

Submission on Report on progress with the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia. Period 3: 2009-2014. October 2016
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Summary

This report is late, it lacks credibility and it does not recognise that the WA Regional Forest Agreement has failed to meet any of its three objectives. It should not be used as justification to extend or renew the WA Regional Forest Agreement.

1. Late report lacks credibility

1.1 Report 18 months late

Clauses 35 and 36 require performance reviews towards the end of the first and third five-year periods, to be completed within three months after the completion of each five-year period. There was no report after the first five-year period but one covering the period 1 (1999 to 2004) and period 2 (2004 to 2009), and that was not published until July 2013.

Like its predecessor, this Report is late. It covers the period 2009 to 2014 but wasn't published until October 2016, 18 months overdue. This failure to comply with timelines is typical of the cavalier approach taken to the WA RFA and the WA Forest Management Plans (FMP) and the subsidiary guidelines produced to implement it. For example, the Goals for Understorey Structural Diversity were required to be prepared and approved by the WA Environment Minister by 31st December 2005 but 11 years later have still not been done.

1.2 Report lacks credibility

The Report has no credibility. It is a self-assessment. The very people responsible for implementing the RFA and the FMP have prepared this report on their own implementation. We have only the word of the Department of Parks and Wildlife (DPaW) and the Australian Department of Agriculture and Water Resources as to the degree of achievement and that is not good enough.

2. Objectives of RFA not met

The WA RFA established a 20-year framework to manage the use of Western Australia's (WA) south-west forests to implement effective conservation, forest management and forest industry practices. The purpose of the WA RFA is to:

1. identify a comprehensive, adequate and representative (CAR) reserve system and provide for conserving those areas
2. provide for ecologically sustainable forest management and use of forests
3. provide long-term stability of forests and forest-based industries.

The WA RFA has failed on every count.

2.1 Failure to identify a comprehensive, adequate and representative (CAR) reserve system and provide for conserving those areas

WA's current reserve system is due to the policy of the Gallop Government, elected in 2001, not the RFA. Premier Gallop ended the logging of old growth forest as identified by CALM foresters and, unlike the RFA, protected virtually all of it in reserves. The Gallop Government also greatly increased the area of forest in statutory reserves from what was planned under the RFA. However, some irreplaceable high conservation value forest is still available for logging and needs urgent protection.

Management of conservation reserves under the RFA is not conserving these areas. Every Forest Management Plan Performance Assessment carried out by the Conservation Commission and the Environmental Protection Authority has identified a long list of breaches of the FMP and its subsidiary guidelines (see Attachment 1).

There are grossly inadequate resources provided to DPaW to control the spread of *Phytophthora dieback* and other fungal pathogens such as *Armillaria*, which attacks karri, and *Quambalaria*, which is killing marri, or to control introduced pests such as foxes, cats, rabbit, pigs and deer, all of which are increasingly degrading and depleting biodiversity throughout the forest region, including the forest in conservation reserves.

2.2 Failure to provide for ecologically sustainable forest management and use of forests

The FMP 2014-2023 does not provide for ESFM. It sets unsustainable levels of logging and endorses practices inimical to forest ecology (e.g., ‘salvage logging’,¹ frequent extensive prescribed burning²).

The government agencies responsible for delivering ESFM have a bad track record. Since 1999, the Conservation Commission has audited some of the operations of the Department of Conservation and Land Management (CALM), the Department of Environment and Conservation (DEC) and DPaW. These audits found multiple failures on the part of the agencies to comply with their own management plans and guidelines (see Attachment 1).

DPaW and the FPC are only required to “have regard to” policies, plans, guidelines, codes of practice, manuals and prescriptions:

The goal statements which reflect the Conservation Commission’s purpose in proposing operations (management activities), are not intended to impose any legal obligation on, or prescribe any action to be taken by, the Department, the FPC or others. The Department and the FPC will act in accordance with the plan by undertaking the operations (management activities) proposed. In doing so, the Department, and others, where required by the Department, will have regard to certain policy, guidelines and/or other documents, as identified.³

The Environment Minister did not impose any conditions on his approval of the FMP’s implementation so compliance with the provisions of the FMP is discretionary as there is no authority with the power to enforce them. NGOs have tried and failed.

DEC identified serious breaches of the FMP by the FPC and its contractors, including ‘undertaking harvesting without approval’ and ‘machine incursion into fauna habitat zones’.⁴ The FPC recorded 200 breaches by its contractors. Even for serious breaches, DEC did not impose appropriate sanctions. The Conservation Commission’s end-of-term audit into the FMP 2004-2013 recommended that an increase in public reporting of compliance monitoring, incident management and responses generated be implemented.⁵

¹ Lindenmayer, David B., Burton, Philip J. and Franklin, Jerry F. (2008). *Salvage logging and its ecological consequences*. CSIRO Publishing, Collingwood, Victoria.

