

KOALA WARS

Late last year, AFA worked tirelessly with lawyers, barristers, GetUp and koala experts in an Olympic effort to mount a lawsuit to stop the impending destruction of the habitat of the nationally recognised koala population at Ballina.

A population which was in the way of the Ballina section of the Pacific Highway Upgrade.

We didn't succeed in spite of engaging some of the best barristers in Sydney and the considerable efforts of the Environmental Defenders Office. The reasons why? There is no legal action which could be taken at the state level as the Pacific Highway Upgrade has been designated a State Significant Infrastructure by the Baird government effectively

dis-allowing any legal challenge.

But there was a slim possibility under Federal legislation that we could take action against the Ballina Upgrade Koala Plan and AFA began the torturous proceedings. Environment Minister Josh Frydenberg's staffers took every possible opportunity to delay the relevant document which would have allowed (assuming we could find the grounds) a legal challenge to commence.

Promises were made by Departmental heads that the document would be provided on a certain date.

Nothing transpired. Weeks of phone calls and emails to the Minister's office and department resulted in more promises and more delays ensuring that we were going to have problems getting into Court because of the looming Christmas closure of the Courts.



When the document finally arrived, it was all hands on deck as the lawyers forensically examined the information. Although there were potential grounds, AFA was advised that the likelihood of success was zero.

EXPERT SAYS BALLINA KOALAS FACE EXTINCTION

This depressing information was a real blow as David Milledge, a highly experienced and well respected ecologist had reviewed the Roads and Maritime Services Ballina Koala Plan and predicted the extinction of the sub-population as a result of the project's construction.

According to the RMS, the Koala Management Plan "took a comprehensive approach to protecting and mitigating, rehabilitating koala habitat and populations." Their documents state: "The Ballina Koala Plan population viability analysis indicates that irrespective of the upgrade to the Pacific Highway, the Ballina koala population will decline over the next 50 years due to high mortality and low fecundity."

David Milledge has a different view. "This section of the Upgrade will destroy Koala habitat, bisect the population and cause its early

demise. So called mitigation measures are untested and likely to accelerate the destruction. With curious logic, the construction is heralded by the RMS as beneficial to Koalas, claiming the road- works will slow the rate of eventual extinction," he wrote.

Indeed, if logic is to be considered in the RMS statement, highway upgrades are good for protecting koalas and anyway, if they do go extinct, they were heading that way anyway. So much for rehabilitation.

David Milledge's review concludes that Ballina's Koala eastern sub-population will suffer a



combination of impacts caused by the construction. This sub-population will be isolated by the Upgrade, placing the animals on an extinction trajectory from which the population is unlikely to recover.

He said: "the eastern sub-population will have half or more

of its foraging habitat destroyed by clearing for road construction and special disruption is likely within the eastern sub population resulting from the breakup of Koala "cells" that are likely to contribute to population breakdown."

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INCREASED DANGER OF VEHICLE STRIKES AND DOG ATTACKS

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“The potential for mortality by vehicle strike and dog attacks will be increased with exclusion fencing which will funnel Koalas into the Wardell urban area with increased risks.

“Of major concern is the intention by RMS to use an untested experiment to drive Koalas from their home range trees which are to be felled. The RMS will collar and ring-bark feed trees to “encourage” Koalas to move to other areas. These “other areas” are not identified.”

Local ecologists indicate serious problems for Koalas forced to move from their home range. Displaced Koalas will be disoriented and stressed.

Accustomed to their home range, knowing their environment, many of these Koalas are not likely to survive in the long term.

Connectivity structures are condemned by the Milledge review.

“If the effectiveness of connectivity structures had been seriously addressed, then road viaducts would have been proposed for Koala hotspots and for existing movement corridors rather than mainly drainage culverts.”

The RMS has begun constructing the koala fencing at a time when the Far North Coast is experiencing

major heatwaves with temperatures up to 42 degrees. Koalas in the Ballina Upgrade area have young cubs, the animals suffer badly in extreme heat as eucalyptus leaves do not provide sufficient moisture.

