



Submission of Goongerah Environment Centre (GECO) in response to The Independent Consultation Paper – Modernising Victorian Regional Forest Agreements, May 2019

Prepared by [REDACTED] n behalf of GECO, July 7, 2019.

Introduction:

Our organisation has participated in several stage of the RFA modernisation program and we welcome the opportunity to provide feedback on the consultation paper.

As one of several ENGOs present at the RFA roundtable in October 2018 our views on the process and the future of forest management in Victoria have been made clear.

The key discussion points in the document summarizing that meeting clearly distill our views.

To summarize those views, we have reproduced the general discussion from that session here as these views and high level concerns remain unchanged.

- The Regional Forest Agreements (RFAs) have categorically failed to achieve their intended outcomes of providing for conservation and security for the industry. As such, they should not be renewed, but instead be allowed to expire.
- Logging must be made subject to the EPBC Act or equivalent future national law.
- However, if RFAs or similar forest management arrangements are to be put in place, there are significant, fundamental changes that would need to be made to avoid the same failures of the last 20 years. Whatever comes next must not repeat the 20-year set and forget mistakes.
- The absence of formal review is an unacceptable starting point. A formal review would provide guidance for what works, and what does not with such a framework.
- An evaluation of long-term viability (and the relevance and usefulness) of producing new agreements / forest management arrangements is required.
- To progress the RFA modernisation process with legitimacy and authority, the baseline data on the forest estate must be available for effective 'modernisation'. The condition of the forests - as well as the RFAs themselves - must be thoroughly and independent assessed. Decisions must be based on credible, peer-reviewed science.
- For this process to have credibility a moratorium on logging must be instated. A moratorium on logging is required to not prejudice or pre-determine outcomes.

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Executive Summary

As stated in the above introduction it is the view of our organisation that the Regional Forest Agreements should not be renewed and should be allowed to expire. The exemption from the EPBC act should be removed and logging should be placed on a equal footing with other industries and have to comply with federal environment laws, this could be done by referring all logging plans for detailed assessments under the EPBC Act. The Consultation paper identifies that matters of national environmental significance require better protection and management under state accredited forest management regimes and the removal do the EPBC exemption is, in our view, would be the most effective mechanism to achieve this.

We reject the papers claim that the CAR reserve system has achieved objectives to conserve forest biodiversity and provide numerous examples to demonstrate the inadequacies of the current reserve system and why it must be expanded under any new forest management arrangements.

We provide a critique of the JANIS criteria and examples of how JANIS is not appropriate to base a comprehensive system of protection of biodiversity values on.

This submission questions why the the consultation paper has failed to take into the consideration the Wood Pulp Agreement Act as the primary driver of unsustainable logging and calls for its repeal. The submission also rejects the assumption the expansions of reserves have had significant impacts on the timber industry, the case of East Gippsland is provided as an example of reserve expansion that was designed in a manner that deliberately avoided impacts on the timber industry.

The submission examines the failure of the RFAs to meet percentage based reservation targets for rare, threatened and depleted EVCs and welcomes the authors proposal to better protect under represented EVCs in the reserve system whilst recommending this is prioritised on public land through an expansion of parks and reserves.

Decline of forest dependent threatened species are examined with a focus on the decline of the Greater Glider during the period of the Regional Forest Agreements and evidence is presented as to why an expansion of the reserve system and removal of the EPBC exemption is required to address declines.

The submission questions why the consultation paper has determined the regulatory mechanisms are appropriate and discusses systemic regulatory failure with regard to logging operations in Victoria, drawing on numerous examples including the recent review of timber harvesting regulation.

Conservation of forest biodiversity and ecosystem health is discussed and the consultation papers recommendation that forest management regimes should respond to the likely impact of climate change and other environmental pressures on threatened species with particulate regard to supporting Matters of National Environmental Significance is welcomed. We warn against a potential weakening of off reserve detection based protections for listed threatened species that a 'landscape scale approach' to biodiversity conservation could lead to.

Lastly opportunities for a transition out of native forest logging are discussed and the need to recognise and capitalise on the full suite of forest values under future forest management regimes.

1 – The CAR Reserve system

3.3.1

The consultation paper appears to claim that the CAR reserve system has satisfactory achieved objectives to conserve forest biodiversity.

Text from p. 15 states:

Satisfactory *The Victorian RFA process successfully identified areas to be included in the state’s CAR reserve system. Today, Victoria has 3 million hectares of forest within the formal reserve system. The modernisation of the Victorian RFAs will need to take into consideration the targets within Victoria’s biodiversity plan, including supporting collaboration between stakeholders to drive improvement in biodiversity conservation (see, Department of Environment, Land, Water and Planning 2017). There is a need for better information on the effectiveness of the informal reserve system and forests on private land in protecting biodiversity, and for this information to be made available to the public.*

However, a number of misleading and statements and figures have been used in section 3.1.1, particularly with regard to attributing the reserve system to the RFA process and with regard to the formal status of reserved land counted within the CAR reserve system and its level of secure or insecure protection.

For example, the consultation paper appears to claim that the RFAs are responsible for the reserve system. This is misleading because the vast majority of areas of reserved land in Victoria was placed into reserves prior to the RFAs. Prior to the RFAs over 3,077,000 hectares (84% of the reserve system) had already been established. It is disingenuous and misleading to attribute the reservation of those areas of land to the RFA process, which the consultation paper does.

The consultation paper also claims that “By 2003, 900,000 hectares of forest had been added to the existing reserve system in Victoria through the RFA process”. This is also misleading as the vast majority of the 900,000 hectares is in the informal reserve system. It is not permanently protected in secure formal reserves.

