

Berejiklian Government allows open slather on wildlife

By Sue Arnold

14 March 2018



clearing including 99% of identified koala habitat on private land.

We are consulting our lawyers. We won't rest until we have laws that give nature the protection it deserves. Thanks for the overwhelming expressions of support! [#nswpol](#) [@GladysB](#) <https://t.co/aKlf1m1UzB>

— Nature NSW (@natureNSW) [March 10, 2018](#)

Conservation groups and an increasingly aware public are aghast at the latest efforts by the [Berejiklian Government](#) to allow open slather on the environment and wildlife.

On 9 March, the Land and Environment Court [ruled the NSW Government's land-clearing laws invalid](#) because they had been made unlawfully. The judgement was in response to a legal challenge by the [Nature Conservation Council](#) last November, represented by the [Environmental Defenders Office NSW](#).

The basis of the legal argument focused on the failure of the Primary Industries Minister [Niall Blair](#) to obtain the concurrence of the Environment Minister, [Gabrielle Upton](#), before making the codes, as is required by law.

The codes are a disaster for the environment, with the Government's own assessment that they will lead to a 45% increase in

According to the Nature Conservation Council CEO, [Kate Smolski](#),

"The laws were made against the advice of the scientific community and against the wishes of the vast majority of many thousands of people who made submissions."

At 3.40pm on 9 March, [legislation](#) was passed effectively overturning the Land and Environment Court decision, by ensuring concurrence with the Environment Minister and thus legalising these appalling codes. The speed of action by the Berejiklian Government seems to point to the electoral power of vested interests. Is this Government hell-bent on destroying the environmental heritage of the State?

To put the ramifications of this reversal

a World Wildlife Fund ([WWF](#)) [report](#) by [Eco Logical Australia](#) on the NSW Government's proposed 'Equity Code Clearing [Analysis](#)' found that:

Over 2.2 million hectares of woody vegetation which has been identified as either being known or likely koala habitat could potentially be cleared under the equity code of the new land management framework. This equates to about 13% of the mapped woody vegetation across the State.

Berejiklian – who came to office via the resignation of former Premier [Michael Baird](#) – is a Premier without a vote. Her record on environmental issues is the stuff of nightmares. The reality is that under this unelected person, who promised "open and transparent government", the State now has no legislation capable of protecting native forests, wildlife or their habitats. Legal challenges are now virtually impossible to mount as provisions for legal action have been removed and/or repealed.

Let's start with native forests. According to the [North East Forest Alliance](#), in February 2018, the NSW Government moved to change the rules to allow logging in "koala high use areas".

[Regional Forest Agreements](#) are currently up for public comment. Both the Turnbull Government and the Berejiklian lot are under increasing pressure to scrap Regional Forest Agreements from the Greens and environmental groups which say the current review process is a sham.

[North Coast Environment Council](#) coordinator [Susie Russell](#) said both

governments were asking people to "drop-in" and comment on whether the RFAs should be extended for another 20 years.

Regional Forest Agreements consultation a 'sham' –
Echonetdaily
<https://t.co/boETk0NZgB>

— Neil Denison
(@NeilDenison) [February 8, 2018](#)

Ms Russell [said](#):

Our answer is a resounding "No". Both Governments have failed to complete the reviews that were required to occur every five years. They have belatedly cobbled together a "review", also out on public exhibition, but they aren't waiting for the results, which is typical.'

The main function of the RFA is to exempt logging from Commonwealth Environment Protection and Biodiversity Conservation law. This has been a disaster around the country. Logging is like a law unto itself, with minimal state government oversight and community groups banned from taking legal actions when breaches of the law are identified.

We know both governments [NSW and Federal] are promoting intensification of logging, the introduction of clear-felling

across most of the Mid North Coast, and weakening environmental protections for threatened species and headwater streams. They are also touting wood-fired power stations as "renewable" energy. Locations identified for such smokestacks are Bulahdelah, Kempsey and Grafton.

