

Submission to Inquiry Into Ecosystem Decline in Victoria

Victorian Legislative Council Inquiry under the Environment and Planning Committee to inquire into, consider and report, within 12 months, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species

Dr. Colin Hocking,

Clifton Hill, Australia [REDACTED]

Adjunct Research Fellow, La Trobe University

Uploaded 31st August 2020

BACKGROUND & CONTEXT - Colin Hocking

For more than twenty years I researched and peer-review published on the ecology, conservation and management of the listed threatened ecosystem Victorian Volcanic Plains Grasslands and a number of listed threatened species within this ecosystem, including the Striped Legless Lizard (*Delma impar*), and Plains Rice Flower (*Pimelea spinescens subsp. spinescens*). I practical terms I oversaw the establishment of a reserve for the largest known population in existence of the Nationally Threatened Striped Legless Lizard (Iramoo Wildflower Grasslands in St Albans, western Melbourne), and the rescue and translocation of other populations of Striped Legless Lizard and the Nationally Endangered Plains Rice Flower from sites under development to protected sites. I have overseen ten PhDs and numerous other funded and in-house research that covered native grassland management by burning and mowing, population monitoring of Striped Legless Lizard and impacts of different management regimes, removal of weedy species and their replacement by native grass species, methods of spread of persistent weedy species and ways to limit these, and potential uses of wastewater on native and non-native species in horticultural situations. I was also lead investigator for research into the impacts and management of threatening weedy species on native grasslands and agricultural land, and for three years was on the National Task Force for Chilean Needle Grass, one of twenty designated Weeds of National Significance. I also oversaw, or assisted in, setting up a number of community groups to help protect and manage threatened species, including the Friends of the Striped Legless Lizard, Friends of Iramoo and Tarkine Association Victoria. My other major contribution to conservation and management of threatened species is through Education for Sustainability. In 2005 I was recipient of the inaugural Victoria University Outstanding Community Engagement Award, and in 2007 was made a Carrick Institute for Higher Education Research Fellow. In 2015 I received the Australasian Campuses Toward Sustainability Outstanding Individual Staff Award, and in 2016 was recognized as Environmental Educator of the Year by Environmental Education Victoria. More recently, I have participated in efforts to protect the threatened Wet Forest ecosystems of the Victorian Central Highlands and East Gippsland, and the threatened species these contain, including the Greater Glider, Leadbeaters Possum, Masked Owl and Spotted Tail Quoll.

SUMMARY OF MY SUBMISSION

In Summary, I ask that the Parliamentary Inquiry to recommend that the Victorian Government:

Highlight the importance of making sure that all Victoria's diverse vegetation communities including unique grasslands are adequately represented and properly managed within the reserve system to better secure the future of threatened species.

Act immediately to implement their previous commitments to establish the Western Grassland Reserve and the Grassy Eucalypt Woodland Reserve AND prioritise the highest conservation value grasslands for purchase and management, as soon as possible.

Prioritise protection of critical habitat for endangered animals and plants in Victoria under law and via expansion of the National Reserve System in Victoria to ensure all ecosystems and threatened species are adequately protected.

Bring forward the transition of the native forest logging industry to plantation only timber production (currently proposed for transition over a decade)

Abandon the West Regional Forest Agreement and conduct a review of all Regional Forest Agreements (RFAs) in wake of the landscape-scale fire, and threatened status of multiple forest species that are currently being severely impacted by native forest logging.

ADDRESSING THE TERMS OF REFERENCE

I have chosen to address two of the Terms of Reference. These are TOR (a) and (b) Some of my responses to these Terms of Reference are also relevant to other Terms of Reference.

Term of Reference (a) the extent of the decline of Victoria's biodiversity and the likely impact on people, particularly First Peoples, and ecosystems, if more is not done to address this, including consideration of climate change impacts

The Australian Government's State of the Environment 2016 Report found that the national leadership and collaboration required to address threats to Australia's unique species and biodiversity is lacking. Since 2000 Australia's list of nationally threatened species and ecological communities has increased by more than 30 per cent. In Victoria overall, between one quarter and one-third of all of the terrestrial plants, birds, reptiles, amphibians and mammals, along with numerous invertebrates and ecological communities, are considered threatened with extinction.

For native grasslands, destruction of sites containing nationally threatened species on Melbourne's Western fringe continues apace, and protection of high value sites is compromised by a lack of adequate funding, and by the allowance of an 'offset' system that essentially removes the majority of species and the ecosystem functions that support threatened species.

The Victorian Auditor-General's Office (VAGO) recently audited the protection of critically endangered grasslands in Melbourne's urban growth boundary and assessed the implementation of a decade-old joint Commonwealth and State government program known as the Melbourne Strategic Assessment. This program had intended to streamline urban development approvals and ensure the survival of the remaining grasslands and grassy woodlands threatened by urban sprawl in Melbourne's west and north. To offset losses from urban development, in 2010 the Victorian government committed to establish by 2020, a 15,000-hectare Western Grassland Reserve (between Werribee and Melton) and a 1,200-hectare Grassy Eucalypt Woodland Reserve (near Donnybrook), along with a range of other measures. 10 years later DELWP has still not met its commitments to establish the reserves

and has purchased only 10 % of just one reserve to date, while property developers have continued apace.