The author makes the ruling that the CAR reserve system as been ‘satisfactory’ in achieving the objectives of ESFM and conservation of biodiversity values, however in the same paragraph where this conclusion is reached the author also notes that the RFA modernisation will need to take into consideration targets within the Victoria’s biodiversity plan. This plan identified a 2.1 million hectare gap in additional protected areas that is required to meet Australia’s criteria for a comprehensive, adequate and representative reserve system . This appears to contradict the position that that CAR

¹ Department of Environment, Land, Water and Planning, *Protecting Victoria’s Environment – Biodiversity 2037*, The State of Victoria 2017, p 49

reserve system as 'satisfactorily' met objectives.

The author appears to have only assessed whether the RFA process identified areas to be included, not whether these areas have successfully met objectives. In other sections of the paper the author presents evidence that the CAR reserves have not been successful in meeting their objectives, for example 3.1.3 Threatened Species and Threatened Processes.

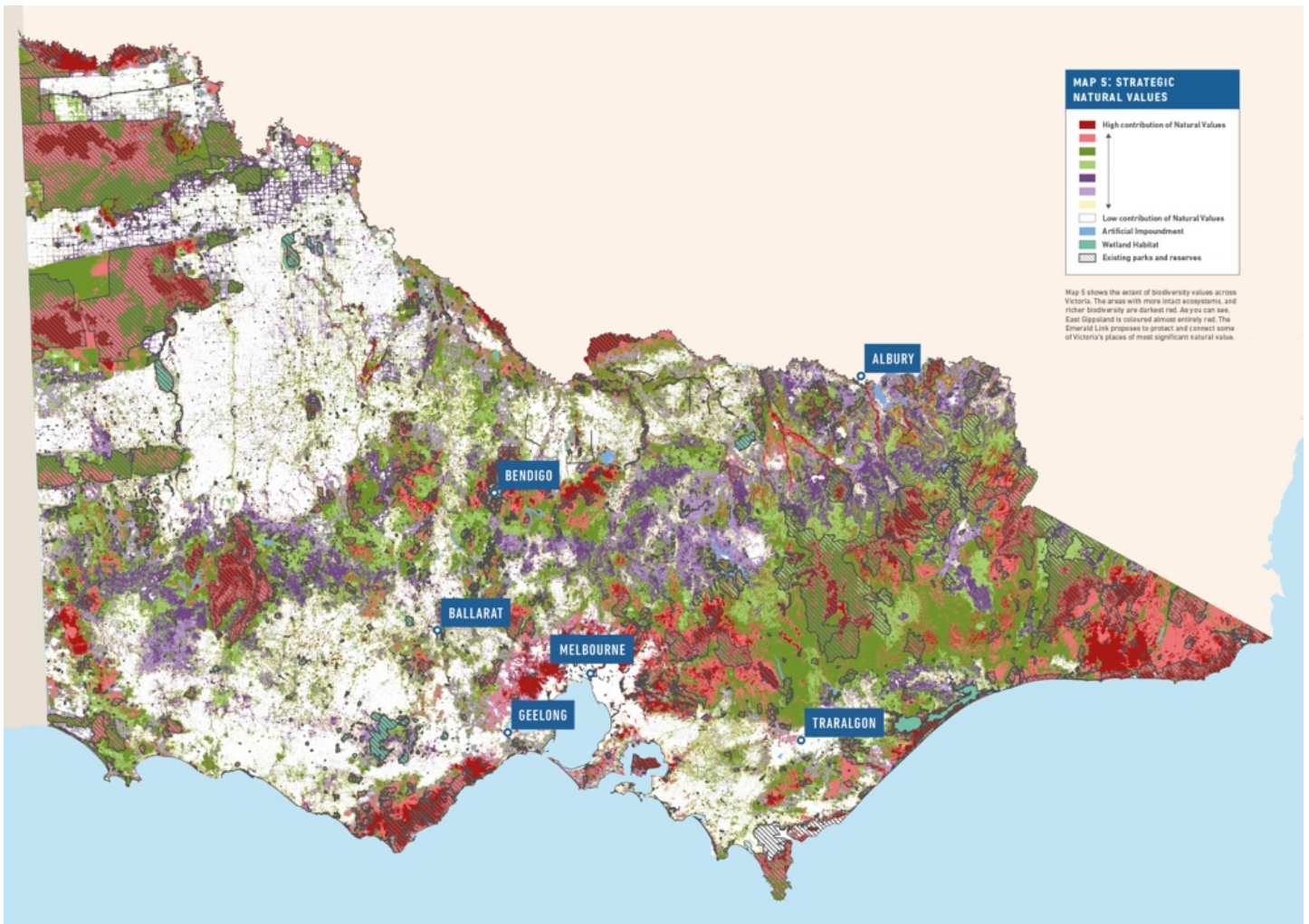
A further contradiction relating whether RFAs and the CAR reserve systems has been 'satisfactory' in meeting objectives of ESFM and conservation of biodiversity values is evidenced by this statement on p. 14:

In Victoria, the highest terrestrial biodiversity values are found on public land. Although public land covers only 40 per cent of Victoria's land area, it accounts for over 70 per cent of the areas in the highest biodiversity values. The protected area system [the formal reserve system] supports 40 per cent of Victoria's highest biodiversity value areas on less than 20 per cent of Victoria's land (Victorian Environmental Assessment Council 2017c).

This shows the CAR reserve system is inadequate as the majority of areas of the highest biodiversity value are not in the formal reserve system. If the CAR reserve system is to achieve improved outcomes for the conservation of biodiversity it will need to be expanded to protect the areas of highest biodiversity value. Extensive areas of the highest biodiversity value in Victoria are outside of the reserve system in East Gippsland according to the DELWP strategic biodiversity values map produced by DELWP as part of the Nature Print suite of decision support products².

