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Comments on the *Consultation Draft National Koala Conservation and Management Strategy 2009-2014*

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General Comments on the Strategy

It is my view that the *Consultation Draft National Koala Conservation and Management Strategy 2009-2014* fails to adequately address the conservation issues facing the koala, and also fails to safeguard the future of the koala in the wild. In short, the main faults of the strategy are the complete inability to protect koala habitat and the obvious reticence to intervene in any State's powers over such matters. As it stands, the strategy will likely end up an innocuous and irrelevant document, as it lacks ambition and legislative power.

The *National Koala Conservation Strategy 1998* was introduced to “deal with the many important management issues facing one of Australia's most high profile species and aims to provide a national framework for the conservation of the koala in all States and Territories in which it naturally occurs.”

A subsequent review of the *National Koala Conservation Strategy 1998*, conducted in 2008, concluded that the strategy had been completely ineffective. It was suggested that much of the successful koala conservation work conducted over the past 10 years would have occurred without the strategy and that the Federal Government has played no vital role in the protection of the koala.

Examination of the draft strategy in conjunction with the 1998 strategy provides little comfort the draft strategy will improve matters and protect the species; many of the major action points in the strategy appear to have been taken verbatim from the failed 1998 strategy. The major addition to the strategy appears to be provision for an implementation team, responsible for “promoting and coordinating information and actions identified in the plan to achieve the goals of the strategy.” Although this implementation team may play a crucial role for the conservation of the koala, the AKF has grave concerns about the make-up of this team. If, for instance, it is comprised of only government employees, or individuals from only one discipline of endeavour (only biologists for instance), then it will be doomed to failure. What is required is a holistic team who understand the complexities of land use solutions (ie landscape ecologists, wildlife veterinarians etc.). Coupled with no power to ensure the



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recommendations of the implementation team are employed, the implementation team will instead be tasked with promoting the uptake of their recommendations on a voluntary basis. There appears to be no formal mechanism through which the outputs of the strategy will be incorporated into koala management practices and local planning regulations/schemes. Nor is there any indication within the strategy that the financial support required to achieve the desired outcomes will be provided. This is a key issue and must not be under-estimated. The AKF is therefore of the opinion that as written the current strategy is unlikely to be a significant improvement on the failed 1998 National Strategy.

The Aims and Objectives of the Strategy

The stated aim of the recently released *Consultation Draft National Koala Conservation and Management Strategy 2009-2014* is to “conserve koalas by retaining viable populations in the wild throughout their natural range.” The strategy does not propose any real actions that will protect koalas, and cannot possibly succeed without significant revisions.

Remember, the previous strategy had just such goals, and failed miserably.

If the aim of the strategy is to conserve the species and retain viable populations, there are a number of obvious steps. The first step must be protection of koala habitats. Second, action is required to address the major threats facing the species. Whilst the koala has been afforded some degree of legal protection since 1936, sadly there has never been any effective protection of the koala’s habitat. The strategy does nothing to remedy this situation; it lacks the legislative power to achieve meaning protection of the species and its habitat, and fails to adequately address the major threats facing the koala. Viable koala populations will not be retained if the degradation of koala habitat continues, and impacts are not mitigated.

What then is the purpose of this document? The strategy will not and cannot protect the species. Neither is the strategy a recovery plan for the species. If it is neither and suffers from this poorly defined purpose, how can it have the power to achieve real change?

It is both predictable and unfortunate that the Federal Government appears to be content to leave the actual work of legislating for the conservation of koalas to State Government authorities, despite clear evidence that the States have been unwilling and, by their own admission, unable to conserve and protect the koala. State government policy has proven ineffective at reducing habitat loss, the major cause of koala declines. The National Strategy



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looks like it has been created to give the impression the Federal Government is working to protect the species, while leaving the actual work to failing state authorities.

