

4 June 2009

National Biodiversity Response
PO Box 1715
Tamworth NSW 2340
By email: admin@seftonpr.com.au

Re: Submission to Australia's Biodiversity Conservation Strategy 2010 - 2020

Introduction

The Nature Conservation Council of NSW (**the Nature Conservation Council**) welcomes the opportunity to provide comments on the consultation draft of 'Australia's Biodiversity Conservation Strategy' (**the Strategy**). The Nature Conservation Council is the peak environment organisation in NSW. We work closely with 120 member groups, local communities, government and business to ensure a positive future for our environment.

Overall comments

Our strongest impression of the Strategy is that although it endeavours to address the current issues facing biodiversity, it contains very general statements and lacks sufficient information about implementation. It is disappointing that the Strategy in its current form does not bind the Federal government or the States to carrying out the action points.

The Nature Conservation Council understands that this Strategy has been formed through the Natural Resource Management Ministerial Council (**NRMMC**). Since the Federal Government considers that the NRMMC is the appropriate forum for producing a national biodiversity strategy, the Nature Conservation Council has tried to provide information on how natural resource management and other pressures affect biodiversity in NSW.

Vision statement

(Question 2 part 3)

The Strategy proposes the vision that Australia's biodiversity should be "healthy, resilient to climate change and valued for its essential contribution to our existence". This vision statement identifies some of the key issues impacting on biodiversity conservation.

It will be difficult to assess whether or not these objectives would be achieved over the life of the Strategy – because they are difficult to define and measure:

"resilience to climate change"

The possible results of climate change can not be predicted with complete accuracy, and it is not known how species will react to the changes that are predicted.

Therefore as the Strategy later suggests – there is uncertainty as to how ecosystem resilience could be achieved. (p. 21).

“mainstreaming biodiversity”

The Strategy identifies that biodiversity should be valued for its essential contribution to our existence. While this is a good objective to have, one of the achievements or ‘results’ listed is that “business, government and the community have accepted biodiversity conservation as a normal element of doing business.” (Mainstreaming biodiversity Table 3.2). This seems to be a very ambitious goal, and the Strategy does not give detail on how it would happen, other than to say that ABS data on attitudes to biodiversity would be collected.

The vision statement at the moment leans too heavily towards what should happen to biodiversity, but does not express what it is. We recommend that the vision statement should start with the principle that biodiversity should be valued in its own right.

Implementation

The Strategy does not explain that there is an implementation process, other than to say:

“Many of the actions necessary to meet the Strategy’s objectives will be implemented through strategies and implementation plans at national, state, territory and local government levels.” (page 14) (as referred to Appendix 4).

The Nature Conservation Council notes that NSW has a new draft biodiversity strategy (which is not referred to in Appendix 4). The NSW draft biodiversity strategy lacks specifics with regard to an implementation process and measurable outcomes.

The Nature Conservation Council strongly recommends that further information regarding implementation of the Strategy should be included in the final version.

Accountability and delivery by all levels of government

The Federal Government has indicated that it will take the lead for approximately four of out the 63 actions listed under the Strategy. These actions include “an ongoing national campaign to demonstrate the importance of biodiversity to the sustainability of communities and the quality of our lives” (2.1.2), development of a national biodiversity index (2.1.3), national accounts and corporate reporting (6.2.1), and time series surveys through ABS on community awareness of biodiversity services (6.3.1).

Although biodiversity is primarily the responsibility of the States, the Nature Conservation Council is concerned that leaving the majority of the Strategy in the hands of “all governments” does not give the impression of allocating responsibility to the governments involved.

Our understanding is that the Strategy should have already been reviewed against State strategies, and consequently there should already have been considerable thought given to how cooperation can be optimised, responsibilities allocated and group results produced. In our opinion the Strategy does not currently reflect the State and Commonwealth coordination efforts that have gone in to producing it, nor does it begin to address the question of how the States and the Commonwealth will be required to implement their joint “responsibilities”.

The Nature Conservation Council would like to see more detail in the Strategy on how State governments can be made answerable to each other and to the Commonwealth, and how the States and the Commonwealth can be encouraged to work together around biodiversity outcomes.

Measurable results

The Strategy does not specify how measurable results will be achieved even for areas where there is reasonably well established knowledge available regarding approaches to biodiversity conservation.

