

(un)Sustainable

Submission on Draft Report on Progress with implementation of the Victorian Re- gional Forest Agreement (RFA) 2010

If a reporting system is to measure change in Australia's forests successfully,
it must be underpinned by adequate *and* ongoing data collection.

Federal State of The Forests Report 2008

A report written for The Departments of Agriculture, Fisheries and Forestry, Dept. Of Sustainability and Environment
and MyEnvironment Inc. Members.

Written by - Sarah Rees



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Section 1



- a) Introduction
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Introduction

MyEnvironment Inc. Is an environmental, not for profit registered charity. We have 220 members and work as volunteers. We operate from a donated office in Healesville, Victoria and make representation on behalf our members and their concerns on issues of ecological significance. Our members are varied and work in different sectors of the community.

This submission will present a case where National Estate values were deliberately ignored in the RFA formulation and highlight how the RFA's then failed to protect RFA recognised species such as the Baw Baw frog. The case reveals how members of the Victorian government bureaucracy removed crucial chapters of a state government commissioned report that recommended the protection of the Baw Baw plateau and escarpments. The removal of these chapters ensured that one of the world's most significant ecosystems remained available for clear fell logging, a practice permitted under the RFA.

We will then show why sustainability can't be measured through the RFA process because of a lack of data.

And conclude with our recommendation being for the removal of the RFA's and the immediate cessation of wood chip related forestry in the Central Highlands.

Sarah Rees



President

MyEnvironment Inc.



Executive Summary

On the 7th of December 1992, all Governments (except Tasmania) shared and agreed on a vision for the ecological sustainable management of Australia's private and public forests through; the **National Forest Policy**. Eleven broad national goals for forest management were identified including; tourism, con-servation, research, water catchment management and public awareness. The state governments agreed to a comprehensive approach to forest management that *formalised* appropriate managing and monitoring arrangements.

The RFA's ambitious aims included;

- 'equitably balance competing sectoral objectives'
- 'secure the protection for environmental and heritage values'
- 'secure regional and national economic benefits within an *ecologically sustainable framework*'

In essence the RFA's were supposed to protect areas of National estate value and guarantee the ongoing survival or rare, threatened and endangered species.

However, the RFA process was fraught with dysfunctional beginnings. Before RFA's, the Endangered Species Protection Act (later becoming the EPBC Act) was the legal mandate that prevented known threats to biodiversity however, the RFA's exempted the Act's powers which has been tantamount to genocide for many species and ecosystems, verified by the State of The Forest Report 2008.

To feature some of these issues on ground, we present a case in a site of global significance - The Baw Baw's. It is an area that has been all but lost to the appetite of the Australian Paper pulp mill - Maryvale. This is because the political decision for this mills feedstock to come from the Baw Baw region, relied on the deliberate omission of important science, involved industry subterfuge and today demonstrates that the exemption of a third party environmental protection mechanism like the EPBC Act has resulted in extinctions and degradation.

Our report will highlight the risks associated with a lack of review. We will show that insufficient regular examination of the RFA process has produced knowledge gaps that has lead to deficiency's of data in sustainability reporting.

This report will focus on three key areas;

- The extent to which milestones and obligations have been met including **management of the National Estate**;
- The results of monitoring of **sustainability indicators**;
- Invited public comment on the **performance of the Agreement**.

Sustainability - Reporting failure

In 1992 the National Strategy for Ecologically Sustainable Development, prepared by the Ecologically Sustainable Development Steering Committee and endorsed by the Council of Australian Governments established an aim to:

*Ensure Australia continues to refine and improve mechanisms for the ecologically sustainable management and use of its forests, by bringing together the commercial and non-commercial values of forests in such a way as to **improve** the material and non-material welfare of all Australians, and to ensure all forest values can be utilised on a sustainable basis.*

*The principle objective was: **to manage and utilise Australia's forest estate for all forest values on an ecologically sustainable basis.***

The RFA's made a commitment to all Australian's to 'develop appropriate mechanisms to measure forest sustainability' and provide the results for those indicators to enable assessment for the first review of this agreement, this was agreed on by parties in 1998 and formally recognised in September 2009.

48. Parties agree that the current forest management system could be enhanced by further developing appropriate mechanisms to monitor and review the sustainability of forest management practices. To ensure that this occurs, Parties agree to establish an appropriate set of sustainability indicators to monitor forest changes.(RFA Central Highlands 1998)

50. Development of indicators, and collection of results for those indicators which can be readily implemented, will be completed in time to enable assessment during the first review of this Agreement. (RFA Central Highlands 1998)

This pledge became the State of the Forest Report (SOFR).

The State of the Forests Report's were to be underpinned by established and proper forest monitoring systems consistent with the Montreal process criteria and results over time would provide a base for sustainable management. However, DSE have not been able to measure outcomes for the SOFR properly because they assumed (incorrectly) that it would come from external sources, did not set up measurement, and now can not find the data. Despite being heavily logged and burned entire ecosystems and their species were never monitored and the data was not collected.

The governments tool for measuring sustainability, the State of the Forests Report, states that it has failed to provide adequate data on two thirds of its indicators. An absence of data has made assessment and de-termination of sustainability unachievable and therefore the RFA has failed to 'monitor forest changes'. For this reason, an ecological review is impossible and the RFA's have failed to meet principle management objectives for 12 years in the Central Highlands of Victoria, Melbourne's water supply.

Background

On February 2002, 4 years after the signing of the RFA's, the Victorian Government produced its election commitment on forests, the *Our Forests Our Future* policy (1) as the culmination of the governments commitment to the RFA process. This policy document recognised that forest practices were not sustainable (despite four years of RFA operations), and outlined a transition for native forestry to meet ecologically sustainable development goals. This recognition took place 12 months before the RFA's first review was due however, the first 5 year review never took place.