² Department of Environment, Land Water and Planning, *Nature Print Strategic Biodiversity Values*
https://www.environment.vic.gov.au/data/assets/pdf_file/0031/82993/3-NaturePrint-Strategic-Biodiversity-Values.pdf

Map 1: Strategic biodiversity values map produced by DELWP Nature Print shows the extent of biodiversity values across Victoria. The areas with more intact ecosystems, and richer biodiversity are darkest red. As you can see, East Gippsland is coloured almost entirely red. Significant areas that are coloured darkest red fall outside of the reserve system.



The author states that there is a need for better information on the effectiveness of the informal reserve system, implying that the current informal reserve system is inadequate to achieve the objectives of the conservation of biodiversity. However, the RFAs rely on the informal reserve system to contribute to the CAR reserves system, despite their insecure status.

This is inconsistent with a key passage of the JANIS criteria that requires ***“all reasonable efforts should be made to provide for biodiversity ... in the dedicated reserve system on public land”***. The passage states that informal reserves should only be used if it ***“is demonstrated that it is not possible or practicable to meet the criteria in the Dedicated Reserve system”***.

The key passages in JANIS is:

“All reasonable effort should be made to provide for biodiversity and old-growth forest conservation and wilderness in the Dedicated Reserve system on public land. However, where it is demonstrated that it is not possible or practicable to meet the criteria in the Dedicated Reserve system, other approaches will be required. For example, conservation zones in approved forest management plans and covenants on private land that bind successors in title could be used, in conjunction with Dedicated Reserves, to define the CAR reserve system for a particular region” (emphasis added).

There is no evidence that ‘reasonable efforts’ have been made in Victoria to establish a Dedicated Reserve system on public land since the RFAs were signed. It is also important to note the point previously raised that the vast majority of the reserve system in Victoria was established before the RFAs.

Under the RFAs Victoria embedded the informal reserve system and forest zoning system rather than making all reasonable effort to provide for biodiversity conservation in the Dedicated Reserve System.

In our view JANIS criteria is inadequate and outdated and not appropriate to base a comprehensive system of environmental protection on, even with the failings of JANIS and the low bars it sets the Victorian RFAs have still failed to meet the criteria in several instances.

The reservation of old growth forest in the East Gippsland Forest Management Area is one such example that not only highlights how the the RFA accredited forest management regime in Victoria has failed to meet the requirements of JANIS to make all reasonable efforts go provide for old growth forest conservation in dedicated reserves, but also how the state based regulatory framework, that also has requirements relating to reservation of old growth forest, have not been met.

DELWP’s fixed zoning for the East Gippsland Forest Management Area includes a requirement that specific proportions of each old growth forest ecological vegetation class (EVCs) be incorporated into conservation reserves of special protection zones. These are detailed in the Planning Standards for timber harvesting operations in Victoria’s State forests 2014, at section 4.6.4.4.

Specially these are:

- All viable examples of rare, depleted (generally less than 10% for the extant distribution) old growth forest EVCs wherever possible
- At least 60% of the extent of all other old growth forest EVCs present in 1995.

Within the East Gippsland Forest Management Area, the ‘60% minimum protection strategy’ has not been met for old growth forest in the Damp and Wet Forest EVCs and is the subject of a Supreme Court case brought by Fauna and Flora Research Collective against the Secretary of DELWP.

If 'all reasonable effort' had been made to ensure old growth forest was protected in the dedicated reserve system, as required by the JANIS criteria the 60% minimum strategy would have been met. Instead logging under the RFA accredited regime in Victoria has now depleted old growth Wet and Damp forest so significantly that they are now under reserved.

This situation also exemplifies how the lack of regulation of logging under the RFA accredited regime in Victoria has allowed for negligent over logging of old growth EVCs that clearly require protection under the state based regulatory framework. Indeed, as the author of the consultation paper points out, further effort is required to improve transparency in the application of the Code of Practice for Timber Production. The above example shows that old growth forest EVCs that were supposed to be protected under the Code were allowed to be logged due to decades of non application of the Code.

3.2.1 - Maintenance of productive capacity of forest ecosystems

a) Repeal the Forests (Wood Pulp Agreement Act 1996

The consultation paper states the RFAs have not provided long-term stability of supply for the timber industry. The author highlights that the area available for harvest has been reduced due to increases in the area of formal reserves, bush fire and over logging.

Fire events have reduced the area available for harvest as has over logging. The author cites a review of timber resource availability in 2001 which determined that harvesting levels at that time were above that which could be sustained in the long term, after the RFAs were signed. However unsustainable harvest levels remained in place in the decades preceding this.

VicForests wood modelling projections do not account for fire in the landscape. The current approach has been to estimate timber growth and yield in the absence of fires, and then re-assess timber supply and contracts over time, and especially after any major fires³. This approach has been criticised because ignoring fires will lead to consistent over- estimates of wood availability⁴.

After the 2009 fires, significant areas of timber resource were impacted and forecast volumes of saw logs were revised down. However, wood pulp volumes were not revised down and remained in place due to the legislated supply quotas set by the wood pulp agreement Act.

³ McCarthy, M., (Un)certainity of timber production, 2011, <https://mickresearch.wordpress.com/2011/12/31/uncertainty-of-timber-production/> accessed July 6, 2019.

⁴ ibid

This led to unburnt forests in the Central Highlands being logged more intensively, in order to meet wood pulp log volume commitments to Australian Paper set by the Forests (Wood Pulp Agreement Act) 1996.

