

SOME BRIEF OBSERVATIONS ABOUT PROPOSED CHANGES TO THE RFAs, IFOAs AND WSAs

Seán Burke – 28 August 2018

REGIONAL FOREST AGREEMENTS (RFAs)

The 20-year RFAs are due to expire next year in the Eden Management Area and 2021 in the Southern Management Area. The NSW Government is looking to renew them on a 5-year rolling basis in perpetuity and has asked the Federal Government to sign off on an agreement as soon as possible, possibly next month. This stage was reached through two separate processes:

1. The NSW Environmental Protection Authority (EPA) published the second (8 years late) and third (3 years late) 5-yearly reviews simultaneously before Christmas last year and asked for submissions from the public, only about the performance of the RFAs over those 10 years. That [report](#)¹ by EPA is a pure propaganda exercise that failed to even mention [over 4,000 breaches](#)² of Threatened Species and Environment Protection Licence conditions. These breaches have not reduced over the term of the RFAs and continue unabated, demonstrating that the suspended provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act (EP&BC Act) are completely ignored by the RFAs. The report also fails to mention the logging of a designated Aboriginal Place at Biamanga (Mumbulla Mountain) during that period. It should also be noted that the only mention of the Forestry Commission working with Aboriginal people in southern NSW over those 10 years is for camping sites on the Bundian Way, despite many promises made when the RFAs were developed nearly 20 years ago. Public submissions regarding this bogus report, written under instructions, closed on 23rd February 2019 and 5,425 submissions were received, mostly opposed to renewing the RFAs. I lodged a [personal submission](#)³.
2. The second part of the process was conducted by NSW Department of Primary Industries (DPI) asking for people to have a say on the future of the RFAs. The public was not asked IF the RFAs should be renewed but rather what people would like them to contain on the basis that they would be renewed on a 5-yearly rolling basis in perpetuity. This was another sham consultation process where the decisions had already been made before the so-called consultation had been undertaken. The process closed on 12th March 2019; there were about 3,000 submissions, again, mostly opposed to the RFAs. I lodged a [personal submission](#)⁴ and Dr Bronte Somerset questioned the [procedural justice](#)⁵ of the entire public feedback process for the renewal of the RFAs from an ethical point of view.

I believe that the so-called "[Independent Review](#)"⁶ of these submissions actually considered both the EPA and DPI processes, despite the misleading title (5-yearly review 2004-2014). This report was tabled in the Federal Parliament on 25th June and a [joint statement](#)⁷ was released saying "*The NSW and Australian governments have committed to renew the NSW RFAs for a further twenty years and following extensive consultation, the agreements are now being finalised in close collaboration.*" The term "*following extensive consultation*" is pure reprehensible fabrication.

INTEGRATED FORESTRY OPERATIONS APPROVALS (IFOAs)

IFOAs are the rules for native timber harvesting in NSW's coastal timber production state forests supposedly to regulate environmental planning and assessment, protection of the environment plus threatened species conservation. Three of these IFOAs expire at the end of this year and the Southern Region at the end of 2020. The remake of the Coastal IFOAs was initiated by the NSW Government through the EPA and involves folding the existing four IFOAs along the coast into one Coastal IFOA.

One issue the government identified is that Forest Corp doesn't have enough timber on the north coast to fulfil their timber promises under their Wood Supply Agreements. They asked the NSW Natural Resource Commission (NRC) to investigate how they could maintain their commitments to a) No net change to wood supply and b) No erosion of environmental values. The NRC response was blunt: "*The commitments around wood supply and environmental values are not mutually achievable*" and recommended some ways around it by sacrificing one of those commitments. The NSW Government decided to sacrifice its commitment to Ecologically Sustainable Forest Management (ESFM) and remap some of the reserved areas to get access to more timber. The remake of the Coastal IFOAs is part of this process whereby too many of the environmental values that were supposed to be protected by these rules are sacrificed to allow them to access more timber to cover shortfalls from bad management, proving that the industry term 'sustainable forest harvesting' is a myth.

The remake of these IFOAs was on exhibition from 15th May 2018 to 13th July 2018 with two massive reports on [Conditions](#)⁸ and [Protocols](#)⁹ that were practically unreadable, plus the remake's [discussion paper](#)¹⁰. An overview of the major problems with this remake proposal is presented in this [joint submission](#)¹¹. I also lodged a [personal submission](#)¹². The NSW Government is currently considering submissions and we await the Draft IFOA Consultation Report.

The article *Proposed NSW logging laws value timber over environmental protection*¹³, explains a lot of the problems of, and implications from, these proposed changes to forest management.