Shelter trees are as important as feed trees so the destruction of their habitat will include both leaving the koalas without protection from the high temperatures, driven from their home range, left to die a slow and miserable death. The RMS claims there will be no mortality and we know what that means. Any dead koalas will have their deaths caused by anything but the roadwork construction.

There has never been an attempt to ring-bark koala feed trees or to set up collars around the trees so koalas cannot access their food or shelter. This experiment should never have been permitted by the Commonwealth government on a species listed as Vulnerable under the Environment Protection & Biodiversity Act.

The most serious aspect of AFA's attempt to mount a lawsuit is the evidence from David Milledge which indicates the eastern sub-population will go extinct and that there is no likelihood of a successful court action even if these vulnerable animals face being wiped out of existence.

CLIMATE CHANGE

Climate change is identified as a serious threat to Koalas. The species is designated as one of the top 10 species likely to be impacted. Because koalas are nocturnal, they use feed trees during the night and more shelter trees during the day.



“They also select taller trees with more shelter. As daytime temperatures rose, koalas increasingly selected taller trees at lower elevations.

Our results demonstrate that koalas need taller trees, and non-feed species with shadier/denser foliage to provide shelter from heat.

This highlights the need for the retention of taller, mature trees, such as remnant paddock trees and the planting of both food and

shelter trees to increase habitat areas and connectivity across the landscape of aboreal species.

Retaining and planting trees that provide optimum habitat will help arboreal folivores cope with the most frequent droughts and heatwaves expected with climate change” e. Crowther M et al. Ecography 36:001-008-2013.

A significant number of tall feed trees, shelter trees, and paddock trees will be bulldozed.

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THESE ARE POLITICALLY DRIVEN EXTINCTION POLICIES NSW GOVERNMENT'S LATEST KOALA SPIN EFFORT

In December, the Baird government released a report prepared by the NSW Chief Scientist, which claims to be an “independent review of the decline of Koala populations in NSW”.



They announced that a \$10 million would go towards a strategy to save the species, the government focused on offering to buy private land from owners whose properties were deemed to contain critical habitat.

The short list of what was optimistically described in the Murdoch press as a “*spending spree*” included placing artificial water sources in known koala habitats and a pilot program to stop dog attacks. The Australian Museum would become a repository for genetic material.

None of the major threats listed included government mismanagement; failure to enforce legislation; failure of the Forestry Commission to protect koala habitat which has been logged in breach of legislation; the ongoing unchecked development

wiping out habitat; the localised extinctions in places like Pittwater and Illuka; the list is very long indeed.

Nor was there any emphasis on protecting habitat.

The Review Committee is dominated by NSW bureaucrats (including the well known koala tree destroyers, the Forestry Corporation and Roads and Maritime Services) with the exception of the Australian Museum, a Queensland scientist who is a consultant to RMS, and Professor Kathy Belov of Sydney University.

There are no community organisations or NGOs represented. Qualified Koala experts with relevant field experience have been completely excluded.

HOW MANY KOALAS ARE LEFT IN NSW?

The report concludes there are approximately 36,000 Koalas left in NSW. Koalas must have been breeding like rabbits since 2010 as the Federal Government's Species Profile and Threats Data Base, the most current available document on koala population estimates, states 21,000.

It is simply impossible for koalas to have increased by 15,000 in the last six years. Community groups up and down the state report major declines and extinctions rendering the estimate of 21,000 as highly unlikely.

Apart from the Pilliga Koalas, which appear to be headed for early extinction, the review fails to examine key populations in northern NSW that are in

substantial decline and provide case studies of Government mismanagement. These are some of the highest carrying capacity in the State and critical to overall Koala survival. For example, the NSW Scientific Committee Report, published in May this year, declared that Koalas from Tweed to Brunswick Rivers to be endangered, has been dismissed by Government and ignored by the “*independent review.*”

The review completely fails to address the primary cause of catastrophic Koala decline in the state.