For example the Strategy puts forward the ‘result’ that “national, state and local government investment is supporting common biodiversity conservation goals and is complementary.” The Strategy does not outline what the Federal government sees as the priority goal for biodiversity conservation planning, other than to say that “delivery should be targeted and integrated at the appropriate geographic scale” (Table 3.4 Objective 4.2).

Is there a common goal/understanding regarding appropriate geographic scales for biodiversity conservation? NSW seems to be advocating regional conservation initiatives as providing the most appropriate scale. The Federal Government seems to be in favour of bioregional biodiversity management plans. In addition the case studies for the Strategy provide examples of management plans at a range of scales.

Governments need to agree on what conservation initiatives are being reported on, at what scales, and such reporting needs to be coordinated. Otherwise it is difficult to see how results of conservation efforts could be measured.

Building baseline data sets to measure biodiversity condition over time

We are encouraged about the initiative to prioritise the building of baseline datasets, including key indicators, to measure biodiversity condition and trends over time and the requirement to improve the infrastructure to support baseline data sets (see 6.1.1 – 6.13). This initiative appears to correlate with the requirement to develop a national biodiversity index under ‘mainstreaming biodiversity’.

We note that one of the difficulties with developing baseline data sets is the concept of “shifting baselines”, which has been documented with regard to marine biodiversity. The concept would equally apply to other types of biodiversity:

It is important to note that any baselines measured today have already shifted substantially from their historical states. Accepting today's baselines as the desirable target would be an example of the "shifting baselines" concept, whereby we come to accept the current degraded environment in which we live as 'normal' or 'natural'. Research papers have documented the negative effects this phenomenon can have on marine biodiversity.¹

We recommend that the "shifting baselines" phenomenon be recognised in the Strategy, and that the Strategy recognises that biodiversity conservation involves not only halting the decline evident in the baselines of today, but in improving significantly upon those baselines.

We do consider the collection of baseline data sets and key indicators to be a basic building block for improving environmental reports – and the reporting of conditions over time should be included in the 'national accounts' (see Objective 6.2).

In NSW, we understand that the Department of Environment and Climate Change (**DECC**) has made some progress through the Monitoring and Evaluation Reporting project (**MER**). In our opinion, the State requires support and guidance on the further development of the MER.

The Strategy appears to indicate that the Federal Government will incorporate biodiversity and ecosystem services into national accounts and reporting (see 6.2.2). Therefore, it is recommended that the Federal government ensure that the collection of baseline data and reporting protocols are aligned at the State and Federal level.

Monitoring (Question 5)

The Strategy makes provision for 'monitoring' through the Natural Resource Management Ministerial Council (**NRMMC**), with a formal review proposed at 2015 and at 2020. Such an arrangement does not appear to suggest there will be consequences if the Strategy is not being carried out. The Strategy simply requires that all jurisdictions will report annually, and the NRMMC 'may' request independent interim reviews to identify and address any obstacles to implementation.

Although the Nature Conservation Council agrees that many of the actions identified for the first two years of the Strategy should be prioritised, by focusing solely on these actions for the first two years, it appears that the larger part of the Strategy will not be reviewed fully until the mid – term. (see p. 15).

Proposed reporting arrangements (Question 5)

¹ Pauly, Daniel (1995) [Anecdotes and the shifting baseline syndrome of fisheries](#). Trends in Ecology and Evolution 10(10):430.

When proposed actions are vague/not measurable and there is not a definition of the process needed to undertake the action, this is likely to lead to performance reports of a very general nature being presented to the NRMCC.

Main biodiversity threats

(Question 1)

The main biodiversity threats identified in the Consultation Draft appear to be the most important ones. There are some comments the Nature Conservation Council would want to bring forward:

Climate change is one of the key threats to biodiversity and we are pleased to see the Department has identified this in the Strategy. As the Strategy says, we are at risk of experiencing dangerous climate change and significant loss of Australian biodiversity is projected to occur by 2020 at the ecologically rich sites listed (p. 81). The Nature Conservation Council notes that the Government has not made a commitment to an emissions reduction target which would validly assist in reducing this risk. Nor does the Strategy appear to specifically recognise the role that terrestrial carbon stores can play in the reduction of greenhouse gases.

It is noted that marine conservation appears to fall under the threat 'unsustainable use of natural resources'. We would suggest that the marine environment merits its own threat category (just as a separate category has been put forward for the freshwater environment "changes to aquatic environment and water flows").

Although the Strategy acknowledges and outlines the range of problems facing aquatic systems (in Appendix 9.5), there is no specific mention of freshwater systems in Priority 1 – "building ecosystem resilience". We would suggest that "aquatic environment and water flows" is specifically included in this section.

