

**Submission to Commonwealth Environment Minister Tanya Plibersek
from The Australian Wildlife Protection Council
regarding the Conservation of Australian Biodiversity**

Executive summary: an outline of paths to action for biodiversity available to the federal Environment Minister in response to a call-out for solutions to assist conservation of Australian biodiversity

- Australia is a signatory to three international agreements which require us to protect our biodiversity: *The Earth Summit*, 1992, *The Biodiversity Convention* of 1992; and *The United Nations Framework Convention on Climate Change*, 1992, all of which commit us to (among other things) the Precautionary Principle.
- The Commonwealth's external affairs powers enable the Commonwealth to comply with these agreements by making laws to protect biodiversity, over the heads of the States.
- The situation for Australian biodiversity, and the species that comprise it, is grave. Australia is in top tier globally for species extinctions, particularly mammalian extinctions, and yet most native species and ecological communities are currently bereft of effective protection under either State or Commonwealth law.
- Most of the animal species currently listed as 'threatened' are too reduced in numbers to provide any significant ecological services. It is the unprotected species that now provide most of the ecological services without which ecosystems cannot survive.
- Functional ecosystems are, in turn, essential to the viability of vegetation sinks that provide carbon sequestration.
- Since all native species and ecosystems collectively constitute and individually contribute to Australian biodiversity, and to carbon sequestration, the Commonwealth should, in order to comply with its international agreements, use its external affairs powers by deeming all native species and ecosystems to be Matters of National Environmental Significance (MNES).
- All native species and ecological communities are under threat from a multitude of anthropogenic pressures.
- On a precautionary basis, the Commonwealth could therefore also consider declaring all native plants, animals and ecological communities comprising Australian biodiversity to be 'threatened', and list them accordingly.
- Commonwealth law (via the EPBC Act, under the Commonwealth's corporations powers), already requires, the Commonwealth Minister to take action that would protect biodiversity in particular circumstances, namely, by refusing to declare a State wildlife management plan that breaches the requirements set out in the EPBC Act.
- The NSW Kangaroo Management Plan, essentially a 'harvesting' plan, has been shown to breach these requirements in a number of ways, and there is no reason to

believe that other State plans are any more compliant. However, no Commonwealth Environment Minister has to date rejected such a plan.

- A solution in favour of biodiversity protection is that the Commonwealth Environment Minister protects kangaroos and other biodiversity from State government management plans that breach the EPBC Act’s requirements, by scrutinising State government claims in regard to compliance, and by rejecting plans that breach the Act.
- AWPC believes that Australia needs to move away from the traditional reliance on lethal control of wildlife. Killing selected wildlife largely for economic reasons is destructive to ecosystem cohesion and biodiversity and it is cruel to animals. We encourage reconciliation, respect and understanding the benefits of living with Australian nature and its wildlife, which precludes lethal management. Lethal management of introduced species is also considered.
- We urge the Minister to use her office to encourage a culture that is more respectful of all aspects of Australian nature, and to promote the positives of protecting all indigenous flora and fauna, and to consider how Australia’s currently very cruel cultural practices might face an international convention on animal welfare.
- We urge the need for research in a number of specific areas, detailed in Part 6.

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**Submission from The Australian Wildlife Protection Council
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The Australian Wildlife Protection Council (AWPC) is glad of the opportunity to offer ambitious and innovative ideas and solutions to halt and reverse decline in our biodiversity. We are pleased to learn that the federal/ Commonwealth Government has committed to: reduce climate changing emissions by 43% by 2030, on a path to net zero by 2050, and, to protect and conserve 30% of our land for the natural environment by 2030.

We submit, however, that this is only a beginning if we are to have any hope of preserving the ecosystems on which all living things depend for our collective survival. A much more comprehensive legislative approach at the federal level is needed to stem biodiversity decline. Such an approach is available, under the Commonwealth's external affairs and corporations powers.

Australia is a signatory to three international agreements which require us to protect our biodiversity: *The Earth Summit*, 1992, *The Biodiversity Convention* of 1992; and *The United Nations Framework Convention on Climate Change*, 1992. The Commonwealth's external affairs powers give the Commonwealth the power to comply with these agreements by making laws to protect biodiversity over the heads of the States.