As part of the *Our Forests Our Future* policy, The Sustainable Forests (Timber) Act 2004 was drawn up and provided for the development of a Sustainability Charter. The Act stated that the Sustainability Charter must set out objectives, consistent with the National Principles of Ecologically Sustainable Development, for both the sustainability of the environment and the sustainability of the logging industry. As part of the Victorian Government's commitment to achieving sustainable forestry under the RFA's, every five years the 'State of The Forests Report' (SOFR) was to be produced. The State of the Forest Report uses 45 indicators to assess sustainable forest management in Victoria

Whilst the aim of the report is to measure sustainability in native forest management, the most recent Victorian SOFR 2008 states that;

“Victoria's capacity to report on sustainable forest management is limited by data/information availability and an inability to report long term trends for most indicators.”

As this submission will demonstrate, gaps in the Victorian Government's data make it impracticable for a government to state that the RFA's are meeting their commitments to sustainable forestry, further to this, where government documentation show forestry's harmful effects, such as logging continuing to threaten Melbournes drinking water, the RFA has failed to implement 'a fully integrated and strategic forest management system capable of responding to new information. (RFA ESFM point 39)'.

In no means is the information and evidence provided exhaustive and complete but it demonstrates that primarily, the Central Highlands RFA is failing in that:

- **There is a clear lack of quantifiable evidence for any party to establish the RFA's effectiveness in managing sustainability objectives set for environmental, recreational and other uses.**
- **Mechanisms for adjusting forestry operations in accordance with new science, risk recognition or conservation requirements have not been effective.**
- **Mechanisms for dealing with threats to RFA recognised National Estate regions did not provide safeguards and could be manipulated by state logging interests.**
- **Forest management is still guided by political conflict, so RFA conflict resolution objectives have failed to protect forests and kept politicians away from biodiversity conservation targets.**

Our Forests Our Future

In February 2002, the Victorian Government delivered a policy document to Victorians called 'Our Forests Our Future' as part of its election promise. In recognising that native forestry was unsustainable the then Premier of Victoria stated the following;

'We know that the current level of logging in Victorian forests is unsustainable and that we are at risk of losing one of our most valuable resources.'

...new independent analysis has confirmed community concerns that the sustainability of our forests is at risk.

...If we do not act now we will stand condemned by future generations of Victorians on three fronts: for failing to protect our precious natural environment, for failing to secure the future of an important industry and for failing to provide the right conditions for new jobs and investment across the whole of Victoria.

Our Forests Our Future outlined the changes native forestry had to undergo in order become a sustainable operation, further illustrating that the RFA had been failing forests and forest workers, and affirmed the state governments commitment to sustainability;

Our Forests, Our Future now gives a firm guarantee that there will be a sustainable future for our precious native forests. This will be the product of the Government's long-term vision, and its commitment to sustainability as the foundation for managing the multiple roles of our forests in maintaining our natural heritage, biodiversity, health, well-being and prosperity.

This policy document continues to this day to underpin the Victorian government's forest industry. But the 'firm guarantee' has not yielded forest sustainability because 'firm guarantee(s)' are not mandated, legally binding commitments to measure sustainability, possibly because sustainability cannot be measured.

Globally, claims of sustainability have yet to receive full endorsement or guarantee. The International Standard ISO 14021: Environmental labels and declarations - self - declared environmental claims (Type II environmental labeling) states:

The concepts involved in sustainability are highly complex and still under study. At this time there are no definitive methods for measuring sustainability or confirming its accomplishment. Therefore, no claim of achieving sustainability shall be made (appendix 10).

In summary the RFA's were destined to fail because they were built on a foundation that could never be fully measured.

Throughout this report we refer to several international agreements and common standards related to 'sustainable forestry.'

These are primarily:

State of the Forests Report (SOFR 2008) (appendix 3): A five year report that is required under the Montreal Process, of which Australia is one of twelve signatories. The Montreal Process dictated that Governments produce a **Sustainability Charter** (appendix 4) that enables measurement of the impacts that the logging industry has on species, ecosystems, communities and; to assess whether the products were sustainable. The Charter underpins the **Sustainable Timber Act 2004** (appendix 5) that legally permits the logging of public forests in Victoria.

Bruntland Declaration: The international declaration that established the principles of sustainability which have since been embodied in the following five definitions: intra-generational equity, inter-generational equity, precautionary principle, inclusion of externalities, and protection of bio-spheres.

Definition of Sustainable Forestry

The guidelines with which the state measures its sustainability are established under the Sustainability Charter

Part 1: The Sustainability Charter

The sustainability charter is what the Victorian logging agency; VicForests are required to operate as part of the agreed principle for sustainable performance under the SUSTAINABLE FORESTS (TIMBER) ACT 2004. This Sustainability Charter sets objectives for the sustainability of public native forests and the sustainability of the timber harvesting industry on public land in Victoria;

'The objectives, set out by the Sustainability Charter, are consistent with the Montreal Process for sustainable forest management and the principles of ecologically sustainable development. Ecologically sustainable development is defined as development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.'

