ECA

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Newsletter of the Ecological Consultants Association of NSW Inc.

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President's Message.

Winter is well and truly with us (particularly here at Oberon) and field work is at a stand still, so it is a time for taking stock of where the ECA is heading.

Our membership is slowly growing, with interest about the ECA coming from universities, councils and even radio. I was interviewed on 2SER about impact statements and 'shonky' consultants, and was able to get our web site address into the conversation. Membership will always be a problem, as there are some consultants who are reluctant to join for various reasons, including membership fees and signing up to the code of practice, or they feel that the ECA has nothing to offer. However, as time goes on, the ECA is having more and more influence on the way ecological consultants are regarded and is providing more and more to its members.

To assist with raising the profile of the ECA, we now have a brochure that outlines what the ECA stands for and what it provides. I always carry around a few to hand out to any potential members or to those who are interested in our organisation. Your secretary, Judie Rawling, has a stock of these so please contact her at ubmc@urbanbushland.com.au for copies.

At present, it would seem that competition is intense within the consulting business. With fewer employment opportunities for university graduates and a general impression that consulting is a lucrative business (!), the number of consultants tendering for projects has increased. Consequently, some consultants are winning tenders by dropping their fees, relying on borrowed field equipment and producing work of a lower than acceptable standard. Unfortunately, a proportion of those accepting these tenders and the resultant work are only after satisfying the 'bottom line' i.e. they are happy to accept the cheapest quote and to accept (and approve) the low-standard product.

As is becoming apparent, some reports to councils and others are possibly not of sufficient standard to be acceptable under the legislation. It would appear

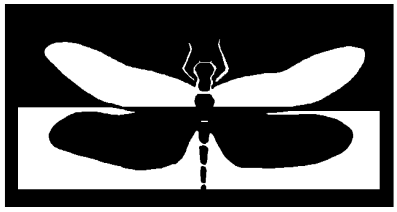
that some ecological consultants are practising without the appropriate licensing and permits. It is difficult to try to change the commercial climate at the moment, but the ECA should play a strong role in ensuring that any ecological consultant produces assessment reports of an acceptable standard. It is important that we try to entice any consultant into the association, particularly as students or associates. This way we can apply some pressure on our members.

We also need to educate the determining authorities and those contracting ecologists to lift their standards. Too often resources are limited at councils etc and those making decisions or assessing impact assessments have little training in ecological matters. Often, such officers express a desperate need for education and advice. With this in mind, we are starting to develop an education program that will assist assessors (and ourselves) in the field of ecological impacts. We are looking at guidelines, report review panels and conferences to assist in raising the standards (see the article by Deryk Engel in this issue).

It is hoped that the conference this year will have survey techniques as the theme. Not only can we all learn about how to survey flora and fauna, but those assessing our reports can also learn how things should be done! Copies of the papers from last year's conference should be on the way at the moment – thank you Danny.

All the best for the new financial year.

Martin Denny



ECA Council 2004.

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Ecological Report Review Panel.

At the latest ECA Council meeting the feasibility of establishing a report review panel was discussed. The proposal is to establish a review panel and offer this to those Councils (mainly) who do not have the inhouse expertise to adequately assess ecological reports. The entire scope of the proposal has yet to be determined, but it is expected that initially this would be a free service (either for the review of one report or for a set number of hours), with subsequent assessments being charged. The funds raised would remain with the ECA, and be used for the promotion of future ECA activities (e.g. Conferences).

It is expected that the review panel would consist of four

members, this being rotated amongst those parties interested in donating their time. Possibly there would be incentives for those members who wish to be involved, such as a reduction in their membership fees.

The purpose of the review panel would be to improve the standard of those reports generated by ecological consultants, at the same time ensuring that the reports are reviewed appropriately by Councils. From a consultants perspective, this should save time in responding to sometimes inappropriate and ridiculous report review comments, thereby saving much (unbillable) time and frustration.

The review of reports is also likely to improve the level of professionalism within our industry, contribute in part toward our 'accreditation' and further raise the standard of the ECA as a professional organisation. To this end, the ECA Council is interested in obtaining feed back on this proposal, and an indication as to whether the matter should be pursued. We are also interested in obtaining any comments on the management/scope/operation of the review panel and hearing from any one who is interested in participating.

