



Victorian
Forest
Products
Association

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (SAVE THE KOALA) BILL 2021

Senate Standing Committee on Environment &
Communications Legislation Committee Inquiry

16 September 2022



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About VFPA

VFPA is the peak industry body representing the forestry products value chain in Victoria from those growing, managing and harvesting our sustainable plantations and multiple use natural forests to the primary and secondary processing of timber, the manufacture of pulp, paper and bioproducts, and the value-added timber and pulp and paper products supply chains.

Victoria's Forest Products Industry

The Victorian forest products industry utilises a mix of hardwood (eucalypt) and softwood (pine) resources supplied from multiple use public forests and private plantations. Victorian forest products are manufactured into a wide range of timber products including sawn timber products, engineered wood products, pulp and paper manufacture, and high-quality wood chips.

Wood is beautiful and functional, renewable, biodegradable, and recyclable. Wood is used for new homes, buildings, furniture, paper, toiletry and sanitary products, and fuel for green energy. With over 5000 known uses for wood, wood is simply an essential part of life and the ultimate renewable. All parts of the harvested tree are used to its highest value use – there is simply no waste.

The Victorian forest products industry is highly regulated and implements sustainable forest management practices across private and public land tenures and participates in ecological restoration for the benefit of Victorians. 0.04 per cent of Victoria's native forests are harvested annually and all harvested areas are regenerated. Each year, approximately five per cent plantation trees are subject to final harvest with these areas replanted.

Victoria's forest products industry has a significant role to play in the move to a net-zero carbon future. New research demonstrates that plantation trees for harvest capture three times more carbon abatement than environmental plantings over 100 years as the carbon is sequestered in trees and the subsequent harvested timber products for the life of that product.



Introduction

The Victorian Forest Products Association (VFPA) welcomes the opportunity to make a submission to the Senate Environment and Communications Legislation Committee Inquiry (the Inquiry) into the Environment Protection and Biodiversity Conservation Amendment (Save the Koala) Bill 2021 (the Bill).

The Bill seeks to amend the *Environment and Biodiversity Conservation Act 1999* to prevent the Minister from approving an action which involves the clearing of koala habitat and removes the exemption of regional forest agreements from requirements of the Act where there is, may, or is likely to have significant impacts on koala habitats.

Victoria has a significant and growing koala population of around 460,000, and in some areas, koalas are overabundant. The Bill does not distinguish between declining and growing koala populations and classifies specific eucalypt species (individual trees) as koala habitat. Vast areas of farmland in SW Victoria have been converted to eucalyptus plantations. Historic translocated koala populations have migrated into them from isolated native forest reserves. The Bill will prevent harvesting of blue gum plantations, leading to perverse impacts on the industry and koala populations in Victoria.

Moreover, the scientific evidence has shown that the biggest causes of koala population decline are loss of habitat from urban expansion, bushfires, car strikes, wild dogs, and disease. It is incumbent on the Federal Government to work with the states and territory governments to address these real threats to koalas rather than to pass this Bill.

Therefore, VFPA rejects the Bill and recommends that the Committee and the Australian Parliament also rejects the Bill.

Recommendation 1: That the Committee recommends to the Senate that it does not support the passage of the Environment Protection and Biodiversity Conservation Amendment (Save the Koala) Bill 2021.

While the Bill is ostensibly focussed on the EPBC Act listed koalas, the risk that some or all the Bill's provisions, if made into law, will come into force in Victoria. Consultation with Victorian Department of Environment, Land, Water and Planning suggests these concerns are well founded. Should this occur, this would severely impact the Victorian plantation and native forestry industry.

This submission will outline the reasons for the VFPA's position.

History of Bill

This Bill was tabled on 4 February 2021 by the Australian Greens in the previous Parliament. The Bill was referred to the Committee on 25 February 2021 and was due to report on 2 December 2021. On 22 November 2021, the reporting deadline was extended to 16 February 2022. On the 11 February 2022, a Progress Report was tabled simply requesting a reporting date extension until 16 May 2022, ostensibly "*to allow it to consider the evidence received and to conclude its deliberations*". On the 10 May 2022, the Committee tabled a second Progress Report asking for an extension until 2 August 2022. However, Parliament was prorogued, and the Inquiry lapsed.

On the commencement of the 47th Parliament, the Bill was restored to the Notice Paper for the on 27 July 2022, and again referred to the Committee on 28 July 2022 for Inquiry. The Inquiry is now due to report by 8 February 2023.

The fact that the previous inquiry has delivered little except two “progress” reports seeking extensions does not auger well for support for this Bill.

