

Submission to the Legislative Council's
Portfolio Committee No. 7 (Planning & Environment)

Inquiry into Koala Populations and Habitat in New South Wales

Provided to the Committee

2 August 2019



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*We acknowledge the
Traditional Owners of
country throughout
Australia and recognise
their **continuing
connection** to land,
waters and culture.*

*We pay our respects to
their Elders **past,
present and
emerging.***



1. EXECUTIVE SUMMARY

- 1.1** The Legislative Council's Portfolio Committee No. 7 (Planning and Environment) has sought public submissions on the present Inquiry Into Koala Populations and Habitat in New South Wales (hereafter, "the Inquiry"). Animal Liberation welcomes the opportunity to provide commentary and does so in the following submission, hereby provided for the Committee's consideration.
- 1.2** We request that the Committee note that the following submission is not intended to provide an exhaustive commentary on the issues referred to by the Inquiry. Rather, it is intended to provide a general examination of select areas of concern. As such, the absence of commentary on any particular aspect or component of the Inquiry must not be read as or considered to be indicative of consent or acceptance.
- 1.3** Broadly, however, the following submission holds that:

BOX 1

- 1.3.a** in NSW, the unique and iconic Koala is listed as '*vulnerable*', with populations in steep decline.;
- 1.3.b** an unacceptable percentage of NSW koala habitat has been cleared;
- 1.3.c** the 'Koala Strategy' recognises habitat loss and fragmentation as some of the key issues contributing to the ongoing plight of koalas and;
- 1.3.d** without urgent and decisive action, Koalas in NSW face an increasingly vulnerable and uncertain future in which their survival is at serious and imminent risk.

- 1.4** In general, the following submission holds the following to be true:

BOX 2

- 1.4.a** as responsible and ethical custodians, we must act now to stop the further destruction of Koala habitat to ensure their survival;
- 1.4.b** current policies and strategies are doomed to be ineffective unless they encompass and include "whole-of-government";
- 1.4.c** provisions included in the *Biodiversity Conservation Act and Local Land Amendment Act* must protect habitat, end the regime of self assessment, and enable the provision of opportunities for legal challenges in the public interest;
- 1.4.d** The status of koalas should be upgraded from "vulnerable" to "endangered" in the *Environment Protection and Biodiversity Conservation Act (EPBC Act)*. Critical habitat should be prioritised and declared as Areas of Outstanding Biodiversity Value and;
- 1.4.e** repeals of the "offset" policy must immediately end all native forest logging on public land. Stronger state laws must simultaneously be introduced to prevent Koala habitat destruction through land clearing.

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2. INTRODUCTION

2.1 The NSW Government Portfolio Committee No. 7 (Planning and Environment) is required to inquire and report on a range of considerations involving actions, policies and funding opportunities provided by government to ensure a sustainable Koala population with access to healthy habitat in NSW.

- A The Koala (*Phascolarctos*) is described by the NSW Office of Environment and Heritage (hereafter, “the OEH”) as a particularly “iconic” Australian animal¹. As arboreal² and folivorous³, the Koala predominantly occupies eucalyptus trees⁴ (a species of flora also predominantly native to Australia). Described elsewhere as “a triumph of evolution,” the Koala may “survive and thrive on a diet of gum leaves”⁵. As quintessentially Australian animals⁶, Koalas routinely appear in the advertising and marketing of the Australian tourism industry⁷. Koalas also permeate Australian culture⁸.
- B It was not until the arrival of marauding colonial ships onto Australian shores that the survival of Koalas became uncertain. For example, prior to their appearance, there existed a culture complete with beliefs and practices that “lived in ecological balance with koalas for tens of thousands of years”. This is an important factor to recognise as it puts “the difficult problems of koala management [...] in a broader context”⁹
- C Internationally, the Koala is considered one of the most “unique and fascinating wildlife” species. They “play an especially important role in foreign images of Australia”¹⁰ and are second only to the kangaroo in recognition

¹ See OEH (2017).

² “Arboreal” refers to animals who live in trees. Arboreal mammals are known to play “significant roles” in ecosystem balance and sustainability. Koalas are the largest arboreal mammals of Australia. For more on the Koala, see Jackson, S. (2010). *Koala: Origins of an Icon*, Crows Nest, Allen & Unwin. For more on arboreal species in general, Krisanti, A. A., Wiwiyani, T. & Imron, M. A. (2017). Species diversity and population distribution of arboreal mammals in Kemuning Forest, Temanggung, Central Java, Indonesia. *Biodiversitas*, 18(3), 1190-1195.