As the Strategy states (Appendix 7.6) "few freshwater species are listed as threatened or endangered. This difference reflects a lack of knowledge about freshwater aquatic biodiversity, rather than indicating healthier ecosystems."

With regard to conservation of freshwater systems we would recommend that further consideration is given to whether the Department can develop a national register of wetlands ecosystems. The Department may also be in a position to assist community organisations (with funding and scientific help) in progressing the listing of wetlands under Ramsar. We believe a focus on these listing processes would assist in building greater knowledge about freshwater aquatic biodiversity.

Priorities for change

(Question 2)

The Nature Conservation Council strongly supports the priority proposals for Building ecosystem resilience through maintaining ecosystem health (see 1.1.2), the proposal for a

review of legislation designed to achieve biodiversity outcomes (see 4.3.2), and the general priority “mainstreaming biodiversity” (see priority 2).

Ecosystem resilience and health – management issues

Measuring ecosystem resilience and health is complex, and although the Strategy endorses ecosystem resilience, it does not suggest or describe a path for moving towards a management approach that would produce ecosystem health and resilience. The need for a change in management approach is particularly clear when looking at natural resource management issues that arise in marine biodiversity conservation:

The Bureau of Rural Sciences’ methods of assessing and managing fisheries still over-rely on single species stock assessments. Several of these stocks (19 in 2006) are clearly not in a position of resilience, as they are assessed as overfished or subject to overfishing. Until there is a clear framework for ecosystem-based management, and harmful fishing practices are phased out, Australia will continue to fail to meet its obligations under the FAO Code of Conduct for Responsible Fishing.

Any strategy that seeks to build ecosystem resilience must include a clear target for a marine protected areas network. The Australian Marine Sciences Association has recommended that a minimum of 10% of all major ecosystems should be protected in no-take areas. A growing body of marine scientists recommends that the appropriate percentage is actually closer to 30%. The Strategy should include a clear target in terms of ecosystems to be protected as well as a timeframe. We recommend minimum targets of 10% no-take areas by 2012 and 30% by 2020.

The Nature Conservation Council recommends that the Strategy should give more thought to determining management approaches that will produce ecosystem resilience for terrestrial and marine biodiversity.

The Threatened Species Conservation Act

The Nature Conservation Council of NSW supports a review of the *Threatened Species Conservation Act 1995 (TSC Act)* provided that the Federal Government is involved in the review process. We are concerned about the slow progress in the development of recovery plans for threatened species or endangered ecological communities (**EEC**) and the fact that a recovery plan is not mandatory for each species or EEC.

The Nature Conservation Council would like to see the Strategy provide further detail on multi-species recovery plans – which appear to be endorsed at the Commonwealth level, and how they will integrate with and encourage the development of recovery plans at the State level.

Planning and natural resource management operations of instruments

We would also strongly recommend the Federal Government, through the Council of Australian Governments (**COAG**), lead an extension of the review to the operation of all planning, forestry and marine laws, as these areas of human activity and consumption are the strongest drivers of biodiversity loss. We have provided some examples (below) of how these natural resource management and planning instruments are used in practice:

Planning

Population pressure and development are the greatest contributors to biodiversity loss in NSW. There is no apparent effort for the planning framework to incorporate the objectives of the draft NSW biodiversity strategy.

There are a range of options providing too much flexibility to developers seeking planning approvals in NSW. These include Part 3A, biobanking and biocertification. Part 3A allows large scale projects to go to the Planning Minister for approval. The environmental assessment requirements are far more discretionary than the requirements for development under other parts of the Act². In the draft NSW biodiversity strategy the Government appears to advocate rolling out biobanking, which only commenced in July 2008 and has not demonstrated benefits for biodiversity. In order for biocertification to be effective in protecting biodiversity, improvements need to be made to the process. A biodiversity assessment must become a mandatory requirement, which the Minister must consider in making a decision as to whether to grant biodiversity certification for an environmental planning instrument.

Forestry – impact on species and connectivity

Current regulations under the Private Native Forestry Code of Practice (the Native Vegetation Act) are inadequate to protect nationally endangered species and species under the TSC Act from logging. Targeted surveys of species are not required prior to logging, unless the species is listed on the Wildlife Atlas, which is incomplete and not up to date. The standard of habitat retention required is deficient in the case of high conservation value areas, in that the standard only requires the retention of 5 habitat trees per hectare post logging.