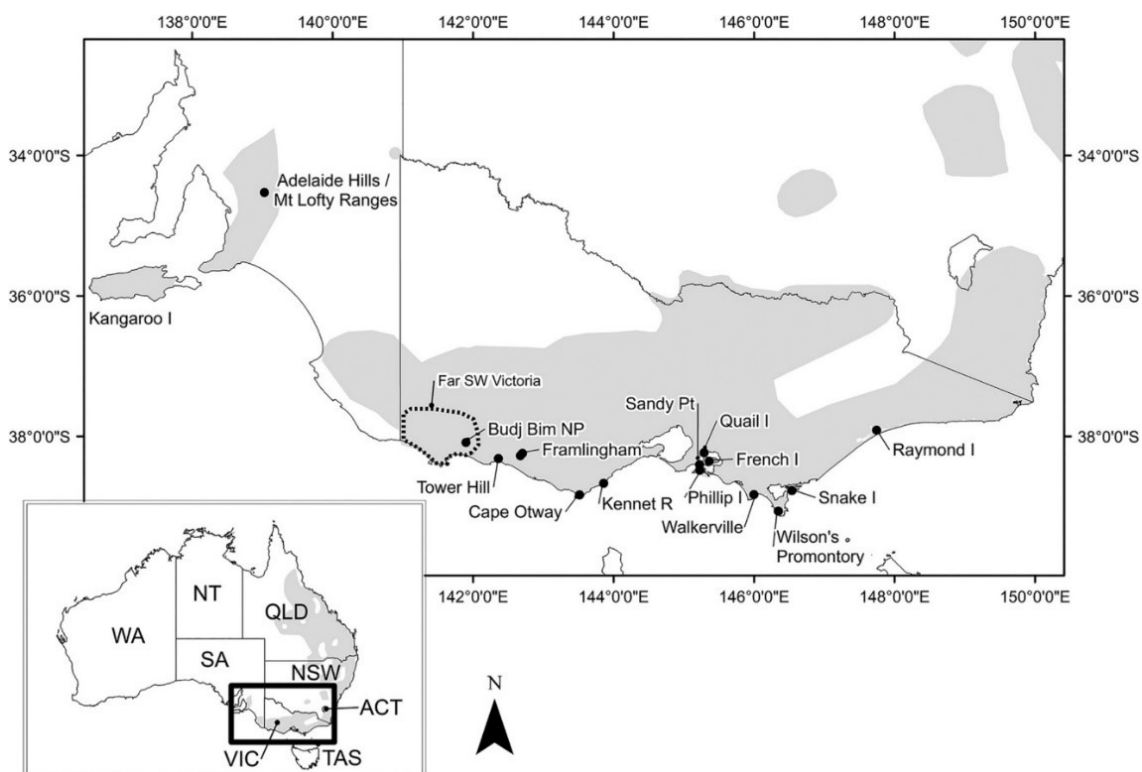
There were seventeen submissions to the previous Inquiry, overwhelmingly from Qld, NSW, and ACT submitters and again overwhelmingly from environmental non-government organisations (NGOs). None were from Victoria. Only one represented the native timber industry in NSW and only one representing governments. This can only result in a very biased Committee Report.

Koalas in Victoria

The Arthur Rylah Institute for Environmental Research (ARI) has developed a state-wide koala abundance model for Victoria. This model underpins the Victorian Government’s estimated state-wide population of 459,865 koalas including around 46,917 that reside in blue gum plantations in the state’s south west¹. This robust modelling of koala numbers supports the former Federal Environment Minister’s decision to exclude koalas in Victoria from being listed under the EPBC Act.

The Victorian Department of Environment, Land, Water and Planning (DELWP) website further states that Victoria’s koala population is thriving and expanding to the extent that in some areas, the animal occurs at very high densities (over abundant) leading to over-browsing of its habitat² (Figure 1) and koala welfare impacts.

Figure 1 Locations of koala overabundance in Victoria and koala distribution (light grey) (Whisson & Ashman, 2020)



Population densities in native vegetation average 0.75 per hectare, with higher densities coinciding with lower elevations, higher annual rainfall, low summer temperatures and high abundance of key eucalypt species (Heard & Ramsey, 2020).

¹ <https://www.wildlife.vic.gov.au/our-wildlife/koalas>

² Ibid

Koala populations in blue gum plantations, established on cleared agricultural land, are from translocated koala programs that have migrated into the plantations from native forests. Studies show that koala populations in plantations occur at slightly higher densities than native habitat. The average koala density in the South West Victorian plantations was 0.89 per (Heard, et al., 2020). The lack of observable impacts to plantation trees may point to the capacity of blue gum plantations to support higher koala population densities.