Comments on this matter can be directed directly to either the President or secretary, or circulated via the email mailing list. Feed-back received to date on this matter include issues pertaining to:

- insurance;
- the paying of the review members, as volunteer work normally ends up on the bottom of the pile: and
- the inclusion of a paragraph at the start of reports prepared by ECA member's reports to the effect that 'This report may be submitted to the review panel of ECANSW Inc for an independent peer review. If your council/organisation does not have an appropriately qualified environmental scientist, this service is at no charge. A nominal fee of $50(?) applies to other organisation. Address to submit…' (wording/scope to be clarified as more consideration to this matter is given).

Deryk Engel

Results of membership survey.

Yes, I know this has been a long time coming!.

I received 21 replies out of the whole membership of some 65 members at the time. Some would say that this was a good return for any questionnaire survey. But the non-return by some of the more senior members of the ECA executive and their associates was disappointing.

Two matters were dominant in the replies. Members wanted an organisation that would represent them. Some went as far as to say that they felt the ECA represented the closest thing to a 'Trade Union'. Presumably, this goes to regulating the professional conduct and standard of services that its members must provide. Some went as far as to imply ECA membership should be a precondition of exclusive rights to practise!

The other dominant matter was that the Association represented a forum that members could consult and discuss with each other, 'inhouse'. I presume this means peer review and consultation and not for the ignorant to flesh out free advice from other members!

Two striking matters emerged from the survey, one is that most members who are full-time consultants have not worked in government. The ramification of this is that they have little or no appreciation of the working of governments or understand the subtleties of the application of policies in procedures. Notwithstanding that those procedures are largely dictated by Regulations that are enabled by primary legislation.

The second striking matter is that a large number of members were providing advice apparently well beyond their area of expertise with insufficient training and experience! A basic biology

degree, even with honours, without post-graduate training in environmental planning does not make sufficient training to practise as an environmental consultant.

The ECA should provide a mechanism for it's members to meet at least the basic standards of training generally and the application of environmental planning laws, in particular, to its science graduates.

Where we go from here will depend on the leadership of the ECA.

Thanks must go to those who persisted with the electronic media and found other solutions to submitting their forms. But then we would expect nothing less from our members who pride themselves on being able to deliver just about anything. Such small technological hurdles should not faze a member of the ECA.

Leong Lim

Peer Review – a suggestion.

Over the last couple of years I have attended a number of conferences, community consultations, public meetings etc. and have been disturbed by a number of negative comments made by some speakers about 'bias' or lack of 'independence' in ecological assessments. I assume most of us have been in that situation at some time or other.

Depending on the size, importance or sensitivity of a project I will submit a report to 'Peer Review'. For small routine assessments this is an internal process, for larger and more significant projects I will ask, and pay, a colleague outside my organisation.

It has also happened from time to time that a Council has submitted my report to an external reviewer for comment. While generally I have welcomed these reviews, I have felt that sometimes there was a hidden agenda. Peer Review is a time honoured process but the informal process I follow lacks formality and anonymity, which arguably results in less than fearless criticism and perhaps a degree of bias. This may come from my own selection of reviewers or the reviewers selected by Council.

Perhaps it is time our Professional Association consider setting up a mechanism by which members can get anonymous peer review of their reports. I believe this would have several effects. Firstly and I think most importantly it would help to raise the standard of our reporting practises. It would be a form of education maintaining and improving our skills and knowledge. It would raise the profile of the Association and the prestige of our industry in the perception of the community. Of course there should be a fee scale depending on the size and complexity of the review.

Ian Tait

Confidentiality and Privileged Information.

As practising consultants, we have to deal with confidentiality and privileged information on a daily basis. In recent times, many clients have found it necessary to compel consultants they employ under contract on their behalf to sign confidentiality clauses.

Such clauses are in apparent conflict with the licensing conditions of members of the ECA. For example, Section 132C licensing condition requires that licensees report all their finding to the licensor as a condition of licence renewal.

Another situation arises when a consultant is commissioned to undertake work that has the primary purpose of being for a legal action. For example, a typical disputed 'significance impact' threshold matter.

So there are at one end of the scale matters that a party wishes to keep confidential and there are matters that even the Courts are not entitled to know. Your tax matters are always confidential until a Court says so. On the other hand, your discussion with your lawyer is always

privileged unless that privilege is broken.

When confidentiality is broken, it can lead to an injunction and order for remedies that can be costly to the offending party, as well as negligence claims. When privilege is broken the Court can also impose a contempt charge, which can include an unspecified jail term as well as fines.

Members should seek legal advice on all such matters if these become an issue in their practice. There is no simple rule anyone can provide the ECA with which its members can then blindly follow with bliss. It may be of interest to ECA members that claims of professional legal privilege are handled by senior judges in the Courts because of their complexities.