The Montreal Process applies this concept to the forested landscape and is an international agreement between twelve member countries, including Australia, that are committed to the conservation and sustainable management of forests.' **Sustainability Charter 2006**

Through this Charter, the Department of Sustainability and Environment (DSE), the Department of Primary Industries (DPI) and VicForests will manage Victoria's State forest in accordance with the following objectives:

- To maintain and conserve biodiversity in State forests
- To maintain and improve the capacity of forest ecosystems to produce wood and non-wood products
- To promote healthy forests by actively managing disturbance
- To maintain and conserve the soil and water resources of State forests
- To maintain and better understand the role of Victoria's State forests in global carbon cycles
- To maintain and enhance the socio-economic benefits of State forests to Victorian communities
- To ensure Victoria's legal, institutional and economic frameworks effectively support the sustain-able management of State forests

There are many indicators such as species decline, reduced biodiversity and water loss, which show that these objectives are not being met.



c) The Law: Sustainable Timber Act 2004

Sustainable Forests (Timber) Act 2004 - Section 5

5. Principles of ecologically sustainable development:

- 1) In undertaking sustainable forest management in accordance with this Act, regard is to be had to the principles of ecologically sustainable development set out in this section.
- 2) Ecologically sustainable development is development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.
- 3) The objectives of ecologically sustainable development are:
 - (a) to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
 - (b) to provide for equity within and between generations;

- (c) to protect biological diversity and maintain essential ecological processes and life-support systems.
- 4) The following are to be considered as guiding principles of ecologically sustainable development-
- (a) that decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations;
 - (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
 - (c) the need to consider the global dimension of environmental impacts of actions and policies;
 - (d) the need to develop a strong, growing and diversified economy which can enhance the capacity for environment protection;
 - (e) the need to maintain and enhance international competitiveness in an environmentally sound manner;
 - (f) the need to adopt cost effective and flexible policy instruments such as improved valuation, pricing and incentive mechanisms;
 - (g) the need to facilitate community involvement in decisions and actions on issues that affect the community.

Since the state of the forest report was handed down in 2009 showing that two thirds of the data was absent that the precautionary principle (Section 4a above) should be enacted and all native forest logging should be placed on hold until adequate and comprehensive reporting is in place.



Small budget
for monitoring
equals large
ecological risk

Summary of SOFR 2008 and the Sustainability Charter.

Biodiversity

Sustainability Charter :

To maintain and conserve biodiversity in State forests

Summary:

The Victorian governments State of the Forests Report reveals 23 forest dependent species are in real decline and 4 forest species are on the brink of extinction. The SOFR 2008 states that “information on species is poor” and that there is “no data available for analysis”. In summary, indicators are showing decline in forest dependant species and where no data exists, no claims of sustainable practices and therefore sustainability should be made.

The following extract highlights the significance of the missing data:

CRITERION 1-CONSERVATION OF BIOLOGICAL DIVERSITY

Element 1.2 Species Diversity

Indicator 1.2a The status of forest dependant species most at risk of not maintaining viable breeding populations, as determined by legislation or scientific assessment.

Ecological information is poor for the majority of forest dependent species. There was a real decline in 23 forest dependent species.

49 species were added to the list of threatened species, 11 removed (not stated whether they have become extinct) and 74 changed conservation status (not stated whether they increased or declined).

Indicator 1.2b Area of habitat available for forest dependent indicator species.

No Data. Forest dependent species need to be identified and habitat availability assessed to be able to report on this indicator in the future.

Indicator 1.2c Representative indicator species from a range of habitats monitored at scales relevant to regional forest management

No Data. Representative forest dependent indicator species need to be identified and monitoring programs developed to report on this in the future.

Indicator 1.2d Degree of disturbance to native forest species caused by invasive species

No Data.

Element 1.3 Genetic Diversity

Indicator 1.3a The number of forest dependent species at risk from isolation that may lead to loss of genetic variation

No Data.



Salvage logging after the 2006/07 fires - No monitoring conducted on it, but 3 catastrophic fires to justify it..



Water Resources

Sustainability Charter :

To maintain and conserve the soil and water resources of State forests

Summary:

Logging threatens drinking water to 4 million people. Forestry is listed as a threat to water supply but the depth of the threat cannot be measured due to a lack of data on catchment yields. VicForests continue to degrade water supplies and continues to be listed as a threatening process. With a clear lack of knowledge on how severely they are impacting Melbourne's water supply they are in direct contravention of the precautionary principle and should have ceased when the first evidence was tabled before government.

State of the Forests Report 2008 (Latest report released September 2009):

CRITERION 4: CONSERVATION AND MAINTENANCE OF SOIL AND WATER

Indicator 4.2 Change in forested catchment water yield characteristics through time.

There is currently no comprehensive data on forested catchment water yields.

The main impacts on forested catchment water yield are fire and forestry activity.

Additional Science:

The Thomson Reservoir is situated along the eastern escarpments of Mount Baw Baw and carries approximately 60 percent of Melbourne's water storage capacity (Howe et al 2005). It is surrounded by 48,700 hectares of forested catchment that includes the northern and eastern slopes of Mount Baw Baw, the southern slopes of Mount Matlock on the Great Dividing Range and the western slopes of the Aberfeldy Range. The Thomson is the largest of four major water supply catchments for Melbourne, with the others being Maroondah, Upper Yarra and O'Shannassy. All are located within the Central Highlands of Victoria (Howe et al 2005). The Thomson is a major water supply catchment upon which logging is permitted. The forest industry considers the Mountain Ash, Alpine Ash and Shining Gum forests within the catchment as highly valuable for timber and pulp and targets these for logging. These forests cover 33.5 percent of the Thomson Catchment (Alaouze 2004) and occur within the high rainfall areas, mostly along the escarpments of Mount Baw Baw. When regenerating after logging, these species have been observed to double their use of water through having a higher Leaf Area Index (LAI) (Peel et al 2000, Vertessy et al 1998). The Strategy Directions Report stated that if logging were to be phased out of the Thomson Catchment by 2020, it is estimated that it will provide an additional volume of water in the order of 20,000ML (Water Resources Strategy Committee 2002). It reveals that logging Ash Forests results in the greatest water yield loss for any forest type in the catchment. 67 percent of the Ash forest area within the Thomson Catchment has been or will be logged. This exceeds the minimum of 20 percent for changes in the water yield to be detected.