This highlights the need for the Victorian government to repeal the Forests (Wood Pulp Agreement) Act so that those legislated volumes can be reduced and the primary driver of unsustainable logging can be addressed. It is critically important this takes place before the agreement expires in 2030. However, the author of the consultation paper fails to mention the Forests (Wood Pulp Agreement) Act. This is surprising given the clear evidence that The Act is the primary driver of unsustainable wood supply levels. Any modernised forest management regime would need to address this issue first and foremost and repeal the Forests (Wood Pulp Agreement) Act.

b) Increases in reserves have had marginal impacts on wood supply

The author of the consultation paper appears to claim that one of the primary drivers of reductions in wood supply and areas available for harvest is the result of increases in formal and informal reserves, however there is little evidence to prove this, and none is provided in the paper.

In the content of East Gippsland for example, that largest addition of forest to the reserve system since the RFAs were signed was in 2008 when the Brumby government committed to protect 41,000 hectares of old growth forest and icon sites in East Gippsland. However, of these areas almost 40% was not old growth forest and significant areas had no commercial value to the logging industry as documented by environment groups.⁵ Additionally, the increase in reserves had no impact on the timber industry and resulted in no net loss of available resource. This is confirmed by the the Department itself on page 48 the Final Report on Progress with Implementation of the RFAs 2014 that states:

“In its 2006 Victoria’s National Parks and Biodiversity election policy, the then Victorian Government committed to add at least 41 000 hectares of State forest to the conservation reserve system in East Gippsland without any net job losses or reduction in available timber resources.”⁶

This was achieved by swapping out Special Protection Zones (SPZ) in the informal reserve system to compensate the industry for any reduction in area available for logging that the reserve commitment may have produced. The SPZ swap process commenced shortly after the declaration of the 41,000 hectares of new reserves. Many of the areas that were set aside in the informal reserves

⁵ Victorian National Parks Association, Australian Conservation Foundation, The Wilderness Society, *Flawed promises, Environmental Organisations’ Investigation of Labor’s 2006 Election Old Growth Forest Commitments* <http://vnpa.org.au/wp-content/uploads/2017/02/Flawed-promises.pdf>

⁶ Department of Environment and Primary Industries Melbourne, Final Report on Progress with Implementation of the RFAs 2014, https://www.forestsandreserves.vic.gov.au/_data/assets/pdf_file/0021/29019/Final-Report-on-Progress-with-Implementation-of-the-RFAs-2014-FINAL.pdf

system that were swapped out have been logged, including areas old growth forests that were formally classified as SPZs.

3.1.2 – Conservation of forest bioregions and Ecological Vegetation Classes

The consultation paper describes the RFAs as ‘satisfactory’ in meeting their objectives for conservation of forest bioregions and EVCs, however it also highlights that Nationally Agreed Criteria for Establishment of the CAR reserve system or JANIS criteria have not been met in relation to a number of rare, threatened and depleted EVCs. This is justified due to the ‘flexibility’ provision within the JANIS criteria. It is our view that the flexibility provisions in the JANIS criteria are weak and outdated and lead to perverse outcomes.

The flexibility provisions of JANIS weaken the area based reservation targets and are loaded with weak language such as ‘as far as practicable’ and set targets that are defined as ‘general criterion’ that lacking in authoritative measures and targets. The flexibility provisions effectively undermine the intent of the area based reservation targets that the JANIS criteria is supposed to set and have led to forest management in Victoria not meeting these targets as a consequence.

The Final Report on the Progress with Implementation of the RFAs, 2014 clearly shows that the areas based reservation targets that require 15% of the pre 1750 extent of all rare, threatened and depleted EVCs have not been met. It is argued that the flexible approach to meeting these targets is required in consideration of regional circumstances of each EVC.

The Final Report on the Progress with Implementation of the RFAs states:

Representation of EVCs in the CAR reserve system will also be below that specified in the nationally agreed criteria where the EVC is relatively dispersed across the RFA region. To protect relatively dispersed EVCs, it would be necessary to include a considerable area of already well-represented EVCs in the CAR reserve system in order to achieve comparatively small gains in protection. This would have resource availability implications. The protection of small isolated areas of EVCs also presents operational and management issues, particularly the delineation of identifiable reserve boundaries in the field.⁷

In our view this is a weak approach to meeting the commitments set out in the JANIS criteria for establishing a CAR reserve system. If rare threatened and depleted EVCs are dispersed across RFA regions it is logical to include them in the reserve system regardless of whether that would require the inclusion of well represented EVCs, however another approach would be to place all rare, threatened and depleted EVCs under some form of protection to avoid any further depletion, regardless of whether that protection required also including well represented EVCs in the reserve system.

The above statement taken from the Final Report on the Progress with Implementation of the RFAs, 2014 also highlights how conservation objectives are constrained by the interests of the logging industry. It states that if the percentage based reservation targets were achieved for threatened

⁷ ibid

EVCs (which is supposed to be the intent of JANIS) that this would have ‘resource availability implications’. This is inconsistent with the balance that the RFAs purport to achieve as it is essentially saying that intended conservation outcomes (percentage based reservation targets) cannot be met because of implications for the timber industry.

Under the current logic applied under the flexibility provisions threatening processes, such as logging are allowed in rare threatened and depleted EVCs whose reservation does not satisfy the 15% target, this is resulting in a continued loss of that EVC.

For example, several logging coupes in East Gippsland contain rare, threatened and/ or depleted EVCs that are under reserved, yet because of the flexibility provisions in the JANIS criteria these EVCs are being logged resulting in a net loss of the extent of these EVCs and a further detrition o their extent.