In 2015, under (then) Minister for the Environment [Greg Hunt](#), the Federal Government [introduced](#) an intergovernmental memorandum of understanding (MOU) on a Common Assessment Method (CAM) and a species assessment plan. Under the Common Assessment Method (CAM), a species will be assessed by only one jurisdiction. NSW happily signed on to the MOU as did other States. No public comment was advertised or allowed; no mainstream media covered the issue. The MOU was yet another dirty deal done in secret with profound ramifications for wildlife species.

Last week, Liberal MLC [Catherine Cusack](#) proudly [announced](#) that the rapidly disappearing Port Stephens koala population would only be allowed to be listed once as "threatened" – no reason given – and that she believes that the new "single list" system will ensure that Port Stephens Koalas have the strongest possible legislative protections.

This is absolute crap. A scientific [submission](#)

supporting the upgrading of the Port Stephens koala population from threatened to endangered, prepared by koala expert ecologist, [David Paull](#) was provided to the [NSW Scientific Committee](#) in March 2015.

The submission detailed the catastrophic loss of koala. The [data](#) suggests an approximate 30% decline on the koala population since the early 2000s when it was estimated to be 300-500 mature animals ([Lunney et al, 2007](#)).

In October 2017, the NSW Scientific Committee made a preliminary determination to upgrade the Port Stephens koala population to "endangered" status.

In December 2017, the Committee advised David Paull and the [Port Stephens Koala Society](#) that:

Under Clause 4.1(5) of the [Biodiversity Conservation Regulation 2017](#), a population of a species is not eligible to be listed as threatened if the species is separately listed as a threatened species under the [Biodiversity Conservation Act 2016](#). As the koala is listed as a threatened species under the Biodiversity Conservation Act and the [Environmental Protection and Biodiversity Conservation Act 1999](#), the population of the koala in the Port Stephens area is ineligible to be listed under the 'Biodiversity

Willoughby community calling on [@GladysB](#) to end the land clearing crisis. This community doesn't want to lose koalas from our precious state!
[#standup4nature](#)
[#nswpol](#)
pic.twitter.com/zc1FMxENWB

— Nature NSW (@natureNSW) [March 8, 2018](#)

In other words, a single national listing of koalas prohibits States from declaring specific populations as endangered. So, goodbye Port Stephens koalas as there is now no protection of habitat, no legal options to protect the species — just bullshit from Coalition politicians.

Then, the "[SEPP 44](#)" (*State Environmental Planning Policy for Koala Habitat Protection* – a joke, as there's no habitat protection – is to be amended and is now in [draft form](#):

The proposed amendment of SEPP 44 will update the definitions of koala habitat. The definitions of core koala habitat and potential koala habitat will be replaced with definitions that identify the characteristics of plant communities which make up koala habitat and if there is evidence that koalas are present.

The proposed amendment and updated guidelines will support councils to prepare comprehensive plans of management. The proposed amendment will also replace the requirement for the preparation of individual plans of management with standardised requirements set out in updated guidelines.

Once again, another smoke and mirrors effort. No legal challenges are available under SEPP 44 and now we have plant communities as the priority when habitat mapping of koalas is readily available and relevant Councils are fully aware of koala habitat areas.

Perhaps it would be more honest if Berejiklian and her coterie of Ministers who support her closed and non-transparent Government were honest with the public.

Let's hear the Premier's policies of extinction loud and clear, straight from the horse's mouth. Then we, the voting public who she's supposed to represent, can make up our own minds who we will vote for. No bets, please.

You can follow [Sue Arnold](#) on [Twitter @koalacrisis](#) and [Koala Crisis](#) on [Facebook here](#).

Koala's kissing cousins:
Limiting the gene pool of Victoria's forests
<https://t.co/OD8zRWYE20>
[@IndependentAus](#)

— Belle Ciurleo (@BelleCiurleo111)
[March 12, 2018](#)

This is shocking a mass killing of koalas. Pacific Highway Koala holocaust.
<https://t.co/IOGF0i7AtK>

— Marie Sarjeant (@marie_sarjeant)
[January 4, 2018](#)

