

The NSW government Koala Strategy, the Saving Our Species Iconic Koala Project (SOS project) and the review of SEPP 44 (Koala Habitat Protection)

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These comments relate to threats to koalas in south east NSW in areas subject to native forest logging in Regional Forest Agreement (RFA) areas. It was not logging along which brought the koala to its current dire situation in south east NSW, but it is logging which now has the potential to drive them to extinction.

It is not good enough to consider the plight of koalas in State Forests under the general heading of 'habitat loss.' It is a major additional issue and deserves separate consideration.

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1. Exemption of RFA areas from the Commonwealth EPBC Act

The exemption of Regional Forest Agreement (RFA) areas from the Commonwealth Environment Protection Biodiversity Conservation (EPBC) Act¹ has meant that there has been no meaningful protection for almost 20 years. Since the establishment of the RFAs, the Commonwealth's principal environmental law has not applied in State Forests where Australia's most intensive logging for woodchips² has been carried out.

The exemption is based on the assumption that RFAs provide "equivalent protection"³ to the EPBC Act. However, in NSW (and other States), nobody

¹ Part 3 of the EPBC Act exempts "forestry operations undertaken in accordance with a Regional Forest Agreement (RFA), unless the operation is being undertaken in a property on the World Heritage List, in a Ramsar wetland, or is incidental to another action whose primary purpose does not relate to forestry."

² Approximately 95% of all timber taken from logging native forest in south eastern NSW is to supply wood to the South East Fibre Exports (SEFE) woodchip mill at Eden, owned by the Japanese paper giant, Nippon Paper.

³ Question on Notice by Senator Lee Rhiannon, Budget Estimates 2012.

Division/Agency: CCD Climate Change Division

Topic: Wood Pellets and Regional Forest Agreements

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Senator RHIANNON asked:

(7) On what basis has the Government decided to continue to exempt Regional Forest Agreement areas from the EPBC Act, in the absence of any evidence from the Hawke review, RFA reviews or independent scientific research that there is no concern about threatened species?

Answer:

7. This is a decision of the Parliament. Section 38 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides an exemption from Part 3 of the EPBC Act provided forestry operations are in accordance with 20 year Regional Forest Agreement where a Comprehensive Adequate Representative reserve system

actually monitors logging impacts to ensure that RFAs do provide equivalent protection. As far as NSW is concerned, the Commonwealth has shown no interest in finding out whether protection is equivalent and adequate or not.⁴ The report One Stop Chop: How Regional Forest Agreements Streamline Environmental Destruction documents how this is a national problem.⁵ Since the commencement of the RFAs there have been hundreds of instances of well documented threatened species rules being breached either by the Forestry Corporation of NSW or by logging contractors engaged by it or by South East Fibre Exports/ Allied Natural Wood Exports.⁶

2. Federal listing has not helped the south east NSW Koala *Phascolarctos cinereus*

The federal listing of the koala as a vulnerable species in April 2012 has done nothing for NSW far south coast koalas living in State Forests.

Virtually all far south coast koalas are in State Forests and thus do not benefit directly from the Commonwealth listing because of the EPBC Act exemption for RFA areas.

All State Forests in south east NSW are covered by Regional Forest Agreements (RFAs) and the current law falsely assumes that these provide equivalent and adequate protection for threatened species, including the koala.

We have seen time and time again that threatened species prescriptions are either useless or are flouted with impunity by State logging agencies. Since the commencement of the RFAs there have been hundreds of instances of well documented threatened species rules being breached either by the Forestry Corporation of NSW or by logging contractors engaged by it or by South East Fibre Exports.⁷

3. NSW Measures to protect the Koala in Logging

The Forestry Corporation of NSW currently operates under antiquated provisions applying an outdated Integrated Forestry Operations Approvals (IFOA) regime. These IFOAs have been under revision for some years and have still not been finalised. When logging in koala habitat, one of the current IFOA provisions requires loggers to look up into the tree they are about to cut down, to determine whether there is a koala in it.

- This measure is clearly absurd because virtually all logging these days is done by mechanical harvesters, which have solid steel roofs. It

and ecologically sustainable forest management have been implemented to give an equivalent level of protection to threatened species and ecological communities as could be expected to be achieved if Part 3 of the EPBC Act did apply.

⁴ At a meeting in Sydney between the NSW Environment Protection Authority and forest conservationists on 25th February 2013, EPA officers said: "We are not hearing a lot of concern from the Commonwealth on that." They also stated that it was a matter for RFA reviews, which did not, in fact, deal with it.

⁵ "One Stop Chop," <http://www.edovic.org.au/blog/RFA-report>

⁶ http://www.edovic.org.au/downloads/files/law_reform/One%20Stop%20Chop.pdf

⁷ http://www.edovic.org.au/downloads/files/law_reform/One%20Stop%20Chop.pdf

- would not be possible for the operator of the mechanical harvester to look up the tree through the roof.
- Neither would it be possible for another worker on the site to perform this task because occupational health and safety requirements would not permit another worker to stand close enough.

4. Conclusions

Exemption of RFA areas from the EPBC Act has not served Australia's threatened species in forests, including the koala well.

- The RFA exemption from the EPBC Act should cease. State Ministers have shown they are prepared to arbitrarily override prescriptions when they clash with the perceived interests of loggers.
- The Hawke Review⁸ recommended that it should be reconsidered, but that recommendation was dismissed peremptorily by both the then Shadow Minister for the Environment and the Minister.
- No effort has ever been made to ascertain whether State Government prescriptions under Regional Forest Agreements are adequate for the needs of threatened species and research is never conducted to test whether they work or not. In the event that the exemption is not ended, the Commonwealth should require this monitoring and research post logging as a condition of the exemption, at the very least.
- Current logging rules in koala habitat are antiquated and unenforceable. With little or no prospect of that changing, logging in all native forests should cease.

⁸ <http://www.environment.gov.au/legislation/environment-protection-and-biodiversity-conservation-act/epbc-review-2008>