Summary of Hydrological Findings 2008 - Professor Russell Mein. Victorian State Governments Wood and Water Report

In July 2008, the State Government released hydrological research that analysed the impact of logging for Melbourne's catchments; The Yarra tributaries, Tarago and Thomson Dam.

The hydrology research was done as a part of the [Water and Wood project](#) and found that logging has a significant impact on water output from the catchments both in terms of volume and economic value.

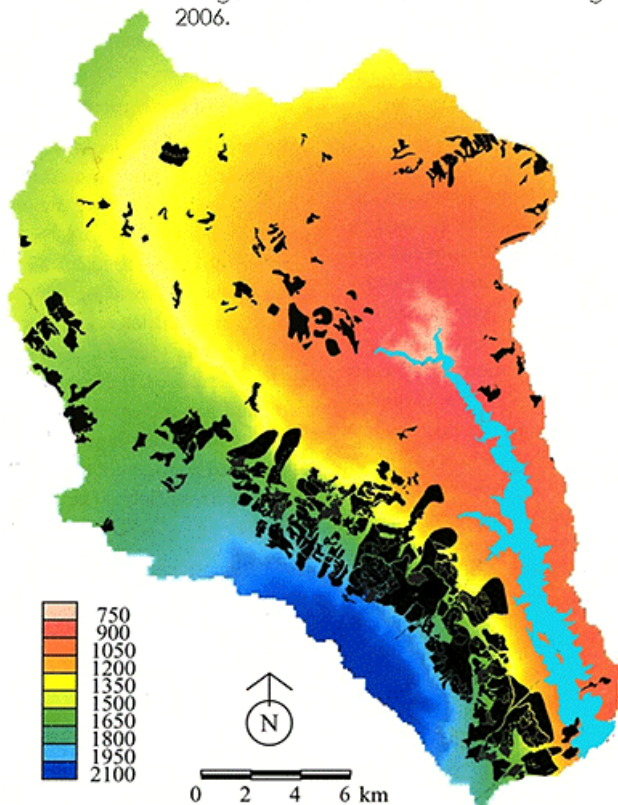
The Key findings are:

By ending logging in 2009/10, water gained would be equivalent to the annual 16GL water consumption of a city the size of Ballarat (94,000 people)* in 40 years time this would increase to 40 GL per year.

Logging in the Thomson Catchment

The black areas in image 1 are logging coupes and these fall into a rainbow shaded catchment management area. The darkest blue being the highest water yielding area of the catchment whilst the red areas are the lowest. The argument by VicForests that “they only log a small area every year” is irrelevant since logging is concentrated in the area's of highest rainfall. The forests that grow in the high rainfall areas are the Ash forests that use a prohibitive amount of water to regenerate after logging. Up to 50% of water is lost during the 120 years of re- growing after logging. Thus the “small amount of logging” in a high rainfall area over time results in a significant water loss due to logging.

Image 1: Thomson Catchment - The Age 2006.





Forest Regeneration

Sustainability Charter :

To maintain and improve the capacity of forest ecosystems to produce wood and non - wood products

Summary:

The DSE's 'Monitoring of Annual Harvesting Report' states that 19,000 hectares of logged land is over due for regeneration.

The State of the Forests Report 2008 reveals that forest regeneration has been measured only during the last century and early part of this century before the onset of drought and that drought is a threat to regeneration. Victoria is now in a period of extensive drought that could further reduce the ability for forests to successfully regenerate.

The EPA have also registered concerns that there is a failure to monitor regeneration.

Vicforest rate drought in their own impacts assessment in their Sustainability report 2008 (appendix 2); 'Drought resulting in large scale failure of regeneration'. VicForests also admit to a lack of data on the success of their 'restocking' on their website (appendix 9)

VicForests also admit they are sometimes resowing incorrect species thus changing the diversity of that ecosystem (appendix 2)

The Vicforests website states that they do not have data on the following effects from their business;

- Retaining tree's in the landscape
- Impacts on rainforests
- Root regeneration of species
- Pest and disease introduction
- Stem damage from forest thinning

State of the Forests Report 2008 (Latest report released September 2009): CRITERION 2: MAINTENANCE OF PRODUCTIVE CAPACITY OF FORESTRY ECOSYSTEMS

Indicator 2.2 Volume of wood by forest type in State forest that is available and suitable for timber production

Data available only for east of state.

Indicator 2.4 Annual production of non-woodforest products

Data on the annual production of non wood forest products is poor in Victoria.

Indicator 2.5 Proportion of timber harvest area successfully regenerated by forests type

Between 1996 -97 and 200-01, 34000 hectares was subject to regeneration treatments with 30,000 hectares successfully regenerated at the first attempt.

Regeneration success is affected by drought, fire, frost and animal damage.

