



Our Yarra: Healthy, Protected and Loved

31 August 2020

## **Submission by the Yarra Riverkeeper Association:**

*Inquiry Into Ecosystem Decline In Victoria by the Planning and Environment Committee of the Legislative Council of the Parliament of Victoria*

### *Who are we?*

The Yarra Riverkeeper Association is the community voice for the river. The Yarra Riverkeeper speaks for the river as the river cannot speak for itself. We are a key and informed stakeholder on the Yarra River. Our policy achievements include the initial advocacy for the Yarra River Protection (Willipgin Birrarung murrn) Act (Yarra/Birrarung Act) as well as for the Yarra Planning Controls. We have built an informed and evidence-based community understanding of the river as a single and integrated ecosystem from the mountains to the sea. Our particular experience of place, of a river system, provides us with a lens through which we can appreciate the detail of broader social and environmental issues.

### *Context*

Our ecosystems are in decline.

Mr Grant Samuel, in the interim report for the review of the EPBC Act, says, “Australia’s natural environment and iconic places are in an overall state of decline and are under increasing threat. The current environmental trajectory is unsustainable.’

Minister d’Ambrosio makes the unadorned statement in the government’s report on biodiversity *Protecting Victoria’s Environment - Biodiversity 2037* that ‘Victoria’s biodiversity is in decline.’

The Commissioner of Environmental Sustainability tells us: ‘Most biodiversity indicators are poor and trending downwards. There are 23 main indicators, but several are divided into sub-indicators, giving a total of 35 indicators. More than 20 are poor, 7 are fair and none are good. 18 indicators show deterioration, 7 are stable, and only one (private land conservation) is trending up.’  
(<https://www.ces.vic.gov.au/reports/state-environment-2018/biodiversity-plants-animals>)

The *State of the Yarra Parklands* report says: ‘Of the 35 indicators (3%), one has been assessed as in a ‘good’ state. This was the indicator for post settlement colonial heritage. Conversely, it is significant that the 18 indicators that have been assessed as ‘poor’ (51%) include 18 of the 25 environmental health indicators (72%).’

This decline is happening not in far-off places but our own backyards and not only to species with obscure names. The *Healthy Waterways Strategy 2018 (-2022)* says, At the same time [over the next 50 years], the length of waterways unable to support platypus will increase by around 1200 kilometres.

This translates to a probable extinction of platypus across the entire Werribee, Maribyrnong and Dandenong catchments, with only the upper reaches of the Yarra and Bunyip rivers likely to sustain the species in the region.'

Species that are now endangered were once common. The orange-bellied parrot was once common in the estuary of the Yarra. The Helmeted Honeyeater was common in the swamp gum forest that filled the flood plain of the Yarra Corridor above Yering Gorge. Leadbeater's possum was common in both lowland and highland forests. If we continue to accept the loss, and erase these species from our environment and the memories of Victorians, we are subjecting future generations to a baseline of ecosystems that is pale in comparison to what they could and should be.

### Summary

We, as a community and as a government, understand the problem that our ecosystems are in decline, we know the solutions, but we are failing to implement them. We have commissioned reports and then shelved them. We have crafted laws and then failed to enforce them. We have written regulations and allow individuals and businesses to ignore them. We are not serious about our intent to protect ecosystems.

Our fundamental problem is a lack of will, which translates into a lack of resourcing and a lack of enforcement. We still expect our ecosystems to bounce back from repeated blows. Will we only appreciate what we have lost when we have lost it?

We pretend that we can have healthy ecosystems and a flourishing biodiversity while allowing the activities of people and businesses to penetrate more and more into natural ecosystems, while allowing landowners to flout laws and individuals flout laws in the name of 'healthy recreation'. We need to lessen the impact of people and to choose to have some ecosystems that are adequately protected from human interference. Fragmentation is one of the major causes of ecosystem decline. Fragmentation is created by the presence of people and their activities. Unless consciously managed and planned for, fragmentation increases as the population increases

An emblematic report of the Victorian government's understanding of the problem of the decline in ecosystems and biodiversity is *Protecting Victoria's Environment – Biodiversity 2037 (Biodiversity 2037)*. This report was published three years ago in 2017, but much of the thinking and many of the recommendations have not been implemented in the intervening three years. This report is not alone in its thinking; it is one of many reports echoing the same solutions, it, however, an excellent place to start reviewing what we need to do to begin reversing ecosystem decline. Biodiversity needs to be taken to the next step and implemented with serious intent. It should be in every government office, every business and every classroom in this state.

