



Land Management and Biodiversity Conservation Reforms
Office of Environment and Heritage
PO Box A290
Sydney South NSW 1232

Draft Regulations and products relating to the *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016*

The Animal Protectors Alliance submits the following comments in relation to NSW government's recent legislation and proposed regulatory changes to protections of native animals and habitat.

Native animals and native vegetation are neither nuisances nor commodities. Rather native animals, like other animals, are sentient beings. Additionally, the continuation of all native animal species (under natural conditions and at natural densities), and the protection of the vegetation (which provides habitat for native animal; sinks for greenhouse gases emissions; soil protection; and water catchment protection) is essential for the survival of our nation (including the part of it we call NSW).

The 2016 *Biodiversity Conservation Act* has already upended hard-won protections for biodiversity. It must be repealed before it completely destroys the ecological systems of NSW. Until this repeal happens, the proposed regulations under the legislation must be scrapped and replaced by regulations that ensure all former protections for native animals and vegetation are restored.

The regulatory arrangements under the previous legislation were at least clear, transparent, documented and easily administered. They were far from perfect because they still allowed some clearing of native vegetation and some killing of native animals, at a time when neither activity is ethically acceptable nor environmentally sustainable. However they were infinitely better than what is now being proposed.

We submit that the laws against removing native vegetation and killing native animals should be not only restored but strengthened to an outright prohibition on both killing native animal and removing native vegetation. Naturally, the defence of necessity would still apply in a court of law, but all the other excuses (such as 'in accordance with a biodiversity conservation licence") would be removed. There would be no 'exempt' acts of killing or clearing.

The despicable bloodsport known as 'recreational hunting' would be abolished in its entirety. Industries that engage in commercial 'harvesting' and 'pest management' of native wildlife would cease to exist. Agriculturalists and developers would be required to learn to work with nature, instead of making war on it.

The benefits of this approach are as follow:

- Millions of animals would be spared unnecessary cruelty and death.
- What is left of NSW's healthy ecosystems would be preserved and, in the future, will be able to provide nurseries for the restoration of healthy ecosystems across the state.



- It would substantially reduce Australia's currently staggeringly high (per capita) contribution to global climate change.
- It would send a clear message to the sadists and psychopaths who call themselves 'recreational' hunters that NSW is a civilised community which has abolished bloodsports.
- It would send a clear message to industries that currently harm animals or the environment (because it is cheap and easy), that they have to rethink the way they make their living.
- It would make the rules entirely transparent and unambiguous for landholders.

In the meantime, any code of practice that is substituted for proper regulation must be enforced by the NSW government on behalf of the NSW public. It must not under any circumstances be self-administered. Similarly, self-assessment of the impact of an activity is out of the question. The last people on Earth who should be permitted to assess environmental damage and enforce environmental protections are those who have a vested interest in killing animals and destroying vegetation.

At the extreme end, any codes of practice must provide absolute protection for species that are known to be rare or threatened (eg koalas, platypus, wombats, quolls and other small marsupials. It should also provide full protection for keystone species, such as kangaroos, without which entire ecosystems will be doomed.

Perhaps most importantly, anyone permitted to clear land or kill animals under any code or practice should be required by law to report to the public (via the government) on every native plant he or she had removed, and every animal he or she has killed (whether deliberately or accidentally as a consequence of clearing vegetation), and should be answerable to the public for any suffering they have caused to any animals through the courts.

Please understand the people of NSW want **more** protection of our natural assets, and **more** oversight of damage to those assets, not less. We are well aware that our very lives depend on protecting our ecosystems. We are utterly sickened by the monstrous scale of cruelty to animals that is already permitted by NSW law.

We are disgusted by the NSW government's proposal to escalate this cruelty and environmental destruction through the new legislation and its supporting legislative instruments. We demand that the government scrap the Biodiversity Conservation Act and every instrument associated with it.

Yours sincerely

Frankie Seymour
On behalf of the Animal Protector Alliance
20 June 2017