



Australians for Animals

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NOVEMBER 2020 NEWSLETTER



GOVERNMENTS ARE KILLING KOALAS

We wish this could be a good news newsletter, but the reality of what's happening to koalas and our wildlife is rapidly becoming a national and international scandal.

Let's start with NSW. The Premier made a big deal in late October of handing over half a hectare of public land to the Port Macquarie Koala Hospital. On exactly the same day, the Federal Minister for the Environment, Sussan Ley, approved the Brandy Hill quarry expansion at Port Stephens, condemning a breeding population of koalas to extinction.

52 hectares of habitat will be bulldozed. Port Stephens has suffered massive bushfires over the past few years-fires which have scorched koala habitats. Developments have taken a toll of the population which was once one of the largest in the state.

Hanson Heidelberg Cement is the owner of the quarry, and the

expansion will see 1.5 million tonnes of rock quarried annually for the next 30 years. Dust and noise will drive out the breeding colony which locals have regularly counted, including over 100 koalas and many with joeys.

One of Ley's conditions is the establishment of a 74 hectare koala corridor to "support local populations". A plan is included in the conditions which requires the quarry to plant revegetate 74 hectares with koala trees. What the Minister doesn't say is that it will take a minimum of 7 years for a tree seedling to be useful as a food or shelter tree.

That's if its capable of growing in an environment choking with noise and dust.



AN APPALLING PRECEDENT SET BY MINISTER

But this long term goal has not deterred the Minister from claiming she is delivering "a net gain for local koalas by providing better quality habitat than there is at present."

Such a total failure of any logical thinking! Furthermore, it provides an incentive and a precedent for developers to destroy habitat by "providing better quality habitat" than presently exists.

The history of the Hanson Heidelberg Cement Group, which heads up all the relevant submissions and surveys required for the Port Stephens project, is recorded in Wikipedia.

A German multinational corporation, active in 60 countries with 57,000 employees, the corporation acquired Hanson in 2007.

According to Wikipedia, Heidelberg Cement Group is the focus of a complaint before the OECD

National Contact Point that addresses complaints against German companies for overseas violations of the OECD Guidelines for Multinational Enterprises. The guidelines, according to Wikipedia, contain standards on human rights and the environment.

An Indonesian indigenous group in the Kendeng Mountains is protesting the destruction of a complex ecological system on which the indigenous inhabitants depend.

The largest Danish pension fund divested its interest in the corporation due to "violation of basic human rights, which conflicts with UN Global Compact principles 1 and 2."



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AFA IS TAKING ACTION

The NSW government fast tracked the approval for the quarry expansion by passing over the powers of consent to the "Independent" Planning Commission (IPC). There was never any doubt that the IPC would give the go ahead with the usual spin that the project would have strong conditions.

The final approval relied on the Federal Environment Minister because of the koala population. Koalas in NSW, Queensland and ACT are listed as vulnerable under the Federal Environment Protection & Biodiversity Conservation Act (EPBC) which means developers have to refer their projects to the government for approval.

In spite of massive protests, not only from within Australia but from overseas as well, Ley gave the approval. In spite of evidence of a breeding population and the critical importance of protecting every remaining inch of koala habitat in the state, Ley gave consent.

Fortunately, AFA had been in contact with a Newcastle lawyer as we waited for the Minister's decision. Once the approval was granted, the lawyer called AFA immediately and we're waiting for a barrister's opinion on whether we can take any legal action to stop more koalas

from being wiped out.

Neither the state or federal governments are concerned about the cumulative impacts of all the threats to koalas. Logging continues in unburned forests which are the remaining primary habitat of koalas.

In southwest Sydney, two huge housing projects threaten the largest surviving population (some 500 koalas) left in the state.

The Berejiklian government has caved in to the national party and seriously weakened the State Environmental Planning Policy for koalas. In fact it is so weak that it might as well be dropped in the nearest garbage bin.

A good indication of how the Berejiklian /national party feels about koalas can be summed up by an article in the Sydney Morning Herald revealing that Deputy Premier and National Party leader John Barilaro refers to koalas as "tree rats".



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LEGAL ACTION IS THE ONLY WAY TO STOP POLITICALLY DRIVEN POLICIES OF EXTINCTION

Logging in NSW, Tasmania and Victoria is protected by the Regional Forest Agreements which run for 30 years with no provisions for any public interest legal challenges.

These are shocking agreements between the states and federal government which literally allow for forests to be eradicated, there's no transparency, checks and balances and no rights to enforce compliance of licence conditions.

Wildlife has no adequate protection, neither do riparian zones, trees with hollows which are important for gliders.

Because the remaining forests must be allowed to survive, repair and regrow, AFA has been working tirelessly with the Indigenous Justice Advocacy Network trying to find a legal hole which would allow legal action to stop the logging of remaining unburned forests.

