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2021

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

Granting Legislative Aided Defence of Yearning Species Bill 2021

No. , 2021

**A Bill for an Act to amend the *Environment
Protection and Biodiversity Conservation Act 1999*,
and for related purposes**

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A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Granting Legislative Aided Defence of Yearning Species (Koala Habitat Protections) Act 2021*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Schedule 1 Amendments

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act.	The day after this Act receives the Presidential Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Environment Protection and Biodiversity Conservation Act 1999

1 After section 18A

Insert:

18B Significant impact in relation to koalas

For the purposes of a subsection of section 18 or 18A that applies in relation to koalas, *significant impact* has a meaning affected by section 527G.

2 After paragraph 42(b)

Insert:

(ba) operations that have, will have, or are likely to have a significant impact on koalas; or

3 At the end of section 139

Add:

No approvals for actions involving clearing koala habitat

(3) Despite subsections (1) and (2), the respective Minister must not approve an action consisting of or involving the clearing of koala habitat.

4 At the end of Division 1 of Part 23

Add:

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Schedule 1 Amendments

Subdivision G—Koalas

527F Definitions relating to koalas

In this Act:

koala means a mammal of the species *Phascolarctos cinereus*.

koala habitat means:

- (a) any area of vegetation in which koalas live and that includes a koala habitat tree; or
- (b) any area of vegetation that consists primarily of koala habitat trees and which is reasonably suitable for sustaining koalas (whether or not koalas live in that area); or
- (c) a partially or completely cleared area used by koalas to cross from an area mentioned in paragraph (a) or (b) to another area mentioned in paragraph (a) or (b).
- (d) any specific areas laid out in regulations by the Minister.

An area of vegetation is defined as the patchwork of plant species arrayed across the landscape. It can include a variety of life forms such as trees, shrubs, grasses, forbes, and nonvascular plants like mosses, in forest, woodland and scattered tree landscape, and remnant and non-remnant vegetation in natural, agricultural, urban and peri-urban environments.

koala habitat tree means:

- (a) a tree of the *Corymbia*, *Melaleuca*, *Lophostemon* or *Eucalyptus* genera that is edible by koalas, or any other species of tree that are known koala food trees; or
- (b) a tree of a type typically used by koalas for shelter.

527G Significant impact on koalas

- (1) This section applies in relation to any listed threatened species that are koalas.
- (2) For the purposes of a subsection of section 18 or 18A that applies in relation to koalas, paragraph 42(ba) and any other provision of this Act that applies in relation to koalas, a **significant impact** on

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Amendments **Schedule 1**

koalas includes any substantial loss of genetic diversity, or any loss of connectivity or available koala habitat, of any population of koalas such that the population is placed at greater risk of extinction.