Overabundance is a term used to describe koala densities that result in defoliation of the preferred food tree, and this can occur at densities of two koalas per hectare (Whisson & Ashman, 2020). In Victoria, koalas are currently classed as overabundant on Raymond and French Islands and at Cape Otway, Budj Bim National Park, Stones Reserve, Kutonitj Indigenous Protected Area and in far SW Victoria (Table 1). Most cases of overabundance in Victoria have been associated with the introduction of koalas via translocation (Whisson & Ashman, 2020). The population density of koalas is increasing and will require continued intervention to protect native vegetation and the welfare of koala populations.

Table 1 Sites of koala overabundance in Victoria (Whisson, et al., 2020)

| Location | Year(s) | # Koalas introduced | Dates of "outbreaks" |
|--|--------------------------|---------------------|------------------------|
| Raymond Island (765 ha) | 1953 | 42 | 1985 – Present |
| Snake Island (3,452 ha) | 1945 1955, 1963, 1977 | 133 Unknown | 1990–2012 |
| Wilson's promontory | N/A | N/A | 1905–1910 |
| Walkerville | N/A | N/A | c1980 |
| Phillip Island (10,000 ha) | 1870–1923 | Unknown | 1941–1978 |
| French Island (17,392 ha) | c1898 | 3 | 1923 – Present |
| Quail Island (530 ha) | 1930–1933 | 165 | 1944–1945 |
| Sandy point (Mornington peninsula) | 1972 | 20 | 1985 |
| Kennett river & grey river | 1958, 1977, 1982 | 294 | c2000 |
| Cape Otway | 1981 | 75 | 2013 – Present |
| Framlingham forest & Hopkins's river | 1970 | 37 | 1987–1999 2016–2018 |
| Tower Hill game reserve | 1979 | 17 | 1996–2003 |
| Budj Bim NP, Stones Reserve & Kutonitj IPA | 1973 1982 | 30 46 | 1999 – Present |
| Far SW Victoria | | | c2013 - present |

Upgraded Listing of Koala as Endangered

Given Victoria's healthy and growing koala populations, the decision of the previous Minister for the Environment to exclude Victoria's koala populations to upgrade the status from vulnerable to endangered in February 2022 was sensible and pragmatic:

"koala populations in the southern part of the species' range, in Victoria and South Australia, are robust, and in some cases overpopulation has led to active population control measures being put in place (Menkhorst 2008).koala numbers are currently high in Victoria (Heard and Ramsey 2020) ... and those subpopulations are not listed."
(Department of Agriculture, Water and the Environment, 2022)

Given the robust koala population in Victoria, the koala is not listed under Victorian legislation.

Object of the Bill

The key objective of the Bill is to introduce a moratorium on the clearing of koala habitat, specifically referencing habitat loss, degradation, and fragmentation as the “greatest threat” to koalas.

The EPBC Koala Conservation Advice (Department of Agriculture, Water and the Environment, 2022) for the koala assigns a “shrinking climate envelope resulting in habitat loss” as the risk that is “almost certain” and would be “catastrophic”. Several other threats, including clearing of koala habitat are listed below this risk specifically for koalas in NSW, Queensland, and ACT.

The Bill proposes a blanket ban on any impact to koala habitat and is rejected given the status of Victoria’s koala populations.

Regional Forest Agreements – new Section 42(ba)

The Bill proposes removing the exemption of Regional Forest Agreements from the requirements of the EPBC Act, where there is, may, or is likely to be a significant impact on koalas.

One of the key achievements of the Regional Forest Agreements (RFAs) was to establish the Comprehensive Adequate and Representative (CAR) reserves system, based on nationally agreed criteria, or JANIS criteria that is outlined in the 1997 [National Agreed Criteria for the Establishment of a CAR system for forests in Australia report](#)³. These JANIS⁴ principles are long standing and based on an **assessment of species viability at the regional level**.

The concept, often supported by environmental groups – and this Bill, that all species everywhere must be protected is explicitly contrary to the National Framework:

Under the Nationally agreed criteria for the establishment of the CAR reserve system, the consideration of “representativeness” is based on assessment of species viability **at the regional level**, i.e.