Additional Findings:

In a recent report by the Victorian Government's Department of Sustainability and Environment (DSE 2008. Monitoring Annual Harvesting Performance 2006/07), it was reported that 19,000 hectares of state forest are overdue for stocking surveys. These stocking surveys assess the success of regeneration in previously logged coupes. Of the coupes that have been surveyed, many have failed regeneration audits. In VicForests' Annual Report (VicForests. Annual Report 2008, pg 22), it was reported that 19 out of 33 coupes actually submitted for regeneration audit failed to meet the required standards. In the report, VicForests inaccurately reported that this represented only 10.3% of all logging coupes. However, they only submitted 33 coupes for audit, so the accurate percentage of coupes that failed to meet standards is actually 57%. There have been a number of previous findings demonstrating failures in regeneration success in Victoria's forests. The latest figure of 19,000 hectares represents a vast area of forest that has not been surveyed, with unknown regeneration results. Furthermore, VicForests failed to provide DSE with adequate information that would allow for determination of successful regenerated coupe figures. The Environmental Protection Agency (Environmental Protection Agency, 2006. Environmental Audit, Timber Production on Public Land 2005)has also highlighted the fact that regeneration surveys are failing to take place and are inadequately monitored.



Maintaining ecosystem and social values

Sustainability Charter: To maintain and enhance the socio-economic benefits of State forests to Victorian communities

Summary:

The RFA's cannot claim they are operating sustainably with respect to; the value of forests and their communities (both indigenous and non indigenous) as the SOFR 2008 states that this cannot be measured at this time. The absence of data on ecosystem financial values is concerning - what we are actually forfeiting is water to Melbourne valued at \$4 billion from forests annually to fund a logging operation that is in permanent financial decline.

State of the Forests Report 2008 (Latest report released September 2009):
CRITERION 6: MAINTENANCE AND ENHANCEMENT OF LONG TERM MULTIPLE SOCIO ECONOMIC BENEFITS TO MEET THE NEEDS OF SOCIETIES

Element 6.1. Production and Consumption

Indicator 6.1b Value (\$) and yield of non-wood forest products

- **No Data.** Improved information on the value and yield of non-wood forest products is required to report on this indicator in the future; and
- Non-wood products represent a significant resource supporting the livelihoods of many Victorians.

Indicator 6.1c Value (\$) of forest derived ecosystem services

- **No Data.** Improved information of forest-derived ecosystem services is required report on this indicator in the future.

Indicator 6.5c Resilience of forest dependent communities to changing social and economic conditions

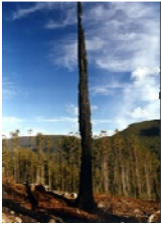
- **Currently not possible to measure**

Indicator 6.5d Resilience of forest dependent Indigenous communities to changing social and economic conditions

- **Currently not possible to measure**

Indicator 6.5e Area of forest available and accessible for Indigenous people to exercise their inherent rights to meet subsistence or individual and family cultural and spiritual needs

- **Not possible to report on this indicator at the present time**



Capacity to measure sustainability

Sustainability Charter: To ensure Victoria's legal, institutional and economic frameworks effectively support the sustainable management of State forests

Summary:

The RFA's have failed to operate sustainably as the Victorian government's State of the Forests Report reveals Victoria's capacity to report on sustainable forest management is limited by data and that there is no data to report on long term trends from native forestry. State of The Forests Report 2008 (Pg 41):

CRITERION 7: LEGAL, INSTITUTIONAL AND ECONOMIC FRAMEWORK FOR FOREST CONSERVATION AND SUSTAINABLE MANAGEMENT

Indicator 7.4 Capacity to measure and monitor changes in the conservation and sustainable management of forests

- Victoria's capacity to report on sustainable forest management is limited by data/information availability and an inability to report long term trends for most indicators
- Improved data/information is required for native forest on private land, forest health and biodiversity, non-wood forest products, forested catchment water yields, native forest contribution to the global greenhouse gas balance, value of forest-derived ecosystem services, forest-dependent communities, and forest related Indigenous cultural and subsistence needs.

Additional evidence of RFA performance failures on the local level.

1. Allocation to VicForests Order 2009 Review

Page 22 - Special audit undertaken by the EPA found logging was occurring in a National Park.

Page 23 - VicForests compliance with the Code of Practice for Fire Management on Public Land

-The DSE is responsible for auditing VicForests compliance with the fire practices code; however, no audits against compliance with this code have been undertaken during Period 1 of the Allocation Order. As such, there is currently no way of assessing VicForests compliance with the fire practices code.



Summary

A lack of data cannot presume sustainability; however data or information that demonstrates a direct or indirect threat or impact from an operation defines a failure to meet sustainability criteria.

The State of the Forests Report 2008 has found that it is unable to report on the sustainable management of our forests due to a deficiency in data particularly for State forest for which state forest management performance and compliance is required. The fields of greatest reporting deficiency are; native forest on private land, forest health and biodiversity, non-wood forest products, forested catchment water yields, native forest contribution to the global greenhouse gas balance, value of forest-derived ecosystem services, forest-dependent communities, and forest related Indigenous cultural and subsistence needs.

The correlation between the states logging and loss of ecosystem provisions and species cannot be ignored and should disqualify their rights to claim sustainability. The state cannot continue to use claims of sustainability in any of its business operations given the SOFR 2008's recognition of data deficiency and an absence trend measurement. So the RFA's can report that they too have failed to manage forests sustainably.

Without adequate investment by the logging industry and government into the impacts of logging on areas of water, biodiversity, carbon sequestration and social values, Forest Professor David Lindenmayer says; 'claims of ecological sustainability will be just that - claims - without substantiation'.

In closing, the precautionary principle is a globally accepted cornerstone in sustainability. That is, in the case where there is no data or it is inconclusive, on operations adverse effect, that such operations if acting sustainably, are not carried out. If the RFA's were truly underpinning a sustainable business model then the states native forest logging operations should cease until data gaps are filled. If not, then their claims around the sustainability of both their performance and product are simply false or misleading and the RFA's have failed to achieve the basis for their existence - Sustainability.