Forests which concerned scientists say must be allowed to recover from the catastrophic bushfires.

We took on this task because our two

co-ordinators are experienced at running and identifying precedental legal challenges. In other words, there's always a legal hole, it's just extremely difficult to identify. This is because most lawyers don't have the time, interest or willingness to go for broke when a legal loss might end up creating more damage.

But history shows that change comes with legal victories won after precedental challenges.

It's important to demonstrate to the public that a bad law is being challenged. Taking the government to court over issues such as logging and ongoing loss of wildlife is always backed by massive public support. Australians really care.

This quest has involved massive research, endless discussions with lawyers, conferences with Friends of

Leadbeater Possum in Victoria (who have run a successful case to stop the destruction of Leadbeater and Greater Glider habitat), discussions with the Bob Brown Foundation in Tasmania (who are running a case on logging against the Tasmanian government) so the past months have meant heavy work schedules.

We are very close to action. Unfortunately, the forest agreements in each state are not the same so although the two cases in Victoria and Tasmania are up and running, similar actions can't be run in NSW.

We have engaged a top lawyer and we have also had advice from a Senior Counsel. But there's still a lot of work to be done. Running precedental legal challenges need lawyers with fire in their bellies, and available time.

AFA does not believe that any of the



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wilful, mindless destruction which is accompanied by appalling corruption will be stopped without legal action.

As the issues are too complex for the newsletter, we will keep you posted and ask for ongoing patience.

MORRISON GOVERNMENT IS A DISASTER FOR KOALAS

It's no exaggeration to say that the broad Australian community is deeply pissed off with the anti environmental policies of koala extinction by the Berejiklian and Morrison governments.

In granting approval for the Brandy Hill Quarry expansion, Sussan Ley has contradicted her own experts. In January, she set up a wildlife expert group to ascertain which species were in need of urgent assistance as a result of the fires.

On the priority list for mammals needing urgent management action in the next 12 months, koalas scored 17.0, the third highest score after the Broad toothed rat, and the Smoky mouse.

On 1st October, 2020, the Threatened Species Scientific Committee released its priority assessments, detailing a nomination to upgrade koalas in the ACT, NSW, and Queensland to endangered status.

In keeping with the Morrison

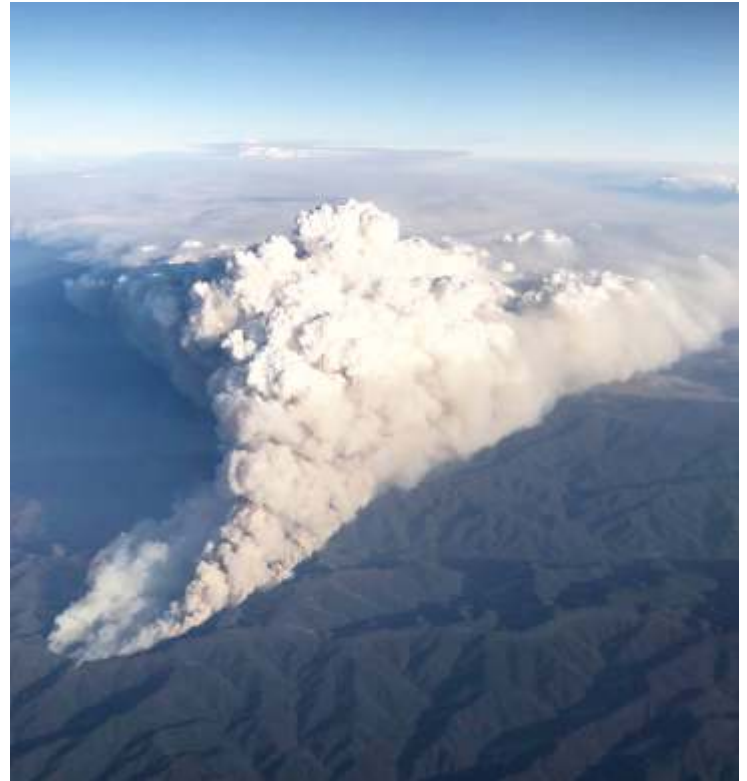
government's continuing refusal to address the desperate need for urgent action to protect remaining habitat from developers, **the assessment completion time is 30 October, 2021.**

When the assessment finally arrives on the Minister's desk, she can reject any upgrading.

The decision is entirely at the mercy of the Minister's discretion.

Sometime in November AFA expects that the federal government will introduce the EPBC Amendment bill into the Senate. This amendment further weakens the EPBC Act, effectively setting up a one stop approval which will give state governments total power.

Instead of waiting for the final report



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of the statutory independent review of the EPBC Act by Professor Grahame Samuels, the Morrison government rammed the amendment through the House of Representatives in late September, rejecting any discussion, questions, changes.

No one was allowed to speak for or

against the bill.