Table 1 on the following page lists VicForests logging coupes (as per the the 2017 timber release plan) that contain mapped rare, threatened and/ or depleted EVCs that are under reserved. These examples clearly show how the flexibility provisions in JANIS are resulting in further deterioration of EVCs that should be protected. This contradicts the consultation papers finding that the RFAs have been ‘satisfactory’ with regard to meeting objectives for conservation of forest bioregions and EVCs



Image: Google earth image of coupes 892-507-0007 and 892-507-0005 where Montane Grassy Woodland (Vulnerable EVC Monaro tablelands) was logged in East Gippsland

Table 1: Rare/Threatened/ Depleted Ecological Vegetation Classes threatened by VicForests logging in East Gippsland

Region	Coupe no.	Status	Coupe area (hectares)	Harvest area (hectares)	Rare/Threatened/Depleted (RTD) Ecological vegetation class (EVC)	RTD EVC in coupe (hectares)	% of coupe area within Planned Harvest area (hectares)	% of coupe mapped as RTD EVC	EVC status/ Bioregion	Known logged RTD EVC hectares Using current LAST LOG data set
Wes G pps a d	449-502-0004	Cu e	6	02	a s G assy o es	6 02	63 27468845	99 887 60 4	Vu e abe G pps a d a s	
No Eas	735-506-0009	Cu e	53	3	Back o Sc ub	33 98	57 694 0437	63 240 8279	Ra e E G pps a d Up a ds	
No Eas	735-5 0-0026	Cu e	4 64 9	30 5	Low a d He b- c o es	7 95	76 9236048	44 84 07772	Dep e ed E G pps a d ow a ds	
No Eas	735-5 6-0007	Cu e	34 93 27	34 54	Low a d He b- c o es	23 85	79 23383 33	54 7 25875	Dep e ed E G pps a d ow a ds	
No Eas	735-5 8-0008	Cu e	34 93 27	32 9	Low a d He b- c o es	9 02	76 330 94 3	45 00972	Dep e ed E G pps a d ow a ds	
No Eas	735-5 9-00 3	Cu e Rege 20 3, 20 4	4 64 9	38	Low a d He b- c o es	9 57	94 56373023	23 8 5 289	Dep e ed E G pps a d ow a ds	3 36
No Eas	735-5 9-00 7	Cu e Rege	32 75 75	8	Low a d He b- c o es	20 2	50 8399404	56 3454733	Dep e ed E G pps a d ow a ds	
No Eas	735-520-0009	Cu e	37 90472	9	Low a d He b- c o es	9 74	69 37240972	72 07428252	Dep e ed E G pps a d ow a ds	
No Eas	735-520-00 0	Cu e	4 39 6	7	Low a d He b- c o es	22 56	44 34227752	58 8448 064	Dep e ed E G pps a d ow a ds	
No Eas	737-505-000	Cu e	34 46455	9	Low a d He b- c o es	7 58	93 5023725	37 30252545	Dep e ed E G pps a d ow a ds	
No Eas	742-505-0004	Cu e	27 3884	25	D y Va ey o es	8 29	84 64780082	6 92833 08	Vu e abe E G pps a d ow a ds	
No Eas	742-5 3-0006	Cu e Rege	43 59249	26	D y Va ey o es	0 6	87 87824402	35 86 08342	Vu e abe E G pps a d ow a ds	8 99
Eas G pps a d	80 - 5 - 0007	Cu e	20 32034	28	L mes o e Box o es	4 48	66 793 4426	0 68690308	Vu e abe E G pps a d ow a ds	
Eas G pps a d	804-502-0026	Cu e	42 7204	3	L mes o e Box o es	3 3	65 3894628	6 9608 3782	Vu e abe E G pps a d ow a ds	
Eas G pps a d	804-503-00 6	Cu e Rege	40 03026	26	L mes o e Box o es	22 75	73 00305069	63 87766935	Vu e abe E G pps a d ow a ds	3 47
Eas G pps a d	8 - 504-00 3	Cu e Rege	40 8454	29	Va ey G assy o es	5 53	96 58 3853	8 4 707 06	Dep e ed H g a ds a Eas	~5 5
Eas G pps a d	837-5 3-00 2	Cu e	35 8680	35	Va ey G assy o es	0	84 520 2 9	26 47 8 869	Dep e ed E G pps a d Up a ds	
Eas G pps a d	837-5 5-0003	Cu e	38 338 3	30	Va ey G assy o es	8 93	63 2 454828	39 88837996	Dep e ed E G pps a d Up a ds	
Eas G pps a d	837-5 5-0004	Cu e	4 59 4	29	Va ey G assy o es	7 29	65 69409206	39 6727075	Dep e ed E G pps a d Up a ds	

Eas G pps a d	842-503-0007	Cu e	44 44	5	Back o Sc ub	6 56	57 32224848	63 28376233	Ra e E G pps a d Up a ds	
Region	Coupe no.	Status	Coupe area (hectares)	Harvest area (hectares)	Rare/Threatened/Depleted (RTD) Ecological vegetation class (EVC)	RTD EVC in coupe (hectares)	% of coupe area within Planned Harvest area (hectares)	% of coupe mapped as RTD EVC	EVC status	Known logged RTD EVC hectares Using current LAST LOG data set
Eas G pps a d	892-502-00	Cu e	47 45743	4	Mo a e G assy Wood a d	39 2	98 4602025	94 6 574 5	Vu e abe Mo a o Tab e a ds	
Eas G pps a d	892-502-00 2	Cu e	34 93 27	35	Mo a e G assy Wood a d	5 8	00	45 26030688	Vu e abe Mo a o Tab e a ds	
Eas G pps a d	892-507-0005	Cu e Rege	37 90472	35	Mo a e G assy Wood a d	37 9	92 3	00 0 39297	Vu e abe Mo a o Tab e a ds	34 99
Eas G pps a d	892-507-0007	Cu e Rege	32 75 75	32	Mo a e G assy Wood a d	32 76	97 7	00 025 895	Vu e abe Mo a o Tab e a ds	30 68
Eas G pps a d	892-507-0020	Cu e	34 46455	29	Mo a e G assy Wood a d	0 89	84	3 597685 6	Vu e abe Mo a o Tab e a ds	
Eas G pps a d	892-507-002	Cu e	4 39 6	3	Mo a e G assy Wood a d	34 02	74 9	82 9 463	Vu e abe Mo a o Tab e a ds	

Data sources:

Approved_TRP_Boundaries__January_2017 (VicForests coupes)

LASTLOG25 (Logging history spatial data)

NV2005_EVCBCS (EVC mapping spatial data)

Area calculations using QGIS (GDA94/MGA zone55 EPSG28355)

The failures of the RFAs to achieve in intended conservation outcomes, specifically in relation to meeting percentage based reservation targets for rare, threatened and depleted EVCs, again highlights the inadequacies of the CAR reserve system and the need to expand the reserve system to better achieve conservation outcomes as part of any modernised forest management regime.