Section 2



- a) The Baw Baw Case: How and why the RFA failed to award protection to a globally significant place.
An investigation on logging within sites of natural significance

Executive Summary

This part of the report outlines the discovery of an extraordinary and deplorable abuse of bureaucratic power to serve the interests of the Victorian logging industry, a pulp mill and the jobs of the state bureaucrats whose existence is predicated on the continued logging and woodchipping of the state's native forests.

The cost has been the ongoing destruction of one of the world's most unique temperate forest ecosystems and the exposure of another example of how the Regional Forest Agreement (RFA) process failed to end the most heavily fought and divisive environmental debate in the state's history – the conflict over the future of Victoria's native forests.

This report outlines how members of the Victorian government bureaucracy removed crucial chapters of a state government commissioned report which recommended the protection of the Baw Baw plateau and escarpments. The removal of these chapters ensured that one of the world's most significant ecosystems remained available for clear fell logging, a practice that continues in these areas to this day, a practice permitted under the RFA.

MyEnvironment Inc. (ME Inc.) is calling for the immediate heritage listing through the Commonwealth's Environment Protection and Biodiversity and Conservation Act (EPBC) of the Baw Baw plateau and escarpments to protect it from further logging. This listing will be based on the case put almost a decade ago in the now discovered chapters of the 'Ecological Survey Report No.46 - Flora and Fauna of the Eastern and Western Tyers Forest Blocks and Adjacent South-Eastern Slopes of Baw Baw National Park, Central Gippsland, Victoria' that details the high conservation values of the region and whose expert authors supported the protection of this extraordinary part of Victoria's natural heritage.

Background

Of the 5 RFA's signed in Victoria, the Central Highlands Regional Forest Agreement (RFA) received little campaigning from the environment movement. This may have been because they were in the wake of a devastating RFA decision federally with devastating outcomes for the Tasmanian and East

Gippsland RFAs despite some small gains. Environment Victoria was the “peak” group for the region at the time.

There is little doubt that, as with Tasmania and East Gippsland, where some small gains were made, engagement in the Central Highlands RFA would have also achieved some small wins. It is generally thought that had environment groups engaged at the time, this small win would have been the Baw Baw Plateau and its escarpments and the States water supply (such as the Yarra tributaries).

Any legitimate conservation assessment would see the Baw Baw plateau and its environs protected. Along with the Errinundra Plateau farther east, the Baw Baw is one of the two great plateaus of South Eastern Australia, and is a recognised international site of significance for its animal life and National significance for its stands of old growth forests, rock formations and intricate water tributaries.

State government departments and bureaucracies with an interest in maintaining the maximum possible public land estate available for logging would have been desperate to ensure that the values of the Baw Baw region were understated or ignored. Nearly a decade later the length that individuals in these agencies went to has now been exposed. To further their cause they removed key chapters in the ‘Ecological Survey Report No.46 - Flora and Fauna of the Eastern and Western Tyers Forest Blocks and Adjacent South-Eastern Slopes of Baw Baw National Park, Central Gippsland, Victoria’

The RFA process was supposed to, once and for all, resolve the land use debate over areas of public land native forest, by taking due consideration of conservation values and wood supply needs of the logging industry. The joint Commonwealth/State RFA process relied overwhelmingly on state bureaucracies for detailed data and other information on forest conservation values of the areas they were investigating.

The delivery of the conservation case for the forests of the Central Highlands RFA region and the Baw Baw plateau and escarpments in particular, relied heavily on a state report authored by seven departmental scientists. However when it came time to present, the scientists involved were ordered not to take papers into the federal meeting, but rather rely on their basic knowledge and present verbally. This is the only information they were permitted to deliver into the RFA process.

The ‘censored’ report contained several chapters outlining the high conservation values of the Baw Baw plateau and escarpments and recommends that they are protected from logging. These chapters of the report were ordered to be ‘burned’ by senior foresters and were unreachable (even by previous attempts at FOI until May this year).

In 1999 Alan McMahon in a parliamentary inquiry into the RFA made the following statement:

“... the RFA is failing to protect national estate values. In the draft project report, *National Estate Values in the Central Highlands*, the Australian Heritage Commission and CNR recommended a 30,040 hectare proposed national estate place in the Baw Baws. That is compared with the present 13,000 hectares national park. This included most of the south face. It also found the Baw Baws to have a greater range of national estate values than anywhere else in the Central Highlands”

“While the Central Highlands RFA process was under way, the Victorian government passed the Wood Pulp Agreement Bill without reference to the outcome of the process. They ignored it blatantly, and I think they compromised it, placing the validity of the process itself in question.”

In his submission to the Commonwealth Senate Inquiry into the RFA's, Senator Bob Brown pointed to the omission of the missing chapters:

“that the environmental studies which should have allowed for a proper assessment of forests before they were signed over to logging have not been done as far as the south face of Baw Baw is concerned”.

The Inquiry Chair stated this to be a fairly serious charge and made a commitment to find the report...this never eventuated until now (2006).

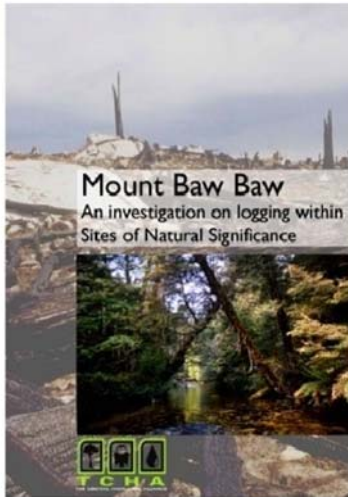
The existences of the report's missing chapters were brought to the attention of MyEnvironment Inc.'s President over several years of discussion with various people. After requesting the report from the DSE, ME Inc. was told they could not have it. A separate request was then made by an-other party, only to receive the document 'doctored' and bereft of the missing chapters. On legal advice, the other party questioned where the chapters were and the relevant chapters were finally delivered in May 2006.

