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SUBMISSION

Draft EPBC Act referral guidelines for the Koala

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for over 24 years, and has a proud history of environmental advocacy. The conservation of the Australia's natural environment, both terrestrial and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance. We also believe that the Federal Government's EPBC Act should be an effective Act of review to ensure proper protection of Australia's unique flora and fauna is maintained at all times.

General comment

Regrettably, there is no denying that since it was enacted in 2000, the EPBC Act has continually failed to protect species listed as Matters of National Environmental Significance (MNES), and that the Act has become little more than a licencing tool to allow threatened species to be destroyed or, as in the 2011 case of Grey-headed Flying Foxes at Maclean, harassed and driven from their traditional roosting sites.

Allowing the NSW Government to remove protection for the critically endangered Grey Nurse Shark is another failure of note, as is allowing Santos to decimate Koala habitat in the Pilliga State Conservation Area of NSW in its quest for coal seam gas, another move guaranteed to force a MNES ever closer to extinction. At least the Pilliga decision was made before the Koala was declared vulnerable under the EPBC Act, unlike the appalling decision in 2013 to approve the Maules Creek Coal Mine.

That coal mine will see most of the Leard State Forest replaced by monstrous hole in the ground, the bottom of which, when completed, will lie below sea level. Not only will the approval of that mine render the few remaining Koalas locally extinct, it will also see the wholesale destruction of some 2,000 hectares of forest, including some of the most significant remaining stands of White Box woodland, an ecological community that is listed as **critically endangered** under the EPBC Act. Clearly, successive governments, both state and federal, do not have the welfare of threatened species, or the environment generally, at heart. They have failed to stand up to 'big money', and mining has been allowed to occur unchecked wherever minerals are discovered, invariably accompanied by meaningless rhetoric about the win-win results for the triple bottom line.

Some 4 years ago, the Federal Government launched its “Australian Government Biodiversity Policy” which opened with the admission that: ***“The number of species becoming threatened continues to increase, and many common plants and animals have lost genetic diversity through reduced population sizes and localised extinctions”***.

This was a damning indictment, not so much of the environmental laws that had been in place for the previous decades, but of the government agencies' enforcement policies that have continually failed to reject developments that will have a negative impact on threatened species.

The “Australian Government Biodiversity Policy”, went on to admit that: ***“The decline of biodiversity is most obvious in the decreasing populations of vertebrate animals, loss of extent of habitat, and the fragmentation and degradation of forests, rivers and other ecosystems. The drivers of decline lead to the simplification and fragmentation of our natural ecosystems, which has progressively weakened their resilience and adaptability.”*** Yet despite this admission of failure, governments at all levels have not only allowed the environmental destruction to continue, but have encouraged its acceleration, with an unprecedented mining rush which has included current threats to remove World Heritage listing from the iconic Great Barrier Reef and Tasmania's Old-growth forests.

It is now almost 15 years since the original “National Strategy for the Conservation of Australia's Biological Diversity” claimed: ***“In the face of significant and continuing reductions to our biological diversity, there is a pressing need to strengthen conservation activities across Australia.”*** The government's subsequent 2011 promises that: ***“Our commitment is to provide national leadership in conserving Australia's biodiversity and maintaining healthy functioning ecosystems, consistent with the roles of different levels of government in our federal system”***, and: ***“We commit to working with all levels of government, industry, business, and the community to conserve Australia's biodiversity and maintain healthy functioning ecosystems”***, have proved to be nothing more than empty rhetoric.

While we applauded the listing of Koalas as a threatened species, and encourage the development of recovery plans, and strict referral guidelines, none of these will help the Koala if government continues to renege on its responsibility to fulfil those promises, and enforce those regulations.

Voluntary referral

The process relies on the proponent self assessing the degree of threat to Koalas, so this voluntary referral system is never going to work in favour of Koalas.

Koalas are not animals that can survive in confined areas, and require continuity of forest for the purpose of dispersal. That habitat may be marginal but is nevertheless critical to the survival of the species. Therefore it is our contention that **if there are records of Koalas within 10km of a development site, then a referral should be mandatory, regardless of the tree species that are to be removed.**

Cumulative impacts

One of the greatest failings, and all environmental regulations, state and federal, are equally deficient in this respect, is the failure to require the consideration of cumulative impacts. For example, a private native forestry operation can be approved without any reference to the fact that several neighbouring properties are also being logged, probably at the same time. Koala habitat is being, logged, cleared, and fragmented at an unacceptable rate across NSW and Queensland, in what is essentially a 'death by a thousand cuts' scenario. **Cumulative impacts must be considered**

Timber Industry Exemption

The Regional Forest Agreements are, without doubt, the major contributor to koala decline. It began in the mid 1990s when the RFAs were being drafted. The word got out to the then Forestry Commission, and the timber industry, that mapping was under way to identify high conservation values that would be off-limits once the RFAs were signed, and the Integrated Forests Operations Agreement (IFOA) came into effect.