Confused or still unsure about confidentiality versus privileged information? Welcome to the real world! You need to budget for legal advice in a professional practise - and it's tax deductable! Seek proper legal advice if you are unsure and take up Professional Indemnity Insurance.

Leong Lim

Web Site magic.

Over time it is planned to bring you information on any web sites that would be useful to ecological consultants.

There are many such sites on the internet and I'm sure that all of us have many favourites. If so, please share them with the rest of us. At present, you can send any web site addresses, with some description, to either mtking@ozemail.com.au or to the editor of the newsletter. The more the merrier!

Here are some to start:

www.bom.gov.au/weather

A basic site to find out about the current weather in any area of Australia, as well as summaries of past weather and forecasts.

http://library.npws.nsw.gov.au

This gives you access to the catalogue of the NPWS Research Library. It saves you going all the way to Hurstville to find that they don't have the reference needed. Also good to find references associated with a subject.

www.canri.nsw.gov.au

This should be on all favourite listings. The Community Access to Natural Resources Information site gives you data on flora, fauna, soils, water, vegetation etc. Most useful.

www.deh.gov.au/erin/tools/index.html

Gives some handy tools e.g. converting latitude/longitude to UTM etc

www.deh.gov.au/erin/index.html

The ERIN site that is a portal to many natural and cultural heritage databases e.g. register of important wetlands, landcover changes, National Vegetation Information System

www.ento.csiro.au/science/ants/key/subfamily_key.htm

Yes, a key to class ants to sub-family

www.lpi.nsw.gov.au/airview

Gives aerial photographs for all of NSW – can bring any area up as 1:25000 photographs. To get the photo, you have to purchase them, but you can look at them on your screen

www.ozestuaries.org/oracle/ozestuaries.frame1.html

Gives an estuaries database for all of Australia with condition, exact location, geomorphology etc

www.ga.gov.au

This is the site for Geoscience Australia and provides a wealth of information e.g. place name search, distance calculator, free downloads of maps of geology, topography, regolith, environmental etc, as well digital elevation data.

www.deh.gov.au/biodiversity/abrs/online-resources/abif/flora/main

Gives information for over 50 families extracted from nine volumes of Flora of Australia

That's all for the moment, but please let me or Gerry have any others for the next newsletter.

Martin Denny

Unusual/casual observations.

Death by a thousand cuts: Phascogales in isolated remnants.

In February this year I undertook fieldwork on a site just west of Kempsey for a proposed rural-residential subdivision. The site was a 20ha block of regrowth forest which on first impression seemed to have limited habitat value. It was relatively small in size; relatively immature (largest tree about 50cm dbh and no distinctly discernible hollows); bound to the west and east by cleared pasture all the way to the Macleay River; bound by old (20 years) rural-residential development to the north and immediate east; and only tentatively connected to another similar size remnant to the southeast, and three 5-10ha remnants to the southwest each separated by about 250m of cleared pasture speckled with trees.

The nearest significant habitat was about 750m north, which was a rather fragmented finger-shaped area of forest (mostly dry sclerophyll) about 3.7km long (extending east to west) and 1km deep, which linked to a Nature Reserve to the far northwest. This area and a rural-residential area northeast of this locally significant extent of habitat has records of the Phascogale. However, given the isolation of the subject site due to the adjoining rural-residential and rural land, and its apparent lack of hollows, one would not ordinarily think the species was likely to occur. Fortunately though, my mantra is 'have forest, will trap', and whacked in 30 Elliot B traps.

In addition to a colony of Sugar Gliders (*Petaurus breviceps*), I found three Brush-tailed Phascogales (*Phascogale tapoatafa*). Given the above, the question arose 'is this population viable?' I have found Phascogales before in relatively separated remnants, but not *this* separated. Given the threats this colony faces by predation from exotic (i.e. cats and foxes) and native (i.e. owls and snakes)predators; frequent burning via adjoining neighbours (or their offspring) as indicated by the monospecific Bladey Grass groundcover and fresh charcoal; potential breeding failure in any one year; and inbreeding; could this population be considered non-viable, that is, a vestigial population?

