

SUBMISSION ON THE FUTURE OF REGIONAL FOREST AGREEMENTS IN NEW SOUTH WALES

Firstly, I would like to say that the process for the renewal of the Regional Forest Agreements (RFAs) is a total farce and an attempt to deceive both the public and other government agencies by using corrupt processes. This is totally unethical and a breach of procedural justice principles as detailed in the **Ethics** paper attached.

One of the key requirements of the RFAs is that all available information be taken into account in any decision to renew them and it seems obvious that efforts have been made to deliberately avoid inclusion of controversial information in the deliberations on renewal. This is amply evidenced in the totally inadequate *Report of Progress with Implementation of NSW Regional Forest Agreements: Second & Third five-yearly reviews July 2004 – June 2014* where even information regarding over 4,000 breaches of environmental protection and threatened species licences by NSW Forestry over the 10 years of the review have been deliberately and callously omitted (see **Compliance 2004-2014** attached). Even details of court actions taken by EPA against NSW Forestry have also been left out of the reviews. Considering that these breaches were gained from only 187 audits of between 5,000 and 6,000 native forestry operations, one can only imagine the full extent of these breaches over the whole state. It should also be noted that the number of breaches hasn't decreased over the 10 years of the 2nd and 3rd five-yearly reviews.

Further to this blatant omission, studies that have been conducted over the life of the existing RFAs have also been ignored. Examples of these oversights include **Regional Forest (Dis)Agreements: The RFA Process and Sustainable Forest Management** by Jan McDonald Bond University 1999 (copy attached) that examines the initial RFA processes and deficiencies, *If a Tree Falls: Compliance failures in the public forests of New South Wales* and *One Stop Chop: How Regional Forest Agreements streamline environmental destruction* prepared by the Environmental Defenders Office highlighting serious deficiencies in past implementation of the RFAs and failures in fulfilling the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It is obvious from EPA identified breaches that these failures are monumental, without even taking into account breaches in the review timetable by a number of authorities that indicate RFA requirement don't fulfil EPBC Act expectations.

I particularly refer to Recommendation 38 of the Hawke Review *Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999* conducted in 2009:

"The Review recommends that the current mechanisms contained in the Act for Regional Forest Agreement (RFA) forest management be retained, but be subject to rigorous independent performance auditing, reporting and sanctions for serious non-compliance.

The Commonwealth and States should agree on sustainability indicators by the end of 2010. Subject to the concurrence of the Environment Minister, these indicators would provide a basis for performance auditing.

The RFA reviews undertaken by the Commonwealth Forestry Minister (Forestry Minister) and the relevant State party, in consultation with the Environment Minister, should be expanded to focus on the performance of RFAs in meeting their agreed outcomes, including protecting biodiversity and continuous improvement of a State's Ecologically Sustainable Forest Management (ESFM) framework.

The Act should be amended so that the Environment Minister may apply the full protections of the Act, if, after consulting with the Forestry Minister, the Environment Minister is satisfied that the review:

(1) has not occurred within the timeframe specified in the RFA;

(2) indicates serious non-performance, including

(a) failure to implement and maintain forestry codes of practice;

(b) failure to commit to and implement recovery plans for listed threatened species in RFA areas;

(c) failure to establish management plans for Comprehensive, Adequate and Representative (CAR) reserves;

- (d) failure of the ESFM framework to protect species;
 - (e) failure to investigate alleged breaches of the RFA and correct any proven breaches; or
 - (f) the audit outcomes are not implemented to agreed standards; or
- (3) does not provide enough information to judge if there are serious non-performance issues.

The Review notes that a number of RFA reviews are outstanding and recommends a transitional period for the conduct of these reviews. Section 38 will continue to apply to RFA forestry operations if the Environment Minister certifies that the review process has been satisfactorily conducted within two years of the commencement of the amendments.”

Given the actual multiple failures as stipulated in the above recommendation, the full protection of the EPBC Act should be applied to NSW Forestry operations and I ask that this be recommended to take immediate effect. (**Fact Sheet 4** attached)

It's abundantly clear from the above that the RFA renewal process in NSW should be suspended until a proper review of the history of their operations is undertaken including full consideration of studies and data that have and/or should have been undertaken over their life and the history of breaches of their licence conditions. The latest scientific information, particularly on fire behaviour in disturbed forests (see Lindenmayer, D. B., Hunter, M. L., Burton, P. J. & Gibbons, P. *Effects of logging on fire regimes in moist forests. Conservation Letters. 2009* and Taylor, C. (2010). *Tracking the Black Saturday bushfires — at the source of ignition. Melbourne University*) and climate change circumstances need urgently to be assessed and implemented and financial scenarios and options realistically analysed.

Once the above steps have been undertaken, I believe that it would be clearly evident that the RFAs should not be renewed and a better plan for management of our native forests needs to be put in place. Accordingly, I have attached the **Brief** of our Great Southern Forest proposal for the Southern and Eden Forestry Regions and I ask that this proposal be seriously considered. Further details of the proposal are available at our Primary resource website here:

<http://www.greatsouthernforest.org.au/resources.html>.

It is clearly evident down this way that NSW Forestry are undertaking a last-ditch effort to take available resources before they are lost to them. I travelled through to Victoria yesterday and saw that the previously protected visual buffer strips along the Princes Highway are now being extensively logged. Here is a photo that I took yesterday at the intersection of the Princes Highway and Edrom Road leading to the Eden Chipmill:



This picture clearly shows the blatant disregard to the principles of Ecologically Sustainable Forest Management, environmental protection and threatened species protection. Please do whatever you can to end this wholesale destruction of our precious native forests here in South-East NSW.

Thank you,
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