

Submission on Report on progress with the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia by the WA Forest Alliance

The Western Australian Forest Alliance Inc (WAFA) is WA's peak forest conservation organisation, representing more than 20 forest conservation groups in Perth and the south-west. WAFA seeks to protect native forests and transition the timber industry to sustainably managed plantations and farm forestry.

WAFA strenuously opposes the renewal of the Regional Forest Agreements (RFA) as they have failed to ensure the environmental protection of native forests including failing in the conservation of biodiversity and the protection of endangered species.

The RFA process has even failed to comply with its own reporting and reviewing requirements and these either have been carried out after the specified time or have provided recommendations that are vague and/or unenforceable.

The RFA has failed to be an adequate substitute for Commonwealth environmental protection laws.

The RFA is supposed to be an adequate substitute for Commonwealth environmental protection laws. The Commonwealth *Environmental Protection Biodiversity Conservation Act 1999* (EPBC) was legislated to ensure Australia meets its international environmental protection commitments. It is triggered when a proposed action affects prescribed matters of national environmental significance, such as threatening endangered species. It is therefore vital that the RFA does the work that the EPBC Act ordinarily would. Under the RFA, the WA Forest Management Plan, in turn, is supposed to do the work of the RFA. It is important to note that the FMP is not legally binding and in spite of recommendations submitted by experts and the community the Minister imposed no legally binding conditions.

The RFA should not be renewed.

WAFA contends that the RFAs should not be renewed for three reasons:

- (1) They do not adequately provide for ecologically sustainable forest management.
- (2) They are not implemented properly. The State has not complied with its obligations.

The Commonwealth, which is supposed to ensure that the State complies with its obligations, has not been monitoring this and has failed to act to ensure that the State complies.

- (3) They are not legally enforceable by third parties. The result is that forests – which are national treasures - vital to both mitigating and adapting to climate change, vital to human health and well-being - are falling through the cracks in environmental protection.

If, despite its flaws, the RFA is renewed, it needs to be fundamentally changed. There are five key areas for reform:

- (1) The EPBC Act exemption for RFA forestry activities must be removed.
- (2) The RFAs must clearly define the State's legally binding obligations.
- (3) The obligations in the RFA must be legally enforceable by third parties.
- (4) The compensation provisions of the RFA must be scrapped. It is perverse to make the

Commonwealth liable to pay money to the States for taking action to protect nationally significant conservation values.

(5) The process for making an RFA needs to be changed. The environmental parameters established under the RFA were the product of the Comprehensive Regional Assessments (CRAs.) Conservation groups at the time highlighted that the data which informed these Assessments was inadequate. Even if this information were perfectly accurate at the time, the impact of climate change has rendered these studies obsolete. The uneven, often rapid impacts of climate change 'trigger events' mean that the scientific information feeding forest policy must be highly responsive to actual events. To entrench the environmental settings guiding forest policy for a further 20 years is irresponsible.

Key submission points:

Ecosystem health and Ecologically Sustainable Forest Management

- The principles of Ecologically Sustainable Forest Management (ESFM) should be demonstrated in any WA Forest Management Plan (FMP). The FMP sets out the 10-year plan for logging levels and prescriptions and biodiversity conservation measures. The FMP 2014-2023 does not provide for the South-West forests to be managed in accordance with the principles of ESFM.
- Our forests are already under grave threat from climate change, associated rainfall reduction and diseases such as dieback. Further stresses come from a range of sources including logging, clearing for mining, and prescribed burns. The measures in the FMP will not secure the long-term health of our forests.

Biological diversity

- The FMP does not adequately protect threatened flora and fauna. The South-West forests are globally significant sources of biodiversity - home to endangered species of mammals, birds and flora, including the numbat, this State's emblem. Ample scientific evidence shows the clear causative link between logging and the increasing threat of extinction to a number of forest-dependent endemic species.¹ Their outstanding beauty and biodiversity value makes them a tourist magnet and underpins the South-West tourism industry.
- The actions prescribed in the previous FMP to protect threatened flora and fauna have not been complied with. As acknowledged in the FMP, the Conservation Commission's end-of-term audit found that not all of the actions to protect threatened flora had been fully implemented. The FPC has identified multiple examples where logging has breached the FPC's guidelines for protecting threatened fauna, recording, for example, machinery incursions into fauna habitat zones.² This is unacceptable.
- A major problem is that there has been no independent inventory taken of the flora and fauna species in the South West forests in those areas which will be logged or burned.
- There must be binding procedures for protection of threatened species where their presence is identified. However, the FMP simply says that the Department of Environment and Conservation (DEC) and the FPC must conduct their operations 'having regard to the Fauna Distribution Information System.'³ This is inadequate.