There is a well-supported view that the whole concept of offsetting is deeply flawed and at odds with a regulatory system that is supposed to protect biodiversity. If used at all, at the least, offsets need to be much more tightly managed than at present. The few nationally threatened species that are translocated to other sites often undergo significant mortality. Any review of the Federal Environment Protection and Biodiversity Conservation legislation (1999), or of the Victorian Flora and Fauna Guarantee Act (1988) should prioritise protecting threatened species (as are the stated objective of each legislation), not facilitating development through the widespread support of approvals at the expense of wildlife and their habitats.

In Wet Forest ecosystems in Victoria, the Regional Forest Agreements (RFAs) currently in place allow the habitat of threatened species such as the Greater Glider, Leadbeater Possum and Spotted Tail Quoll to be destroyed without adequate assessment of populations beforehand, let alone the setting aside of adequate areas for conservation, based on the known population and conservation science for the species. Drawing on 35 years of research at the Australian National University, estimates are that populations of the Leadbeater Possum, the Greater Glider and some other marsupials in Victoria's Central Highlands had dropped by 50 per cent or more.

Term of Reference (b) *the adequacy of the legislative framework protecting Victoria's environment, including grasslands, forests and the marine and coastal environment, and native species*

There is ample evidence that State and Federal environmental legislation, especially the Flora and Fauna Guarantee (FFG) Act 1988 (even with the minor changes introduced in 2020) and the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 are NOT working to prevent the decline and extinction of Australia's threatened species. This is so for native grassland species that I have worked on or been associated with, and species in other ecosystems such as Wet Forest. In many cases, not even an action statement for many threatened species has been prepared. For example, the Greater Glider was listed as 'vulnerable' under the EPBC Act 1999 in May 2016. Currently there is active logging of Greater Glider habitat. Yet no action statement has been prepared, at either Federal or Victorian State level. Instead, the known habitat of Greater Glider is being logged under a work plan by VicForests, as a type of pseudo-scientific experiment meant to find out how many survive logging – this is an absurd situation, and would be prevented by adequate federal level environmental legislation. Recently, the Federal Court of Australia found that the actions of VicForest in multiple coupes in the Victorian Highlands was illegal, in terms of the Regional Forest Agreement itself, and it is apparent that logging other similar coupes are likely to be illegal, and yet the Victorian State Government has refused to act to limit logging of these types of coupes, or even speed up the process of transition out of native forest logging that is pushing multiple threatened species to extinction.

Where an action statement does exist protection and conservation of the species is not adequately funded, or where there are infringements of the action statement, these are often not enforced. Both the FFG Act and the EPBC Act allow for high levels of ministerial discretion in decision-making where science can be overruled. Many key concepts, such as cumulative impacts, are poorly defined, leaving them open to subjective interpretation and exploitation.

In Victoria's forests (and in other states) the current national law that provide exemptions for logging activities (Regional Forest Agreements or RFAs) are having serious and ongoing impacts on threatened species, such as the critically endangered Leadbeater's Possum in Victoria, the Spotted Tailed Quoll and the Greater Glider.

The Flora and Fauna Guarantee Act 1988 needs to be strengthened, resourced and properly implemented, including the principle of developing timely, science-based recovery plans for all threatened species that are enforceable, binding, and require climate impact assessment for species and their critical habitat, so that:

- Action statements and management plans for all listed species and communities are prepared in a timely way, without political interference
- Critical habitat determinations need to be made mandatory in ways that enable the environment Minister to use habitat conservation orders in urgent conservation situations, and the Guidelines for Determining Critical Habitat, currently held internally within the Department of Environment, are updated and publicly released.
- Public authorities need to be made fully aware of their new duty to consider biodiversity conservation and the objectives of the Flora and Fauna Guarantee Act 1988, and if they do not, they need to be sanctioned or prosecuted under the terms of the Act.
- The current Biodiversity Strategy is updated and strengthened so that it relates to the objectives of the FFG Act and so that it incorporates the use of the legal conservation tools available under the Act.

Along with stronger protections, the FFG Act needs to be altered so that it clearly guarantees community rights and participation in environmental decision making, including: open standing provisions; review of decisions based on their merits; third-party enforcement provisions; and protections from cost orders in public interest proceedings.

Additional Comments on Critical Habitat Determination and Protection: The current arrangements for recognition, declaration and protection of critical habitat are what could only be described as a joke. Three unique Australian animals went extinct in the last 10 years alone. Yet there has not been any listing for critical habitat for the protection of threatened species on the federal critical habitat register for more than a decade. As an example, the critical habitat for the critically endangered Leadbeater's possum has been identified but it is still not listed on the critical habitat register. Widespread logging of Leadbetter possum habitat continues on a large scale. In Victoria there has only ever been one declaration of Critical Habitat for an animal, and one for a plant – the latter was for the Small Golden Moths Orchid (*Diuris aff. lanceolata*), located on the Sloane Estate in Altona, then the only known site of occurrence of the species. almost 20 years ago. An area of approximately 1 hectare was declared as Critical Habitat, but with no protection. However the Critical Habitat Determination was not Gazetted, as required by the FFG Act, and trucks were allowed to drive across the site. The Critical Habitat Determination (CHD) was subsequently lifted about a month later, with no accompanying evidence, and the withdrawal of the CHD was Gazetted. This is what I mean by a joke. How is it that there are multiple critically endangered species across Victoria, and yet there have been no other CHD declarations during the 32 years of operation of the FFG Action?