The Environmental Protection and Biodiversity Conservation (EPBC) Act, set up under the Commonwealth's external affairs powers in the wake of these agreements, remains the key instrument through which Australia's remnant biodiversity can be saved. The Australian federation's allocation of separate powers to the states regarding flora and fauna management should not deter federal leadership from stemming biodiversity loss using its own constitutional powers.

We offer several practical and innovative solutions that the Minister can access, but let us begin with noting the scope of the problems immediately facing biodiversity.

1. The extreme plight of remnant biodiversity with a wildlife focus

The current situation could not be more urgent.

Australia is among leading nations in regard to species extinctions and, particularly, tops the list for mammalian extinctions, that have occurred here since colonial settlement. Most Australian native animals and plants – that constitute habitat – and together constitute biodiversity, remain bereft of protection at any level of government.

In recent years, three billion native animals are estimated to have died in catastrophic fires, an estimated ten million kangaroos and their young have been killed in the most cruel and shameful circumstances for a wildlife trade and as “pest” removal, and authorisations to kill wildlife have been issued by state and territory governments in great numbers and for a staggering array of species - 85 species in the State of Victoria alone.

Examples of unprotected native animals are kangaroos, wombats, possums and other marsupials, emus, dingoes, bats and many birds and reptiles. Emus, for example, were decimated in colonial times but are still able to be shot on control lists in Victoria. Many unprotected native species, especially kangaroos, wombats, emus and fruit bats are keystone species (also called ‘landscape engineers’), without which many other native species cannot thrive.

In theory, some kangaroo species (see box below on kangaroo case study) should have some protection under the EPBC Act because the Minister is required to assess whether State governments’ commercial kangaroo harvesting plans meet criteria set out in the Act. But, so far, the Commonwealth Minister has not exercised this power – apparently accepting at face value State governments’ assurances that their harvesting plans are ecologically sustainable and do not harm Australia’s biodiversity.

2. Heads of power for Commonwealth biodiversity conservation legislation

Under the Australian Constitution, the Commonwealth Government derives its power to legislate with respect to international agreements through the external affairs power embodied in section 51(xxix), and its power to legislate in regard to matters of international trade through its corporations power in section 51(xx).

These powers enable the Commonwealth Government to make laws in areas of policy that have usually been considered matters for the States and Territories, over and above the powers of the states and territory governments. The external affairs powers may be used to implement, through Commonwealth law, the terms of any international treaty, and the Corporations powers to manage trade between Australia and other nations.

3. Use of external affairs powers to conserve biodiversity and address climate change

AWPC contends that the Australian government, as signatory to three international agreements (*The Earth Summit, 1992*, *The Biodiversity Convention of 1992*; and *The United Nations Framework Convention on Climate Change, 1992*) has, under its external affairs powers, both the authority and the international obligation to enact laws that protect all native species and ecological communities in Australia, not just the tiny, politically and economically acceptable few that have, to date, been listed as “threatened”.

Under the *Convention on Biological Diversity 1992*, signatory nations have committed themselves to the conservation of biodiversity.

Under article 4 of *United Nations Framework Convention on Climate Change*, signatory nations have agreed to “promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems”.

Wildlife’s contribution to ecosystems enhances tree and soil carbon storage. Given that plants are essential to the sequestration of carbon, animals which enhance plant health and proliferation should be regarded as natural climate solutions ¹

The *Precautionary Principle*, agreed under the *Earth Summit*, the *Biodiversity Convention*, and the *Framework Convention for Climate Change*, “recognises that delaying action until there is compelling evidence of harm will often mean that it is then too costly or impossible to avert the threat. Use of the principle promotes action to avert risks of serious or irreversible harm to the environment in such cases”.

The *Precautionary Principle*, is also enshrined in Australia’s own *National Strategy for Ecologically Sustainable Development*, and the *EPBC Act* itself.

AWPC submits that the Commonwealth, therefore, has not only the power but also the moral obligation to enable Australia to honour its international Agreements, and pull its weight as an international citizen by enacting legislation which protects and conserves all Australian biodiversity.

3.1 Matters of National Environmental Significance

According to both the international *Convention on Biological Diversity* and the *Environmental Protection and Biodiversity Conservation (EPBC) Act* itself, biodiversity means “the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part) and includes both diversity within species and between species and diversity of ecosystems”.

