

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 43

Hearing: Supplementary Budget Estimates

Outcome: Outcome 5

Programme: Environment Assessment and Compliance Division

Topic: Koalas – Forestry Stewardship Council

Hansard Page: N/A

Question Date: 27 November 2013

Question Type: Written

Senator Rhiannon asked:

In October 2013 Australian Bluegum Plantations was finally stripped of its environmental certification by Forestry Stewardship Council for significant failures in its wildlife management protocols evidenced by the killing and injuring of koalas in its operations earlier in 2013. Earlier this year koalas in private forests between Orange and Bathurst in the NSW Central West were found injured and reported alongside roads after forestry clearing operations. The published science clearly shows that koalas use plantation forests including pine forests.

a. Injury, death and displacement of koalas seems to be the result of systemic failure by the forestry sector. What steps has or is the government taking to ensure forestry operations do not continue to threaten the health and welfare of koala populations in areas pertinent to the EPBC Act?

b. What is the government doing to ensure that the Forest Stewardship Council and the FSC auditor Rainforest Alliance can ensure there are in place in individual forestry operations:

- i. Koala Management Plans
- ii. Protocols and guidelines regarding koalas
- iii. Reporting procedures
- iv. How can copies of the same be made available for independent scientific scrutiny?

c. What are the government's processes and procedures regarding breaches of the EPBC Act around koalas?

i. Given so much in reporting of breaches is dependent on the proponent self-reporting, what accountability measures does the department have in place?

ii. How many reported breaches around koalas and forestry/land clearing have been lodged in the last 10 years? What was the outcome?

Answer:

- a. The koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) was listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in the vulnerable category on 2 May 2012. Koala populations outside those areas are not subject to protection under national environmental law. Koala management and welfare in Regional Forest Agreement (RFA) areas (including within plantations) is an issue for the relevant state government.

Any forestry activity in Queensland, New South Wales and the Australian Capital Territory, occurring outside an RFA area, which is likely to have a significant impact on the koala population of Queensland, New South Wales and the ACT must be referred to the Department of the Environment for assessment under the EPBC Act. This includes private forests in the Orange/Bathurst area.

The Department has published *Draft EPBC Act referral guidelines for the vulnerable koala* to guide proponents in their decision on whether their action is likely to be having a significant impact.

- b. The Australian Government has no role in Forest Stewardship Council certification and audit processes. The Forest Stewardship Council is a private company that has accredited Rainforest Alliance as one of the certification bodies to audit against its standards.
- c. The manner in which the Department conducts compliance and enforcement activities under the EPBC Act is described in the department's *EPBC Act Compliance and Enforcement Policy*. Upon becoming aware of, or being provided information of an alleged breach of the EPBC Act, the Department appoints a case officer, prioritises the matter and initiates an investigation to determine if the allegation is factual and able to be substantiated. The Department has a number of investigative measures and resources available to progress and manage active cases.
 - i. Self-reporting by proponents is one of several means by which the Department detects potential breaches of the EPBC Act. The Department also detects potential contraventions by analysing information from sources such as the general public, the media, industry, non-government organisations and other government agencies. The department also undertakes regular monitoring and auditing of projects that have been referred under the EPBC Act to ensure that any requirements placed on those projects are being adhered to. Such monitoring activities may be strategic, targeted or random.
 - ii. The koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) was listed under the EPBC Act in the vulnerable category on 2 May 2012. As at 10 December 2013 the Department had considered 50 reports of potential breaches, all of which related to habitat that had been removed or was proposed to be removed. In 46 instances it was determined that a breach of the EPBC Act was unlikely to occur or to have occurred. Four matters are currently under investigation.