



The Committee Manager  
Standing Committee on Environment and Planning  
Parliament House, Spring Street  
East Melbourne  
VIC 3002

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31<sup>st</sup> August 2020

Dear members of the Standing Committee on Environment and Planning,

**Re: Inquiry into Ecosystem Decline in Victoria**

Thank you for the opportunity to make a submission on an issue of great importance to our group's members.

Friends of Leadbeater's Possum Inc. is a community ENGO based in Healesville. We conduct field activities such as stag-watching, nest-box provision and placement, supplementary feeding and habitat regeneration and identification, as well as education and advocacy. Our group, whilst advocating primarily for Leadbeater's Possum, sees it as a "flagship" species. Decline in its habitat is decline in an entire ecosystem and affects all the other species that rely on the forest for survival, including listed threatened species such as the Greater Glider.

Leadbeater's Possum was described by Frederick McCoy in 1867, on the basis of two skins collected in swamp forests in the Bass River area of West Gippsland. Over the next few decades only a few additional specimens were identified and the forests in which they were found were drained and cleared. By 1921 all known habitat was lost and the species was assumed extinct.

In spite of extensive searches in the 1930's and 1940's, it was not until 1961 that the species was rediscovered by Eric Wilkinson in Mountain Ash (*Eucalyptus regnans*) forest at Cambarville and Tommy's Bend, near Marysville in the Victorian Central Highlands. Since then it has been found to be patchily distributed in montane Ash (*E. regnans*, *E. delegatensis* and *E. nitens*) forests in the same general area<sup>1</sup>. Smaller populations have also been found in the remnant Sedge-rich *Eucalyptus camphora* Swamp at Yellingbo in the Yarra Valley (1986) and in sub-Alpine Snow Gum (*E. pauciflora*) areas (1995). The former, a Genetically Distinct and Significant population, appears to be the last representative of the original Gippsland swamp forest population.

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<sup>1</sup> The mountain ash forest ecosystem of the Central Highlands has itself been assessed as Critically endangered on IUCN criteria (Burns *et al.*, **Ecosystem assessment of mountain ash forest in the Central Highlands of Victoria, south eastern Australia**, Austral Ecology 2014)

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The species has not been widespread or numerous in historic times and has one of the most restricted ranges (appx. 70kms x 80kms) of Australian native mammals. It is the only mammal endemic to Victoria and in 1971 was proclaimed the state's faunal emblem. It was included on Schedule 1 as "Endangered" under the Endangered Species Protection Act 1992 and was transferred under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

In 1995 an Action Statement was published under the Victorian Flora and Fauna Guarantee Act 1988 and it was adapted as the federal Recovery Plan two years later (1997). The Overall Objective of the Recovery Plan was "to downlist Leadbeater's Possum from endangered to vulnerable within 10 years."<sup>2</sup> The first Specific Objective of the Recovery Plan was the establishment of a permanent reserve system and the first "Recovery Action" was to set up a Recovery Team. Funding was allocated for five years and by the early 2000's the team was moribund. Intervention by Sera Blair, founding president of Friends of Leadbeater's Possum, led to the team being reconvened in October 2006.

It was not until October 2008 that the Leadbeater's Reserve System was finally announced, after a decade of difficult negotiation with the native forest logging industry. Barely three months later, in February 2009, the Black Saturday bushfires burned through 35% of the species' range and 45% of the dedicated reserve. The entire population on the sub-Alpine Lake Mountain plateau, only discovered in 1995, was destroyed and it is estimated that around half the population was lost overall. Since those fires, eleven years ago, the reserve system as a whole has not been reviewed and no attempt has been made to allocate new, unburnt areas to compensate for the loss of almost half the reserve.

In 2012 Professor David Lindenmayer (ANU) and Dr Dan Harley (Zoos Victoria), the two leading authorities on the species applied for it to be listed as "Critically endangered". The Threatened Species Scientific Committee (TSSC) ultimately supported the application and in April 2015 Minister Greg Hunt announced the uplisting. In describing the Committee's recommendation as "clear and unequivocal", Minister Hunt confirmed the ongoing decline in the population and conservation status of the possum. A few months later the Minister announced a Threatened Species Strategy with Leadbeater's Possum identified as a species requiring "emergency intervention". An Action Plan was formulated which promised "A revised Recovery Plan will be completed by mid 2016, driving action to turn around the decline of the Leadbeater's Possum".

Progress on the Recovery Plan was halted following intervention by a logging industry group, the Australian Forest Products Association (AFPA), demanding review of the species' conservation status. Lacking scientific merit, this application was ultimately rejected by the TSSC and the Critically Endangered status of *Gymnobelideus* was confirmed by Minister Sussan Ley on 22 June 2019. However, as at the current date, the revised Recovery Plan has still not been released.

