



# CURRENT LEGISLATION IS FAILING OUR KOALAS

*Australia's primary environmental legislation, the Environmental Protection and Biodiversity Conservation (EPBC) Act is failing to protect our environment, and the Koala is a perfect example.*

After a Senate Inquiry and 12 years of commitment from the Australian Koala Foundation, the Koala was listed as a vulnerable species under the EPBC Act in May 2012. But this listing has done nothing to stop habitat loss, or further decreases in Koala numbers.

In December 2013 the Department of the Environment released Draft referral Guidelines for the vulnerable Koala (since updated as the EPBC Act referral guidelines for the vulnerable koala). These were intended to inform industry about what kind of developments would have a significant impact on Koalas.

One element of this was the definition of 'habitat critical to the survival of the Koala.'



With those words, the EPBC Act should be able protect that land. Instead, there are a litany of instances where industry is still free to destroy 'habitat critical to the survival of the Koala.'

If a proposal is going to clear two hectares of land, it does not matter if that two hectares of land is the most important Koala habitat in the country, the EPBC Act will not stop the trees coming down. Land-clearing is recognized as a threatening process, but does not trigger the Act... How can that be?

How can the Government even pretend that the EPBC Act is working, if it cannot protect 'habitat critical to the survival of the Koala,' a listed threatened species and Matter of National Significance?

Under Article 8 of the Convention on Biological Diversity, the Federal Government is required to 'develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations.'

The EPBC Act isn't up to the job.

**“Industry is still free to destroy ‘habitat critical to the survival of the Koala.’”**



**The Koala Protection Act (KPA)** will provide a model for how to reconcile development and conservation. The KPA is simple but effective legislation that will work to protect the environment, and not hinder industry – if they do the right thing.