³ “Folivorous” refers to herbivores that specialise in the eating of leaves. As such, the Koala can be considered a quintessential folivore.

⁴ For more, see de Lima, I. B. (2017). Wildlife resources, habitats and ecosystems for visitors’ experiential learning: educative wildlife tourism in the Australian context. In I. B. de Lima and R. J. Green (Eds.). *Wildlife Tourism, Environmental Learning and Ethical Encounters: Ecological and Conservation Aspects*, Springer, Switzerland, 155-169.

⁵ Jackson, S. (2010). *Koala: Origins of an Icon*, Crows Nest, Allen & Unwin.

⁶ Indeed, estimates consider up to 18% of tourists “are motivated to visit Australia partly because of its native animals” and claims that “there are very few who would not come otherwise”. A 2014 analysis by the Australian Koala Foundation (AKF) likewise noted that the Koala is “one of the most defining symbols of Australia” and is “universally” associated with Australia. For more on the role played by the Koala in tourism in Australia, see Hundloe, T. & Hamilton, C. (1997). *Koalas and Tourism: An Economic Evaluation*. A report for the Australia Institute. Available via <https://www.savethekoala.com/sites/savethekoala.com/files/uploads/docs/general/tourism.pdf>. For more on the roles played by other native species, see Higginbottom, K., Northrope, C. L., Croft, D. B., Hill, B. & Fredline, L. (2004). The role of kangaroos in Australian tourism. *Australian Mammalogy*, 26(1), 23-32.

⁷ Tourism Australia’s 2017/18 annual report for example, includes a koala superimposed onto the shoulder of American television actor Danny McBride’s shoulder. See <http://www.tourism.australia.com/content/dam/assets/document/1/7/2/i/5/2009453.pdf>.

⁸ Koalas appear in children’s storybooks, for example. “Blinky Bill”, by Dorothy Wall, is perhaps the most popular example of this. For access to *the Complete Adventures of Blinky Bill* online, see <https://books.google.co.uk/books?id=8dzQshYHVgsC&printsec=frontcover&dq=koala+popular+culture&hl=en&sa=X&ved=0ahUKEwiUnYWCmuPjAhUPEcAKHQdtAzwQ6wEITDAG#v=onepage&q&f=false>

⁹ Martin, R. & Handasyde, K. (1999). *The Koala: Natural History, Conservation and Management*. 2nd edition. UNSW Press, Sydney.

¹⁰ Conrad, E. (2014). The economic value of the Koala. A report for the Australian Koala Foundation. Available via [https://www.savethekoala.com/sites/savethekoala.com/files/uploads/Conrad%202014%20The%20Economic%20Value%20of%20the%20Koala\[2\].pdf](https://www.savethekoala.com/sites/savethekoala.com/files/uploads/Conrad%202014%20The%20Economic%20Value%20of%20the%20Koala[2].pdf).

studies¹¹. As quintessentially Australian, they are considered crucial in attracting tourists to Australia¹². It is known, for example, that Koalas and Kangaroos are “by far the most popular species” among visitors to Australia¹³. This fascination has led various State’s to prominently include Koalas in their tourism materials¹⁴.

D Locally, the Koala is said to be “engrained within the Australian culture” and, as such, is held in high esteem for its “high social value”¹⁵. Theme parks, such as Koala Park¹⁶ in Sydney’s western suburbs, offer tourists the opportunity to “hug a Koala”. Unfortunately, the status outlined above and such interactions have not afforded Koalas absolute safety or immunity from threat¹⁷. Ironically for a species considered so valuable, population or habitat expansion may be perceived as unacceptable and lead the Koala to be considered “overabundant,” and thus, potentially “cullable”¹⁸.

¹¹ Whilst 98.3% of participants recognised the Kangaroo as Australian, 91% recognised the Koala. By comparison, only 6.2% recognised the kiwi as endemic to New Zealand. For more, see Hill, B., Arthurson, T. & Chalip, L. Kangaroos in the marketing of Australia: potentials and practice. Wildlife Tourism Research Report Series: No. 19 prepared for CRC Sustainable Tourism. Available via <https://sustain.pata.org/wp-content/uploads/2014/12/WT19WEB.pdf>.