*“It is not necessary to ensure that every element of biodiversity that occurs within a forest ecosystem is reserved within that ecosystem. Many species may well be represented in one forest ecosystem in a region and infrequent in another, and it is not necessary to distort reserve boundaries to ensure that they are reserved in each ecosystem occurrence. The important thing is that known species and genotypes are adequately reserved with the **aim of maximising their viability within a region, not that there are reserves in every forest ecosystem in which they have been recorded**”.* (ANZECC, 1997)

Active and adaptive management is another key concept. In Victoria, the Scientific Advisory Panel to support the RFA negotiations recommended more active management of forests across tenures to deal with threats, uncertainties, and new community goals, including:

- Timber harvesting, tree planting, thinning, fertiliser use
- Control of invasive species (e.g. deer)
- Weed control
- Fire management – including fire suppression and planned burning

³ [Protecting our Forest Environment - DAFF \(agriculture.gov.au\)](#)

⁴ JANIS is the Joint Australian and New Zealand National Forest Policy Statement Implementation Committee of the Australian and New Zealand Environment and Conservation Council (ANZECC) that was formed under the previous Council of Australian Governments.

- Road and track management and maintenance, including construction or removal, as well as management of access including seasonal and permanent road closures. (RFA Scientific Advisory Panel, 2019)

Regarding the requirements to comply with the EPBC Act, the Regional Forest Agreements (RFA) delegate these responsibilities to state governments to manage on behalf of the Commonwealth. There is a misconception that this means that the EPBC Act requirements are “avoided” when in fact the opposite is true. These requirements are still met through state-based processes.

The provisions of the Bill are contrary to the RFAs and in Victoria, the scientific advice underpinning Victoria’s RFAs. Thus the proposal in the Bill to remove the RFA exemption is rejected given that this is a Federal and State Government agreement on how Victoria implements the EPBC Act requirements within Victoria.

Significant Impact – new Sections 18B and 527F

Section 18 (offences in relation to threatened species) falls under Part 3 of the EPBC Act – requirements for environmental approvals and outlines the civil penalties for actions that have significant impacts without approval.

The Bill proposes a new concept of “significant impact” on koalas (s.18B) in relation to sections 18 and 18A and defines this (s.527F) as any substantial loss of genetic diversity, or any loss of connectivity or available koala habitat, of any population of koalas such that the population is placed at greater risk of extinction. The definition applies this to any listed threatened species that are koalas. Koala is defined as a mammal of the species *Phascolarctos cinereus*. Section 18B states that any operations that have, will have, or are likely to have a significant impact on koalas.

Given the status of Victoria’s koala population, the breadth of the provisions around significant impact, and the definition of koala, VFPA does not support the Bill.

Clearing of Koala Habitat – Section 139

Section 139 Requirements for decisions about threatened species and endangered communities sits under Part 9 of the EPBC Act, and requires that in making a decision, the Minister consider Australia’s international obligations, recovery, or threat abatement plans, and give regard to any approved conservation advice for the species or community in question.

The Bill proposes a new subsection (3) under s.139 that will prohibit the Minister from approving any actions consisting of or involving clearing of koala habitat.

The Koala Conservation Advice recommends actions to incentivise habitat protection (Table 2), in conjunction with a range of partners such as governments, researchers, NGOs, Indigenous land managers etc. The Conservation advice includes actions to ensure harmonisation of existing and future planning and policy settings and actions for strategic habitat restoration to increase the koala’s overall habitat and connectivity between areas of habitat (Table 2).

Table 2 Koala Actions to Increase Habitat Protection and Strategic Habitat Restoration
(Department of Agriculture, Water and the Environment, 2022)

| Action No | Description |
|-----------|--|
| 3a | Increase the overall area of protected koala habitat by dedication of Crown land and purchasing land identified as priority koala habitat for incorporation into the state protected areas. Priority areas include those that support viable populations and those that have the greatest potential for population-level recovery. |
| 3b | Establish or expand existing targeted private land incentive mechanisms to increase the area for long-term protection and conservation of areas identified as priority koala habitats. Participation includes, but is not limited to, graziers, agricultural landholders, rural landholders, Indigenous land owners and private forestry. |
| 3c | Improve the condition of existing koala habitat on both private and public land through altered land management practices, including management of vegetation, fire, weed, and introduced species. |
| 3d | Investigate the potential to increase the protection of priority koala habitat through identification and registration of Critical Habitat where appropriate (i.e., Commonwealth-owned lands). |
| 5a | Build on and implement landscape scale habitat restoration plans, including NRM regional plans, based on up-to-date mapping and spatial analysis that considers potential carrying capacity and landscape-scale processes such as climate change, fire and drought, and koala movement patterns. |
| 5b | Develop and implement best practice revegetation and restoration guidelines appropriate to local conditions that include planning for drought, heatwave, fire, and eucalypt responses to climate change using a robust scenario-based approach, consistent with national standards for ecological restoration (SERA 2017) |
| 5c | Implement on-ground revegetation or restoration programs, following local restoration guidelines for the koala where they exist (e.g., NSW koala habitat revegetation guidelines (Wegner and Taws 2019)), in consultation with experts in koala ecology and plant geneticists. These should include experimental trialling of the establishment of climate resilient and nutritious feeding trees outside traditional ranges of koala habitat trees. |

The draft Victorian Koala Management Strategy includes actions to manage the impacts to habitat from over abundant koala populations, and to conserve and improve koala habitat. Specific actions include population distribution maps and models, habitat maps and decision support tools.

