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Review of the Nature Conservation Act 1980 – Discussion Paper November 2010

The Canberra Ornithologists Group (COG) wishes to provide brief comments relating to the Review of the *Nature Conservation Act 1980* – Discussion Paper November 2010.

COG is a volunteer-based community group with around 350 members whose mission includes the conservation of native birds and their habitats. COG plays an active role in advocating for the protection of native vegetation/bird habitats and for the mitigation of threats to and impacts on native birds. COG has a special interest in woodlands and the conservation of threatened woodland birds.

COG has conducted a long-term bird monitoring project in ACT woodlands for over 15 years, and has been active in bird monitoring in the ACT for more than 40 years. Woodland-dependent bird species in the Canberra region are continuing to decline, especially in woodlands on the peri-urban, due to factors such as land clearance (largely for urban housing and infrastructure), land degradation, fragmentation, and impacts from poor land management practices such as overgrazing by domestic and native animals (kangaroos). Over the years, COG has nominated a number of birds for listing as threatened under the NC Act.

COG has provided input to a Conservation Council ACT Region working group which has considered the effectiveness of the current legislation and what changes need to be made. COG supports the submission which the Conservation Council will make on behalf of its member groups. While it is considered that there is useful background information in the Discussion Paper, the questions posed in the paper do not get to many of the core issues which community groups like COG are concerned about. We are calling for a complete re-write of the Act, a new Nature Conservation Agency (properly resourced) to administer the Act, a more effective role for the Conservator, greater monitoring and compliance, and independent auditing. These issues will be fully detailed in the Conservation Council's submission.

Overall, COG considers that the Act has proven inadequate to protect important native vegetation/bird habitat which is essential to the survival of woodland-dependent bird species. The bird-rich woodlands at East O'Malley, the loss of most mature eucalypts in the Crace development, the loss of Boobook Owl nesting habitat in Black Mountain Nature Reserve (for the GDE), and loss of Superb Parrot feeding and breeding habitat in Harrison in Gungahlin, are some recent examples where COG believes the current

legislative framework has failed. Mechanisms such as Action Plans for threatened species have not delivered improvements for most species for which plans are written; this is largely due to lack of implementation, lack of monitoring and especially inadequate resourcing. In addition, monitoring and compliance on the ground is poor/ineffective, eg allowing many kilometres of illegal bike trails to degrade Bruce/O'Connor Ridge for years without action being taken, and the general lack of enforcement of dog and other regulations in reserves.

In summary:

- there needs to be a complete re-write of the legislation, including objects which the current Act lacks
 - the current Act is largely administrative/regulatory but is not currently enforced adequately
- the Act needs to have a framework to achieve landscape-scale conservation across the ACT, and particularly to take account of ecological connectivity issues
 - the current system of dealing with the impacts from urban and infrastructure developments etc in a piecemeal process needs to change, and final decisions which impact on native vegetation/bird habitat should not be in the hands of land development/planning agencies
- the Parks and Conservation Service needs to be strengthened; there needs to be a cohesive entity/agency, a Nature Conservation Agency, to administer the Act, reporting to an appropriate Minister, such as the Minister for the Environment
- the Conservator's role should be strengthened significantly, their advice/view needs to be given more prominence/weight; the Conservator should be required to seek advice, including technical advice, from a wide range of sources including Government advisory bodies and Boards
- conservation management outside the reserve system should be addressed in a new Act, must be improved, monitored and enforced, and be more publicly accountable
- regulatory mechanisms need more teeth and compliance/enforcement/prosecution provisions need to be streamlined and strengthened, particularly powers for rangers to give on the spot fines for infringements
- there should be provisions for independent auditing of the Conservator, for example, by the Office of the Commissioner for Sustainability and Environment
- the review of the Nature Conservation Act must take account of the outcomes of the current review of Canberra Nature Park by the OCSE.

Yours sincerely



Jenny Bounds
Conservation Officer
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