



Sustainable Forest (Timber) Act 2004 Review
Department of Primary Industries

Via email: sfta.review@dpi.vic.gov.au

1 October 2012

SUBMISSION

Proposed changes to the Sustainable Forests (Timber) Act 2004

The proposed changes to the Sustainable Forests (Timber) Act are a massive attack on the accountability and transparency of VicForests and the Departments involved in public forest management.

There has been serious over-allocation and over-logging of our native forests for years. The establishment of VicForests to run the commercial side of logging has seen an increase in incompetence and a Devil-may-care attitude embedded within the organisation. Planned changes to the SFTA appear to ensure this culture and attitude remains entrenched, and in fact gains legal protection.

We would recommend that if these proposed changes are to be adopted, the name of the Act must be changed to reflect the reality - publicly owned forests are appallingly managed by a small section of public servants.

It is shameful enough for the public to see forests treated as if this government were an indebted third world country kowtowing a bigger nation; it is sickening to have the name of the Act emphasise this lie.

The minimal environmental regulations that are part of the SFTA, are constantly defied, ignored and flouted. When this is documented and presented, it is denied.

EEG's or the public's comments won't be any surprise to this government or the DPI. Our comments will also be of no consequence to the outcome which is pre-determined. We are making this submission with no illusion that it will be taken seriously. We are putting these comments on the record that they may be referred to in the future. DPI, DSE and VicForests have been presented with the arguments and facts that we would hope should be considered. There can be no claim that these entities and their responsible Ministers were unaware.



In summary, EEG suggests that the SFTA be strengthened to ensure some duty and obligation to the word 'sustainable' rather than weakening the Act as proposed.

Further detailed comments are below.

Resource security

As was made clear in previous public comments to previous government processes over the years, one of the RFA's major and obvious oversights was the unwillingness to consider the insecure nature of the 'resource'. Loss by fires were never regarded as a likelihood and still isn't. Instead the tree-counters employed to estimate volumes are happy to guarantee mega volumes, knowing they can't deliver. This has been so predictably systematic and ongoing (through the various make-overs of the responsible government department) that it has to be deliberate.

Given the current circumstances facing this state over the coming years, we find it absurd that a Government would be introducing legislation for 'resource security' in some of the most flammable forests in the world. There has been no modelling provided by the Government to indicate any attempt to assess the financial risk this crude and simple-minded scheme will have on the State. Governments should not pass legislation for things they have no control over.

Climate change will dramatically increase the risks of catastrophic fires in the coming years and nothing the Victorian Government has done will have any impact on controlling fires that ignite under conditions seen in 2003, 2006 and 2009.

Furthermore, recent research conducted by David Lindenmayer (Lindenmayer et al 2009, Lindenmayer et al 2011) has shown how logging in some types of forests increases the risk of fires. Following the publication of these results, forest interests have tried to dispute these findings but all these attempts demonstrate an appalling lack of understanding of Lindenmayer's work (Poynter 2010, Ferguson & Cheney 2011). The work by Ferguson and Cheney was funded by VicForests. Since Lindenmayer's original paper, his group has done further research which has validated their initial findings. The Government would be extremely irresponsible to ignore these findings, especially should another extreme fire event be fuelled by logging regrowth, as it was in 2003, 2006 and in 2009.

Certainty

The theme of 'certainty' runs throughout the industry submissions and general appeals to the media and government, but there is an unsurprising lack of any discussion about how VicForests, DSE and its predecessors have created resource uncertainty in the past.

For planning purposes, VicForests/DSE has estimated the amount of log volumes from coupes. In the East Gippsland FMA, their performance in providing reliable estimates has been appalling. These results were all published in the now dismantled MAHP program.



When these results are tracked from 2003/04 to 2008/09, the accuracy of the estimates decline significantly over time. We looked at the performance of DSE/VicForests for the "Other Species" forests in the East Gippsland FMA and analysed the data showing the actual volume of timber produced as a percentage of the volume predicted by DSE/VicForests modelling. The median value of this percentage falls from 81% in 2003/04 to only 52% in

2008/09. In other words, for half of the East Gippsland coupes, the predicted amount of timber from the coupes was no more than 52% of the actual amount of timber produced. The ineffectiveness of the system or the ability of foresters to oversee the estimates work is staggeringly abysmal.

For the five years from 2004-05 to 2008-08, VicForests/DSE predicted that the 'Other Species' forests in the East Gippsland FMA would produce about 580,000 m³ (net) timber. The actual net volume produced was 430,000 m³ or a staggering shortfall of 150,000 m³. This is the amount of sawlogs that would be logged in more than one year.

So, at the end of the first five year period that VicForests was operating, the logging industry in East Gippsland found it has produced 150,000 m³ less sawlogs than it had been told to expect and the accuracy of forecast yields from coupes was declining.

We are vehemently opposed to allowing any form of compensation to the logging industry if the 'resource' is not able to be supplied. All indications are that the 'resource' doesn't exist. VicForests and the Ministers responsible know this. Twenty year licences are a foolish plan given the clear evidence of 'resource' estimates being in a total mess.