Rather than examining legislative instruments to protect koalas, this strategy instead appears full of token gestures. These token gestures may offer some benefits the koala (predominantly the production of guidelines and policy advice), however there is no indication of how the proposed action points will achieve the purpose and objectives of the strategy. There is little point in guidelines and advice if those guidelines are not used, and that advice is ignored. The strategy therefore requires considerable rewriting. In particular, the strategy needs to articulate how the proposed action points and outputs will achieve the objectives of the strategy; from my point of view, it does not appear due consideration has been given to these links. In fact, AKF is concerned that the Federal Government does not adequately understand the real issues that face koalas in fragmented habitats and this document fails to articulate this complexity.

For example, while habitat loss is identified as “the primary threat to koalas in key parts of their range,” the strategy only identifies two action points to address this threat. Action Point 1.02 (*assess and develop options for protecting priority koala habitat on public lands using legislation, covenants or agreements*) and Action Point 1.03 (*assess and develop options for protecting koala habitat on private lands*) are the only areas of the strategy focused on addressing the issue of habitat loss, the most significant threat to koalas. This is easy to say and very hard to achieve. How do you protect habitats? Even if the EPBC Act was to be involved once a listing occurred – the simple truth is that “land clearing” is only a threatening process under the Act, not a “trigger” to the Act. In simple terms this means that clearing habitat does not bring the full force of the law into place. Without this one simple measure being changed – how can the document pretend to have power to stop it? It is totally feeble to suggest that developing incentives and covenants is a solution, without any evidence base to suggest these are effective measures. In short, the strategy fails to identify innovative and effective measures that could offer realistic solutions to landholders to protect koala habitat; its just lots of motherhood statements with little to back them up.

Mapping

The fundamental roadblock to koala conservation in Australia is the lack of detailed vegetation and koala habitat mapping to form the basis of conservation efforts. It is apparent that the current standard of vegetation data throughout much of the species range



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is substandard, and this poor standard is subsequently reflected in policy instruments. As 80% of koala habitat occurs on private lands, it is imperative that policy and planning instruments reflect reality. Recently there have been a large number of proposed developments in areas where koalas are known to occur, but where policy instruments and underlying mapping do not recognise the presence of koala habitat. Often legislative mapping has been “sanitised” to protect the interests of developers; if developers want access to land for development, any koala habitat is omitted from the koala habitat mapping underlying legislation.

As the policy instruments do not recognise the presence of koalas/koala habitat, conservation and impact mitigation measures are generally not required, and are distinctly lacking. Does the koala actually know it does not live in a koala habitat? It appears to be the case that many koalas are living in areas deemed to not be habitat (particularly in Southeast Queensland). This results in the loss of areas of significant existing koala habitat to development. The strategy fails to address this fundamental problem.

Standardised mapping protocols, which will identify all known areas of koala habitat, are essential to future conservation efforts. Koala habitat should be identified irrespective of existing tenure. Koala habitat should also be identified without consideration of whether such areas are considered ‘urban’ or ‘non-urban’ habitat. Where did this thinking actually come from? How will a koala know if it is in urban or non-urban habitat? More and more, koalas are finding formerly non-urban habitat transformed into urban areas, with the associated threats. If populations are to recover, and the threatened status of the species to be reduced, all available habitat must be protected and expanded.

The strategy must provide for the generation and collation of high resolution vegetation mapping across the entire species range. This vegetation mapping should be used to identify areas of available koala habitat irrespective of existing land tenure, and irrespective of the current presence/absence of individuals (particularly areas where koalas were present historically, but where populations have since declined). Habitat must be ranked on the basis of local koala habitat preferences. Funds allocated to mapping of this quality would offer a plethora of solutions for other species and as AKF always identifies, allows the koala to act as a flagship for conservation of beautiful Australian bushland. It is AKF's view that approximately 1000 other species currently waiting for recovery plans on the federal register could be “picked up” by the protection of koala trees and forests. Not to mention the other benefits for forest regeneration by flying foxes and of course things like honey production, all of which are suffering as habitats continue to fragment. It is frustrating for the AKF that the



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Federal Government does not seem to recognise the holistic nature of protecting these forests, given their huge impact on the Australian environment and economy.