² See Attachment 2

³ Conservation Commission of Western Australia (2013), *Forest Management Plan 2014-2023*, p. 24

⁴ Department of Environment and Conservation, ‘Incident Reports (IR), Works Improvement Notices (WIN) and Management Letters (ML) issued by DEC since 2004’, p. 3.

⁵ Conservation Commission of Western Australia, *End-of-term audit of performance report: Forest Management Plan 2004 – 2013*, 30 March 2012, ‘Executive Summary’, pp. 9 -10.

Under the RFA, forest biodiversity has not been protected. In 2009 the Auditor General conducted an audit to see whether DEC was effectively protecting and recovering threatened terrestrial species, whether it had clear strategies, plans, policies and procedures in place to support conservation activities, and whether those activities were conducted in line with relevant legislation, plans, policies and procedures. The audit Report states:

In many areas DEC is not effectively protecting and recovering threatened species. The number of threatened species is rising and only a few species are improving. Recovery action is not happening for most threatened species. The majority of resources and effort are allocated to critically endangered species, placing vulnerable and endangered species at risk of further decline.

DEC has some successful programs to address broad scale threats to multiple species, but in other areas that underpin conservation, such as habitat protection, DEC is facing significant challenges.⁶

Although the outdated *Wildlife Conservation Act 1950* was replaced by the *Biodiversity Conservation Act* in 2016, the Auditor General's findings remain valid.

Since 1999, the number of WA forest species listed as endangered or that have become more endangered has increased. While information on listings is not readily available, from 2004 to 2009 alone, eight species of flora and five species of fauna in the RFA area moved to a higher category of threat and there has been further deterioration since then. For example, the woylie and the Western ringtail possum are now listed as critically endangered.

Exemption of forests under an RFA from the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* for 20 years is an inexcusable concession given to a destructive, irresponsible industry. It must not be retained. WA's forests are under extreme and increasing threats from climate change, pests, diseases and bad management. They need all the legal protection they can get.

2.3 Failure to provide long-term stability of forests and forest-based industries.

The native forest logging industry has suffered a significant decline under the RFA. Sawmills have closed, employment has decreased and the quantity and quality of logs have fallen. It is heavily subsidised by WA taxpayers, a fact the FPC and the Government try to conceal behind the profits made by the plantation and sandalwood industries. The decline and fall of the native forest logging industry are thoroughly documented in the TAI report, *Barking Up the Wrong Trees* (Attachment 3). Its demise is imminent and the RFA has failed to prevent the collapse.

Conclusion

The WA Regional Forest Agreement is a dismal failure. It must not be extended or renewed.

⁶ Auditor General Western Australia *Rich and Rare: Conservation of Threatened Species Report 5* – June 2009, p. 4

Attachment 1

Performance Assessments and assessments of related topics:

- Prescribed burning Performance Assessment Number FMPPA – No.01/06 - 19/05/2006
- Informal reserve protection during timber harvesting operations – Part 1 - 1/09/2006
Performance Assessment Number FMPPA – No. 02/06
- Fauna Habitat Zones PA Category: Forest Management Plan PA Twelve month review:
1/09/2005; 15/12/2006
- Informal reserve protection during timber harvesting operations – Part 2 - 1/09/2007
Performance Assessment Number FMPPA – No. 01/07
- Performance assessment of Phytophthora dieback management on lands vested in the
Conservation Commission of Western Australia 2010 - 23/02/2011
- Protection of significant flora and understorey species - 11/01/2012
- Biodiversity outcomes of prescribed burning in the southern forests - 24/6/2013
- Key Performance Indicators – No. 01/16

The Conservation Commission did not have the resources to carry out more frequent audits nor the power to enforce compliance with the FMP or its subsidiary guidelines.

This fact along with other significant problems was identified by the Environmental Protection Authority in its mid- and end-of-term audits of performance of the 2004-2013 FMP.

Attachment 2 Science and prescribed burning in Western Australia

Beth Schultz on behalf of the WA Forest Alliance, PO Box 203, Nedlands WA 6009 - March 2016

There is a wealth of scientific research into fire management in the natural environment and the impacts of fire on the environment. Some of the findings and the published references are listed below.

1. Improving fire management

1.1 Ignition management (stopping fires from starting and putting them out rapidly when they do start) is the best way to minimise the area burnt in wildfires.¹

1.2 Prescribed burning may increase the 'fuel load'.²

1.3 The 1961 report of the Royal Commission on the bushfires of 1960 and 1961 said that most of the forest in the Dwellingup division had been controlled burnt in recent years, and the litter on various parts of the forest represented accumulations generally speaking of from 0 to 8 years.³

1.4 Fuel age is an imprecise surrogate for fire hazard in species-rich Mediterranean-type shrublands. A better method of estimating the 'fuel load' is to measure the height of the litter.⁴

1.5 A shift in emphasis away from broad-scale fuel-reduction to intensive fuel treatments close to property will more effectively mitigate impacts from wildfires on peri-urban communities.⁵

1.6 It has been claimed that Australian Aborigines burnt most of Australia about every one to five years.⁶ Research and experience disprove the claim regarding, for example, the karri forest.⁷