A law which purports to be about ‘biodiversity conservation’ should, therefore, aim to conserve biodiversity as an integrated whole (ie all species in all kingdoms). However, the EPBC Act in its current form, appears to have no clauses that serve to protect any of Australia’s native animal and plant species other than the relatively few species that are migratory or deemed to be “threatened” and those that chance to be present in protected places such as Ramsar wetlands and Commonwealth waters. The State and Territory governments retain responsibility for the disposal (or protection, should they ever wish to exercise it) of all other species in all other places.

The reasons for this limitation on the scope of the EPBC Act are not clear. The limitation is confounding because Australian native species do not recognise or observe political borders such as State boundaries, or Ramsar wetlands as distinct from any other wetlands, or Commonwealth waters as distinct from State coastal waters. Australian native species are unique to Australian, and many of these species are endemic in all States and Territories. The Australian government must surely have moral responsibility for their protection and conservation across the continent.

A particular irony of this limitation in the EPBC Act’s scope of responsibility for conserving and maintaining biodiversity is that the main species currently being protected by the Act are ones that are deemed to be threatened precisely because of drastic reductions in their populations. As such, they are, almost by definition, species which are of the least ecological value. There are simply not enough left of most of these species to play any significant role in the functioning of ecosystems.

Those ecological functions now fall to the species whose numbers have not yet declined enough for them to be listed as “threatened”, for example, emus, large kangaroos, wombat, bats, and (non-migratory) wetland birds. In other words, these critical ecological functions now depend on species that are not protected at all under either State or Federal law.

APWC submits that in order for Australia to meet its international obligations, all native species and ecological communities would need to be recognised in Commonwealth law as critical components of Australian biodiversity and, therefore, as matters of national environmental significance.

Recommendation 1

That the EPBC Act be amended to recognise all native species and ecological communities as ‘matters of national environmental significance’.

3.2 Threats to species and ecosystems

The current process for identifying threatened species and ecological communities under the EPBC Act has failed to meet Australia’s obligations under all the above international agreements because it fails to apply the Precautionary Principle.

APWC submits that, given the full range of anthropogenic causes of environmental degradation across all Australian environments, all native species and all ecological communities in Australia should be presumed to be, or are at risk of being ‘threatened’.

These threats include (*inter alia*): climate change; habitat removal; direct exploitation; “pest” management; recreational hunting and fishing; exclusion fencing; extraction of surface and ground water; chemical, organic, radioactive, sound and light pollution; stratospheric ozone depletion, and land and marine vehicle collisions.

Climate change, on its own, is responsible for a plethora of threats: longer, hotter, drier droughts; ever-worsening wildfires along with more frequent deliberate burn-offs intended to prevent them; ever-worsening floods, windstorms, dust storms, and sea storms; disappearance of ground and surface freshwater sources; changes in sea temperature, sea level, marine acidity and salinity; and the spiralling feedback impacts as ecological degradation leads to further ecological degradation.

All native Australian species and ecological communities are, on a precautionary basis, threatened by some, or all, of these pressures. Most of them are not on any threatened or endangered lists, but there is no question that they should be under consideration to be so.

3.2.1 Species

Even though all native Australian species are, on a precautionary basis, threatened by some, or all, of the above-mentioned pressures, most of these species are denied any meaningful legislated protection, because their numbers have not yet fallen to levels that meet the current requirements for ‘listing’ as threatened.

Others, despite precipitous declines in their populations, are excluded from the threatened lists, for political and/or commercial reasons - such as the demands of agriculture and/or development for their removal, or for the politics of supporting a ‘harvesting’ industry, or by ill-informed assumptions of “abundance” or worthlessness or undesirability.

3.2.2 Ecological communities

The above list of pressures (among others) threatens all Australian ecological communities.

Ecosystems are not discrete units operating in isolation from the rest of the continent or, indeed, the rest of the planet. They are part of a continuum and need to be protected as such. They are comprised of plants, animals, fungi, microbes and non-living components that interact in ways that sustain the whole, including the human life.

Most Australian ecological communities (both listed and unlisted) depend on ecological services provided by animals.

Larger animals facilitate ecosystem functioning by their presence in:

- reducing fire risk;
- enhancing seed dispersal;
- reducing plant competition through herbivory;
- providing organic matter to enhance soil nutrient supply; and
- other ecosystem engineering (eg grazing patterns, foraging, trampling, wallowing, and burrowing).

Smaller animals provide pollination, soil aeration etc, food for larger animals, and so forth.