This data should be developed in an interoperable format, so that it can be easily distributed. The strategy should provide the funding to distribute this data to all relevant authorities. The strategy must have the power to ensure this is incorporated into local planning processes and schemes. Legislative power is required to ensure koala habitat is properly protected under planning schemes, either by overruling planning schemes, or forcing schemes to be consistent with koala habitat mapping. The National Strategy provides an ideal mechanism to fund this process, and to ensure good quality mapping is at the heart of improved legislative protection, and conservation measures. The question is whether there is intent, and I cannot see that intent unless there are strong legislative forces behind it. This was articulated in the review and appears to have been ignored.

The Current Situation

The strategy paints a disturbingly rosy picture of the current conservation status of the koala. Very few populations could be considered “secure.” For example, the impressions of the koala in Queensland (specifically within the Koala Coast region) are at odds with recent trends on the ground. Since 1995, there have been 12 pieces of legislation passes through the Queensland Government to protect koalas, yet the state’s koala population continues to decline. Recent data suggests during the operation of the recent *Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006–2016*, the Koala Coast koala population has moved from a *vulnerable* population to a *critically endangered* population. Similarly, data suggests that koalas within Pine Rivers Shire experienced declines, and may now satisfy the criteria for listing as an *endangered* species.

The strategy fails to acknowledge the failures of state government legislation. It is imperative that the strategy acknowledges these failures. If you do not acknowledge these failures, how can you increase public support for conservation initiatives that will lead to increased co-ordination and evaluation of efforts to strengthen legislative protections throughout the species range? The community, are sadly all too aware of the consequences of failed Government support and it is AKF’s view that the community needs to place the future of koala protection firmly on the Government’s shoulders – they are the custodian of this beautiful animal.



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Legislation

It is disappointing that the National Strategy does not seek to investigate legislative options for protecting the koala. It is apparent that legislative protection under state laws is proving ineffective. In all States existing legislation is failing to protect koalas. This is the single biggest problem with the strategy, and AKF has repeatedly tried to get this issue on the Federal Government's agenda to no avail. There is a sense the Federal Government seeks to compartmentalise listing and strategy, leaving legislative protection to the States, a dangerous precedent which does not auger well for a holistic approach to the future.

In Queensland, protection is only granted to those areas of koala habitat recognised under legislative mapping. However, this mapping fails to identify significant areas of habitat, and is seemingly sanitised to protect developer interests. Worse still, even when development applications have a clear conflict with legislation, many applications have been approved, with little regard to the law. In the Koala Coast, this has resulted in catastrophic declines; abundance has dropped by 51% in just three years.

In New South Wales, SEPP 44 is failing to achieve protection; unless habitat is declared 'core koala habitat,' protection is minimal. Often, the person deciding whether land is core koala habitat is selected by and employed by the potential developers of the site, creating a conflict of interest. Independent advice from independent ecologists is essential, yet councils and state governments appear loath to seek a 'second opinion' from an independent source. Often, in fact, Councils and State Government will even ignore contrary opinion from within.

And in Victoria, while the Koala Management Strategy makes a number of recommendations, as yet Ballarat is the only local government authority to fully implement the plan to date. The Victorian State Government is also heavily focused on overbrowsing. As such, the legislation is weak. In my opinion, under Victorian legislation koala protection is not a priority, only koala management. To date, many acts of cruelty have been perpetrated on koalas in the name of management, yet these actions have done little to address key issues. The Victorian Government tends to identify the koala as a "pest", rather than part of Australia's unique wildlife in need of protection.

The strategy claims to seek to identify 'existing koala populations already experiencing significant loss of habitat and ... identify immediate and short term actions to secure their



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status.’ The strategy has not, however, addressed what to do with these habitats without the power to override local planning schemes, and the decisions of Local Councils. Mapping is urgently required to identify areas of koala habitat, but equally important, legislative change is required to ensure a statutory obligation to incorporate this mapping into planning schemes. The strategy states “it is a high priority to identify important habitat areas and protect them from clearing, through planning and legislative tools and other measures such as covenanting”, yet there is no mechanism within the strategy to do more than identify habitats which should be protected. The strategy lacks the legislative power to protect these areas and thus satisfy this priority concern. Protection of this habitat is left to others.

