

My background is primarily a wildlife carer. I worked at and managed the Wildlife Section of the RSPCA for 10 years and, as such, saw the types of injuries and problems native animals of the ACT are facing due to cat and dog predation and by encroaching urbanisation and human activities.

I welcome this chance to comment. I am making these comments as an individual and none of the opinions expressed here are in any way those of any organisations I may belong to.

As with all legislation the intentions are good but there is a fundamental lack of enforcement officers 'on the ground'. It is also my opinion that the some members of the general public do not know about the laws governing them or, if they do, either have no regard for the law or the environment.

1. How do you think connectivity and ecological sustainability across the ACT can best be protected and enhanced?

Namadgi National Park and Tidbinbilla Nature reserve are large enough expanses to be ecological sustainable with a good level of biodiversity. However feral animals; those introduced to the area and that are not considered indigenous, are a problem. Pigs and wild horses alter the landscape to the detriment of native species.

In the lowland areas of the ACT, where much of the lowland grasslands and woodlands are now developed for human habitation and activities, connectivity is limited. Corridors are not of an adequate size to allow native animals to move from one area to another should they want. Even the nature reserves are dissected by roads. Different species have differing space requirements depending on the type of food and shelter they need. If those requirements are not able to be met for all species the balance is upset with some animals thriving, some struggling and some becoming extinct. Every living thing is part of a food chain, and to have parts missing makes it more difficult for other species. Narrow corridors may not be sufficient to protect both plants and animals in a whole-of-landscape consideration. Fragmentation leads to non-viable populations.

Hence, with planning this must be considered. The loss of one species may lead to a decline in other species. Remove a food source and another species has to travel further and thus use resources that may be needed for reproduction and survival.

Add to this climate change and the pressures are increased on both plant and animal populations.

2. What are your views on no net loss of significant biodiversity and its applicability to the ACT?

Does the ACT contribution need to be viewed in the broader regional context, and if so how could cross border offsetting considerations apply?

It seems to me that *'no net loss of significant biodiversity'* is a furphy.

Any developments that occur invariably upset the balance of biodiversity. For instance, a developer will first cut down trees and shrubs and then scrape the topsoil off. After the building is complete and more soil and vegetation is added it takes a long time to re-establish the flora and fauna. Both will be different and most likely non-indigenous.

To "off-set" this loss of biodiversity with other plantings elsewhere is a joke. Already the local area has been fragmented and habitat and animals destroyed. Plantings elsewhere take many years to mature enough to be useful – hollows for example. To think 'regionally' when many small areas are being destroyed is almost impossible.

Each plant and each animal (including mammals, insects, fish, bacteria etc) is part of the ecosystem and contributes to the overall biodiversity of an area.

5.4 Are the levels of penalties available under the NC Act appropriate?

My opinion is that the level of penalties should be aligned with other states.

6.1 Should the provisions that control public activities on reserved areas be extended to public activities in open space and unleased lands generally?

Yes. It does not matter what label is applied to the areas, any land used by the public should be controlled in the same way.

7.1 Should objects be incorporated in an objects section of the NC Act?

What do you consider would be appropriate objects?

The objects listed on p31 are appropriate.

8.1 Do you think the current role of the Conservator is appropriate? If not, how could it be improved?

In addition to the points in section 8.1 the Conservator should be able to "declare a cat curfew if necessary"

9.2 Are any other changes warranted in relation to the declaration of protected and exempt species?

The species status lists need to be updated periodically to reflect changes in the pest and pet species that are being introduced.

For example, the red-eared slider was introduced to this country by the illegal pet trade and, as very often happens, has escaped into the wild. Previously there may not have been any threats to native turtle species but now there is. The pet trade is now selling non-native invertebrates. Should these escape to the wild, or be released into the wild, local invertebrates could be affected.

Another example is the cane toad. It was introduced to control an exotic beetle on an exotic crop. Entire populations of native species are being grossly affected, some to the point of extinction.

There are changes happening and events often beyond our control, whether anticipated or not, and for that reason the protected and exempt species lists should be regularly reviewed.

9.3 Do you think section 38 of the NC Act should be amended to incorporate greater categorisation of threatened status, and should the new categories relate to IUCN categories.

Should the definitions and listing categories in the NC Act and the EAPBC Act be better aligned?

9.3.2

The NC Act should be amended to include protection of endangered ecological communities. What is the point of declaring a species endangered and not make foul play an offence? In fact, penalties should be as high as possible. Extinct is forever.

