

## *Inquiry into koala populations and habitat in New South Wales*

### Submission from **THE AUSTRALIAN WORKERS' UNION**

15 AUGUST 2019

#### **About the Australian Workers' Union**

The Australian Workers' Union ('**AWU**') is the nation's oldest union, and also one of the largest. The AWU has wide coverage in many blue-collar industries, such as oil and gas, metal ore mining, agriculture and civil construction. In particular, the AWU has approximately 200 members working in NSW state forests and 800 members working across national parks in NSW. The relevant employers are Forestry Corporation and the Department of Planning, Industry and Environment.

## Prelude

1. The AWU has had the opportunity to review the submissions prepared by the NSW Government, Myall Koala & Environmental Group Inc, Stand Up for Nature Alliance, National Park's Association of NSW, Total Environment Centre, and the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU).
2. The AWU has also reviewed critical information published by the NSW Government including but not limited to the NSW Chief Scientist's Report into the Decline of Koala Populations in key areas in NSW, and findings by the Department of Primary Industries.
3. This submission will address the terms of reference of this inquiry in three sections.

## Section 1

- a) the status of koala populations and koala habitat in New South Wales, including trends, key threats, resource availability, adequacy of protections and areas for further research,
- b) the impacts on koalas and koala habitat from:
  - i. the Coastal Integrated Forestry Operations Approvals and Regional Forest Agreements,
  - ii. the Private Native Forestry Code of Practice,
  - iii. the old growth forest remapping and rezoning program,
  - iv. the 2016 land management reforms, including the Local Land Services Amendment Act 2016 and associated regulations and codes

## Section 2

- c) the effectiveness of State Environmental Planning Policy 44 - Koala Habitat Protection, the NSW Koala Strategy and the Biodiversity Conservation Act 2016, including the threatened species provisions and associated regulations, in protecting koala habitat and responding to key threats,

- d) identification of key areas of koala habitat on private and public land that should be protected, including areas currently at risk of logging or clearing, and the likely impacts of climate change on koalas and koala distribution.

### Section 3

- e) e) the environmental, social and economic impacts of establishing new protected areas to conserve koala habitat, including national parks, and
- f) (f) Any other related matter.

## Section 1 – Items a) and b) of the terms of reference

- a) the status of koala populations and koala habitat in New South Wales, including trends, key threats, resource availability, adequacy of protections and areas for further research,
- b) the impacts on koalas and koala habitat from:
  - v. the Coastal Integrated Forestry Operations Approvals and Regional Forest Agreements,
  - vi. the Private Native Forestry Code of Practice,
  - vii. the old growth forest remapping and rezoning program,
  - viii. the 2016 land management reforms, including the Local Land Services Amendment Act 2016 and associated regulations and codes

1. The AWU is not well placed to provide original scientific insights on the effectiveness of particular Koala mapping methodologies, the reliability of Koala tracking databases, or other key aspects of understanding environmental impacts on Koalas.
2. As such, on matters of koala populations and scientific mapping methodologies we obtain our information from scientific reports published by Government agencies and reputable third-party sources.
3. We recognise that the **precautionary principle**, defined under the Protection of the Environment Administration Act (1991), suggests that when there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.<sup>1</sup>
4. We make no contention of the precautionary principle guiding public policy. For this reason we believe that to minimise costs and risks to our regional economies, it is government's prerogative to ensure that efforts to scientifically understand environmental risks should be well resourced.

<sup>1</sup> Independent Review into the Decline of Koala Populations in key areas of NSW

5. We believe that such information should be rigorous, and that fruitful scientific discussions ensures that information is reported within the context of its representative population. This requires parameters that outline the extent to which we know things, and those we don't.

• **Independent Review into the Decline of the Koala Populations in Key Areas of NSW (December 2016)**

6. The Chief Scientist's review was released in December 2016 and made 11 recommendations to the NSW Government to help curb the decline of koala populations in key areas of NSW.

7. In relation to Koala populations the review made the following observations:

The level of information available on koala populations is variable across the state and there is no mechanism in place to collect consistent data.

Koala populations and their population trends can change rapidly and a lack of consistent and regular monitoring means we are not in a position to promptly identify these changes.”<sup>2</sup>

8. It also noted that according to the information available, which it also caveats with incredulity, that the population of the Koala in NSW was 36,000, representing a 26% decline over 50-60 years. It suspects that across thirteen koala populations in NSW, nine were estimated to be in decline, three stable and one increasing. It also noted that koala populations naturally fluctuate.