It is possible. Koala Beach, the AKF’s koala friendly housing estate, continues to thrive and projects like eco-labelling and/or emerging carbon markets have strong potential to secure some of these habitats. The document identifies none of these things and without innovation of this sort articulated by our Federal Governments, how can it work? It is clear the public wants to help and we could argue that without them in the past, the koala’s plight would be more severe. Yet, when the AKF receives reports of threatened koala populations on a daily basis, and when these reports are passed on to State Government authorities for action, there is ultimately little enthusiasm for protecting habitat. We are repeatedly told “we have no heads of power to stop that”. The Federal Government does not want to hear this and indeed this has been the case since conservationists of the day in the 1920’s called upon the Federal Government to stop the slaughter for fur. Dr. Ann Moyal’s book, *Koala*, has highlighted that the Federal Government seems reluctant - and has since white settlement - to intervene in such matters.

A complete change in mindset is required. Under Australian law, ownership of land does not confer a right to develop, yet most land owners assume it does. In fact, the right to develop only emerges with a development approval; ownership merely provides an expectation in lines with the planning scheme. Equally, if you acquire land that has koala habitat on it, there should also be an expectation that you will not be able to develop, or better still find some sympathetic way of working and living with the koalas. Development rights are not automatic, and should not be treated as automatic.

As part of the regular checks before acquiring land, potential developers should make the proper checks that a site does not contain koala habitat, just as you would for flooding or road easements. The problem comes down to a) planning schemes do not reflect the situation on the ground - people can’t be bothered to check whether the planning scheme is



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appropriate, and b) councils and DIP are all too willing to change planning schemes to suit developer interests.

The strategy needs the power to be able to address poor planning decisions or better still head them off at the pass. Surely it is as simple as identifying which areas of Australia need protection and then finding innovative ways of encouraging the landholder to protect and enhance them. AKF honestly believes that hundreds of landholders in Australia want to act as custodians of the koala on their land, but completely lack any support and direction from our Governments to achieve that.

Many Local Government authorities have approved developments in areas of koala habitat with little regard to existing legislation. Perhaps the strategy could seek to establish an independent 'Environment Ombudsman,' who could have the power to examine developments in koala habitat areas, ensuring existing legislation has been properly considered and reversing decisions in clear conflict with legislation. It is disappointing that state authorities do not step in when poor decisions are made, leaving the work to local residents who do not have the required resources to fight poor decisions. It should not be up to local residents appealing against development decisions to ensure that developments meet their requirements under conservation legislation. In recent times, we have also noticed that Governments have passed legislation that actually stops the community from objecting to a project that will affect the koala. A sort of "legalised bullying" type legislation. This is not good enough when the protection of our environment is key on a national and international level.

Covenants, Offsets and Incentives

While covenants and offsets may have a significant role to play, it is fool-hardy to rely on such mechanisms to achieve protection of koalas. As 80% of koala habitat occurs on private land, it is particularly glaring that there is no proposal to look to bring more koala habitat under public ownership. Although we understand the funds needed for this might be large, there are all sorts of ways this could be achieved. Revolving conservation funds work in the United States, where Governments buy land – put covenants on them and then sell them to individuals happy to protect the land. This allows small funds to go a long way. Innovation of this nature is sadly lacking in this document and in all meetings that AKF has attended to date. Instead, governments at all levels seem to be increasingly supportive of 'motherhood' type comments, and covenants and offsets as the 'miracle cure' that will save



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the koala. Covenants and offsets have been a feature of the Queensland Koala Plan since 2005; during the operation of this plan, koala populations within Southeast Queensland have collapsed in a catastrophic manner (51% in 3 years!). By and large this sort of approach needs immense leadership by our managers in Departments and it is our experience that these managers are jaded, lack leadership and have low morale.