¹² Of the species most commonly associated with Australia, the Koala and the Kangaroo are considered to be the primary draw-cards for tourists. As a cursory search of Koalas in Australia reveals, a key question entered into Google is “can you hug a Koala in Sydney?”

¹³ See Higginbottom, K & Buckley, R. (2003). *Terrestrial Wildlife Viewing in Australia*. Wildlife Tourism Report Series No. 9. A Status Assessment of Wildlife Tourism in Australia for CRC Sustainable Tourism. Available via <https://core.ac.uk/download/pdf/143871107.pdf>.

¹⁴ Tourism WA, for example, studied Chinese tourism to Australia and found that the “Chinese target customer” has “a strong desire to visit Australia’s iconic attractions”. Such attractions include the Sydney Opera House, the Great Barrier Reef, and koalas. Similar information is included in other State tourism guides. Tourism and Events Queensland, for example, similarly cites “the Sydney Opera House, the Great Barrier Reef, koalas and kangaroos” as the “iconic attractions” Chinese tourists want to see. See Tourism WA’s China 2020 Strategy here https://www.tourism.wa.gov.au/Publications%20Library/Industry%20Support%20and%20Opportunities/China2020-Building_the_Foundations-Online-version2.pdf. See Tourism and Events Queensland’s guide here <https://teq.queensland.com/-/media/63b5bb338ff94e0c960f0d8b28bacccec.ashx?la=en/>

¹⁵ Conrad, E. (2014). The economic value of the Koala. A report for the Australian Koala Foundation. Available via [https://www.savethekoala.com/sites/savethekoala.com/files/uploads/Conrad%202014%20The%20Economic%20Value%20of%20the%20Koala\[2\].pdf](https://www.savethekoala.com/sites/savethekoala.com/files/uploads/Conrad%202014%20The%20Economic%20Value%20of%20the%20Koala[2].pdf).

¹⁶ That Koala Park was described as “Australia’s saddest zoo” in 2016 and plead guilty to “the ill treatment” of Koalas is noted. See, for example, Sutton, C. (2016, February 1). Australia’s saddest zoo: Koala ‘sanctuary’ has just three miserable koalas, emaciated kangaroos and one lonely penguin who is refusing to eat. *Daily Mail UK Online*. Available via <https://www.dailymail.co.uk/news/article-3310208/Koala-Park-Sanctuary-four-koalas-two-dingoes-one-wombat-cage-budgerigars.html>.

¹⁷ As recently as July 2019, for example, “high population numbers” and recommendations from a parliamentary inquiry could see Koalas being culled, along with western grey kangaroos, long-nosed fur seals, and little corellas as “overabundant”. See Cox, L. (2019, July 12). Koala and kangaroos culling considered as numbers become ‘overabundant’: species’ expansion threatens South Australia’s habitat and biodiversity, report says. *The Guardian Online*. Available via <https://www.theguardian.com/environment/2019/jul/12/koala-kangaroo-culling-considered-as-numbers-become-overabundant>.

¹⁸ “Culls” are routinely enacted upon species or populations of unwanted or unwelcome wildlife. That these individuals or communities need not be introduced, and thus “un-Australian,” reveals that the underlying motivations for such deaths are to be found not in any assessment of intrinsic worth, but in their perceived or potential nuisance status.

3. RESPONSES TO THE TERMS OF REFERENCE

I have reviewed the Inquiry's Terms of Reference (hereafter, “the Terms”) and submit the following responses:

3.1 At the State and Federal level, reviews and studies have consistently identified the urgency of the plight of Koalas both nationally and in NSW. Recognition of these threats, however, have not led to greater or consistently applied protection.