WOOD SUPPLY AGREEMENTS (WSAs)

WSAs are negotiated between Forestry Corporation and the various timber processors and woodchip companies that process the timbers from our forests. These agreements expire at various times and are not aligned with either the RFAs or IFOAs. This has resulted in the IFOAs needing to change to keep up with the over-commitment of timber on the North Coast where some agreements don't expire until 2023. However, here on the South Coast the agreements expire on 30th or 31st December 2020 for the Southern Region but 1st January 2019 for the Eden Management Area. This means that these WSAs are being negotiated right now to be signed before the end of the year and commit our native forests to the Eden Chipmill, possibly for another 20 years. We believe that Blue Ridge Hardwood sawmill in Eden won't survive once the WSAs are negotiated - see [this story](#)¹⁴ in the Eden Magnet where the Blue Ridge manager said "*The result could more than likely bring about the closure of the saw mill...*" The proposed contract detailed in this story would have huge implications for the Eden area's native forests chiefly because it would lock in the destruction of our native forests into the foreseeable future.

I believe that consultation with the Aboriginal community, particularly given the Native Title Claim over the area, has been totally inadequate. I really do hope that the implications for Native Title including the impact on the future for Aboriginal people are properly considered and that the NSW Government and Forest Corporation NSW can get some sense and respect into their processes.

The Great Southern Forest proposal [Executive Brief](#)¹⁵ provides details of a better way to manage our forests into the future with further details available on the GSF [website](#)¹⁶.

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- ¹ NSW Regional Forest Agreements: A report on progress with implementation of the New South Wales Regional Forest Agreements. Nov 2017
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/forestagreements/17p0296-nsw-rfa-implementation-review-period-2-and-3-web.pdf?la=en&hash=BEF9F12E090F6CD65AF2FFB80ECDADCC5269E041>
- ² Annual RFA Implementation Reports - Non-Compliance. <https://www.serca.org.au/submissions/2018/compliance.pdf>
Taken from: <https://www.epa.nsw.gov.au/your-environment/native-forestry/integrated-forestry-operations-approvals/annual-reports>
- ³ Submission on the 2nd and 3rd Five Yearly Reviews of the NSW Regional Forest Agreements. Seán Burke.
<https://www.serca.org.au/submissions/2018/burke2.pdf>
- ⁴ Submission on the Future of Regional Forest Agreements In New South Wales. Seán Burke.
<https://www.serca.org.au/submissions/2018/burke4.pdf>
- ⁵ *Questioning Application of Procedural Justice Principles Within the NSW Government's Regional Forest Agreement Public Submission Process*. Dr Bronte Somerset, 10 February 2018.
<https://www.serca.org.au/submissions/2018/ethics.pdf>
- ⁶ Independent review of the report on progress with the implementation of the New South Wales Regional Forest Agreements for the second and third five-yearly reviews 2004 – 2014. Ewan Waller, April 2018.
<http://www.agriculture.gov.au/SiteCollectionDocuments/forestry/rfa/independent-review-nsw-rfa-5-yearly-review-2004-14.pdf>
- ⁷ Joint Statement on The Independent Review of NSW Regional Forest Agreements
https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/820265/joint-statement-nsw-regional-forest-agreements.pdf
- ⁸ Coastal Integrated Forestry Operations Approval - Conditions Consultation draft May 2018
<https://engage.environment.nsw.gov.au/29948/documents/77257>
- ⁹ Coastal Integrated Forestry Operations Approval - Protocols Consultation draft May 2018
<https://engage.environment.nsw.gov.au/29948/documents/77253>
- ¹⁰ Remake of the Coastal Integrated Forestry Operations Approvals Discussion paper February 2014.
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/forestagreements/140209ifoaremakeweb.pdf>
- ¹¹ Submission to the Environment Protection Authority on the Draft Coastal Integrated Forestry Operations Approvals (IFOAs) from South East Region Conservation Alliance, Great Southern Forest and National Parks Association Far South Coast Branch. <https://www.serca.org.au/submissions/2018/somerset3.pdf>
- ¹² Submission to the Review of the Draft Coastal IFOAs. <https://www.serca.org.au/submissions/2018/burke5.pdf>
- ¹³ Proposed NSW logging laws value timber over environmental protection. The Conversation. Dr Oisín Sweeney. June 2018. <https://theconversation.com/proposed-nsw-logging-laws-value-timber-over-environmental-protection-97863>
- ¹⁴ *Eden timber deal a saw point*, Eden Magnet, 22 August 2018
<https://www.edenmagnet.com.au/news/local-news/5598845/eden-timber-deal-a-saw-point/>
- ¹⁵ Great Southern Forest - Executive Brief http://www.greatsouthernforest.org.au/media/GSF_Executive_Brief.pdf
- ¹⁶ <http://www.greatsouthernforest.org.au>