There is currently no evidence to support the belief that covenants or offsets will achieve good conservation outcomes. In fact, evidence from Queensland suggests offsets as a policy could be disastrous. Current offset practice seems to be to secure cheap undevelopable land, of variable habitat quality to offset the development of areas of prime koala habitat. In practice, this is effectively pushing koalas from their core range, to poor quality areas. In fact worse still, it forces koalas to be killed by dogs and cars while they wait or hope to find these “future” habitats. One has to ask, does the average Government manager really think through the consequences of such ridiculous policy? It seems to come from some naïve belief that by planting tube stock in some degraded bushland site, the permanent loss of mature koala habitat trees can be reduced.

The most obvious issues raised have not been addressed by policy makers. Where are the koalas supposed to go while they wait, often 10+ years, for new habitat to grow from tube stock? Are the koalas supposed to wander around, dodging cars and dogs while they wait? If the offset provided is some distance away, how is it envisaged koalas will reach it? Often areas of beautiful prime koala habitat – hundreds of years old – is offset by poor quality habitat located miles and miles away. Offset policy seems to be formed on the basis that, while a healthy population of koalas will be lost to this development, we can create an offset by providing additional habitat in some other area, where koalas often may not exist. And offsets typically provide land of an equal or smaller size than that proposed for development, adjacent to the proposed development; if the strategy is seeking to see reverses in declining koala populations, the strategy must ensure more land is available, not less.

At this time in history, I think we can say that “offsets” are completely unacceptable as a form of koala protection. Even with guidelines that ensure offsets secure the protection of habitat of a similar quality, and under threat of development, it is a logic that is developer driven, not conservation based. The AKF would support research to determine ‘how much’ is required to produce a satisfactory offset to any loss of habitat. We are confident it would not be a viable option and time right now is of the essence. Protect all existing mature koala trees and encourage the preservation and restoration of the rest.



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Similarly, there is little evidence to suggest that covenants are working. Covenants require the consent of property owners to be created, so often there are limited opportunities to make use of such instruments. It is my experience that covenants are rarely detailed enough to provide protections to koalas. For example, often covenants do not adequately specify requirements for fauna friendly fencing, the ownership of dogs, and the long term management of vegetation on a site. I can personally think of a number of sites where land owners have worked hard to cultivate grass, or manicured gardens, in covenanted areas, actively removing newly developed seedlings and thus disturbing natural regeneration in the covenanted area. It is also apparent that many of these covenants are properly enforced; Councils lack the manpower and the willpower to actively inspect sites and take remedial action. Ultimately, covenants appear to have limited success. More often than not, it is more important to have the 'right kind of owner', rather than covenants on a site. Even dog bans cannot not be enforced and we know of several sites where this was mooted but not challenged when a resident decided to challenge the concept by bringing a dog onto the site.

Incentives should have a significant role to play. While it is all good and well to provide feel-good comments about landholders wanting to receive incentives for habitat on private lands, this often requires consent and good will of land-owners, many of whom are not in a position to do so because of drought and other environmental or economic factors. We are also increasingly seeing a situation where landholders, particularly rural landholders, are being seduced by urban and fringe developers who can offer them huge sums of money to create urban developments. The strategy needs to have the power to fully explore the options, and the resources required to properly investigate and implement potential offset solutions (including taxation deductions for good management practices, and financial incentives). The strategy should articulate exactly what sort of incentives the Federal Government has in mind. Are they talking tax concessions which would afford the landholder some sort of financial benefit for conserving their land, and provide funds for quality management? Or are they thinking carbon offsetting where trees are more beneficial to the landholder in-situ than destroyed? What is the Federal Government thinking? It is difficult to know.

Roads

The strategy lacks clear and specific direction for mitigating the impacts of roads. The strategy calls for "national guidelines for road design in koala habitat", yet fails to address the equally important issue of halting the placement of roads in good or prime koala habitat. Research has shown that within 2km of roads, survival rates of local koala populations



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plummet and localised extinctions will occur – the strategy must have the power to ensure no new roads go through significant habitats. Similarly, it is unclear whether the strategy aims to produce guidelines for upgrades to roads. The strategy also lacks the legislative power to ensure these national guidelines are properly upheld.