We must understand that ecosystem and biodiversity decline is a whole-of-government problem that needs to be stitched into every government decision. Yet the expansion of our built infrastructure comes at the price of declining ecosystems.

Biodiversity 2037 recommends: 'Embed consideration of natural capital into decision making across the whole of government, and support industries to do the same.'

### *Definition of Ecosystems and Biodiversity*

The subject of this inquiry is ecosystem decline, but it might just as well have been about biodiversity decline. The two terms are intertwined. The two are used somewhat interchangeably in this submission. An ecosystem is a biological community of interacting organisms and their physical environment. A robust ecosystem is one with multiple overlapping connections between many species. A robust ecosystem is rich in biodiversity. Ecosystems are one of the three levels at which biodiversity operates; the other two are genetics and species. Without a rich biodiversity, ecosystems are impoverished. When biodiversity declines, ecosystems are in decline. When we consider ecosystem decline, we are also considering biodiversity decline. To protect biodiversity, we need to protect ecosystems.

### *Enforcement*

There has been a failure in enforcement of environmental laws from horses on beaches and landowners bulldozing dunes in the south-west of the state to mountain trail bikes in Yarra Bend National Park. We under-resourced those responsible for enforcing our environmental laws and we restrict the application of our laws for fearing of offending.

*Biodiversity 2037* says; 'This [of declining biodiversity] trajectory is largely the result of activities and entitled uses that are outside the regulatory framework (resulting in loss of extent of native vegetation), together with insufficient management of threats (resulting in loss of quality).'

Mr Graeme Samuels expresses it simply 'A strong, independent cop on the beat is required'. (<https://epbcactreview.environment.gov.au/resources/interim-report/summary-points> ) At a federal level that does not now look likely to be delivered.

What might a strong independent cop look like in the state of Victoria? Enforcement is required on many levels. On the ground, in parks, we need to resource and empower Parks Victoria to protect our great estate.

Another tool is to resource and implement the Flora and Fauna Guarantee Act 1988. The Flora and Fauna Guarantee Act is the centrepiece of Victoria's biodiversity conservation legislation. Last year the Act was "refreshed and modernized", updating the objectives, adding a new duty for public authorities, and introducing new conservation tools. However, none of these reforms will be of any value if they are not properly implemented.

What does an independent cop look like? Mr Samuels answers: 'An independent compliance and enforcement regulator, that is not subject to actual or implied political direction from the ... Minister, should be established. The regulator should be responsible for monitoring compliance, enforcement and assurance. It should be properly resourced and have available to it a full toolkit of powers.' This cop could take the form of an environmental auditor-general. It works for finance, so it would work as a model for the environment. One option would be to upgrade the Commissioner of Environmental Sustainability to the level of the auditor-general with the same level of independence.

Another instrument of enforcement is to empower the community through the tools of participatory and deliberative democracy. The community cares and observes. The Healthy Waterways Strategy shows what co-design can deliver in terms of thinking. This role of the community needs to be supported by the government.

### *Resourcing: Fund Parks Victoria, Yarra Strategic Plan projects, and other initiatives*

We need to resource the parts of government that are charged with enforcement and with the implementation of projects, Parks Victoria is the key environmental manager across Victoria. It manages 18 per cent of Victoria, and that is 18 per cent that includes Victoria's most intact ecosystems and sinks of biodiversity. Parks Victoria needs to be adequately funded to do the work of protecting and enhancing our ecosystems and biodiversity. Its work is more important than roads and sports grounds. Yet it is chronically underfunded.

Any income generated by Parks Victoria is currently paid into general revenue under the Parks Act 1975. This disincentivizes the agency to generate income with which to manage and improve our parks. It is also contradicting the understanding of park users who are almost universally under the misapprehension that their fees are being used to support parks. This is a case where the argument against hypothecation fails as the practice of government does not meet public expectations, and delivers a decline in our ecosystems.