None of this 'loss of resource' has anything to do with transferring forests into National Parks. The uncertainty and difficulty in planning for the industry is a direct result of the appalling lack of reliable information from DSE and VicForests about resources. DSE and VicForests are well aware of this serious fault but carry on regardless. EEG has

detailed and presented these failings and the incompetence of forest management to government many times. The solution is not to simply bolt the doors shut against the public's eyes and change the laws. As has been clearly demonstrated in Tasmania, no amount of corruption and government collusion saved the day for the industry there.

Changes made in the administration of logging in this State mean that resource figures produced by VicForests are no longer available to the public and are not checked by any independent body. This suits the cut-out and get-out style of operation very well, but does not suit responsible management that is supposedly based on 'sustainability' and ESD.

The only *certainty* that can be offered to the logging industry is that the export woodchip industry has run its course. The very thing that has kept the logging industry afloat since the early 1970s will continue its downwards trajectory. Changing every law in Victoria will not create *certainty* for this small industry. Changing laws will not produce a biomass market for forests either.

Biodiversity Conservation

VicForests makes it perfectly clear what it thinks about biodiversity protection and sustainable forest management in its own submission to the review:

Although VicForests supports and works towards sustainable forest management, and is a signatory to the Victorian Government's Sustainability Charter, VicForests considers that the sections relating to Sustainable Forest Management should be removed from the SFTA because the principles around Ecological Sustainable Development are only aspirational in nature.

VicForests claim that it "*supports and works towards sustainable forest management*" can't be taken seriously. Only recently it has supported plans to emasculate the Flora and Fauna Guarantee Act by changing the Code of Practice. It also recently avoided legal penalties over further illegal logging of rainforest after a deal with the Department of Sustainability and Environment. The list of evidence of VicForests' reckless style of operation and breaches of environmental codes is extensive. It now seeks to have mention of ESD and 'sustainable forest management' removed as it's merely an 'aspiration'. VicForests commercial imperatives must not dictate how this Act is rewritten. Rather than removing mention of the need for environmentally sensitive logging, it must in fact be made stronger and clearer in the Act. The public expect this to be a very basic minimal requirement of such legislation.

VicForests' comments made about the removal of sections of the Act dealing with the precautionary principle can only be motivated by retribution for losing the Brown Mountain court case and being forced to adhere to state laws that protect rare wildlife. There is no other explanation. These petty grudges must not dictate sound legislation in Victoria.



Proposals detailed under the 2011 Timber Industry Action Plan would see:

- logging in parks and water catchments under the guise of ‘ecological thinning’,
- burning native forests for electricity,
- changing laws so that protected species and habitats don’t get in the way,
- converting native forests into plantations suited for commercial use only.



These plans make a mockery of VicForests’ claim that it “*supports and works towards sustainable forest management*”. It clearly isn’t and there must be even stronger legislation to ensure that public forests are not managed as if Victoria operates under a Suharto-style dictatorship.

VicForests is more interested in publicity stunts and the dissemination of misinformation to the public about biodiversity than conducting any real monitoring or research into the effects of logging on wildlife. This was made perfectly clear recently when VicForests misrepresented a student Forest Internship project at Melbourne University. It described it in the Annual Report as a “Masters Thesis”.

Sustainability

What is transparent with past and current logging management is the unequivocal modification of public forests from biodiverse ecosystems to intensively managed commercial tree crops to provide private profit. Any review of the Act must address this issue.

Pared back Allocation Orders as the sole government approval

The report recommends making Allocation Orders the sole government approval that VicForests would need to log public forests. This would remove government approval of Timber Release Plans and even the most minimal checks that went with this.

It would of course suit the bureaucrats within VicForests and its board members, but would be getting dangerously close to a totalitarian entity.

The review also recommends removing the following elements of the Allocation Order:

- a. the Allocation Order’s 15-year time limit.
- b. the ability for the Minister to place conditions on the Allocation Order.
- c. the regular 5-year reviews of the Allocation Order.

The intent of this is crystal clear - and very sinister. The change to the approval process must not be weakened under the Act. There needs to be added public scrutiny and accountability to a wider set of interests apart from the narrow commercial wants of what some call the VicForests Empire.

Public Consultation - a con

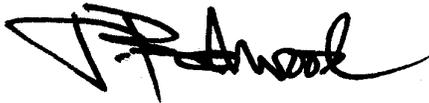
Since the last election, publicly available information about logging has been progressively removed from the internet. The most recent change – the removal of all logging information from the Forest Explorer application - signals clearly that the Government does not want the public to have access to information about logging operations. The question the public would ask is – why?

The removal of this information is a clear signal that the Government is no longer interested in accountability of those exploiting public property, and are not interested in meaningful public consultation.

Devoid of information the Government is expecting the public to waste time making comments on logging plans. The government must restore all the information previously available about logging in public forests.

EEG will not be further insulted by the sham of supposed 'public consultation' which could soon be a fully fraudulent process.

Jill Redwood

A handwritten signature in black ink, appearing to read 'J Redwood', with a stylized flourish at the end.

Coordinator

References

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