Government mismanagement and a failure of legislation and enforcement to properly protect a state and federally listed vulnerable species.

AFA sums up the major issues facing NSW koalas.

“The review fails to deal with the ramifications of a suite of environmental legislation which the Baird government has repealed including the Threatened Species Act, plus sections of the National Parks & Wildlife Act as well as the Native Vegetation Act putting 2.2 million hectares off koala habitat at risk.

The review fails to explain how the NSW government can provide habitat protection for Koalas under the new laws when its Chief Scientist claims that there is insufficient information to identify all habitats and colonies”.

A cursory examination of records held by community organisations, environmental groups and published papers would demonstrate that there is sufficient information to identify all habitats and colonies. Protecting these habitats is the primary issue.

At the Federal level, the Government undertook to develop a National Recovery Program, which was to commence in 2014.

As of January 2017, there is no Recovery Program and the politically driven destruction of koala habitat continues unabated.

BUT WAIT THERE'S MORE

As most long-term supporters of AFA know, our Co coordinator, Sue Arnold is a former Fairfax investigative journalist with long experience in writing press releases and lobbying the media.

Not one newspaper, radio or television station would publish AFA's press release on the plight of Ballina's koalas. In spite of the fact that it contained a concise list of relevant excerpts from the David Milledge review.

Our Co coordinator called the office of the Guardian, Sydney Morning Herald Environmental Editor, Daily Telegraph, The Australian's Environmental Editor – journalists that AFA knows. No one would print one single word.

We know that local Ballina ecologists and community organisations have had the same experience. No matter how serious the issue facing koalas, the censorship gate comes crashing

down. The only stories published are "cute" stories. Although some of the "cute" stories are about koalas desperate for water coming into backyards, braving humans and dogs to get to water.

AFA gave a comprehensive press release to the Lismore Northern Star, now owned by Murdoch and spent considerable time with a journalist who had just arrived in the area and knew next to nothing about the issue. That was in early December, we're still waiting for the story to appear.

So although most Australians love koalas, there is huge ignorance about the fact the species is facing extinction in NSW and Queensland.

AFA HAS SET UP SOCIAL MEDIA ON THE KOALAS

The charity has set up a Facebook page – Koala crisis – which is progressing at a snails pace but it's a start. We also have a twitter account @koalacrisis which has a reasonable following.

But without mainstream media focused on the appalling

inadequacies of the NSW Review into the decline of Koalas and the massive barriers to legal action against the RMS and Federal government, Australians are being denied the right to protect our unique wildlife.

This is progress?

 www.facebook.com/koalacrisis

 www.twitter.com/koalacrisis

ALL IS NOT LOST!

AFA has had lengthy consultations with lawyers and we will be working with various organisations to put together a legal brief which, if it is found to have sufficient evidence, form the basis of an historic, rarely attempted lawsuit.



WHAT YOU CAN DO

AFA rarely asks for funds but the koala crisis is one of those moments.

We have a massive amount of research which must be undertaken to establish the status of koalas in Australia. Something similar to the scientific submission we prepared so that the koalas could be listed under the US Endangered Species Act.'

We need funds to get legal opinions. We need funds to fly

to Sydney and Canberra to lobby politicians. We need funds to start a major social media campaign.

Please help the koalas. International scientists are predicting that two thirds of the world's wildlife will have gone extinct by 2020.

Don't let the koala be added to the list.

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We cannot give details. But if this challenge gets off the ground, it will set a precedent for other endangered, threatened and vulnerable species.

AFA has the help of a number of lawyers and scientists. The charity will have to carry out extensive research to provide the necessary evidence. AFA has a great deal of experience in putting together this kind of brief as the charity has run a number of lawsuits.

Your donations will go towards these major efforts. We can't lose the koalas. History would never forgive a generation who didn't try everything possible to ensure the survival of these beautiful, harmless animals.

Please help AFA in this important quest.

**For the Animals,
Sue Arnold & Friends.**