The Melbourne Metropolitan Parks charge is one source of income that can be considered for the Melbourne region. The entire amount that is rated should be contributed to the Parks budget. The Yarra River Ministerial Advisory Committee noted in *Protecting The Yarra River (Birrarung) Ministerial Advisory Committee Final Report*, 'The Parks Charge is currently not subject to any regulatory oversight and the allocation of funds is not transparent, so it is unclear what strategic goals drive the investments and services it supports.' (page 37). The Yarra River Action Plan created by the Yarra River Ministerial Advisory Committee recommended in point 15 that; 'Review the Melbourne Metropolitan Parks Charge to define the strategic goals/services it delivers and identify the funding available for supporting priority projects identified in the Yarra Strategic Plan.'

The response by the government was 'Adopt in full.' Yet this has not been implemented. The Yarra Strategic Plan is another government initiative that is at risk of not fulfilling the government's aspiration through a lack of funding for projects and on-ground implementation.

### *Indigenous thinking*

The European settlement of Victoria is a recent phenomenon. It is one that came with sweeping ecological changes. Within 70 years of European settlement, much of the land that is now cleared had already been cleared. The suppression of traditional fire and water management radically altered the landscape further. Methods of land management and farming were imported from a northern hemisphere landscape that was wetter, cooler and the subject of recent glacial activity that delivered a very different soil. Australian soils are deficient in nutrients. Our ecosystems, especially soils, need to be managed in different ways to those of the northern hemisphere. The indigenous Australians, the First Peoples of this land, built up an understanding of how to manage the complexity of the landscape and how to manage for biodiversity and for maintaining the connections within ecosystems. We now need to relearn as a community this understanding of our landscape. We need to bring indigenous science and western science together, indigenous land management and contemporary land management together. That challenge in doing that is leaving our comfort zone and embracing the opportunity represented by indigenous thinking.

We note how easy to write down but hard to achieve as it requires such a substantial shift in thinking and the reconciliation with people requires a reconciliation with the landscape.

### Recommendations

1 We recommend that the report *Biodiversity 2037* be implemented as a whole-of-government initiative, and yearly monitoring of the implementation of its recommendations be reported to Parliament.

2 We recommend that the current environmental laws and regulations, including the Flora and Fauna Guarantee Act 1988, are applied and enforced, and this application and enforcement is adequately funded

3 We recommend that a 'strong independent cop' in the form of an environmental auditor-general is created who reports to Parliament and to conduct performance audits on environmental legislation and regulations.

4 We recommend that initiatives to halt the decline of ecosystems in Victoria be undertaken, in particular, to fund Parks Victoria through the return of all fees and charges earned by the Parks system to Parks Victoria and a review of the Parks Charge and for the Parks Charge to be used by and managed by Parks Victoria for the benefit of the Parks of Greater Melbourne.

5 We recommend that indigenous thinking be incorporated into our management of ecosystems.

### Closing comment



Andrew Kelly  
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on behalf of the Yarra Riverkeeper Association

### Appendix

The Victorian Auditor-General in its report on 5 August 2020 on Rehabilitating Mines (<https://www.audit.vic.gov.au/report/rehabilitating-mines>) highlights several issues raised in this submission. We only became aware of this report in time to include commentary as an appendix. This report shows the value of the independent work of the Auditor-General in highlighting the systemic regulatory failures of the Earth Resources Regulation (ERR) unit in not managing the state's exposure to rehabilitation liabilities from the mining industry. The report shows how the dominant economic narrative of the Department of Jobs, Precincts and Regions completely compromises the effectiveness of ERR to do its supposed job. It shows how the government over a long period has failed to take a whole-of-government approach. It shows how the short-run dominance of profits and employment now dominates over a longer-term perspective of how the interests of the people of Victoria are best represented. The ERR has failed to adequately enforce regulations, which is an example of what has been highlighted in our submission here. The ERR has ensured, with its approach, the continued decline of Victoria's ecosystems. The Auditor-General notes systemic failures in governance. These failures can be attributed not only to a lack of will, due to the overpowering dominance of the economic narrative, but to a lack of resources.