The missing chapters detail the intrinsic conservation values of the Baw Baws environs.

Senior bureaucrats, many of whom are still in the current Department of Sustainability and Environment (DSE) should come under intense scrutiny for the role they played or knowledge they have about the removal of critical aspects of the report and the devastating effect that has had on Baw Baw.

Current forest based, ecological science suggests that the present Victorian government forest policy will lead to the extinction of many forest dependent species. Primary indicator species include; Spot Tailed Quoll, Sooty Owl, Baw Baw Frog and Leadbeaters possum are under immediate threat.

The Report - Refer to Additional Material - Attachment 2 - **Investigation into Logging in Sites of Significance.**



<http://www.myenvironment.net.au/index.php/me/content/download/2929/15861/file/Bawbaw%20report%20combined%20reduced%20size.pdf>

Section 3



a) Appendices

Appendices





Appendices

1. Our Forests, Our Future
2. VicForests Sustainability Report 2008
3. State of the Forests Report 2008
4. Sustainability Charter
5. Sustainable Timber Act 2004
6. VicForests Transcript 101208
7. Baw Baw Report - Investigation
8. VicForests Brochure- Forests, water & wood.
9. Monitoring by VicForests
10. Standards Australia (2000), AS/NZS ISO 14021:2000 - Australian/New Zealand Standard Environmental labels and Declarations
11. Letter from Peter Appleford DSE
12. Letter from Lee Meizis DSE
13. Regional Forest Agreements - A Commonwealth Position 1994
14. Prof. Ross Bradstock - Black Saturday Royal Commission Transcript link.
15. Professor David Lindenmayer Report Link.

(un)Sustainable

Appendix 1 - Our Forests Our Future:



http://www.dse.vic.gov.au/DSE/nrenfor.nsf/LinkView/22A28C77A72588894A256B67000E0B8596F5_80A54675E7C8CA25747B000C1111

Appendix 2

VicForests Sustainability Report 2008 –





Aspects and Impacts register from harvesting activities.

<http://www.vicforests.com.au/assets/docs/vicforests%20sustainability%20report%202008.pdf>

Environmental, Financial and Social Risks to VicForests' Business

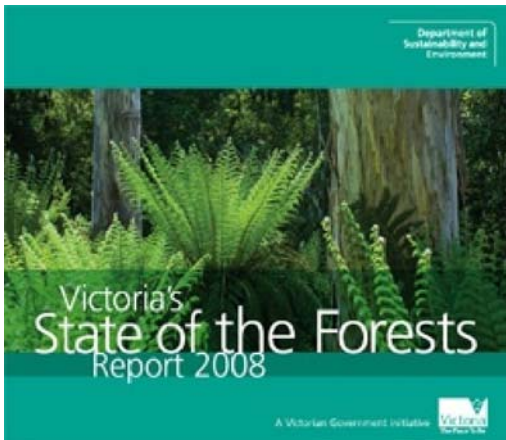
VicForests maintains an 'Aspects and Impacts Register' for identifying and ranking environmental and social risks. The Register is available to all staff to record the aspects of VicForests' activities that cause negative environmental, social or economic impacts. Controls are also described and assessed for their adequacy. Inherent risks that are considered significant to VicForests' business must be monitored, internally audited and given priority for training and development.

Below are the top risks listed in the register during 2007/08:

Impact Category	Aspect and Impact
Environmental	 Incorrect provenance or species sown leading to a change in species composition or genetic diversity on a coupe
	Soil compaction by machinery resulting in reduced soil health and site capacity
	 Escape burn leading to significant forest values being burnt
	Lack of seed viability testing resulting in reduced stocking
	Seed resource under-utilised and seed collection targets not met
	 Drought resulting in large scale failure of regeneration
	 Failure to identify rainforest in the field resulting in potential damage to rainforest
Financial	Transport of pest plant material or contaminated soil leading to the introduction of pest species or disease
	Poor planning or supervision of thinning operations leading to an over or understocked coupe
	Poor planning or supervision of thinning operations leading to future growing stock being damaged
	Logs graded incorrectly creating potential loss of revenue
	Large number of carry-over or failed regeneration burns resulting in areas left unproductive for excessive periods
	Reduced sow rates not followed when aerial sowing coupes resulting in a lost opportunity for seed saving
Social, Reputation and Image	Incorrect stand identification on Allocation Order resulting in a reduced opportunity to maximise sales and returns
	Smoke from regeneration burn resulting in reduced air quality and amenity loss
	Harvesting breach of boundaries into reserve forest or National Park leading to negative publicity and potential loss of significant values
	Inadequate timber resource on Timber Release Plan to meet customer requirements leading to a negative impact on the timber industry (loss of jobs, mill closures etc)
	Creation of dust by trucks leading to neighbouring properties being covered in dust

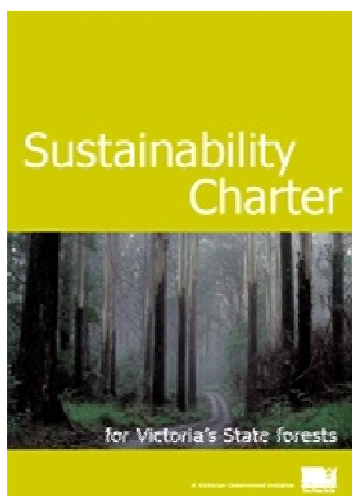
Appendix 3 - State of the Forests Report