In some cases, the wildlife species that have always provided keystone services remain in large enough numbers (for the moment) to continue providing them. Other services were once provided by species that have now disappeared or declined to levels where they are no longer capable of providing them. In these cases, species that are more numerous (although arguably themselves threatened and declining) have inherited these ecological functions.

On a more local level, as we often see with urban development, removing numbers of any species in a particular location (even if there is no available evidence that the population of that species itself is declining nationally) should be expected to damage the local ecosystem.

A particular matter to note here is that even the few ecological communities that are currently listed as threatened under the EPBC Act schedules are likely to now be ecologically dependent on the keystone services of species that are not.

In summary, in the face of today's risks and threats to all native species and ecosystems, and to the overall biological diversity of populations, species and ecosystems, we need all native Australian fauna and flora to be protected as far as possible from all forms of anthropogenic harm, for the sake of both the individual species, and also, so that they can continue to play their part in preserving our remaining ecosystems.

3.2.3 Carbon sequestration

By maintaining healthy vegetative communities, native animals facilitate carbon sequestration¹. Current systems that focus on plants alone to store carbon, without their fauna environment, lead to perverse segregation of wildlife from natural climate solutions. To maximise the contribution of carbon sequestration to climate solutions, plant communities which are protected or created for carbon sequestration must be accessible to the wildlife in order to enhance and protect their function.

Maintaining the services of wildlife to climate solutions will require protecting and restoring ecologically meaningful densities (trophic rewilding) and functional intactness of native animal species, by utilising natural rather than anthropologically imposed population regulation systems.

The greatest threat to revegetation projects which are aimed at carbon sequestration is a decline in plant and animal species abundances and functional diversity, and the impeding of large-scale movement of animals (for example, by the use of exclusion fencing).

Recommendation 2

That the Commonwealth consider that, consistent with the precautionary principle, and in view of a multiplicity of threats facing all native species and ecosystems, all native species are ‘nationally significant’ and potentially ‘threatened species’, and that all native ecological communities are ‘nationally threatened ecological communities’.

4. Use of corporations powers to conserve biodiversity

State governments prepare kangaroo management and other wildlife managements plans for their State’s commercial ‘harvesting’ industry. However, under the Commonwealth’s corporations powers, native animal products ‘harvested’ under a State plan can be exported overseas only if the State plan has been approved by the Commonwealth Environment Minister.

The EPBC Act states the Commonwealth Minister must reject a State plan for the management of kangaroos for commercial (including export) purposes if the plan fails to meet the objectives of the Act. The Minister has similar powers in relation to Wildlife Trade Management Plans.

Prior to deciding whether to reject or declare a State plan, the Minister must assess the plan according to criteria are set out in Part 13A of section 303BA of the Act.

They objectives are to:

- (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;
- (b) to protect wildlife that may be adversely affected by trade;
- (c) to promote the conservation of biodiversity in Australia and other countries;
- (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
- (e) to promote the humane treatment of wildlife;
- (f) to ensure ethical conduct during any research associated with the utilisation of wildlife;
- (g) to ensure that the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.

The recent NSW enquiry into the wellbeing of kangaroos ² revealed that the methodology used for estimating kangaroo numbers is highly flawed, and that the killing of kangaroos is routinely inhumane. Use of this methodology and consequential approval of any management plan which relies on this methodology, and results in this inhumane treatment is wholly inconsistent with the objects (as above) set out in the EPBC Act.

It seems likely the reason for this failure is that the Minister has accepted at face value State government population estimates and assurances that the plans comply with the Commonwealth requirements. Clearly, they do not.

A program that, due to inherent flaws in methodology for estimating wild animal populations consistently overestimates the populations of the species it wishes to kill by the millions, cannot be considered to comply with the Biodiversity Convention, protect wildlife affected by trade, be managed in an ecologically sustainable way, or to be adhering to the Precautionary Principle.

The NSW Inquiry also brought to light numerous accounts of horrific cruelty to kangaroos, in direct defiance of the EPBC requirement to promote the humane treatment of wildlife.

Far from promoting biodiversity conservation, it sets an international example of the most flagrant and cynical mismanagement of conservation.

Since other States all more or less rely on the same flawed methodology and lack of population baselines data, it seems unlikely that any other State complies with these objectives any better than does NSW. Similar enquiries would no doubt confirm this.