9. As a result, the review's first recommendation after the recommendation of a NSW Koala Strategy was for the government to initiate a program to improve data on the number, location and occurrence of koalas in NSW, including trends over time, taking advantage of new sensor and communication technologies and data analytics within 12 months of receipt of this report.

10. Since then, the NSW Department of Primary Industries have launched several data tracking projects that take time and resources to gather insight.

11. One of the projects involves one of the most comprehensive koala population surveys ever undertaken, using eco-acoustics to survey koalas. To do so, the Department installed recording devices across the NSW Hinterland which captures the distinctive bellow of the male koala, which can be heard during the mating season in the summer months. The findings suggest the extent to which the NSW Government have historically

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<sup>2</sup> Independent Review into the Decline of Koala Populations in key areas of NSW, Page 9 and Page 10

understood the state of the Koala population could have been significantly misrepresented.

“We found koalas on average in 65 per cent of the sites we surveyed and that was surprisingly high. We really didn’t expect that”

Dr Brad Law , Department of Primary Industries research scientist<sup>3</sup>

12. To be clear, we are not suggesting any preliminary findings of the project confirm that koala populations are not in fact declining. Instead we wish to iterate the value in investing in projects that enhance data mapping capabilities of the koala population.
13. Many of these projects are also critical to guiding the way in which the logging industry can help sustain and improve the Koala population. For instance, one of the main projects launched in 2019 is attempting to track koala movements around the use of young regenerating eucalypts after harvesting compared to mature forest. The Department have fitted five Koalas with collars which cost approximately \$13,000.<sup>4</sup>
14. The information is key to understanding how Koalas move around the landscape, which tree species offer important browse, and whether Koala’s prefer ridges to gullies. All of these questions have important implications on the effectiveness of the forestry industry’s ability to re-grow quality environments to help sustain and improve the Koala population.

### Using and endorsing the right information

15. The Stand Up for Nature Alliance made a submission to this Inquiry contending that whilst the NSW Chief Scientist’s Independent Review estimated the NSW Koala population at approximately 36,000, it in fact is somewhere between 15,000 and 25,000.
16. To be clear, the AWU does not support the figures used by the Stand Up for Nature Alliance, and endorse fully the independent Chief Scientist’s report. However the reality is that vested interests will continue to contest our most credible sources of information so long as we have not invested enough in appropriate data tracking mechanisms.
17. With several promising projects showing early signs of more reliable data tracking on the Koala population in NSW, particularly with insights overturning conventional fears, the AWU believes the government should further prioritise and invest in the Department of Primary Industries research projects.

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<sup>3</sup> <https://www.dpi.nsw.gov.au/about-us/media-centre/releases/2018/acoustics-provide-new-insights-on-koalas-in-hinterland-forests>

<sup>4</sup> <https://www.wauchopgazette.com.au/story/5895081/scientists-on-the-trail-of-koalas-in-logged-forests/>

**Recommendation 1:** the NSW Government enhance funding for credible and ecological research and monitoring. This could include extending those koala data mapping initiatives that have shown astounding results to other regions with reported declining koala populations. It could also include the employment of 10 additional Ecologists and 3 Research Scientists for the Northern Regions.

## Section 2 – Items c) and d) of the terms of reference

- a) the effectiveness of State Environmental Planning Policy 44 - Koala Habitat Protection, the NSW Koala Strategy and the Biodiversity Conservation Act 2016, including the threatened species provisions and associated regulations, in protecting koala habitat and responding to key threats,
- b) identification of key areas of koala habitat on private and public land that should be protected, including areas currently at risk of logging or clearing, and the likely impacts of climate change on koalas and koala distribution.

1. Many stakeholders have raised concerns regarding the effectiveness of the State Environmental Planning Policy 44 (shorthand SEPP 44) and the NSW Rural Fire Service rules.
2. One key concern relates to the lack of accountability of LGAs to have prepared Koala Management Plans (KMP). Another key concern relates to the enforceability of SEPP 44, where it has been suggested that a third party should be able to take a Council or State to court or Ombudsman to ensure a KMP for a site is written and implemented.
3. Stakeholders have also raised concern around the NSW Rural Fire Service 10/50 vegetation clearing rule, which allows people to clear certain vegetation near their homes to improve protection from bush fires. It has been suggested that gaming or a lack of enforceability of the provisions around the rule are resulting in local communities that reside in critical Koala habitat corridors being depleted of necessary vegetation for Koala migration.
4. The AWU does not intend to assert any particular position on these matters. However, the AWU does principally support any efforts to ensure any regulation or policies in place that are there to protect and help conserve koala habitats are enforceable and effective.