9.3.3

Classifications and definitions of native species should be aligned with the EBPC Act. Comparisons are thus easier to make between states.

If classifications were aligned with the EBPC, which also incorporates penalties, and because there are large areas of Commonwealth land within the ACT it would seem a logical move.

However, to add a “regional” classification for endangered and extinct animals would give a clearer perspective of local native animals.

11. Should the definition of animals and native animal under the NC Act, or specific uses of these terms, be amended and how?

11.1

I agree with the second paragraph: it would be more consistent to include all animals, including pest native species and exotic species, and then single out particular animals for exclusion if provisions do not apply to those species.

This section talks about immediate action if a dingo is worrying stock. The dingo could be singled out as in the above paragraph by changing the wording as suggested on p41.

11.2 How can the origin of a captive wild animal be verified?

Animals taken from the wild have certain behavioural characteristics that are easily identified by an experienced person. However these characteristics diminish with time. Certain birds, especially Galahs and Sulphur crested cockatoos, humanise extremely quickly if young when taken. Adult animals retain wild traits for longer.

The illegal pet trade is enormous in terms of numbers of animals being taken from the wild and sold locally and globally. Paperwork for animals are 'laundered' around the world and it is extremely difficult to prove that an individual animal is captive bred.

However, having said that, there is little that can be done about the global scale of animal selling. So, to concentrate on local markets: if there is a suspicion that an animal has been taken from the wild, the onus should be on the owner to supply receipts to the contrary. The presumption of innocence is admirable but what was the prompt for suspecting foul play?

It should most definitely be an offence to have an animal sourced from the wild.

11.3 Should damage or destruction of known habitat (or identified critical habitat) be sufficient evidence for prosecution?

If an endangered animal has been identified in a particular habitat then it is more sensible to protect the habitat. In doing so the biodiversity within that habitat is preserved and hence the endangered animal is also preserved.

It should be an offence to knowingly destroy a habitat of an endangered animal (or threatened animal). Keep the focus on the habitat.

A point to ponder; if it is not an offence to destroy habitat of non-endangered animals then destroying that habitat could potentially lead to that species, and others, becoming endangered.

12.1 Should the removal of fallen timber incur the issuing of an infringement notice?

Yes, fallen timber is also 'habitat'. However it would depend where the timber is – on a road, on a house etc. and it is contrary to the safety of humans.

12.1 Should the definition of native plant be changed to encompass only species indigenous to the ACT?

Protected plant species listed should be those that are indigenous to the ACT. A plant that is national indigenous that is not currently a weed in the ACT may become a weed with climate change or future introductions.

15.1.1 Should the owner of a vehicle be held liable for the misdeeds of the driver, within a reserve area?

Should the NC Act allow for the restrictions of non-motorised vehicles to certain suitable areas?

Motorised and non-motorised vehicles do contribute to damage in reserves. It becomes a problem when tracks become erosion gullies. Drivers/riders should be made to restore the damage or pay a fine. The limitations to this is the actual finding of the person/people doing the damage and then to prove it was them for the reasons mentioned in the Review, especially with mountain bikes when there may be many people riding the same route.

Yes, the owner of a vehicle should be held liable for the misdeeds of the driver within a reserve area. The exception would be if the vehicle was stolen.

15.1.2 Should hunting without a licence be specifically listed as an offence?

There are two types of hunting – for pure sport and for practical reasons.

Hunting for sport is a terrible practise. Recreational hunters are responsible for the deaths of many ducks every year. These hunters go specifically to areas where this sport is allowed and kill not only ducks, but indirectly other species because of mis-identification (intentional or otherwise) and poisoning of waterways. They do not always follow up on their 'kills' and some animals die terrible painful and slow deaths.

Even recreational hunters who shoot rabbits and pigs may not be accurate shooters and produce a clean kill with a majority of their shots. Do any of these hunters have to undergo accuracy testing as do professional kangaroo slayers?

Reserves should be a sanctuary for native animals and hunters should not be allowed within these areas at all. Professional shooters should be employed/licenced to eradicate pigs and other feral pests within reserves.

Yes, hunting without a licence should be listed as an offence.

18 Should licensing fees reflect cost recovery?

Licensing fees should be brought into line with other jurisdictions and it should also be an offence if licence conditions, other than reporting conditions, are broken.

Margaret Peachey

Kambah ACT 2902