As always in these situations, its best to refer to the experts, and so I called on Todd Soderquist (DEC, ph 02 6883 5357). Very helpfully, Todd advised that the population was indeed likely to be viable as male Phascogales are most willing to cross what appear to be formidable barriers to this typically arboreal species. Hence at any one time, the site would contain about 3 breeding females, and these would be visited by males from the nearby small remnants, and also males from the large area to the north. It follows also that if this group were to be become extinct in one season eg via extensive bushfire or breeding failure, it could eventually be recolonised (most likely via a female dispersing from one of the smaller remnants to the south). Since this advice, I have out that FAWNA have picked up Phascogales from the adjacent rural-residential area. Note that to reach the site, the Phascogales must cross at least 100m of open ground, and about 600m of parkland, i.e. canopy trees with very few hollows and mown lawns, and presumably a lot of cats.

It just goes to show that you can never underestimate threatened species – they can survive in some extreme situations. A neighbour also reported sighting a Quoll in his chicken coop, and another neighbour finding a drowned Stephens Banded Snake (*Hoplocephalus stephensii*) in his pool.

However, at the same time, it's a bit disheartening. The fragmentation of the original linkage to the north was obviously a major contribution to the contraction of this species in the area, which appears to be a stronghold not only in this Shire, but possibly also the local Mid Coast of NSW. This fragmentation will probably be the final cause of the demise of both groups. As demand for land grows, it is likely that further subdivision of the now tenuous link to the north will occur, and also lead to gradual attrition of the other small remnants. Over time, each successive development will undoubtedly incrementally and cumulatively contribute to an on-going threatening process that will eventually eliminate these little outlying populations. At time of writing, the similarly sized southeast remnant had been underscrubbed and selectively logged, and the impact of this habitat loss will be felt in years to come.

Extinction is not always an instantaneous process, but in this case, a tyranny of small decisions. Death by a thousand cuts. Ideally, I hope that the outcome will be a strategic approach to re-establishing corridors and protecting these small populations, but I do not hold much faith nor hope. Phascogales don't have many friends in this Shire.

Jason Berrigan

Where do Antechinuses hide?

Whilst undertaking fauna surveys at a proposed mine site north-east of Mudgee, we trapped a considerable number of Yellow-footed Antechinus (*Antechinus flavipes*). After measuring and marking, the animals were released at the trap site. Observations were undertaken on where each released antechinus went. The destinations of 35 animals were noted and tabulated. Most animals released appeared to have a set destination, in that they would run in a particular direction towards a particular site. In several cases an animal would run past trees and logs to a certain place. The table below lists the various sites used by the released Yellow-footed Antechinuses.

The highest proportion went up trees and under loose bark, mainly on ironbark trees. The next most popular destination was into hollow logs on the ground. The logs were not always large, one being a fallen branch about eight cm in diameter (see picture). Some antechinuses ran up trees but did not appear to use bark or hollows to hide. These animals may not have focused on their correct destination when released, but all appeared to become hidden in the branches and leaves of the tree.

Hollow branches and stumps were used, as well as sites underneath logs. In a rocky area, one antechinus hid within a crack in a large rock. Surveys in areas where there are extensive cliff-lines have shown that the Yellow-footed Antechinus will inhabit such habitat, using cracks and deep overhangs for shelter. The numbers of males and females are given in the table, but there is no statistical difference in the preferences by the sexes (student's t-test).

There is considerable information about the use of tree hollows (e.g. diurnal dens, rearing young, shelter from predators) by small dasyurids (see Gibbons, P. and Lindenmayer, D. 2002 *Tree Hollows and Wildlife Conservation in Australia* CSIRO Publishing, Collingwood, Victoria). However there seems to be little known about the use of hollows and other sites for antechinuses to quickly escape from a threatening situation. Whether the sites used by the animals released were their permanent 'dens' is not known, but most of the animals seemed to head for a particular site to hide. It is possible that Yellow-footed Antechinuses could have a site that is used to quickly escape predation and another site used as a diurnal den. The Brown Antechinus is known to use up to three hollows over different periods (PhD thesis

by A. Watt cited in the above reference).

Elizabeth Denny & Martin Denny

Newsletter contributions.

Thank you to those members who contributed articles to this issue of the Newsletter. Unfortunately there was only enough material for eight pages rather than the usual twelve. The next issue is due out in November (not that far away) so please, if you have an issue to raise, a point to make, an interesting or unusual observation, take the time to put it together and send it in, now.

Table: Destinations of Released Yellow-footed Antechinuses

Destination	No. Male	No. Female	Total No.	%
Up stag	1	0	1	3
Up tree	7	0	7	20
Into hollow branch	1	1	2	6
Into hollow log	5	3	8	23
Under bark	4	7	11	31
Hole in stump	2	0	2	6
Under log	0	3	3	8
Crack in rock	0	1	1	3