The author of the consultation paper does highlight opportunities to incorporate EVCs that have low levels of protection in the CAR reserve system and this is welcome, however we recommend work to better protect EVCs not be limited to private land and must include an increase in the reserve system on public land.

3.1.3 – Threatened Species and Threatening Processes

The author of the consultation paper has determined the improvement is needed to better manage threatened species and threatening processes. We agree. However, we are concerned that the paper fails to take into consideration the impacts of off reserve management for forest dependent threatened fauna, which has led to demonstrable declines.

The CAR reserve system has been inadequate to provide for forest dependent threatened species. This is unambiguously demonstrated by the documented decline in forest dependent species in the last twenty years since the RFAs were signed. The decline of the Greater Glider provides a strong example.

Studies in the Central Highlands comparing sites in 1997 with 2016/17 report a decline of 50 to 65% in site occupancy for arboreal marsupial species dependent on large, old-cavity trees including the Greater Glider.⁸ Further studies report a decline in Greater Gliders of 8.8% per year from 1987 to 2010 a rate of 87% when extrapolated over two decades.⁹ In East Gippsland, unpublished data from a DELWP research project identified a decline of approximately 50% in the last 20 years, higher than the decline of all other arboreal species.⁰

The author of the consultation paper states on p. 21:

The priorities for the preparation of Action Statements and Recovery Plans have been adjusted over time as new information emerges and as a result of changes in state and national priorities and law (Department of Environment and Primary Industries 2014b).

The Greater Glider has now been listed as vulnerable to extinction under the EPBC Act for three years and no recovery plan has been produced, despite the requirement that a draft recovery plan be made within three years of listing.

In the Victorian context the species has been listed as vulnerable under the Flora and Fauna Guarantee Act for over two years and no action statement has been produced. This has led continued logging in known Greater Glider habitat with inadequate management prescriptions in East Gippsland, that were designed when the species was common, and no management prescriptions in the Central Highlands. This has led to environmentally unacceptable outcomes inconsistent with the purposes of the RFAs and EPBC Act, logging has occurred at known locations and within core habitats of listed species, such as the Greater Glider.

A ministerial briefing prepared by DELWP for Environment Minister Lily D'Ambroiso around the time that the Greater Glider was listed on the FFG Act stated that the preparation of an action statement would be prioritised and should take six months to complete, including public consultation. Two years later a draft action statement has not been produced and no public consultation has occurred. In this time, research by environmental groups has shows that more than 600 hectares of known Greater Glider habitat has been logged since the species was listed.²

⁸ Lindenmayer, D.B., and Sato, C. (2018) *Hidden collapse is driven by fire and logging in a socioecological forest ecosystem*. *PNAS*, May 15, 2018 115 (20) 5181-5186.

⁹ Lindenmayer, D.B., Wood, J.T., McBurney, L., MacGregor, C., Youngentob K. and Banks, S.C. (2011) *How to make a common species rare: A case against conservation complacency*. *Biological Conservation*, 144, 1663-1672.

¹⁰ Buff, L. (2017) cited in *Presentation 2: DELWP Forest Fire and Regions Gippsland, Summary Notes, Greater Glider Technical Workshop*. Department of Environment, Land, Water and Planning.

¹¹ Department of Environment, Land, Water and Planning, Biodiversity (2017) *Greater Glider and Habitat Hotspots. Correspondence to the Minister for Energy, Environment and Climate Change*. 30 January, MBR032305, p.3.

¹² Day, S., *Logging towards extinction, An investigation into Greater Glider habitat logged since the species was listed as threatened under the Flora and Fauna Guarantee Act on 14 June 2017*, Goongerah Environment Centre, June 2019. https://d3n8a8pro7vhmx.cloudfront.net/gecoforests/pages/19/attachments/original/1561884299/GTE_report_FINAL_WEB.pdf?1561884299

The Greater Glider provides a superlative example of how state accredited forest management regimes under the RFA are failing to protect federally listed threatened species (matter of national environmental significance).

The consultation paper identifies opportunities to better conserve Matters of National Environmental Significance (MNES) through changes to the CAR reserve system. This is welcome and we recommend the reserve system be expanded to protect known sites of occupancy for threatened species, such as Greater Gliders. However, off reserve management is also important. As stated above in the summary of our views on the RFAs, the exemption from the EPBC that the RFAs provide the logging industry should be removed and logging plans should be submitted for federal assessment under the EPBC Act.

Federal assessment of logging plans would be the most effective way to improve conservation for MNES, however in the absence of federal assessments the Victorian government must, in addition to expanding parks and reserves, implement stronger protective prescriptions for threatened species such as the Greater Glider that guarantee detection based protection of known occupancy sites under any future forest management regime.

The consultation paper concludes that there is insufficient information to allow for an assessment of the effectiveness of complementary management of forests outside the CAR reserve. However, the declines in forest dependent threatened species whose habitat largely falls outside of the reserve system provides clear information that the effectiveness of off-reserve management has failed threatened species.

