

Please attach the following **one-page summary** to your submission.

Comments on the Interim Report for the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

Summary

Name of author/organisation:

Mick Welsh
ENV Australia

Date:

30/7/09

Which chapter(s) of the interim report are you commenting on?

Listing of Migratory Species

Key points of submission

Inconsistent listing of Migratory species between Sprat Database and EPBC list.

References

N/A

Confidentiality statement:

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Do you want this submission to be treated as confidential?

no

These comments contain personal information of a third party individuals. The third party individual **does not consent** to the publication of their information.

Mick Welsh
Senior Zoologist
ENV Australia

Perth, WA 6850

30th July 2009

Last year I submitted a letter to the Species Listing Branch of DEWHA regarding an apparent inconstancy between what species are listed as Migratory in the EPBC Act listing in the DEWHA website, and what information is available on the Sprat database- also on the DEWHA website.

I originally had discussions with the Marine Division, who first suggested to me that many species technically listed as Migratory species in the EPBC list are not really migratory, and are not actually considered as Migratory species by DEWHA. He suggested that only species marked as Migratory in the SPRAT database are the ones truly protected as Migratory by DEWHA.

My original letter (which I re-sent this year) is here, as well as our email discussion which fully describes the problem and issues I have with the listings.

Yours Truly

Mick Welsh

Mick Welsh
Senior Zoologist
ENV Australia
Perth, WA 6850

27th February 2009

The Director
Species Listing Section
Wildlife Branch
Approvals and Wildlife Division
Department of the Environment, Water, Heritage and the Arts
GPO Box 787
Canberra
ACT 2601

Dear Sir/ Maam,

I have had some discussions I had last year with the Marine Division about migratory bird species listed under the EPBC Act. I have discovered what appears to be an error in the list of migratory species under the EPBC Act.

Published at the following website:

<http://www.environment.gov.au/biodiversity/migratory/list.html>

The list for birds begins with:

- All species in the family Accipitridae for which Australia is a Range State.
- All species in the family Anatidae for which Australia is a Range State.
- All species in the family Charadriidae for which Australia is a Range State.
- All species in the family Falconidae for which Australia is a Range State.
- All species in the family Muscipidae (sensu lato), including the sub-family Sylviinae, formerly listed as the family Sylviidae, for which Australia is a Range State.
- All species in the family Phoenicopteridae for which Australia is a Range State.
- All species in the family Recurvirostridae for which Australia is a Range State.
- All species in the family Scolopacidae, including the sub-family Phalaropodinae, formerly listed as the family Phalaropodidae, for which Australia is a Range State.
- All species in the genus *Grus* for which Australia is a Range State.

This is followed by a list of individual species. From the discussion I have had with _____, and from looking up all the species in these bird families on SPRAT (<http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>), I have found that there are few Australian birds in these families that are actually migratory species under the EPBC (with the exception of the family Scolopacidae). Our company, up until now, (and previous consultants I have worked for) have been under the belief that all Australian birds in these families are EPBC migrants.

What I have concluded is that the wording 'All species in the family xxxxxxxx for which Australia is a Range State' is misleading. I believe this should be changed on the website to clearly explain which species from these families are indeed EPBC

migrants. Why can't the list simply consist of a discrete list of species? I understand that there may be some rare vagrants that may not be considered 'Australian' species that could be technically listed as migratory under the Act, and perhaps there are too many to list on the website. If this is true wouldn't it be easier to just say this, and explain that any vagrant species that is listed under the various international agreements that is found in Australia should be considered an EPBC migrant.

I propose that the migratory species list needs to be changed to clear up this confusion. If not then can you please explain the situation to us so we can at least know which species we should consider migratory and which we should not.

Yours Truly,

Mick Welsh.

From:
Sent: Wednesday, 15 July 2009 2:44 PM
To: Michael Welsh
Cc:
Subject: RE: Letter about Migratory Species [Scanned] [SEC=UNCLASSIFIED]

Hi Michael,

I thought I'd reply to your email (which I just received) directly. I'm acting director of the Species Listing Section for this week as our Director is on leave. I don't know if he ever received your previous letter(s) but this is the first I've heard of your enquiry.

I'm afraid I can't be all that helpful in so far as our section doesn't handle the list of migratory species list. I can offer my interpretation, but for detailed questions it seems you were speaking to the right person. I don't know at all, but he's listed as being a member of the Migratory Birds Taskforce.

If you'd like me to chase it up further, I'd need a little more explanation of the problem. As I read it, your approach was to look up members of each of those bird families on SPRAT and to see what it listed under the column "EPBC Act Status". At least that's what I've just tried to do - and I see that some species have "Migratory" in that column while others don't.

I think there are two possible explanations for that:

1. The list may indeed be incorrect. That would be something to ask and/or the SPRAT people to sort out. I think this is unlikely.
2. The listing of the whole family might be a precautionary or overarching approach so that all members of those families are included due to a general migratory ecology across most (all?) species in the family. Thus the migratory species may be correct as listed on the web (<http://www.environment.gov.au/biodiversity/migratory/list.html>). I suspect that only the particular species in each of those families that is named in one of the relevant conventions is then labelled as migratory on the SPRAT page.

I'm not sure I'm explaining that well, but in essence I would take the view that if a *family* is listed in the migratory species list, then it should be regarded as one even if it doesn't have a migratory label under its entry in the SPRAT page.

I hope this is of some help. Do feel free to drop me a line again if I can provide more information, but I would recommend that , or someone in his section, is a better source of information for detail of what species are on the list.

Cheers,

Assistant Director
Species Listing Section
Department of the Environment, Water, Heritage and the Arts
GPO Box 787, Canberra ACT 2601

(my email reply)

I think the reason whole families are seemingly listed is that it will cover any vagrant birds coming to our shores such as the Garganey Teal (*Anas querquedula*) (from the family Anatidae)

This makes sense because if it has flown all the way to Australia, this qualifies it as a migrant.

If we interpret the listing as including all species from the families then this is nonsensical because so many of these species are not migratory (eg all Australian ducks are in the family Anatidae- but few are migratory)

If all species from these families are included as Migratory, then why are many species (the true migrants – and the ones listed as Migratory in SPRAT- such as *Anas querquedula*) also listed separately as a species under the migratory list in the list here: : <http://www.environment.gov.au/biodiversity/migratory/list.html>

When it comes down to it, it seems obvious to me that the list here: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl> is the true list- and is kept up to date with changes to Bonn convention, etc

whereas the one given here:

<http://www.environment.gov.au/biodiversity/migratory/list.html> is old and is not updated- but was originally created when the EPBC Act was formed- yet still seems to be the “official list” of migratory species under the EPBC Act.

I suggest that the list in the DEWHA site needs to be revised and kept up to date in line with the SPRAT database.