Whilst the Queensland Government has made much of these initiatives, and have allocated \$10 million towards retrofitting some roads in koala habitat, it is more an issue of upgrading existing roads for human use rather than for koala protection. AKF sees quite a lot of lip service about koalas and roads. In effect, there is no such thing as a koala friendly road. In New South Wales many roads now have fauna friendly fencing or land bridges, but it has been our experience that over time many of these fall into disrepair and no budgets are allocated to secure their long term maintenance. This is a key issue and the Strategy does not identify this problem or identify solutions for it.

It is also apparent that the Department of Infrastructure, Transport, Regional Development and Local Government should be included as a responsible party; guidelines should be equally pertinent for Federal roads, as with State and Local Council roads. In fact, many Departments who all have a significant impact on koalas and their habitat appear to be missing from this strategy. The Environment Department in Canberra appears to be in a complete silo about how this strategy should operate. This is a key issue and does not auger well for its success.

Over-browsing

The strategy over-emphasises the significance of over-browsed habitats as a threat to the species. Over-browsing is only a problem in a small number of isolated (particularly island) populations. And only in Victoria. More often than not, over-browsing is a result of poor management, including inappropriate introductions, or allowing habitats to become disjunct due to human impacts such as development. Yet the strategy reads as though over-browsing is one of the most significant threats to koalas, and clouds the real threats to the species.

I would question whether the strategy should be focusing on over-browsing. Over-browsing is a local management issue for Victoria alone; it should not really be in the strategy in the first place, and certainly not in a position to dominate its actions for the koalas in Victoria suffering the same fate as others in Australia. Federal resources would be better spent on the real issues of significance to the conservation of the species.



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Recommendations

1. The National Strategy needs to articulate how the proposed action points and outputs will achieve the objectives of the strategy.
2. The implementation team should be comprised of a holistic group of individuals who understand the complexities of land use solutions.
3. The National Strategy should provide for the establishment of a national koala habitat mapping standard.
4. The National Strategy should provide for detailed vegetation mapping for the entire species range. This vegetation mapping should feature ranked habitats, based on koala tree species preferences, allowing the identification of key habitats.
5. The National Strategy should allow for the dissemination of vegetation mapping to State Government agencies and Local Council authorities.
6. The National Strategy should have the legislative power to ensure updated habitat mapping is incorporated into planning processes and planning schemes (irrespective of land tenure).
7. The National Strategy should include the legislative teeth required to both make the strategy relevant, and drive koala conservation efforts.
8. The National Strategy must provide for a significant increase in the amount of koala habitat under public ownership arrangements or other innovative ideas that allow protection across the whole landscape, not just priority areas (including required financial support).
9. The National Strategy must acknowledge and learn from the failures of past attempts to protect the koala.
10. The National Strategy should seek to develop an evidence base examining the success of covenants, offsets and incentives. These instruments should not be accepted blindly.
11. The National Strategy should provide for the establishment of a national koala statistics database.
12. The implementation team or an alternative body should take an active role in evaluating the conservation status of the koala within each legislative jurisdiction.



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13. The National Strategy should provide for a 'Koala Ombudsman' to review development decisions in koala habitat areas, to ensure these decisions accord with existing legislative requirements.
14. The National Strategy should provide for the development of national guidelines for road design, *including placement and upgrading*, and should ensure these guidelines are incorporated into a legislative framework.
15. National guidelines for road design, placement and upgrading should also require the Federal Department of Infrastructure, Transport, Regional Development and Local Government as a responsible party.
16. The National Strategy should ensure all departments who have a significant impact on koalas and their habitat are included in the strategy.
17. The issue of over-browsing is not a significant threat to the conservation of the species. The strategy should be amended to reflect this.
18. It is apparent that the National Strategy will require significant amendments if the species is afforded protected status under the EPBC Act; the strategy should be amended to encourage and require significant changes if the species is listed.
19. The National Strategy should allocate sufficient funds for the above recommendations.