The only hope of defeat is if the Senate rejects the amendment bill. It seems that there's sufficient opposition to defeat the bill.

Three non-major party senators have indicated they will join Labor, Greens and vote against the bill.

A BATTLE THAT MUST BE WON

AFA is painfully aware that many of the major conservation groups have raised millions of dollars as a result of the bushfires. None of these funds have been spent on acquiring habitat.

Aside from legal action, the only possible solution to ensure the survival of koalas and all the wildlife which depend on coastal forest ecosystems, is to buy up habitat.

Petitions are not going to do the job. Elevating koalas to endangered status is a legal process which can't be changed by petitions. Public protest is simply ignored by governments.

Yet we must keep the faith. There's not going to be any second chance. The bushfires and drought with climate change impacts will ensure few populations will survive. The Morrison government continues to rely on fossil fuel ignoring the recommendations of scientists.

AFA is doing everything we can. The charity is supported by some



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wonderful people including excellent scientists and increasingly weary lawyers.

Stay safe, stay sane and let's win this battle. Whatever it takes.

Sue Arnold & Friends.



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GO WITH THE ANGELS - MITCH

The charity lost our beloved dog, Mitch, a few weeks ago. Mitch was going on 16 years old, a rescue dog which our co-ordinator saved from a terrible fate when he was a very young puppy.

Mitch was stuffed into a tiny cage in a pet shop, he couldn't move. The cage was left in the sun, wind and no doubt rain. When Sue saw the pup, she asked the pet shop owner if she could take the puppy for a walk on the beach.

Mitch was unable to walk very far, he'd been stuck in that miserable cage unable to exercise. Getting him out and home was a no brainer. The vet said he was dehydrated, emaciated, had a hernia and that it " was just a pound dog."

That didn't suit AFA. We don't like those kinds of descriptions. After successfully closing down the pet shop, (the charity's first priority), the next stage in Mitch's journey was to enrol him in obedience classes. Having finally been set free, we had one mischievous puppy with big paws demonstrating he was going to be a large dog!

But what a dog. After being the naughtiest pup in obedience classes, he graduated six weeks later top of

the class.

Our Burmese cats soon fell in love with Mitch. Everyone fell in love with him. He was a beautiful, loving, loyal, compassionate soul. But by the time he hit 14, his back legs were beginning to cause trouble. Arthritis caused a lot of pain which the vet treated with gradually increasing doses of various painkillers and herbal remedies for arthritis.

But Mitch still managed a good walk in the morning, he loved to go out in the car. At night he lay on his own plushy bed in front of TV. Sleeping at the end of the bed. His love for everyone kept shining a bright light, that tail kept wagging. He continued his watch dog duties.

But three weeks ago, his back legs went. Mitch couldn't walk unless we put a towel under his tummy to keep him upright. It happened just like that. One minute he was good and then going down the stairs his legs went from under him.

We immediately took him to the vet, it was a real mission to get him in the car



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and a neighbour came to help. The vet said Mitch would not recover, not this time. The damage had stuffed the nervous system connecting legs to the brain.

She said we could keep him overnight if that helped us cope with the awful decision to euthanise our precious dog. But we couldn't get him out of the car.

Surrounded by love and loving people, in the car Mitch was given a tranquiliser which sent him to sleep. The green dream did its job and Mitch passed across the rainbow bridge.

We're devastated. The loss of the charity's dog is almost unbearable. Animals are our family, and when we're privileged to have this precious relationship, it's tough letting go.

Their lives are shorter than ours and we must accept the gifts and blessings in the time we have with them.

One day it won't hurt so much. We all reckon when the time is right, Mitch will send another dog to heal our hearts and we'll know.

Most of all, we're so thankful for the blessing of this beautiful soul. May Mitch soar with the angels.

FOREST SIEGE – CRITICAL FIELD TRIP

Together with Al Oshlack from the Indigenous Justice Advocacy network, Sue and Al are leaving shortly to drive to Bellingen where we will meet with scientists, ecologists and activists.

Right now, the precious, irreplaceable north coast forests are being trashed by the Forestry Corporation with the approval of the NSW government. Deputy Premier John Barilaro is in charge of the department which is focused on logging any forests remaining post the catastrophic bushfires.

Barilaro has described koalas as " tree rats". The scientists at Bellingen tell us that every koala hub is being targeted, that old growth trees with hollows, home to gliders is being bulldozed. Habitat trees are being woodchipped for "renewable energy".

The reason why Al and Sue are making this trip is to provide evidence for a lawsuit.

Please support our work as if we succeed with a precedental legal action, forests, koalas and forest dependent wildlife will have a chance of survival.

AFA has also engaged lawyers on the Brandy Hill Quarry. We are 100% on the front line. Communities are desperately trying to save what wildlife remains. Let's never forget over 3 billion animals died in the fires.

Our governments are deliberately wiping out what remains.



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