



SERCA Submission to RFA Review – Sept 2009

Resource and Conservation Unit
Department of Environment and Climate Change NSW
PO Box A290, Sydney South, NSW 1232

Submission to the Draft Report on Progress with Implementation of the New South Wales Regional Forest Agreements (RFAs)

Dear DECC,

Please find attached the submission of the South East Region Conservation Alliance to the above Review of the RFA.

The principal problem we have with the RFA Review process is that the scope of the RFA reviews is completely inadequate to address the impacts of industrial logging on forests in the face of escalating climate change threats. They do nothing to monitor the actual impacts of the RFAs on the forests and on conservation outcomes. There is a need to improve transparency and accountability of forestry operations under the RFAs. The Commonwealth should be given a role in monitoring, compliance and enforcement to assess if RFAs are achieving their objectives.

Furthermore, a more fundamental overhaul than the five-year reviews is required. It should start with a revision of the almost twenty year old National Forest Policy to focus on conservation and carbon sequestration and other climate change issues, the water cycle, loss of biodiversity, and the phasing out of native forest logging. In the absence of more fundamental reforms increased independent scientific oversight, stronger requirements for RFA reviews and stronger performance audit arrangements should be implemented.

The RFAs are widely perceived in the scientific community to have failed to deliver the intended protection for environmental, wilderness and heritage values that state and federal governments committed to when they signed the National Forest Policy in 1992.

SERCA takes a firm stand for environmental protection of the State's native forests and expresses deep alarm at the cumulative impacts of continuing degradation of native forests which are increasing biodiversity losses, together with destroying soil structure, water yields, and carbon sequestration capacity.

Our submission is based upon the personal extensive research and on-ground auditing and monitoring by our members of the application of the Regional Forest Agreement regime on unprotected native forest mainly in the Southern and Eden regions.

SERCA contends that the entire Regional Forest Agreement Process was seriously flawed. Scientists, conservationists and the Aboriginal community became increasingly concerned when political decisions were made which ignored the

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viewpoints of science and culturally-based Ecologically Sustainable Development. The modified RFA criteria permitted ecological and cultural values to be traded off against economic objectives. We also believe that the RFA 'negotiations' were also flawed from a conflict dispute resolution perspective, since the negotiations only satisfied processes not outcomes. Many key groups in Society never accepted the final RFA recommendations.

Our principal recommendation is for the Independent Assessor of the review to have full and frank regard for a major revision of environmental forest management due to the urgency to implement climate change mitigation, the continuing extensive degradation of the native forest estate, and the critical nature of safeguarding water resources and coastal estuaries. None of these factors were incorporated into the original RFA evaluations and considerations. Now is the time for them to be fully integrated into a full and comprehensive review process.

Of particular relevance are two major factors which were not considered in the original RFA Process:

1. The demonstrated availability of Australia's existing plantations (cf. ANU research) to meet virtually all our wood needs, whether for domestic consumption or for export; and,
2. The enormous contribution an immediate cessation of native forest logging and land clearing can make to Australia's carbon emissions, and thus to climate change mitigation.

SERCA urges the RFA reviewers to fully consider the import of these two factors in their deliberations.

SERCA would be happy to provide any further clarification of this submission as required.

Yours faithfully

John Hibberd

John Hibberd
Deputy Convenor

Submission by the South East Region Conservation Alliance to the Draft Report on Progress with Implementation of the New South Wales Regional Forest Agreements (RFAs)

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We believe the Draft Report to be erroneous and limited in many material aspects, and that this is indicative of how the RFA regime has performed thus far. We detail below specific issues surrounding the review, the performance of ForestsNSW under the RFAs, and make suggestions for a way forwards.

1. Inadequacy of the original RFA Process and the Review Draft Report

The milestones and the review process does not allow consideration of key issues such as: the adequacy of the reserve system, protection of threatened species, meeting wood supply commitments, threats to forests from climate change, water yields from multi-age forests, and the role of stored carbon in mature forests in mitigating the effects of climate change.

Consequently, we believe that it is timely for the community to engage in a thorough and transparent discussion on the future of the whole RFA edifice.