<http://www.dse.vic.gov.au/DSE/nrenfor.nsf/LinkView/52BF92D03256680ACA25761F00224320A044DADB305A7076CA25748A001709F9>



Appendix 4 - Sustainability Charter

<http://www.dse.vic.gov.au/DSE/nrenfor.nsf/LinkView/D4E95DA0FB8FFC81CA25714C00191AF2340EE524403CE0A4CA25747B000C014D>



Appendix 5 - Sustainable Timber Act 2004

http://www.austlii.edu.au/au/legis/vic/consol_act/sfa2004289/

Appendix 6 - VicForests Transcript

See attached file

Appendix 7 - An Investigation into Logging in Sites of Significance

<http://www.myenvironment.net.au/index.php/me/content/download/2929/15861/file/Bawbaw%20report%20combined%20reduced%20size.pdf>

Appendix 8 - VicForests Brochure- Forests, water & wood.

<http://www.vicforests.com.au/assets/docs/forest%20water%20wood.pdf>

Appendix 9 - Monitoring by VicForests

<http://www.vicforests.com.au/monitoring.htm>

Appendix 10 - Standards Australia (2000), AS/NZS ISO 14021:2000 - Australian/New Zealand Standard Environmental labels and

Declarations

Appendix 11 - Letter from Peter Appleford DSE



Department of Sustainability and Environment

Ref: DSE065867
File: FS/18/3029.03

Mr D Haywood
~~XXXXXXXXXXXX@XXXXXX~~

Dear Mr Haywood

STATE OF THE FORESTS REPORT 2008

Thank you for your email of 18 September 2009 to the Minister for Environment and Climate Change, the Hon Gavin Jennings MLC, regarding *Victoria's State of the Forests Report 2008*. This Minister has asked that I reply on his behalf.

The *Criteria and Indicators for Sustainable Forest Management in Victoria Guidance Document* (2007) was explicit in noting that the criteria and indicators will be periodically reviewed. This is essential to maintaining the relevance of data collected for achieving sustainable forest management.

The Guidance Document also clearly notes that there are significant data gaps, and that many of the criteria and indicators that have been adopted would remain aspirational for the foreseeable future.

The Department's position on sustainable forest management reporting has been consistent since the commitment to reporting within the Montréal Process framework was made under the *Sustainable Forests (Timber) Act 2004*.

Thank you for your interest in this matter. If you wish to discuss this further, please call Mr Lee Miezis, Director Forests, on (03) 9637 8416 or email lee.miezis@dse.vic.gov.au

Yours sincerely


14/10/09

Dr Peter Appleford
Executive Director, Forests and Parks



Appendix 13 - Regional Forest Agreements - A Commonwealth Position 1994

Appendix 14 - Prof. Ross Bradstock. Black Saturday Royal Commission - [Transcript](#).

Appendix 15 - David Lindenmayer's - Effects of logging on fire regimes in moist forests
David B. Lindenmayer 1 , Malcolm L. Hunter 2 , Philip J. Burton 3 , & Philip Gibbons 1
1 Fenner School of the Environment and Society, The Australian National University,
Canberra, ACT, 0200, Australia 2 Department of Wildlife Ecology, University of Maine,
Orono, ME, USA 3 Canadian Forest Service and University of Northern British Columbia,
3333 University Way, Prince George, BC, V2N 4Z9, Canada Correspondence
David Lindenmayer, Fenner School for Environment & Society, WK Hancock Building [43],
The Australian National University, Biology Place, Canberra, ACT, 0200. Tel: +61 2 6125
0654; fax: +61 2 6125 0757. Email: david.lindenmayer@anu.edu.au



**Department of
Sustainability and Environment**

Ref: DSE065867

File: FS/18/3029.03

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Yours sincerely

Dr Peter Appleford
Executive Director, Forests and Parks

Appendix 12 - Letter from Lee Meizis DSE



Department of Sustainability and Environment

Ref: DSE065276

File: FS/18/3029.02

Mr D Haywood
[REDACTED]

Dear Mr Haywood

VICTORIA'S STATE OF THE FORESTS REPORT 2008 – DATA GAPS

Thank you for your email of 31 August 2009 to the Minister for Environment and Climate Change, the Hon. Gavin Jennings MLC, regarding data gaps in *Victoria's State of the Forests Report 2008*. The Minister has asked that I reply on his behalf.

Victoria's State of the Forests Report 2008 (the report) is the second in this series of reports. However, it is the first based on the *Criteria and Indicators for Sustainable Forest Management in Victoria* which was gazetted by the Minister in June 2007 following extensive stakeholder and community consultation. The criteria and indicators on which the report was structured were finalised after the reporting period which ended in June 2006.

Data gaps have been identified for over two-thirds of the indicators of sustainable forest management in the current criteria and indicator framework. These are primarily due to difficulties in measuring the indicators, which are based on international criteria and are new to Victoria. This does not reflect any failure to manage our forests for sustainable outcomes.

The Department of Sustainability and Environment is currently undertaking a review of the indicators to assess their measurability and determine which, if any, of the reported data gaps can be addressed over time. We are also developing a new monitoring program which will focus on efficiently providing the information we need to evaluate the success of policy and management initiatives in forest management. This new monitoring program will support adaptive management, and ensure continual improvement towards sustainable forest management objectives is achieved in Victoria.

Thank you for your interest in this issue. For more information, please visit www.dse.vic.gov.au/forests.

Yours sincerely

17/9/09

Lee Meizis
Acting Executive, Director Forests and Parks