- A Both the NSW¹⁹ and Commonwealth²⁰ Governments have listed the Koala as threatened (in 1992 and 2012, respectively). Of an estimated 330,000 Koalas nationally, up to 36,000 are thought to reside in NSW²¹. The NSW Koala Strategy²² recognises that such populations are in steep decline²³. However, despite recommendations made by the NSW Chief Scientist and Engineer, notably that the objective of the Koala Strategy should be “to stabilise and then start to increase” the population of Koalas in NSW, the NSW Government has instead opted to repeal legislation designed to protect Koalas and their environment.
- B By prioritising industry and development over the welfare and survival of an iconic Australian species, the Government has permitted unacceptable and avoidable risks and threats to be imposed on the Koala. Sources have consistently identified the loss of habitat and subsequent fragmentation as stemming from “the weak and permissive laws” failing Koalas at both the State and Commonwealth level²⁴.
- C Since the repealing of the *Native Vegetation Act* in 2017, for example, destruction of Koala habitat has “nearly doubled”²⁵. A report issued by the Nature Conservation Council and WWF Australia found that “17 of the state’s top 20 deforestation hot spots contain substantial areas of koala habitat”²⁶.

¹⁹ Under the State *Threatened Species Conservation Act 1995* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

²⁰ Under the *Environment Protection and Biodiversity Conservation Act 1999*.

²¹ O’Kane, M. (2016). *Report of the Independent Review into the Decline of Koala Populations in Key Areas of NSW*. Available via https://www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0010/94519/161202-NSWCSE-koala-report.pdf.

²² See the Strategy here <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/nsw-koala-strategy-18250.pdf>.

²³ Estimates of a 26% decline in the NSW Koala population cited in the Strategy are taken from the NSW Chief Scientist and Engineer’s review (see footnote #22 above).

²⁴ Paull, D., Pugh, G., Sweeney, O., Taylor, M., Woosnam, O. & Hawes, W. (2019). *Koala Habitat Conservation Plan: An Action Plan for Legislative Change and the Identification of Priority Koala Habitat Necessary to Protect and Enhance Koala Habitat and Populations in New South Wales and Queensland*. Report prepared for WWF-Australia and partner organisations. Published by WWF-Australia, Sydney.

²⁵ Nature Conservation Council. (2019, March 1). Destruction of koala habitat now widespread in NSW. Available via <https://www.nature.org.au/media-releases/2019/03/destruction-of-koala-habitat-now-widespread-in-nsw/>.

²⁶ Sanda, D. (2018, November 13). Koalas hurt by major deforestation: report. *AAP General News Wire*. Sydney.

D Ultimately, significant flaws in existing legislation which prioritise the development of major projects (including mines and other state significant developments) has led to the Koalas disappearance. Events such as “local extinctions” are symptomatic of a broader problem that must be addressed²⁷.

E Unless key causes of such threats are proactively remedied by a whole-of-government strategy which expands upon protected areas of existing Koala habitat and recognises the Koala as an endangered species in many parts of the State, populations are expected to decline. This is unacceptable for a country that, as shown, reveres the Koala as a marketing tool and avenue for touting a thriving tourism industry.

3.2 Ultimately, it is the inconsistencies and flaws in existing law that permit the ongoing Koala population crisis.

A The challenges facing the Koala are now so significant that unless urgent action is taken, a future without the iconic species is imminent across NSW and, indeed, Australia. Urgent, decisive and meaningful actions must adopt a dramatic shift in government priorities, policy and legislation.

B The NSW Koala Strategy effectively sidesteps the impacts climate change poses to Koalas. Though identified by the International Union for the Conservation of Nature (IUCN) as globally one of the most vulnerable species. Considerations associated with impacts of current and impending climate change must be incorporated into all government planning, policies and legislation.

²⁷ Paull et al. (2019).

4. RECOMMENDATIONS

My recommendations include:

- 4.1 The status of koalas should be upgraded from “vulnerable” to “endangered” in the *Environment Protection and Biodiversity Conservation Act* (EPBC Act). Critical habitat should be prioritised and declared as Areas of Outstanding Biodiversity Value.
- 4.2 Provisions included in the *Biodiversity Conservation Act and Local Land Amendment Act* must protect habitat, end self assessment, and enable the provision of opportunities for legal challenges in the public interest.
- 4.3 Repeals of the “offset” policy must immediately end all native forest logging on public land. Stronger state laws must simultaneously be introduced to prevent Koala habitat destruction through land clearing.
- 4.4 Annual grant opportunities should be introduced for all NSW wildlife rescuers, carers and transporters to enable their valuable work to continue and receive the recognition it deserves.
- 4.5 Koala habitat in the Sydney basin must be urgently protected given the threats associated with major urban developments facing the south west Sydney Koala population.