Given the range of both Federal and Victorian Government investment in koala management, the provisions of the Bill are unwarranted, and will incur significant impacts on Victoria's plantation and native forestry industry. VFPA rejects the stringent provisions in the Bill.

Definition of Koala Habitat, Koala Habitat Tree (s.527F)

The Bill proposes new definitions of koala habitat:

- (a) an area of vegetation in which koalas live and that includes a koala habitat tree; or*
- (b) an area of vegetation that consists primarily of koala habitat trees and which is reasonably suitable for sustaining koalas (whether or not koalas live in that area); or*
- (c) a partially or completely cleared area used by koalas to cross from an area mentioned in paragraph (a) or (b) to another area mentioned in paragraph (a) or (b).*

An area of vegetation can include forest, woodland and scattered tree landscape, and remnant and non-remnant vegetation in natural, agricultural, urban and peri-urban environments.

and koala habitat tree:

- (a) a tree of the Corymbia, Melaleuca, Lophostemon or Eucalyptus genera that is edible by koalas, or any other species of tree that are known koala food trees; or*
- (b) a tree of a type typically used by koalas for shelter, including, for example, a tree of the Angophora genus.*

The broad definition of koala habitat or habitat tree will impact significant areas of the state, “*whether or not koalas live in that area*” and across both public and private land. It will impact both plantation and native forestry and essentially bring the industry to a standstill. The social and economic implications will be severe. These impacts are likely to extend to housing, roads, agriculture, and a range of other industries – and given the definitions, the impacts may very well apply to Victoria. The breadth of impacts is perverse and unacceptable.

Both ALP and Coalition Senators expressed significant concerns and reservations during their Second Reading speeches on 22 February 2021, including:

- Senator Ayres (ALP) stated that what the Bill proposes will “*increase uncertainty*”, and that “*It’s a big show for attention and donations, and in my view undermines the actual effort to protect the environment*”
- Senator McLachlan (LIB) stated that the Bill created “*reservations about efficacy*”, “*removes the discretion*” of the Minister to approve applications, “*is a blunt instrument*”, and called on members “*to reflect on this bill and also its shortcomings*”
- Senator McAllister (ALP) noted that the Bill is “*unlikely to be the solution*”, “*is a blunt instrument*”, “*that large parts of the eastern seaboard would be affected*”, it’s lacking “*any consideration whatsoever of local communities*”, the bill “*would have an impact on people and their livelihoods*”, the bill “*doesn’t reference or contemplate any mechanism to balance the competing demands for land use, and this should matter to conservationists as well as communities that are dependent on forestry*”, and “*runs the risk of undermining support for conservation*”, and
- Senator Fawcett (LIB) notes that the definition of koala habitat is broad, the bill’s prohibition on that “*would actually prevent a normal commercial activity of planting timbers for the purpose of harvesting because koalas*”, “*it will interrupt not [only] the*

*logging of native forests or clearing of native areas but actually commercial operations”, “a blanket ban is not the best way to manage” koala habitat.*⁵

None of these Senators recommended passing the Bill and yet 18 months later, the Bill is back for consideration by the Senate. Senator McAllister also noted that the Bill (then) had “*no chance of becoming law*”⁶. VFPA concurs with these Senators and calls upon the Committee to recommend that the Bill is not passed given the perverse impacts it is likely to have right across Victoria’s forestry industry.

References

- Department of Agriculture, Water and the Environment. (2022). *Conservation Advice for Phascolarctos cinereus (Koala) combined populations of Queensland, New South Wales and the Australian Capital Territory*. Canberra: Department of Agriculture, Water and the Environment (Fed).
- Heard, G. W., & Ramsey, D. S. (2020). *Modelling Koala Abundance Across Victoria*. Melbourne: Arthur Rylah Institute for Environmental Research.
- Whisson, D. A., & Ashman, K. R. (2020, March 10). When an iconic native animal is overabundant: The koala in southern Australia. *Conservation Science and Practice*, 2(5). Retrieved from <https://doi.org/10.1111/csp2.188>

⁵ [Second Reading Speeches – Parliament of Australia \(aph.gov.au\)](#)

⁶ Ibid



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