The Nature Conservation Council supports the priority for “building ecosystem resilience” and notes the specific priority to ‘establish conservation linkages and provide connectivity across bioregions, particularly at a continental scale’. (see 1.1.3) The Nature Conservation Council would like to remind the Department that the barriers to the development of connectivity on a large scale are hampered by the priorities of natural resource management in NSW:

For example timber industry interests are directly in conflict with conservation interests. A key section of the National Great Eastern Ranges initiative is the mature forests across the

² http://www.edo.org.au/edonsw/site/factsh/fs02_3_4.php accessed 4 June, 2009

eastern escarpment in Northern NSW. Yet this privately held land is being targeted by the timber industry which is increasingly pressuring landholders as a result of dwindling timber supplies from the public forests. The NSW Private Native Forestry Code of practice needs to be modified to better protect biodiversity on areas of high conservation value land particularly in key regional and locally identified corridors and, generally, private landholders need to be given greater incentives to protect biodiversity in the face of increasing competition from timber industry interests.

We note that the NSW Integrated Forestry Operations Approvals (**IFOA**) under the Regional Forest Agreements are currently overdue and presently being undertaken by the NSW Government. There are important issues that should be considered in the IFOA review, which were not considered when the IFOAs were formulated in 2000. These include factors associated with climate change such as carbon storage and loss from forestry operations, the contribution of mature (unlogged forests) to baseline streamflows and the adequacy of sediment control guidelines given, possible increases in the intensity of rainfall events due to climate change. As part of our recommendation that the Commonwealth should extend its attention to forestry legislation, we recommend that the Commonwealth should investigate whether or not these factors are properly addressed in the current IFOA review.

Bell Miner Associated Dieback (**BMAD**) is increasing across coastal NSW, SE QLD and Victoria. It has been declared a Key Threatening Process by the NSW Scientific Committee. It appears to be linked to forest disturbance and in particular to a failure by NSW Forestry to effectively carry out post logging rehabilitation in BMAD susceptible forests. BMAD is currently impacting on World Heritage areas in the Blue Mountains and in the Border Ranges of NE NSW. We believe that the Commonwealth should consider listing Bell Miner Associated Dieback as a Key Threatening Process at the National level.

Marine – protection of threatened species – how it operates in practice

We are hopeful that the ongoing review of the EPBC Act will see increased benefits to the marine environment. Until the details of the new Act are revealed, it is difficult to determine what requires improvement at a Commonwealth level.

However, in NSW, marine biodiversity has suffered as a result of the separation of responsibility between DECC and the Department of Primary Industries (**DPI**). Of particular concern is the fact that threatened species of fish and marine vegetation are managed by DPI, while marine mammals are managed by DECC. The grey nurse shark is a good example of a threatened species that has not been afforded the protection required to save the species because DPI is expected to manage fisheries on the one hand and threatened species on the other. What is best for one is not necessarily best for the other, particularly in the short-term.

We have recommended that DECC should have responsibility for all threatened species as there is a lower likelihood of a conflict of interests occurring. The Nature Conservation Council recommends that these type of instruments are included as part of the Strategy review of legislation, because the outcomes of such a review can

provide a forum for the States and the Commonwealth to discuss how these type of instruments can be improved. At the moment there isn't information in the Strategy about what will happen to the results of the review, and we would like to see more detail on this point.

Mainstreaming biodiversity

The Nature Conservation Council supports the notion that Australians must be taught to understand the value of biodiversity. At the moment the issues of biodiversity loss are 'out of sight and out of mind' for most Australians, particularly since our population is heavily concentrated in urban areas around the coast, and many people have had no understanding of what biodiversity means, let alone how it functions.

We would suggest that the Strategy make explicit the link between biodiversity loss, population pressure and how people live. Rather than simply attempting to educate by emphasising that biodiversity is important for optimal ecosystem processes and is intrinsically valuable, it should make clear that that living and consuming in a non sustainable manner is the primary cause of biodiversity loss.

We would also suggest that one of the easiest threats to educate people on is invasive species. Educating people about the threats to native species from invasive species presents an opportunity to engage people about the unique Australian native species.

We would like to thank the Government for the opportunity to be involved in the development of the Strategy. We look forward to continuing this involvement and to seeing positive outcomes, through the Strategy for biodiversity in Australia.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cate Faehrmann', with a long horizontal line extending to the right.

Cate Faehrmann
Executive Director
Nature Conservation Council of NSW