The final draft of the review report should be altered dramatically from the current draft, to ensure that:

- The impacts of climate change on the forests is addressed and recommendations made to improve protection and management in order to both mitigate against, and adapt to, accelerated climate change.
- The review of progress in meeting milestones is completely recast, to provide an honest and accurate account of the very poor progress rather than deliberately obfuscating and hiding that failure as per the current draft.
- It clearly and adequately reviews the obligations contained within the body of the RFA, particularly commitments to World Heritage assessments of eucalypt forests, instead of being narrowly focused on the milestones only.
- It sets out a real environmental monitoring program to identify and measure trends over time and risks (such as BMAD) and put in place feedback loops to improve environmental protections.

2. Problems with the Implementation of the RFAs

The *Regional Forest Agreement for Southern 2001* cl38 states that:

“... within each five year period, a review of the performance of the Agreement will be undertaken and the mechanism for the review is to be determined by both parties before the end of the five year period and the review will be completed within three months”.

Milestone Tally:

Completed -	12
Completed Late -	7
Not Required Yet -	3
Late -	12
Late/Not Done -	25
Therefore, in percentage totals:	
Late/Late/Not Done	63%.
Completed/Completed Late	32%.

[Full details of our assessment of achievement for each RFA milestone is presented in the attached submission by SouthEast Forest Rescue].

We assert that the review reporting approach adopted is misleading and lacking in material substance. Since the Terms of Reference of the RFA Review process are too narrow, the entire process is flawed and a successful outcome cannot be reached. There are numerous examples where the legislative requirements of the RFA group of acts have failed to have been implemented, or are seriously late in production, for example:

- RFA requirements for conservation actions in production forests need to be monitored, measured and reported on in a timely and accessible way and this is not happening.
- The reviews are between three and five years late and the annual reporting they required has not occurred in a timely manner. These failures are deliberately glossed over and hidden by this review. They should be made very clear, and heavy penalties set for any such failure in future.
- The RFAs included clauses that required that parties undertake further assessment of areas that were identified as meeting World Heritage requirements. This clause has never been implemented and is ignored in the review, which just focuses narrowly on milestones.
- The RFAs included clauses requiring a FRAMES and wood supply review be completed by certain timeframes, but these have never been properly conducted. The review should require immediate comprehensive FRAMES reviews.
- The RFAs rely on the NSW legislative regime controlling logging to deliver ‘ecologically sustainable management. However, those conditions are subject to change, and have been markedly weakened since the RFAs were signed. There should be a mechanism to prevent such reductions in protections over time.
- Reporting on achievement of milestones in the review is flawed.

3. Failure by Forests NSW to meet sustainable timber yields

One of the central tenets of the RFA process was to provide certainty to the timber industry. SERCA has irrefutable evidence, obtained under Freedom of Information from Forests NSW, that they are not logging on a sustainable yield basis.

Furthermore, SERCA evidence, coupled with similar findings from the NSW Auditor-General, indicates that Forests NSW are making a loss from its native forest operations. This is partially as a result of incorrectly charging of royalty payments from the Eden Mill. SERCA believes that, with these losses, the IFOA's are no longer valid, and thus the RFAs themselves are not valid.

SERCA refers you to the submission by its member, Mr Terrence Digwood, for further detailed information on this issue.

4. Failure by the Commonwealth to exercise its responsibilities

We believe the RFA process constitutes an abandonment by the Commonwealth of its statutory responsibilities for forests. Under s38 of the *Environment Protection Conservation and Biodiversity Act 1999*, the Commonwealth has refrained from exercising its environmental legislative powers for the duration of the Agreement (2023).

The RFAs were endorsed by the Commonwealth on the basis that the States had conducted a thorough environmental assessment of their forests. However we assert that this has not happened. The data was either flawed or non-existent. Furthermore, new information and data has been produced that call the environmental sustainability of the RFAs into question. Unfortunately, since the Commonwealth has deemed to abrogate its responsibilities there is no process whereby the RFAs can be modified as a result of new data or changing community expectations and needs.

5. Current application of the RFAs not meeting ecologically sustainable development principles.

There is much uncertainty on the effects of climate change but one of the certainties is that deforestation is one of the biggest causes. We draw your attention to the detailed submission made by our member Mick Harewood which provides further insights into this critical issue.

Scientific evidence has pointed to the fact that the loss and degradation (i.e. through intensive logging practices) of natural forests around the world contributes more to global emissions each year than the transport sector. SERCA maintains that curbing deforestation is a highly cost-effective way to reduce emissions; and that large scale pilot programmes to explore the best ways to do this could be initiated very quickly.

