

WA Regional Forest Agreement (RFA) - Third Five Year Review Comments, January 2017 Margaret Blakers^{1,2}

1. Purpose and basis of the RFA review

The Parties are committed to ensuring effective conservation (WA RFA, cl. A)

The Parties confirm their commitment to the goals, objectives and implementation of the National Forest Policy Statement (WA RFA, cl.7)

The National Forest Policy Statement (NFPS) is the basis for the RFA (cl.7) and its goals and objectives include, inter alia, conservation of the 'full suite of forest values' that forests can provide for current and future generations (p4) and, specifically, agreement to 'manage for the conservation of all species of Australia's indigenous fauna and flora throughout those species' ranges...'. (NFPS p7)

Under its own terms the WA RFA requires the Parties to review, every five years, the **performance** of the RFA against the milestones and commitments it contains (cl 36). This is more than ticking off a series of disconnected items; and it is certainly more than the two Parties agreeing that the 'intent' of the RFA is being met and noting that there have been no differences between them relating to interpretation or implementation.

A performance review should include an assessment - with evidence - of how the RFA as a whole is performing. It should identify and respond to new information and critiques. The 'tick a box' section should be more than a recital of activities, lacking any criteria against which to determine whether the milestone has been met. The Progress Report³ does none of these in a systematic and credible manner.

As well, the review should be timely. This one is more than two and a half years late.

The period covered by the Progress Report is bookended by the Hawke review⁴ of the Environment Protection and Biodiversity Conservation (EPBC) Act published in October 1999 and the WA EPA audit of the 2004-2013 Forest Management Plan.

The Hawke review emphasized

In order to demonstrate that environment protection outcomes are being achieved in RFA forests, the RFA reviews need to focus on the performance of RFAs in achieving their objectives, including protecting biodiversity, and not just report on processes under

¹ Margaret Blakers, GPO Box 2234, Canberra ACT 2601, 0419 877 325, margaret.blakers@bigpond.com

² This submission focuses on biodiversity; it is not intended to be comprehensive

³ A report on progress with the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia Period 3: 2009 to 2014 October 2016

⁴ <https://www.environment.gov.au/resource/australian-environment-act-report-independent-review-environment-protection-and>

the agreements. Reviews should specifically address relevant matters of national environmental significance (NES) and report on verifiable information. (para 10.2)

It recommended that continued special treatment of RFAs under the EPBC Act should be contingent on satisfactory performance and that the performance requirements should be legislated. This recommendation was rejected by the then federal government, but the point remains that the Hawke review was highly critical of RFAs and that reviews of **performance** are crucial.

The EPA audit of the **performance** of the 2004 -- 2013 Forest Management Plan⁵ covers much of the period relevant to the RFA Progress Report. Its conclusion emphasizes the need for holistic assessment:

The end-of-term audit has highlighted the need to take into account changes in threatening processes and required management at the “whole of forest” scale. The EPA is of the preliminary view that additional actions may be required to ensure that the current ecological values of the 2.5 million hectares of the land covered by the forest management plan are maintained into the future, even in the face of new and continuing threats, such as: extended periods of below average rainfall which may alter the health and structure of the forests; disease and pest impacts (possibly exacerbated by the effects of below average rainfall); clearing for approved and proposed mining operations; as well as the impacts of timber harvesting operations. In taking this view, the EPA acknowledges that even the best management practices may not be able to prevent some loss of environmental values in the forests when dealing with these threats. Therefore it may be necessary to reduce those threatening processes over which we have some control and thereby maintain a balance between the environmental, economic, and social values of the southwest forests.

The Progress Report does not respond either to the Hawke review or the EPA Audit.

In the absence of a genuine performance review, it is difficult to see on what basis the Commonwealth government ‘accredits’ WA’s forest management systems as providing for ecologically sustainable forest management (cl 48).

Recommendation. Further action on the Progress Report should be put on hold until an overall assessment of the performance of the RFA is completed, including an evaluation against the goals and objectives of the NFPS. This should be on a ‘whole of forest’ basis as well as in relation to each of the matters of national environmental significance under the EPBC Act.