Table 3 in the consultation paper shows that the majority of modelled Greater Glider habitat falls outside of the reserve system. This suggests that off-reserve management has not been adequate to prevent declines in this species as it has allowed threatened processes such as logging to occur in important areas of habitat. The Leadbeater's possum is critically endangered and faces an extremely high chance of extinction, yet less than half of its habitat falls within the reserve system according to table 3.

Most threatened species prescriptions in Victoria have not been reviewed or improved in the last two decades, and fewer still in the last decade. The consultation paper fails to refer to this. This is despite numerous government and scientific experts finding deficiencies in current prescriptions and dramatic declines in species whose current prescriptions have failed to prevent declines. The federal conservation advice for Leadbeater's possum demonstrates that a near-complete cessation of logging is required within the Central Highlands RFS region to effectively safeguard a federally listed species.³

¹³ Threatened Species Scientific Committee, 2015, Advice Gymnoble deus leadbeater Leadbeater's possum <http://www.environment.gov.au/biodiversity/threatened/species/pubs/273-conservation-advice.pdf>

The consultation paper finds that:

More effort is needed to stop the overall decline of forest-dependent threatened species and improve the extent and condition of forest habitats.

We strongly agree with this and propose the best way to achieve this is through an expansion of the reserve system to better protect habitats and through the referring logging plans for detailed assessment under the EPBC act.

The loss of hollow bearing trees has been listed as a threatening process under the FFG Act since 2003, however the action statement is too weak to adequately address and prevent further losses of hollow bearing trees. In East Gippsland it is common practice for VicForests to fell hollow bearing trees, even in known areas of habitat for hollow dependent threatened species, such as Greater Glider. In the Central Highlands the loss of hollow bearing trees in the montane ash forests, combined with the increased frequency of fire is likely to result in the collapse of that ecosystem.

Any modernised future forest management regimes must include comprehensive measures to protect hollow bearing trees both through expanding parks and reserves to protect areas of hollow bearing trees and to facilitate future recruitment of hollow bearing trees by protection of age classes that are likely to develop hollows in the coming decades, but also through strong and enforceable prescriptions such as 100m buffers on all hollow bearing trees outside of reserves, as recommended by ANU research.⁴

3.3.1 – Regulatory mechanisms for ecologically sustainable forest management

The consultation paper states that the regulatory mechanisms for ESFM are satisfactory, yet it completely ignores a large body of evidence that contradicts this. The consultation paper makes no reference to the Independent Review of Timber Harvesting Regulation (October 2018) that highlighted the ineffectiveness of the regulatory system accredited by the RFAs⁵. In particular, the review noted that DELWP are neither a respected nor effective regulator and that:

- DELWP regulatory practice and capability is weak.
- DELWP has no clear compliance and enforcement policy
- DELWP is unclear about its role and purpose as a regulator
- VicForests does not have a clear understanding of the department's role as a regulator
- DELWP has neither the capability or capacity to achieve its objectives
- The regulatory framework governing timber harvesting operations is not fit for purpose and difficult to apply.

¹⁴ Lindenmayer, D., Barber, D., McBurney, L., Banks, S., Steen, J., Hobbs, R., Likens, G. and Franklin, J., 2013. Principles and practices for biodiversity conservation and restoration forestry: a 30 year case study on the Victorian montane ash forests and the critically endangered Leadbeater's Possum. *Australian Zoologist*, 36(4), pp.441-460.

¹⁵ Independent Review of Timber Harvesting Regulation, Panel Report to the Secretary of the Department of Environment, Land, Water and Planning, October 2018.

In light of this recent review that delivered an arguably scathing assessment of regulation of timber harvesting in Victoria it is surprising the consultation paper makes no mention of its findings and how these reflect on the the ineffectiveness of the forest management regime in Victoria that has been accredited under the RFAs. The failure of the regulatory system to achieve its objectives highlights the broader failures of the RFAs. The RFAs rely upon state accredited management regimes to achieve objectives, however it is clear that timber harvesting regulations within the Victorian accredited regime are not being enforced and complied with and consequently the objective of the RFAs have not been met.

The failure of the regulation of timber harvesting and Victorian forest management accredited under the RFAs is further highlighted by a long history of community groups taking legal action against DELWP and VicForests in relation to aspects of the regulatory framework that have not been adequately enforced.

The current case of *Friends of Leadbeaters Possum v VicForests* in the Federal Court is testing whether the logging conducted by VicForests that has significant impacts on matter of national environmental significance has been conducted in accordance with the RFA if state based regulations have been breached. Regardless of the outcome of the case, the fact that a case of this nature has proceeded to trial and enough evidence exists to run it, is evidence of the failure of the state accredited regime to manage threats to matter of national environmental significance.

The Supreme Court case of *Fauna and Flora Research Collective v The Secretary of the Department of Environment Land Water and Planning and VicForests* again highlights the failures of the the RFA accredited ESFM regime in Victoria.

The Supreme Court Case of *Environment East Gippsland (EEG) v VicForests* concerning logging at Brown Mountain argued that logging by VicForests (accredited under under the RFA) posed a threat to listed threatened and endangered species and was at odds with government legislation. EEG won the case, proving that logging at Brown Mountain could not go ahead without implementation of a range of measures to protect threatened species (as required by Victorian law). This proved the failures of the RFA accredited ESFM regime in Victoria to achieve the objectives of the RFAs.

The consultation paper states that further effort is required to improve transparency in the application of the Code. We agree with this statement; however, it fails to go far enough. It is not just transparency in the application of the code that requires addressing it is also the enforcement of its application. VicForests are required to apply the Code and DELWP are responsible for enforcing the Code.