The Stern Review states (Annex 7f):

Deforestation is the single largest source of land-use change emissions, responsible for over 8 GtCO₂/yr in 2000. Deforestation leads to emissions through the following processes:

- *The carbon stored within the trees or vegetation is released into the atmosphere as carbon dioxide, either directly if vegetation is burnt (i.e. slash and burn) or more slowly as the unburned organic matter decays. Between 1850 and 1990, live vegetation is estimated to have seen a net loss of 400 GtCO₂ (almost 20% of the total stored in vegetation in 1850). Around 20% of this remains stored in forest products (for example, wood and slash, but 80% was released into the atmosphere.*
- *The removal of vegetation and subsequent change in land-use also disturbs the soil, causing it to release some of its stored carbon into the*

- *atmosphere. Between 1850 and 1990, there was a net release of around 130 GtCO₂ from soils.*

SERCA maintains that these statements also substantially apply to the severe forest degradation that is occurring in the Eden and Southern RFAs through industrial-scale intensive logging practices.

6. Protection of Biodiversity and Threatened Species' Habitats

SERCA considers that the Regional Forest Agreements are totally inadequate to protect forest species and forest habitats. The conservation targets of almost all nationally-listed fauna species and many nationally-listed flora species are not being achieved through implementation of the RFAs, and substantial additional conservation action is still required to meet minimum conservation benchmarks.

Using the NSW Government's own conservation analysis and data produced during the Comprehensive Regional Assessment, it is evident that only one of the twenty nationally-listed forest fauna species met their conservation targets after the RFAs and many nationally-listed flora species have fallen dramatically short of their targets. The number of threatened and endangered species has risen since the RFAs were signed and many threatened and endangered flora and fauna species (e.g. the Swift Parrot) are at extreme risk from current logging operations.

Repeated short-cycle intensive logging, coupled with massive soil disturbance and post-logging fire, encourages the regrowth of pioneer species such as Silvertop Ash (*Eucalyptus sieberi*). A forest of dense mono-species coppice regrowth ensues. The short time span between logging cycles mitigates against the entrance of additional species in the forest return to an old-growth status; thus multi-species multi-age forests are being turned into single-species, single-age stands. Foresters usually call such stands 'plantations'.

Consequently, we are seeing the loss of our diverse-value biodiversity-rich native forests into plantations developed for industrial logging. SERCA does not believe that the public of NSW would support an RFA that was achieving this.

It is thus blatantly obvious that current logging practices are not adequately ensuring protection of Australia's native flora and fauna.

7. Threats exacerbated by Intensive Industrial Logging

Rapid anthropogenic climate change is a threat to the sustainability of human life in south-eastern Australia through reduced water resource availability and increased wildfire risk. Intensive logging will exacerbate these problems and in itself contribute adversely to accelerated climate change.

The current practices employed in the Southern and Eden RFAs will further accelerate the decline of the sawlog industry since regrowth from heavy logging, coupled with repeated post-logging fire, will encourage the growth of silvertop ash (*Eucalyptus sieberi*): a species which is largely unsuitable for sawlogs due to its propensity to coppice. These regrowth forests will create higher fire risks and decreased water yields.

8. Recommendations

Recommendation 1

SERCA calls for a complete and urgent overhaul of the management of public forest estate in New South Wales through:

- *Transfer of management of all public native forest to an authority which manages the estate for its full community benefits in biodiversity, water yield and carbon storage, perhaps along the lines of a native forest stewardship model such as the New Zealand example;*
- *Complete transfer of wood products reliance to the plantation timber industry; and,*
- *Implementation of an immediate state-wide program of catchment remediation and native habitat reforestation.*

Recommendation 2

SERCA calls for forestry operations in areas covered by RFAs to be subject to a fully independent and publicly transparent environmental assessment that is scientifically sound and rigorous, prior to logging operations.

Recommendation 3

Given the failings of the draft review report as set out in this submission, and the failings of the RFAs themselves and their implementation, coupled with the widespread and extremely high level of community concern, urgent action should be taken to:

- *Remove the exemption under the EPBC Act 1999 for forestry operations in the Eden and Southern RFA areas; and,*
- *Reinstate full third party rights under all relevant State and Federal laws.*