



**HUMANE SOCIETY
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Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: ec.sen@aph.gov.au

28 September 2022

Dear Sir/Madam,

**RE: Environment Protection and Biodiversity Conservation Amendment (Save the Koala)
Bill 2021 Senate Inquiry**

Humane Society International (HSI) welcomes the opportunity to provide this submission to the Senate Standing Committees on Environment and Communications for the inquiry into the Environment Protection and Biodiversity Conservation Amendment (Save the Koala) Bill (**Save the Koala Bill**).

HSI is the world's largest conservation and animal welfare organisation with over 10 million supporters globally. We have more than 25 years' experience in Australia, working to achieve an ecologically sustainable and humane world for animals.

HSI originally submitted to the inquiry in April 2021 (submission number 3). In our previous submission, we identified that in 2020, HSI partnered with WWF-Australia and the International Fund for Animal Welfare to nominate the east coast koala population to be uplisted to endangered under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. Subsequent to that submission, in February 2022, the then Environment Minister Sussan Ley announced that the east coast koala population had been listed as endangered. The *National Recovery Plan for the Koala Phascolarctos cinereus (combined populations of Queensland, New South Wales and the Australian Capital Territory) (Recovery Plan)* was released in March 2022.

The Recovery Plan makes it very clear that the key threat to the east coast koala population is land clearing:

"Land use practices causing the loss and fragmentation of habitat are considered the primary ecological threatening process to Koalas, to which they are particularly sensitive..."¹

¹ Recovery Plan, p. 61



The Recovery Plan goes on to say that:

“There appears to be a threshold of habitat coverage below which Koalas rapidly decline from landscapes, which ranges from 10–60% depending on the region...”²

This highlights the urgent need to protect koala habitat across all land tenures (including areas covered by Regional Forest Agreements) and reinforces HSI’s previous view that the increased legal protections for koala habitat set out in the Bill are vital.

The Save the Koala Bill would support a number of key strategies and actions in the Recovery Plan. Specifically, Strategy 3 is intended to deliver an increase the area of protected habitat for the listed Koala, and Strategy 4 is intended to integrate listed Koala conservation into policy, statutory and land use plans. By effectively introducing a moratorium on the clearing of koala habitat, the Save the Koala Bill would prevent further habitat loss and allow recovery actions to focus on restoring habitat to facilitate koala recovery and assist in their adaptation to climate change. Action 4b under Strategy 4 requires action to “Review, revise, and, where appropriate, strengthen statutory planning instruments and policies”. The Save the Koala Bill would strengthen the ability for the Commonwealth Government to use their decision making powers to avoid impacts of land use or land management on the listed Koala, consistent with the Recovery Plan. The Bill would also assist to overcome the shortcoming in the EPBC Act, identified in the *2021 State of the Environment Report*, that large areas of land clearing of threatened species habitat is currently undertaken without any Commonwealth oversight.

We note that the Environmental Defenders Office April 2021 submission to the inquiry (submission number 2) identified a number of areas where the Save the Koala Bill could be strengthened to assist with implementation of the proposed amendments. In addition to those recommendations, we ask the Committee to consider how the Bill interacts with the strategic assessment provisions under Part 10 of the EPBC Act. We note for example the current Cumberland Plain Conservation Plan which has been approved by the NSW Government and is currently being considered by the Federal Government as part of the Western Sydney Strategic Assessment.³ Significant concern has been raised by koala experts and the broader community on the impact of approving the Cumberland Plain Conservation Plan on the local koala population. It is unclear whether the Save the Koala Bill as currently drafted would provide the same level of protection for koala habitat for areas under strategic assessment as is proposed for individual project decisions.

HSI is conscious that the Save the Koala Bill is being proposed within a context of the current government committing to a response to the *Independent Review of the EPBC Act – Final Report* by Professor Graeme Samuel (**Samuel Review**) by the end of the 2022, and with EPBC Act amendments proposed to be introduced in 2023. While we hope that this response will strengthen protection for all species, not just koalas, with the NSW Parliamentary Inquiry identifying that the NSW koala population may be extinct by 2050 unless urgent action is taken to increase protection for koalas and their habitats, koalas simply can’t wait. In the absence of strong National Environmental Standards as recommended by the Samuel Review, it is HSI’s opinion that the Save the Koala Bill supports the intent of the Samuel Review to clearly identify no-go areas for threatened species habitats and thresholds for impacts for threatened species and ecological communities and should be implemented in advance of any broader changes to the EPBC Act.

² Recovery Plan, p. 62

³ <https://www.dcceew.gov.au/environment/epbc/strategic-assessments/strategic/western-sydney>

We therefore maintain our recommendation to the Committee that this Bill proceed.

HSI would like to thank the Committee for the opportunity to present these further views. Please note HSI's change of contact details and forward any correspondence in relation to these submissions by email to [REDACTED] or I can be contacted on [REDACTED]

Yours sincerely,

Megan Kessler

Dr Megan Kessler
Nature Campaigner
Humane Society International