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<sup>2</sup> In fact 20 years later, in 2015, Leadbeater's Possum was uplisted to Critically endangered – a clear indication that existing legislation, regulations and prescriptions were failing.

The decline of Leadbeater's Possum continues. The species is now listed in the top 10 mammals in the world requiring conservation intervention<sup>3</sup> and the 7<sup>th</sup> Australian mammal most in danger of extinction within twenty years<sup>4</sup>.

In recommending the listing of Leadbeater's Possum as Critically Endangered in 2014, the TSSC also advised –

*the most effective way to prevent further decline and rebuild the population of Leadbeater's possum is to cease timber harvesting within montane ash forests of the Central Highlands.*

To date, this advice has been ignored and logging of the ash forests by the state-owned corporation, VicForests, continues to destroy critical habitat.

In 2013 the Victorian government established the Leadbeater's Possum Advisory Group (LPAG) "to develop recommendations to support the recovery of Leadbeater's Possum **while maintaining a sustainable timber industry**". Despite being primarily industry driven and including no independent conservation scientist, LPAG was allowed to first sideline, then replace, the Recovery Team, which has not met since 2014. LPAG considered a large number of proposals submitted to it (including new prescriptions proposed by Prof. Lindenmayer) but, constrained by its Terms of Reference and a self-imposed internal policy that the total effect of all proposals adopted was not to exceed 5% reduction in timber yield, it was unsurprising that the recommendations made overtly excluded those found to have reasonable prospects of success in enhanced conservation. As the LPAG report stated, " Although the Lindenmayer et al. prescriptions option was deemed to be outside the Advisory Group's Terms of Reference due to its estimated profound impact on industry, this was the option that was considered most likely to have the greatest benefit to the species. The model suggests that the Lindenmayer et al. prescriptions option (which includes establishment of a Great Forest National Park), offers the best chance of recovery for the species".

Indeed it might well be concluded that LPAG's final recommendations were deliberately selected on the basis of their likely ineffectiveness, thus limiting their negative impact on the native forest logging industry. The sole exception was a proposal to include exclusion zones (buffers) around confirmed sightings but in this case the science-based suggestion of buffers of 1000 metres radius was limited by LPAG to a minimal 200 metres<sup>5</sup>. Since 2014, a significant proportion of the colonies identified and protected within exclusion zones have been located by community volunteer surveyors, with some equipment on loan from the Victorian government. There is no evidence that these arbitrary 12 hectare buffers are sufficient to prevent the decline of targeted or general populations in the longer term.

LPAG's thirteen inadequate recommendations formed the basis of a revised Action Statement, approved in July 2014. This is believed to be the first time government policy for the

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<sup>3</sup> Zoological Society of London EDGE of Existence list - <https://www.edgeofexistence.org/species/species-category/mammals/search-species/gymnobelideus/>

<sup>4</sup> Geyle *et al.*, **Quantifying extinction risk and forecasting the number of impending Australian bird and mammal extinctions**, Pacific Conservation Biology, 20 April 2018

<sup>5</sup> A circular buffer of 200m radius equates to an area of 12.57 hectares.

conservation of a threatened species had been formally predicated on, and constrained by, ideological determination to maintain the threatening process that was, and is, destroying what is left of the species' habitat. Taken as a whole, the 2014 action statement could not be considered a serious contribution to the conservation of the state's faunal emblem. It was little more than a thinly disguised restatement of the government's declared policy to permit and support the continued logging of Mountain Ash forests that provide the Leadbeater's Possum with its primary and most critical habitat, in defiance of the advice of the TSSC. It is a matter of regret that the current government has not seen fit to review it. Thus it remains in effect, in all its glaring inadequacy. Consequently, Leadbeater's possum continues to decline and logging of its habitat continues to be permitted.

A serious consequence of the lack of an effective Recovery Plan (the existing 1997 plan is woefully out of date) is the absence of a Recovery Team as a dedicated, independent expert and stakeholder forum in which conservation policy can be considered and which then provides support for agreed decisions. In the last few years we have seen a catastrophic decline in the Genetically Distinct and Significant lowland population of Leadbeater's Possum at Yellingbo, in the Yarra Valley. Only 28 animals now remain to represent the original Gippsland swamp forest population described by McCoy in 1867. A captive breeding experiment conducted by Zoos Victoria has failed, with no live young born after seven years. Only a few of the 21 animals captured from Yellingbo for this program survive, and these are too unwell to be returned to the wild. Outbreeding, or "Genetic Rescue", and translocation have been proposed but without a Recovery Team informed discussion and professional support for such strategies are limited.