2. Biodiversity

A vital conservation benchmark from the NFPS objectives and policies is that species are conserved throughout their ranges.

⁵ <http://www.epa.wa.gov.au/proposals/forest-management-plan-2004-2013-%E2%80%93-end-term-audit-performance-report>

Are they? The Report does not say. Instead it lists threatened flora and fauna - how many, their status, whether they have a recovery plan and so on (Appendix 5). But where is the evaluation of whether these plants and animals are holding their own, declining or recovering? Where is the assessment of the condition and status of species and communities not yet listed? What about the maintenance of ecological processes that sustain forest ecosystems? What about the protection of water quality and aquatic habitats? (NFPS p7)

Recovery plans for individual species include criteria for success or failure. For example the Forest Red-tailed Black Cockatoo has a recovery plan dated 2008.⁶ One of its indicators of success is that the extent of occurrence remains stable or increases in the next 10 years; the corresponding indicator of failure would be a decrease of 10% or more. The plan is to be reviewed within five years of implementation - presumably in 2013. This is entirely within the period covered by the Progress Report but there is no information about the status of the Cockatoo against the recovery plan criteria, no information as to whether its recommendations have been implemented and it doesn't appear that the five-year review of the recovery plan has been carried out.

Similarly for other species.

The mere existence of a recovery plan means nothing. Implementation of actions in recovery plans for only two fauna species were reviewed in the five year period. Who knows whether any of the others are being implemented or are effective?

Recommendation

The Parties' claims to have met the following commitments are not substantiated and should be rejected.

- Clause 56 - that the CAR reserve system, current legislation (not the repealed laws referenced in the commitment) and Forest Management Systems provide for the protection of rare or threatened flora and fauna species and ecological communities
- Clause 61 - actions will be completed or significantly advanced in accordance with Recovery Plans

3. Extending the RFA

The world has changed greatly in the more than 17 years that has actually elapsed since the WA RFA was signed.

Climate change is an urgent global priority. Australia's native forests are important both in their potential to contribute to climate mitigation and in the significant impacts that climate change may have on forests including changes in water availability, higher temperatures, more frequent and severe bushfires and greater pest and disease incursions. During the review period, the RFA did not address climate change. In Forest Management Plan 2014-23 climate change is acknowledged but to be accounted for in 10-year increments, primarily by making minor adjustments to wood flows.

⁶ <http://www.environment.gov.au/resource/forest-black-cockatoo-baudin%E2%80%99s-cockatoo-calyptorhynchus-baudinii-and-forest-red-tailed>

Since 2013, Australia has ratified the Paris Agreement and committed to keeping global warming well below 2°C and achieving net zero emissions. Protecting and restoring Australia's native forests on both public and private land will make an essential contribution. The whole basis for the NFPS and has shifted and with it the rationale for RFAs, and the industrial logging they facilitate, to continue.

Similarly with biodiversity. In the last half of the 20th century, the world is widely accepted to have entered the entirely new Anthropocene epoch⁷ where human actions are driving change at unprecedented rates. This changes fundamentally the relationship of humanity to the Earth -- 'it is now necessary to recognize that human wellbeing in one place requires planetary health ... we all depend on the stability and functioning of the Earth system' (p46).

Biodiversity is one of the global commons of which we must all be stewards. The NFPS placed biodiversity protection as a fundamental goal, but in the translation to RFAs biodiversity has been sacrificed in favour of wood production. This is to such an extent that the protection of biodiversity and threatened species would be of a higher standard if regulated directly under the EPBC Act.⁸

The wood products industry has also changed since 1999, completing the switch from native forest to plantations.

WA's native forests and their biodiversity are part of our global heritage. Our responsibility is to protect these forests from further degradation and to the extent possible restore their ecological integrity and resilience. This is not compatible with exempting industrial logging from federal environment laws. RFAs were never 'agreed'. They should certainly not be extended.

Recommendation

RFAs should be abolished.

⁷ <https://www.thegef.org/events/our-global-commons-international-dialogue>

⁸ <https://envirojustice.org.au/major-reports/one-stop-chop-how-regional-forest-agreements-streamline-environmental-destruction>