Recommendation 3

That the Commonwealth Minister withdraw its declaration of the NSW Kangaroo Management Plan on the basis that the NSW Inquiry revealed that the plan, in practice, has routinely breached the criteria set out in the EPBC Act.

Recommendation 4

That the Commonwealth Minister reject all future State government kangaroo management plans that rely on the same debunked methodology for estimating kangaroo (and other wildlife) populations used in NSW, doing so without baseline population studies, and work with independent scientists and international wildlife experts to develop a consistent and accurate methodology for estimating kangaroo populations, and other crucial data about both kangaroos and the other 'harvested' wildlife, and other native species that depend on these species.

Recommendation 5

That the Commonwealth scrutinise in fine detail all current and future State kangaroo management plans to ensure they comply with section 303BA of the EPBC Act - especially in regard to biodiversity conservation, the precautionary principle, ecological sustainability and humaneness - and revoke or deny the Minister's declaration of all plans that fail to comply.

Kangaroos: the most urgent case

Of Australian native species, kangaroos are undoubtedly in the top row of those in need of legislative rescue. These are undisputed keystone species, essential to the wellbeing and diversity of numerous other native animal and plant species throughout the grasslands and woodlands of the continent. Yet they are victims of the world's largest on-land wildlife slaughter, perpetrated by commercial interests for a wildlife trade in body parts - with the support of state governments and authorised, through the approval of 'management' plans, by the federal government.

Victoria is currently one of the worst offenders on this front. An outcome for biodiversity was shown by the recent Victorian biodiversity inquiry. Similarly, the recent NSW Parliamentary Inquiry into the Wellbeing of Kangaroos (*Health and wellbeing of kangaroos and other macropods in New South Wales [nsw.gov.au]*) has shown that methodologies used (across all jurisdictions) for estimating kangaroo populations have little foundation in either biological science or mathematics. That Inquiry also revealed numerous eye witness accounts of horrendous cruelty to kangaroos.

In addition to being slaughtered for body parts, millions more kangaroos continue to be killed as "pests" to prop up sheep and cattle grazing and other agricultural systems. They call it 'saving the grass' for their enterprises. Even more astonishing, in Canberra and the ACT, the government itself has been killing thousands of kangaroos every year on suburban nature reserves, claiming that they are doing it for "conservation" purposes, a claim that has been debunked by a CSIRO analysis of the government's own data ³. The ACT government's methodology for estimating kangaroo populations has also been challenged by independent direct counts ⁴.

Australia is the only country in the world that, every day, kills thousands of its best known and internationally beloved animals in a commercial and 'pest' removal slaughter. Overseas visitors and international wildlife advocates are horrified and pushing back with bans like Nike's on using wildlife leather.

This is not a case of "Oh, they're foreigners, they don't know the situation here". These people do know the situation here - far better than many Australians. They may have seen images of the nightly commercial kangaroo hunts (carried out by low-paid contractors often with children in tow), have read of the kangaroos being shot and many not killed instantly, the bludgeoning of babies, the mob structures destroyed, bewildered orphans and family members standing, bereft, in empty paddocks, often dying painfully of myopathy. These "foreigners" may have read the Codes of Practice which do not merely permit but require kangaroo joeys to be bashed to death.

In addition to the inaccuracy of the methodologies used for estimating kangaroo species populations in Australia, there is a remarkable lack of baseline and ongoing data regarding the health of kangaroo populations. There is certainly no effort to assess the population impacts (for example on size range, age range and distribution, gender balance, changes in social structure and loss of "cultural" knowledge) of the continual killing for profit or 'management'.

Nor are other pressures on kangaroo species being considered. Other unstudied pressures include the disease has been rampant in some kangaroo species, exacerbated now by changes in climate. Exclusion fencing has cut kangaroos and other remnant wildlife off from thousands of hectares of their natural range. No one has been keeping count of the numbers killed on roads, or dying on barbed wire fences on farmland, or dying of myopathy after the killing of their families and mob mates.

There is a similar lack of research and data relating to the impacts of removing kangaroos on other plant and animal species.

None of this is considered in determining State killing quotas nor when the Commonwealth approves the States' management plans.

In short, stemming from colonial traditions of removal and exploitation, wildlife 'conservation' plans in Australia for species not yet officially threatened or endangered (where they exist at all), are often harvesting and lethal management plans.