1.7 Long unburnt karri forest has a low 'fuel load'.⁸

1.8 The frequency of fires in south-west WA increased after the arrival of Europeans.⁹

1.9 The technique proposed for constructing a fire history in south-west WA using the dark rings on balga trunks is unreliable. The grasstree record in its current form cannot be interpreted as fire history, and therefore the grasstree technique should not be used to support fire management.¹⁰

1.10 Mammals such as woylies, potoroos and quendas, which used to be present in very large numbers and are now locally extinct or threatened with extinction, reduced the 'fuel load' by digging into the soil and turning over the litter.¹¹

1.11 Better criteria for successful fire management than reaching an annual target for fuel reduction burning in the three south-west forest regions need to be developed.¹²

1.12 The Victorian Government introduced an annual burn target of 5 per cent of public land then quickly changed its policy to one based on risk management.¹³

1.13 With the projected warming and drying climate and increasing fire hazard, adaptive fire management may need to include heightened wildfire suppression and lengthened intervals for prescribed fire to best support the *in situ* persistence of perennial plant species and of plant biodiversity.¹⁴

2. Assessing the costs of prescribed burning

2.1 Frequent fires have a disastrous effect on many species of flora and fauna and the habitat structure.¹⁵

2.2 Young karri trees are fire sensitive for up to 25 years¹⁶ but the WA Department of Parks and Wildlife (DPaW) burns karri forest, including karri in national parks, on average every 10 years. This may kill young naturally regenerated karri, leaving few maturing trees to replace old trees when these eventually die and fall over.

- 2.3 In native plant communities infested with *Phytophthora cinnamomi*, fire has the potential to increase both the severity and extent of the disease.¹⁷
- 2.4 In jarrah forest, prescribed burning on a five- to seven-year rotation is likely to permanently simplify the litter flora and fauna, with far-reaching effects on forest and hygiene.¹⁸
- 2.5 DPaW has conducted most of its prescribed burning in spring, the worst possible time for nesting birds¹⁹ and flowering plants. As well as loss of habitat, there is a risk of re-ignition.
- 2.6 Recent research shows that patch mosaic burning does not necessarily conserve biodiversity.²⁰
- 2.7 In research conducted in semi-arid Australia, older vegetation was shown to be disproportionately important for the conservation of birds, reptiles, and small mammals.²¹
- 2.8 Those species most abundant in older vegetation were rare in recently burned areas. The optimal fire management strategy over much of the state space was to fight wildfires.²¹
- 2.9 Plants that recover from a fire by resprouting may take 13 years to be able to tolerate another fire. Repeated fires at intervals shorter than resprouters take to become fire tolerant may make the species locally extinct.²²
- 2.10 Mistletoes, a keystone resource in forests and woodlands, are obligate seeders that depend on seed importation after fire. They can only recolonise when their hosts have regenerated after fire so fire is the most pervasive threatening process operating today.ⁱ
- 2.11 Burning to protect flora may not protect fauna. The responses of fauna species to fire are largely unknown.²⁴
- 2.12 Frequent low-intensity fires (‘prescribed burning’) cause substantial changes in the structure of invertebrate assemblages and the loss of species associated with the decomposer cycle. This has serious implications for forest health.²⁵
- 2.13 The most detailed long-term study suggests that frequent mild fires will lead to the decline and loss of some species of birds now perceived as common and little affected by mild fires.²⁶
- 2.14 Some native mammals need long unburnt vegetation (honey possums take 30 years to reach maximum abundance after a fire).²⁷
- 2.15 Prescribed burns sometimes escape and cause extensive damage. In 2011, an escaped prescribed burn burnt down 32 houses in Margaret River²⁸ and another burnt through 52,000 ha of forest and bush south of Nannup²⁹ killing untold numbers of native fauna and depriving any that survived of habitat for years, possibly decades.
- 2.16 DPaW has no methodology for reliably estimating the number of dead or injured fauna following wildfires or prescribed burns.³⁰
- 2.17 Fire destroys habitat and leaves fauna no protection from predators such as foxes and cats.³¹ If there is no cover, predation will be high.
- 2.18 Big old trees with nesting hollows, which take at least 130 years to develop and are essential for hollow-dependent species such as cockatoos, catch fire, burn through and fall over in both prescribed burns and wildfires.³²
- 2.19 Prescribed burns and escapes have burnt through peatlands in south-west WA, destroying organic soils accumulated over thousands of years and the unique biodiversity they contain.³³
- 2.20 Prescribed burns encourage invasion of roadside vegetation by weeds that are often more flammable than the native vegetation they displace.³⁴

Conclusion

In Western Australia, under current fire management, lives have been lost, homes burnt down, farms damaged and biodiversity degraded and depleted. We need fire management based on scientific research and evidence, including recognition of the likely impacts of climate change, together with wide, fully informed public consultation and input. Fire management must maintain and protect biodiversity as well as property valued by the community and be implemented by all sectors of government and the community throughout the State.

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