### Section 3 – Items e) and f) of the terms of reference

- e) the environmental, social and economic impacts of establishing new protected areas to conserve koala habitat, including national parks, and
- (f) Any other related matter.

1. The NSW Government has stated that its vision is that NSW will have a sustainably managed forest estate that underpins a dynamic, economically efficient forestry industry, which continues to support regional economies and delivers social and environmental benefits.<sup>5</sup>
2. The AWU support the NSW Government's stated triple bottom line approach to environmental public policy, in particular where jobs and regional economies depend on ecologically sustainable harvesting processes. We believe the same framework should be applied to any proposals to establish new protected areas.
3. To be clear, it is important that the economic benefits of preserving our timber and forestry industries be appropriately balanced with the fiscal resources required to achieve a sustainable and growing koala population in NSW. Unfortunately, we are seeing both sides of politics work in different directions that ultimately heighten risk of destroying both.
4. In 2015 the NSW Opposition Party announced support for the National Parks Association's (NPA) proposal for turning 175,000 hectares of state forests near Coffs Harbour into a Great Koala National Park (GKNP). At the time, the budgetary cost (not economic) of the proposal was estimated to be approximately \$120 million over two years.
5. Just one year later, in the 2016-17 budget, the NSW Government cut \$121 million from the NSW national parks budget, which reportedly resulted in 100 jobs being lost. In the 2019-20 budget, \$80 million is reportedly being cut from the department that oversees parks.<sup>6</sup>

<sup>5</sup> <https://www.ils.nsw.gov.au/sustainable-land-management/pnforestry/private-native-forestry-review-2018>

<sup>6</sup> <https://mobile.abc.net.au/news/2019-07-06/national-parks-underfunded-former-ranger-warns/11282562?pfmredir=sm>

6. To be clear, the AWU remain unequivocally opposed to the idea of creating a GKNP on the basis of its catastrophic destruction of regional economies and jobs. It also condemns the reduced resourcing of the conservation efforts of government agencies that service state and national parks.
7. Whilst the risk of an extinct koala population is a moral calamity that is well understood, the economic cost of decimating regional communities is often not.
8. In March 2019 Ernst & Young released an independent modelling analysis on the impact of a Great Koala National Park. The findings suggest that locking up an additional 175,000 hectares of state forest, most of which is available for timber production, would cost the NSW economy \$757 million and 2000 jobs.
9. It is important to understand that these competing interests should not be confused between convoluted and misrepresented assertions by vested interests.
10. For example, in its submission to this inquiry, the NPA of NSW claims that the economic benefit of creating a Great Koala National Park (GKNP) outweighs the economic cost of ending native forest logging in north-east NSW.

Prior to the 2019 NSW election, the Australian Forests Products Association (AFPA) released a report *ostensibly* detailing the economic impact of creating the GKNP. What was *actually modelled* was retiring the entire wood supply agreements and thus ending native forest logging in north-east NSW. The report showed that ending native forest logging, creating the GKNP and protecting and restoring all state forests for their wildlife, water and carbon values is *eminently feasible both economically and socially*. It aligns better with a suite of policy settings than does logging [reference to 'Forests For All: Case for Change'].<sup>7</sup> (*our emphasis*)

Submission 163. National Parks Association of NSW, Inquiry into koala populations and habitat in New South Wales

11. The AFPA report referred to was the independent economic analysis conducted by EY, which considered the economic supply chain and workers dependent on native forest logging in the NSW North Coast.<sup>8</sup>
12. Whilst it is clear the NPA attempt to take some contention with the EY report (as evidenced by emphasised language), it is unclear why it decides to then use the EY figures to endorse the creation of a GKNP.

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<sup>7</sup> NPA Submission, Inquiry into koala populations and habitat in New South Wales, Page 22.