5. Antiquated and counterproductive attitudes, assumptions, and behaviours

5.1 Lethal control measures

Lethal measures for removing wildlife (e.g. guns, poisons, traps, diseases) are still the first response for Australian wildlife management. For all the reasons discussed above, killing native animals damages the ecosystems of which they are part. Lethal control also causes great suffering to targeted individuals. AWPC opposes lethal management as the go-to wildlife tool. Lethal management of naturalised ('feral') animals can also have potentially devastating, unintended impacts on native species and ecosystems (see box below).

5.2 Australia's 'exploit it or kill it,' culture

The view of wildlife as a either source of profit or a "pest", and the first response of killing anything viewed as inconvenient stem from the post-colonial cultural tradition that Australian nature is a bad thing and needs to be subdued and converted to European models of economic enterprise⁵.

We have now reached a new phase in human evolution where we have started to realise we cannot live without nature, we must protect it or die. And that indeed working with natural systems instead of removing them has economic win-win benefits. While many industrialised nations are moving towards this understanding, Australia is still lagging. Perhaps this is because the early white colonists in Australia found themselves struggling with a nature that was very alien to them; it revived old race memories of nature as the 'enemy'.

This section has been contributed to the discussion from an informed committee member and adviser who have studied the wider biodiversity question of how to regard naturalised animals brought to this continent along with domestic and agricultural animals.

Unintended consequences of killing/removing naturalised animals

Killing naturalised (“feral”) animals is often even more cruel, and can be just as damaging to native animals as killing native animals directly.

There are the obvious reasons for this: native animals as well as naturalised animals can fall victim to agonising death by poison baits, can be terrorised into a state of myopathy by spotlights, the blasting of guns, trampling by motor vehicles, the stench of dead bodies left to rot, or the terror of animals fleeing around them. There are also less obvious reasons.

It is widely recognised that total eradication of fast-breeding animals (which includes many naturalised animal species including cats, foxes, rabbits, rats, mice and numerous birds) is unachievable in mainland Australia. Since they cannot be eradicated, there will always be some left to breed. It stands to reason, therefore, that killing these animals on an ongoing basis actively supports higher, not lower populations of these animals, as older, established individuals are quickly and continuously replaced by younger, more fertile individuals.

In the case of territorial animals, where dominant individuals would, under natural conditions, maintain territorial population control, the results are even more counterproductive because, while individuals live long enough to breed, they are rarely allowed to live long enough to establish dominance. For fast-breeding animals, lethal control therefore guarantees that the problem (if there is one) will always be worse than it needed to be, and that the cruel, unethical killing of sentient beings will need to continue in perpetuity.

A further consideration in regard to naturalised animals is completely ignored in the current culture of immediately resorting to violence against these animals. Just as more ‘common’ native animals have taken over the ecological role of many species who are already extinct or vastly reduced in numbers, naturalised animals, by definition, have also become contributors to ecosystems.

Yet they are being targeted for removal without any understanding of the positive contributions these species now make to native ecosystems, or the damage that might be caused to these ecosystems if these species could, in fact, be eradicated, or even significantly reduced in numbers. The benefits expected from removing these animals need to be carefully weighed against the damage that might be done by removing them.

For example, the 1998 Birds Australia 1998 study ⁶ of the impact of the crash in rabbit populations due to Rabbit Haemorrhagic Virus Disease (RHVD) showed that all native raptor populations declined, including raptors that do not eat rabbits. The only explanation for this was that the competition for smaller (including native) prey animals became so intense that no raptor could get enough to eat. The impact of this holocaust of displaced predation on the native prey species themselves was never studied.

In other cases, ecological damage attributed to a naturalised species is the result of other pressures facing native plants, animals and ecosystems. The naturalised species is just a convenient scapegoat. Proliferation of naturalised species is often a co-symptom, not a cause of damage to native ecosystems.

AWPC believes we need to actively move beyond 200 years of dispossession and lethal management. Our aim is for a reconciliation between all Australians and Australian nature, to restore the respect for our unique fauna and flora and landscapes that the First Nation Australians accepted before white settlement.

Assumptions and approaches need to be immediately questioned, including:

- the assumption that native species that (for the moment) still seem to be abundant are not threatened;
- the assumption that State governments, or industry spokespeople with a vested commercial interest in killing animals, have any incentive to investigate, or tell the truth about the impacts of their activities on species and ecosystems;
- the automatic resort to killing as the ‘go-to’ management approach to either native and naturalised animals;
- the reliance on ‘applied’ ecology - which has developed as the handmaiden of the agricultural industry - to draft policy, rather than consulting, funding and encouraging basic ecological science to inform policy relating to our interactions with nature;
- the automatic assumption that naturalised animals are ‘invasive’ and have no place in preserving what is left of Australia’s native ecosystems.

