

30 June 2019

Department of Environment, Land, Water and Planning (DELWP)

SUBMISSION ON VICTORIAN REGIONAL FOREST AGREEMENTS AND THE INDEPENDENT CONSULTATION PAPER - MODERNISATION OF THE VICTORIAN REGIONAL FOREST AGREEMENTS

I am writing to provide comment as a public member on the renewal of the Regional Forest Agreements, and to provide comment on the Independent Consultation Paper.

I have been a frequent user of State Parks for recreational purposes for over thirty years. These days, walks with my young family tend to end in discussions about logging, habitat destruction and species extinction as we increasingly see logging coupes.

I understand that the intent of Regional Forest Agreements is to protect certain forest areas through the forest reserve system, whilst developing native forest logging industries. The RFAs effectually delegate the responsibilities of Forest management from the Commonwealth to the state governments to balance the two competing needs of protection of native forests with wood production in native and plantation forests.

I believe the renewal of the Regional Forest Agreements in Victoria, and the proposed 'modernisation' of the regime as discussed the consultation paper do not meet the RFA's own stated objectives of providing for the ecologically sustainable management and use of forested areas in regions; and to provide for the long-term stability of forests, for the following reasons:

1. **The protection of threatened species and Victoria's unique biodiversity would be of a higher standard if regulated by the Commonwealth Environmental Protection and Biodiversity Act, rather than the RFAs.** Under the existing twenty year agreements, successive State Governments have compromised nationally significant environmental assets through ongoing logging operations of native forests. States have had difficulties achieving a balance between sustainable forest management and the requirement to deliver stipulated volumes of wood products under the existing RFAs. The independent consultation paper suggests the renewed RFAs will include 'certainty of supply' (section 4.2.2) suggesting that stipulated volumes of wood products will continue. Such a mandated requirement in an agreement is likely to take priority over sustainable forest management and biodiversity goals which are vaguely described and do not have 'locked in' measures of success (for example, such as 99% preservation of endangered species habitat). How this conflict will be resolved is not adequately outlined in the consultation paper.
2. **The forestry operational activities covered by the RFA regime are excluded from other environmental and planning approval requirements.** There is no requirement for environmental impact assessments to be undertaken prior to logging of new areas and therefore little or no assessment of the impacts of cumulative logging is undertaken. Of all the industries dependent on native forests, the current RFAs allow for the unique exclusion and protection of the Forestry Industry from national and state laws. The consultation paper does not adequately explain how third parties and other stakeholders will be able to effectively

assist in forest management planning as intended in section 4.3 if the renewed RFAs continue to exclude the industry from assessment requirements that other land users are subject to.

3. **The independent consultation paper does not adequately discuss how activities under the RFAs will be monitored in line with its obligations under the EPBC Act.** The Hawke review in 2008 said that similar to other activities under the EPBC act that are assessed and approved, the RFAs should be monitored and audited to ensure that they meet the agreed conditions of the approval. This needs to be enforced under any new RFA.
4. **The existing RFAs limit third party participation rights,** through the threat of experiencing punitive court costs when challenging forestry operations. This conflict with the community is set to continue unless additional avenues for consultation and input into management are devised. Whilst the independent consultation paper states that more stakeholder consultation should take place, there is no mechanism discussed to ensure that third party consultation and input is incorporated.
5. **There is no proposed overhaul of the current inadequate 5 yearly monitoring, assessment and review of compliance RFAs** which has been previously highlighted by the Auditor General's office. Stakeholder consultation and collaboration as outlined in 4.3 will take place after native forest supply volumes are stated in the agreement. The oversight of the forest management plans as detailed in the previous RFAs have not been comprehensively subjected to the 5 yearly reviews as were originally set out by the RFA. Where reviews have been conducted, most recommendations were not implemented. There is nothing to suggest that a review process is mandatory and that it will be subjected to public scrutiny and enforced.
6. **The consultation paper does not adequately outline mechanisms to improve RFA protection of Threaten Species.** The current listing of Threaten Species Action Statements is woefully inadequate in that Action Statements cover only half of Victoria's threatened species and these statements differ in quality. Forestry operations require compliance with a Threatened Species Action plan under the Code of Practice for Timber Production however if one doesn't exist for a species, then there is no obligation to protect the species in that area. The RFAs need provisions to ensure complete coverage by Action Statements for all Victorian threatened species. The Action Statements also need to be clear and strong in imposing obligations on Forest Industries independent of Forest Management plans. It is also unclear how compliance with these Action Statements will be enforced to protect rapid biodiversity loss. These need to be strengthened.
7. **The independent consultation paper on modernising and harmonising the RFAs does not adequately address mechanisms for change over the 20 year life of the agreements.** Climate and Ecological scientific evidence indicates unprecedented global environmental instability over the next twenty years. The consultation paper does little to discuss how the RFAs can be adapted or modified to meet rapid environmental, societal and economic change. Nor does it discuss whether the twenty year length of the agreement is an appropriate time-frame for locking in the mandates of the agreement.
8. **The consultation paper does not adequately explain how conflicts between the support of forestry based industry (forestry industry) in 4.2.2 and the goal in 4.1.2 to conserve forest biodiversity and maintain ecosystem health.** It does not adequately explain how community consultation and collaboration will be treated alongside the goals of supporting the timber industry's logging of native forests. It does not explicitly state which of these goals will take priority or be favoured in discussions with stakeholders.
9. **Forestry Industry 'stability of supply'.** The section 4.2.2 – Support the development of forest-dependent industry is largely focussed around the needs of the timber industry which implies that the timber industry's long term viability rests entirely with the RFAs ability to

offer the industry 'certainty' for long-term stability of supply. Unfortunately, the use of forests particularly native logging, largely affects the development and support of other industries that rely on these forests being present. The independent assessment paper merely acknowledges the existence of other industries but does little to explain how the potential growth of these industries and other carbon future industries can develop (let alone exist) when native forests have been forfeited to another industry. The provision to adapt RFAs for future industries, such as forest carbon banking and eco-tourism, should be accounted for.

10. The statement in section 4.2.2 'to support efforts to reduce greenhouse gas emissions using low embodied energy building materials that store carbon' is somewhat strange given that a more efficient way to store carbon is through maintenance of old growth forest that is typical of native forests.

I look forward to hearing your response to these points. Thank-you.

Yours Faithfully,

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