<sup>8</sup> <https://ausfpa.com.au/news/great-koala-national-park-a-757-million-and-2000-job-loss-to-nsw-economy/>

13. Indeed, the NPA equivocally asserts that a \$757 million cost to the NSW economy and over 2000 lost jobs is in fact a vindication of the alternative policy setting.
14. The alternative policy setting is referred to via a reference to another report published by the NPA in July 2018, titled 'Forests For All: Case for Change'. The 80 page report attempts to assess the benefits and costs of a GKNP without once referring to the number of workers that depend on the forest logging industry in NSW.<sup>9</sup> It also does not offer a figure on the total economic benefit of the creation of a GKNP by which to compare to the economic cost to NSW provided by the EY report.
15. After expressing a degree of incredulity of EY's findings, the NPA then go on to make the following statement:

"AFPA's [Ernst & Young's] estimate broadly accords with NPA's estimates of job impacts of establishing the GKNP using 2016 census data"<sup>10</sup>
16. In what may be understood as perhaps the clearest attempt to counter-argue EY's findings, the NPA make the following statement on the last page of its submission.

"The approximate total cost of ending native forest logging in NE NSW... (based on PBO figures) is thus \$200 million".<sup>11</sup>
17. Needless to say, the EY report provided an analysis of the economic cost of the entire state, and **not** the fiscal cost for the NSW North Coast region. After reviewing the submission, we remain unclear as to the NPA's position on the findings of the EY report, despite several claims in support of and contrary to it. Importantly, however, it unsuccessfully provides a counterpoint to which to assess the catastrophic economic cost across NSW of eradicating native forest logging in NE NSW.
18. The AWU does not wish to convolute the infosphere around the critical subject matter of endangered Koala species across NSW. As for any considered public policy analysis, it is important to identify the key metrics and reliable sources for those data to which legislators and advocacy groups can dependably rely on.

## Underfunding of our conservation efforts

19. A sensible pathway forward must be to ensure our agencies have the appropriate resources to conserve our natural habitats, those of which are important to sustaining the

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<sup>9</sup> <https://npansw.org/wp-content/uploads/2018/06/Forests-For-All-Case-For-Change.pdf>

<sup>10</sup> NPA Submission, Inquiry into koala populations and habitat in New South Wales, Page 22.

<sup>11</sup> NPA Submission, Inquiry into koala populations and habitat in New South Wales, Page 24.

population of koalas. A critical component of nature conservation is to contain the number of pests that threaten endangered species such as Koalas.

20. The Chief Scientist's report makes the following recommendation with respect to threat mitigation:

That Government agencies identify priority areas of land across tenures to target koala conservation management and threat mitigation.

21. This included further advice to:

- Identifying priority areas of land for restoration
- Identifying target areas for dog control and other threat mitigation<sup>12</sup>

22. Despite the development of a NSW Koala strategy, funding cuts to core agencies overseeing state and national park conservation efforts are obstacles to achieving the spirit of the Chief Scientist's conservation pursuits.

23. Recently the Federal Environment Minister Sussan Ley responded to NSW budget cuts with the following comments:

"We do need states and territories to adequately manage the parks under their control and address issues such as invasive pests... the longer we resist tackling these, the more the natural habitat deteriorates, impacting both threatened species and neighbouring farmers"<sup>13</sup>

24. The reality is that pest (dog) attacks and fires remain a key risk to the NSW koala habitats and populations. The AWU believe the NSW government should be reverse its cuts and actively target programs and initiatives that can better deliver the spirit of the chief scientist's recommendations.

**Recommendation 2:** Properly fund Feral Pest and Weed control across all state and national forests. This could include the employment of an additional 20 Pest Control Field Officers for the Northern Region, including National Park and Wildlife Services, whom could also be utilised for Firefighting.

**Recommendation 3:** Restoring proper fire trail maintenance across all NSW forests.

**Recommendation 4:** Plant 15,000 hectares of young trees in the Northern Region, costing approximately \$50 million over a 5-10 year period.

<sup>12</sup> [https://www.chiefscientist.nsw.gov.au/\\_data/assets/pdf\\_file/0010/94519/161202-NSWCSE-koala-report.pdf](https://www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0010/94519/161202-NSWCSE-koala-report.pdf), page 37

<sup>13</sup> <https://mobile.abc.net.au/news/2019-07-06/national-parks-underfunded-former-ranger-warns/11282562?pfmredir=sm>