In state forests, such as Clouds Creek, Old-growth forests were targeted in an orgy of destruction to beat the 1999 deadline. Anecdotal reports from neighbours tell of dead and injured Koalas in large numbers and when follow-up heavy logging of those same forests was undertaken a decade later, few Koalas could be found.

The regulations governing the protections of threatened species during logging operations on public land are inadequate. There has been no monitoring undertaken to determine if the prescriptions for threatened species have been effective. Although there are clauses within the RFAs regarding continuous improvement in threatened flora and fauna management, taking recovery plans into account and establishing a comprehensive adequate and representative reserve system that are intended to meet the objectives of the EPBC Act, those undertakings have been largely ignored.

A number independent audits carried out by NSW environment groups, including the Clarence Environment Centre, following logging operations in NSW State Forests, have identified a common pattern of systemic breaches of regulations and protocols for the identification and protection of koalas and their habitat in state forests across the region including: Pine Creek, Wedding Bells, Royal Camp, Doubleduke, Clouds Creek, and others.

Preferred koala food tree species such as Tallowwood, New England Blackbutt, Flooded Gum and Grey Gum are also much sought after timber species, and have been targeted without any regard for Koala populations known to occur in these forests, scat searches were not carried out, and high-use areas logged in flagrant breach of the Approval and Threatened Species Licence.

Bell Miner Associated Dieback, a direct result of over-logging was declared a Key Threatening Process under NSW Threatened Species legislation in 2009. There are presently more than twenty thousand hectares of severely impacted forests in NE NSW which have little hope of recovery without expensive intervention. The dieback is increasing in extent and intensity in eucalypt forests from SE Qld to Victoria, threatening total ecosystem collapse.

The hand-over of threatened species protection under the EPBC Act under the RFAs has been a disaster, not only for Koalas, but for all threatened species, and this must be recognised and corrected if Koalas have any chance of recovery in NSW.

There are currently more than 300,000 hectares of private forest in NSW subject to PNF approvals, much of which is no doubt important koala habitat. If the Commonwealth Government is serious about providing better protection for the vulnerable koala it needs to remove the exemption of forestry activities provided through the RFAs and **ensure that rigorous and effective procedures for the identification and protection of all koala habitat are developed and implemented as soon as possible.**

There is currently an opportunity to rectify the failings of timber harvesting regulations to better identify and protect Koalas and their habitat through the current review of NSW Integrated Forestry Operation Approvals as well as the review of the NSW PNF COP. We urge the Federal Government **to intervene to ensure these reviews make the necessary regulatory changes to meet the objectives of the EPBC Act** with regard to the protection of Threatened species and their habitats.

Private native Forestry (PNF)

There is currently more than 300,000 hectares of private forest in NSW subject to PNF approvals, much of which is no doubt important koala habitat. Under the PNF Code of Practice there is no requirement to even search for Koalas or other threatened species unless there is a NSW Wildlife Atlas record of the species on or near the property.

It would be possible to rectify the failings of timber harvesting regulations to better identify and protect Koala and their habitat through the current review of NSW Integrated Forestry Operation Approvals as well as the review of the NSW PNF Code of Practice. All it needs is political will. Again we urge the Federal Government to intervene to ensure these reviews make the necessary regulatory changes to meet the objectives of the EPBC Act with regard to the protection of Threatened species and their habitats.

In conclusion

The Goal of responsible government is to protect biological diversity and maintain ecological processes and systems. It simply cannot continue to sign away the rights of threatened species, or we will have no biodiversity left to protect.

If the Commonwealth Government is serious about providing better protection for the vulnerable Koala it needs to remove the exemption of forestry activities provided through the RFAs and ensure that rigorous and effective procedures for the identification and protection of all koala habitat are developed and implemented as soon as possible.

We thank the Minister for this opportunity to comment, and hope those comments will receive close consideration.

Yours sincerely
John Edwards
Honorary Secretary.