Over the years, Friends of Leadbeater's Possum has commented on VicForests' proposed amendments to Timber Release Plans (TRPs), we played an active role in the Forest Industry Taskforce and we applied to the Minister for an Interim Conservation Order. None of these attempts to engage with industry and government have produced tangible results.

Ultimately, in 2017, we felt the only remaining option was to initiate a legal challenge to the ongoing logging of Leadbeater's possum critical forest habitat. Our case in the Federal Court was recently completed with Judgment delivered on 27 May 2020 and Final Orders pronounced on 24 August 2020. These important documents are attached and form part of this submission.

Our evidence revealed, among other things, that

- VicForests ongoing logging is having, and will have, a Significant Impact on Leadbeater's Possum and Greater Gliders;
- VicForests new adaptive logging methods, even if adopted, will not be sufficient to alleviate these impacts.

If the relevant regulations were operating effectively and compliance was being monitored and enforced by government agencies, as it should be, it would not be necessary for community-based ENGOs such as our group to resort to legal action.

Following a struck out prosecution of VicForests by DELWP in August 2018, Minister D'Ambrosio established the Office of the Conservation Regulator (OCR), ostensibly to act as an "integrated

and effective regulator”<sup>6</sup>. To date the OCR has not been effective in this role. It does not appear to have an independent identity, or even its own telephone number. In practice, it is too close to DELWP and VicForests to fulfill its intended functions. This is demonstrated when the Chief Conservation Regulator acts as “delegate” for the minister, allowing cutting of logging access tracks through Special Protection Zones established for conservation purposes, therefore becoming complicit in the very habitat destruction the OCR is supposed to regulate. Breaches reported to it are either cursorily investigated then rejected or ignored. To date, it has not proactively identified breaches nor initiated a prosecution of any breach reported to it. It has not even initiated follow-up action on breaches that have been proven in Court. The OCR has spent months designing an unworkable procedure for identifying “old growth”. To date the OCR has failed in its objectives to “Build community confidence” and to provide “Stronger oversight”. Enforcement of logging regulations is still left primarily to community groups.

In November 2019 the Andrews government announced its plan to phase out logging in native forests by 2030, with reductions in production from 2024-25. With the exposure of VicForests unlawful logging through the Federal Court judgment and the appalling loss of forests in the 2019-20 “Black Summer” bushfires, this transition needs to be brought forward. The 80 year-old Forests (Wood Pulp Agreement) Act, which drives wood-chipping of public forests, must be repealed. Exit packages for workers and contractors who wish to leave the moribund native forest logging industry should be made available immediately. The transition to plantation timber production must be completed so that remnant native forests can continue to provide essential ecosystem services and regenerating native forests can mature naturally, providing habitats of the future.

## Conclusions

On current evidence it is impossible not to conclude -

- The mountain ash ecosystem of the Central Highlands is in continuing decline because of logging, bushfires and climate change.
- The population and conservation status of Leadbeater’s possum, which is dependent on montane ash forests, are in ongoing decline.
- The legislative framework intended to protect Victoria’s environment, including forests and native species have been inadequate.
- The adequacy and effectiveness of government programs and funding intended to protect and restore Victoria’s ecosystems have been shown to be inadequate.
- Further, the management, maintenance and extent of the Leadbeater’s Possum Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving the Critically Endangered Leadbeater’s Possum have all been

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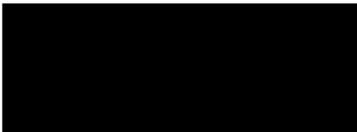
<sup>6</sup> Response to the Independent Review of Timber Harvesting Regulation, DELWP, March 2019

shown to be inadequate.

- Legislative, policy, program and governance have been ineffective in facilitating ecosystem and species protection, often through a reluctance or failure of enforcement. Bodies, such as the OCR, with enforcement responsibilities must be trained, empowered and resourced to actively pursue their functions.
- The current Action Statement for Leadbeater's Possum is based on an industry-led review and is unfit for purpose while release of a revised Federal Recovery Plan continues to be delayed for political reasons.
- Monitoring practices in relation to Leadbeater's Possum assessment and adaptive management responses (e.g. Review of the reserve after the 2009 "Black Saturday" bushfires catastrophically changed the landscape) have been inadequate.

If Victoria's faunal emblem, one of the world's most threatened, and Australia's most significant, species and its critical forest habitat are allowed to continue to decline, it is hard to imagine how other less well-understood species and ecosystems that do not benefit from Leadbeater's Possum's high profile will be protected and conserved.

Yours faithfully,



Steve Meacher  
President