5.3 An international convention on animal welfare

At present there is no international convention for animal welfare, but it will come.

Such a convention would almost certainly condemn the most cruel of the practices routinely used in Australia, such as (*inter alia*):

- the use of cruel poisons such as 1080;
- the use of diseases such as RHVD;
- the use of aerial shooting or shooting in any conditions where an instant kill cannot be guaranteed every time;
- the orphaning and bludgeoning of babies,
- the destruction of social structure of socially dependent animals; and
- condemning animals to death from hunger and thirst, for example by means of habitat destruction or exclusion fencing.

The evidence of cruelty to kangaroos assembled in the recent NSW Inquiry, is the tip of an iceberg of poor wildlife conservation and outdated practices, that would preclude Australia from being in a position to sign such a convention.

We encourage the Australian environment Minister to consider, how Australia might prepare for such a convention, when it eventuates. Would we try to water it down - to our nation’s lasting shame? Or (more honestly) just decline to sign it? Or would we try to improve our animal welfare record? If the latter, we should start the process now, to prevent strident domestic opposition later.

Recommendation 6

Irrespective on any other decisions the Commonwealth might make in regard to the use of its external affairs and corporations powers to amend or effectively utilise the EPBC Act in order to meet our international obligations, we urge the Minister to use her position to encourage a

cultural shift towards reconciliation with nature and away from the use of violence and cruelty against any sentient being.

6 Commonwealth research funding needed in specific areas

Much research in Australia in recent years seems to be commercially motivated - a trend that, in regard to wildlife, encourages rather than discourages reliance on Australian applied ecology. This branch of biology was introduced by the British empire to focus on helping agricultural systems flourish economically and without regard to Australian nature. Basic ecological research applied to wildlife and ecosystems has been under-funded and often neglected in Australia. This is a catch-up situation that should be remedied for wildlife management to operate with any assurance.

In relation to both native and naturalised animals (in mainland Australia, rather than offshore islands where entirely different ecological rules apply), we must also have baseline data on populations and inter-dependence to determine how practices of extracting and excluding wild animals impact on:

- abundance and diversity of both targeted and non-targeted animals;
- vegetative richness and diversity;
- availability of soil nutrients;
- ecosystem functioning; and
- carbon storage and climate change mitigation.

Another urgently needed area of research is to identify socio-ecological pathways for coexistence with wildlife on private and public land. These might build on work already starting to regenerate agriculturally or rewild degraded farmland incorporating natural systems, town planning that includes suburban and urban crop production and replanting that includes beneficial insects and other wildlife, also with an eye on climate change impacts.

Recommendation 7

That the government fund research and data collection along the lines described above to better inform environmental decision making, and to assist in changing the culturally and economically motivated destruction that has dominated Australia's treatment of its wildlife and natural ecosystems since colonial settlement.

Thank you for your interest and the opportunity to contribute solutions.

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References

- 1 Schmitz OJ et al. 2023. Trophic rewilding can expand natural climate solutions. *Nature climate change* 13:324–333.
- 2 NSW Government, 2022, Inquiry into the health and wellbeing of kangaroos and other macropods in New South Wales [Health and wellbeing of kangaroos and other macropods in New South Wales \(nsw.gov.au\)](https://www.nsw.gov.au/health-and-wellbeing-of-kangaroos-and-other-macropods-in-new-south-wales)
- 3 Lyndsey Vivian and Robert Godfree, CSIRO Plant Industries, 2014, *Relationships between vegetation condition and kangaroo density in lowland grassy ecosystems of the northern ACT* (Analysis of data 2009, 2012 and 2013).
- 4 Robinson J and Grace J, 2022, *Eastern Grey Kangaroos in Canberra Nature Park, Population estimates and culling history 2009 – 2021*
- 5 Maria Taylor, 2021, *Injustice: hidden in plain sight, the war on Australian Nature...An Investigation and Cultural History*
- 6 Birds Australia, 1998, *Monitoring impact of RCD on Birds of Prey, progress Report to Environment Australia*