past. Since urbanization has increased in this coastal area, this could be an indication that the population of Blossom Bats has declined over the past 8 years.

Upon consultation with Dr Brad Law, Luke Hogan (of the Environmental Protection Agency, Brisbane) and Dr Les Hall (retired Senior Lecturer in Veterinary Pathology, Anatomy and Wildlife Consultant at the University of Queensland); it was found that there is a knowledge gap with respect to the population of this species in South East Queensland. Although this raises the issue of much needed research, the rate of habitat loss due to coastal development is alarming and this species is likely declining without detection.

To reiterate, *Syconycteris australis* is 'Vulnerable' in NSW and very possibly close to being 'Vulnerable' in the Queensland. If this species is not protected in Queensland (particularly South East Queensland) a nationally fragmented population may result. It is imperative to provide a mechanism for a more substantial integrated approach between the States and Territories and the *EPBC Act 1999*.

ToR 2. (c) *The cumulative impacts of the 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.*

Sediment impacts are increasing at an alarming rate in coastal environments. The major cause of sediment and turbidity pollution is soil erosion. This erosion and sedimentation is primarily caused by development, infrastructure construction and infill on flood plains. Some of these activities are EPBC Act approved while others are not, however, all contribute to the cumulative impacts. Threatened species, ecological communities and Matters of National Significance (including turtles, seagrass and dugongs in Ramsar wetlands such as the Pumicestone Passage) are at risk. Unfortunately lands developers and government departments have a poor track record in managing erosion, sediment and turbidity. This issue requires investigation and more appropriate mitigation to address cumulative impacts of EPBC Act approvals.

Recommendations

The *Intergovernmental Agreement for the Environment* (IGAE) is a mechanism to facilitate the recognition of environmental impacts that are not confined to physical or political boundaries. It also recognises the concept of sustainability, particularly with respect to intergenerational equity, and that "in the development and implementation of environmental policy it is necessary to accommodate the regional environmental differences which occur within Australia". The *EPBC Act 1999*, the objectives of the *National Strategy for the Conservation of Australia's Biodiversity* (particularly with respect to International obligations) and other relevant state legislation are the tools to implement the IGAE.

Currently the *EPBC Act 1999* does not accommodate environmental issues spanning across state boundaries due to 'regional differences'. This shortfall will lead to failure to achieve intergenerational equity. This issue may be comprised of misinterpretation or the necessity to revise sections of the *EPBC Act 1999* to enable the Act to reach it's intend potential. Urgent action to implement the necessary solution must be undertaken as the impacts of failure to integrate State and Territory legislation, for the purpose of protecting mosaics of species and landscapes in a holistic sense, is leading to loss of biodiversity.

There also needs to be swift action to address erosion, sedimentation and turbidity impacts on Matters of National Significance.

Thank you for the opportunity to provide comment.

Regards

Sonia Marshall
Campaigner
Sunshine Coast Environment Council