VicForests failed its Forest Stewardship Controlled Wood audit in 2017 due to a number of major non conformances, including illegally harvested wood. This was due to the the fact the DELWP had raised violations against VF for *'encroaching beyond the delineated boundaries of a harvest unit, into sensitive areas such as stream protection zones or habitat of key invertebrate and vertebrate*

*species.*¹⁶

The fact that the auditors (SCS Global) listed this as a major non conformance to the FSC standards again highlights the ineffective nature of regulatory mechanisms for sustainable forest management, if these mechanisms were effective VicForests would not be breaching regulations in sufficient frequencies to trigger this non conformance to what the FSC standards require. FSC standards are regarded as the global benchmark of sustainable forestry operations. It is also important to note that VicForests has failed four FSC audits in the past, further highlighting the disjunct between the Victorian accredited ESFM regime under the RFAs and what is considered global best practice forest management by FSC.

4.1.2 – Conserve forest biodiversity and maintain ecosystem health

We agree with the author of the consultation paper that modernised forest management regimes should respond to the likely impact of climate change and other environmental pressures on threatened species.

The author proposes that this should support Victoria's biodiversity plan and Matters of National Environmental Significance (MNES). We broadly agree and again recommend removal of the EPBC exemption and referral of logging plans for assessment under Federal environment law as the best measure to support MNES. Whilst Victoria's Biodiversity Plan does identify a gap in the reserve system that will need to be filled and result in the expansion of parks and reserves, we raise concerns over the 'landscape scale approach' the biodiversity plan proposes and the potential implications this may have for weakening single species detection based protection. A landscape scale approach to biodiversity conservation is appropriate with regard to establishing a large landscape level protected areas to conserve biodiversity, however a landscape scale approach outside of reserves may have implications for weakening single species detection based protections.

The retention of specific species protections and detection-based zoning is essential to the proper management of Victoria's threatened species. This approach is and continues to be a cornerstone of threatened species management in Australia, in comparable jurisdictions overseas, and in international best practice. It is fundamental to any legal and policy framework that can sensibly be said to be pursuing, or achieve, the goal of threatened species management: the arrest and reversal of trajectories of decline of species and ecological communities at risk of extinction.

Species-specific protection and detection-based zoning cannot be replaced by, or defer to, uncertain and standardised models of biodiversity management, functioning at coarse or inappropriate spatial scales, and which, under the current broad policy model, appear designed principally to inform decisions as to public funding for conservation measures. Use of landscape-scale biodiversity models may be appropriate for certain funding decisions and to assist in reserve design, but they cannot replace adequate, effective and efficient regulatory protection of those species and communities threatened with extinction. Regulatory protections and prescriptions are an essential safety net for

¹⁶ Forest Management Controlled Wood Certification on Evaluation Report VicForest State Forests in the Central Highlands and East Gippsland and SCS Global Services, October 2018.
<https://d3n8a8pro7vhmx.cloudfront.net/gecoforests/pages/2252/attachments/original/1538975965/report-centra-highlands-and-west-gippsland-wfpc-jpbkkyp.pdf?1538975965>

those species. It is clear that the task of safeguarding this part of Victoria's natural heritage cannot be achieved without this safety net.

Detection based protections are the most appropriate management for MNES that occur in areas outside of reserves.

Opportunities for transitioning forest jobs through accounting for the full suite of forest values

There are several opportunities under the RFA modernisation program to commence a transition of jobs in the native forest logging sector, in light of the changed circumstances in Victoria's forests, climate change, diminishing wood supplies, increased risk of fire, species decline and risk of ecosystem collapse.

It is important to consider that whilst a transition from native forest to plantation wood is required, it should not be the limiting frame of how a transition of forestry jobs is defined.

Several opportunities exist to create new jobs in forest based industries if the full suite of forest values is accounted for. The study *Experimental Ecosystem Accounts for the Central Highlands of Victoria - Summary document*, July 2017 found that the value of key regional industries far outweighs that of the native timber industry. This research found that native forests would provide greater benefits from their ecosystem services of carbon sequestration, water yield, habitat provisioning and recreational amenity if harvesting for timber production ceased, thus allowing forests to continue growing to older ages.⁷

If a methodology for assessing carbon storage potential of Victoria's forests, some of which have been identified by experts as among the most carbon rich forests on earth⁸ was developed it would be possible for the Victorian government to profit from a carbon market using its public forest estate, noting that fossil fuel emissions ought not be directly offset with land carbon credits either domestically or internationally.

In the absence of a carbon method, the state government could establish immediate 'carbon reserves' over areas of high conservation value that provide important habitat for listed threatened species whilst a carbon methodology is developed, this would allow the full value of forest carbon to be reserved and avoid loss in carbon value whilst a method is developed.

Funds earned by the state of Victorian from the protection of forests and avoided logging through potential carbon markets could be directed to alternative forest management industries and work forces such as environmentally focused land management programs that focus on forest restoration, pest control, fire management, improving nature based tourism infrastructure. These new forest

¹⁷ Keith, H., Vardon, M., Stein, J., Stein, J. and Lindenmayer, D.B., 2017. Experimental ecosystem accounts for the Central Highlands of Victoria. *Canberra, Australia: The Australian National University and the Threatened Species Recovery Hub*

¹⁸ Keith, H., Mackey, B.G. and Lindenmayer, D.B., 2009. Re-evaluation of forest biomass carbon stocks and lessons from the world's most carbon-dense forests. *Proceedings of the National Academy of Sciences*, 106(28), pp.11635-11640

management programs could prioritize employing people transitioning from the native forest logging industry into alternative employment. This would assist in the completion of the transition out of native forests and compliment other opportunities to transition to 100% plantation and non timber sources of fibre.

Regardless of the the Commonwealth's position on the role of carbon and the establishment of a carbon methodology, the Victorian government should properly value the states forest carbon assets in any modernized forest management regime.

The finalization of Victoria's emissions reduction targets present further opportunities to value to role of forest carbon to meet ambitious emissions reduction targets.