



Sutherland Shire Environment Centre

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April 17, 2020

Dear Professor Samuel, and the Independent Review Panel,

Sutherland Shire Environment Centre is an independent, not-for-profit, non-government, community organisation that has been actively involved in advocating for the environment since 1991. We support our members, local communities and community organisations in their efforts to support and encourage positive change toward environmental sustainability. Our campaigns focus on raising awareness of the risks of climate change, rising carbon emissions, threats to our water supply from coal mining, and environmental education programs.

We welcome the 2019-2020 Independent Review of the EPBC Act - our submission highlights deficits in the current legislation, in particular, its manifest inadequacy to protect our native flora and fauna. On behalf of members of the Sutherland Shire Environment Centre we ask you to recognise the urgent need for much stronger laws and policies to protect our environment.

Australia's flora and fauna is unique yet our country has one of the highest extinction rates in the world. Extinctions have accelerated due to weak environmental protection legislation. The situation has become increasingly dire with the recent catastrophic 2019-2020 bushfires which killed over one billion native animals. An estimated 700 species have been pushed toward extinction. This is not a record to be proud of.

Apart from the overall numbers of animals now threatened with extinction, there are a number of other key indicators of a serious failure of the current Act to protect biodiversity and conserve the environment -

- In December 2019 it was reported that “Australia’s threatened birds declined by nearly 60% on average over 30 years”, and that the numbers of “migratory shorebirds have declined by 72%.”¹
- An estimated 7.7 million hectares of threatened species habitat has been cleared since 1999.² A 2019 report by the Audit Office of NSW found evidence of a lack of monitoring, and grossly inadequate compliance checks: The Audit Office stated that “The clearing of native vegetation on rural land is not effectively regulated and managed because the processes in place to support the regulatory framework are weak. There is no evidence-based assurance that clearing of native vegetation is being carried out in accordance with approvals. Responses to incidents of unlawful clearing are slow, with few tangible outcomes. Enforcement action is rarely taken against landholders who unlawfully clear native vegetation. There are processes in place for approving land clearing but there is limited follow-up to ensure approvals are complied with.”³

¹ <https://theconversation.com/australias-threatened-birds-declined-by-59-over-the-past-30-years-128114>

² <https://www.abc.net.au/news/science/2020-02-16/bushfire-wildlife-extinction-offsets/9622980>

³ <https://www.audit.nsw.gov.au/our-work/reports/managing-native-vegetation>

- Land clearing also contributes to the climate crisis. The Guardian recently reported that “just two years of bulldozing would effectively cancel out more than \$1.5bn of taxpayer funded climate change projects paid for through the federal government’s emissions reduction fund.”⁴
- The International Union for Conservation of Nature has now placed some of our most iconic trees on a “red list” - 76 species of eucalypts in Australia are listed as threatened. Please note that eucalypts are a key food source for koalas: “Eucalypts are keystone species and are critical to a huge number of ecological systems. If you start taking them out, then there will be knock on effects because so many organisms – birds and insects – depend on them.”⁵
- Key conservation groups, including the World Wild Fund for Nature, are now calling for one of our most globally recognised animals, the koala, to be listed as endangered. Critical habitat is still being lost to land clearing and forestry operations. “Koala habitats in NSW and Queensland has been destroyed at a faster rate since the animal was declared vulnerable in 2012 than before... In NSW, koala habitat destruction increased from an average annual loss of 11,153 hectares in the period from 2004 to 2012, to 14,695ha between 2012 and 2017, or around 32 per cent.” The World Wildlife Fund has also noted that “many of those who cause habitat destruction appear to be aware they will face no consequences, which is why the rate of destruction is increasing.”⁶ Meanwhile logging is still taking place in remaining unburnt forests that are critical koala habitat: in the Lower Bucca state forest near Coffs Harbour, the Comboyne State Forest, and others.⁷
- Clearly environmental offsets have failed to protect our native species. The recent action brought by the Environmental Defenders Office (EDO) against Whitehaven Coal for failing to secure biodiversity offsets for 5,532 hectares of endangered Grassy Whitebox woodlands, critical koala habitat, is just one instance of this failure.⁸ Greenpeace has similarly outlined the inadequate protections such offsets provide, noting that “In 2014, a Senate inquiry unearthed huge scandals in biodiversity offsetting, including misleading claims by companies, phantom offsets, and even companies mining areas that were already set aside as offsetting by another project. The inquiry found that critically endangered ecological communities can’t sustain any further loss, and recommended that they should never be available for offsets. Unfortunately, the Federal government has still not implemented the recommendations of that inquiry.”⁹
- Even in 2017 it was reported that “Spending on environment department programs, monitoring and staff has been slashed by nearly a third since the Coalition won the election in 2013, with deeper cuts promised into next decade. Among the programs hardest hit are those designed to maintain biodiversity by protecting shrinking animal and plant populations and ecosystems.”¹⁰

⁴ <https://www.theguardian.com/environment/2020/mar/27/nsw-land-clearing-approvals-increased-13-fold-since-laws-relaxed-in-2016>

⁵ <https://www.theguardian.com/environment/2019/dec/11/almost-a-quarter-of-eucalypt-trees-found-to-be-threatened-with-extinction>

⁶ <https://www.smh.com.au/environment/conservation/destruction-of-habitat-sped-up-after-koalas-were-listed-as-vulnerable-20200412-p54j6p.html>

⁷ <https://www.abc.net.au/news/2020-04-08/logging-after-fires-raises-concerns-among-environmental-groups/12105394>

⁸ <https://www.northerndailyleader.com.au/story/6710831/edos-claims-refuted-as-factually-wrong-by-mining-company/?cs=12>

⁹ <https://www.greenpeace.org.au/blog/koalasnotcoal/> , and https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Environmental_Offsets

As stated by Greenpeace, biodiversity protection should not be regarded as an impediment to profit. Our unique flora and fauna is invaluable and will be lost forever if stringent measures are not taken. If your Review fails to end the destruction of critical habitat and provide adequate protection to our native species, there will be no second chance.

Thank you for considering this submission on behalf of the Sutherland Shire Environment Centre and its members.

Sincerely,

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¹⁰ <https://www.theguardian.com/australia-news/2017/dec/13/environment-funding-slashed-by-third-since-coalition-took-office>