

**SENATE KOALA INQUIRY: QUESTIONS ON NOTICE  
RESPONSE FROM CHRIS ALLEN**

June 10<sup>th</sup> 2011

Senator CAMERON: You may want to take this on notice, because I do not want to spend a lot of time on it. I would like to understand the difference between a vulnerable species according to the scientific committee, under the federal act, and a vulnerable species under the New South Wales act. Is there any difference in the definitions?

Mr Allen: I would have to take that on notice to find out the specific ecological definition of vulnerability. I do not know. What I can say is that if it was declared vulnerable federally I am reasonably confident that that would trigger legislative requirements and it would draw the Commonwealth government in

*Respective definitions of vulnerability*

The respective definitions of the NSW and Commonwealth legislations appear to be as follows:

1. Commonwealth. A native species is eligible to be included in the vulnerable category at a particular time if, at that time: (a) it is not 'critically endangered' or 'endangered'; and (b) it is facing a high risk of extinction in the wild in the medium term future, as determined in accordance with the prescribed criteria.
2. NSW. A 'vulnerable' species is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

My interpretation of these definitions is that there is negligible difference in a legal sense. In the event of listing at both State and Commonwealth levels the relevant minister then has the responsibility to develop and implement an appropriate recovery plan. In NSW the Priority Action Statement incorporates and integrates actions from the recovery plans of many species and has superseded the NSW Koala Recovery Plan. The Statement is the paramount guide at a state government level for implementing koala conservation initiatives.

Given the above, it would appear that the national listing of the koala would make little difference to what happens to the species in NSW in any narrowly-defined legal sense, as any resulting Commonwealth's legislation would probably only reflect what is already in place in NSW.

Despite the above my view is that greater Commonwealth involvement from the perspective of a listed, nationally iconic species would have seen the issue of koala habitat conservation in SENSW resolved more efficiently, with greater protection for koala habitat, and would manage potential compensation issues more effectively than has been the case in the past decade with just the NSW government alone attempting to address these issues.

In its September 2010 letter to the Commonwealth Environment Minister the Threatened Species Scientific Committee stated that *it strongly advocates a genuine national effort to rapidly implement the Strategy through an effective action plan. If this cannot be done, our advice warrants the listing of the koala.* The history of non-implementation of Strategy actions is a telling indication that their effective and rapid implementation is unlikely unless fundamental changes are made in the implementation team's capacities. These changes need to include a properly funded, legally empowered, dedicated team with the capacity to effectively intervene in koala habitat protection issues. The rapid establishment of such a team may help ensure that the remaining koala habitat in the Eden region is reasonably protected and may make the difference between the survival and extinction of its surviving population.