¹ Beckerling, J. 2015. *Ticked Off: How Karri Logging Threatens Wildlife and the FSC Standard.*

<https://www.wilderness.org.au/sites/default/files/PDFS/TWS%20FSC%20and%20karri%20logging%20report%20September%202015%20compressed.pdf>

² Department of Environment and Conservation, 'Incident Reports (IR), Works Improvement Notices (WIN) and Management Letters (ML) issued by DEC since 2004', p. 3.

³ Action 12, FMP 2014 - 2023

Productive capacity

- Logging of native forests is environmentally unsustainable; it destroys biodiversity and undermines our forests' role in global carbon cycles. It is unnecessary, as recent research by the Australian National University confirms we currently have enough plantation timber to meet industry needs. It is unviable, and issues relating to the Forest Product Commission (FPC)'s financial viability have been the subject of the recent Australia Institute report, *Barking up the Wrong Trees* (see <http://forestsforlife.org.au/wp-content/uploads/Swann-Browne-2016-Barking-Up-The-Wrong-Trees-FINAL.pdf>). It is also wasteful, as native forest logs are being used for low-value products like woodchips and charcoal.⁴

Plan implementation and management

- If native forest logging continues, it must comply with relevant laws and subsidiary regulations. The FMP is supposed to ensure that the State and the Commonwealth meet their environmental protection obligations in our forests. Under various state laws, DPAW, the FPC, and FPC contractors are supposed to comply with the FMP.
- This is not happening and numerous breaches are occurring. The EPA has identified serious non-compliances by the former department, the DEC, with actions required under the FMP, including: (1) failure to establish formal conservation reserves; (2) failure to complete vital subsidiary guidelines; and (3) failure to produce an Environmental Management System.⁵
- The former department, the DEC, in turn, has previously identified serious breaches of the FMP by the FPC and its contractors, including 'undertaking harvesting without approval' and 'machine incursion into fauna habitat zones'.⁶ The FPC itself has recorded 200 breaches by its contractors, including: (1) 'Old Growth logging' (2) 'machine incursion into marked CAR informal reserve'; (3) 'Machine incursion across Old-Growth boundary'; and (4) 'Tree felled within CAR informal reserve'.⁷ Even for serious breaches, DEC or now the DPAW, is not imposing appropriate sanctions. For example, 'undertaking harvesting without approval' and 'machine incursion into fauna habitat zones' resulted merely in a management letter. The Conservation Commission's end-of-term audit of the FMP 2004 - 2013 recommended that an increase in public reporting of compliance monitoring, incident management and responses generated be implemented.
- These breaches may violate the Regional Forest Agreement.

Heritage

- It is an offence under the *Aboriginal Heritage Act* to excavate, destroy, damage or in any way alter any Aboriginal site, regardless of whether it is on the register of Aboriginal sites. However, no comprehensive assessment of the forests under FMP management for Aboriginal heritage has been conducted. An assessment of Aboriginal heritage values of South West forests should be undertaken

⁴ *Social and Economic Impact Assessment on the Potential Impacts of Implementation of the Draft Forest Management Plan 2014 – 2023*, released 14 August 2012, URS Australia Pty Ltd, p. 21.

⁵ Environmental Protection Authority, *Report and Recommendations of the Environmental Protection Authority: Forest Management Plan 2004-2013 – end-of-term audit of performance report*, Report 1443, June 2012, 'Attachment 1: EPA review of matters arising from mid-term and final-term audits'.

<http://edit.epa.wa.gov.au/EPADocLib/Rep%201443%20FMP%20end-of-term%20audit%20180612.pdf>

⁶ Department of Environment and Conservation, 'Incident Reports (IR), Works Improvement Notices (WIN) and Management Letters (ML) issued by DEC since 2004', p. 3.

⁷ Information provided by FPC from its Environmental Management System (EMS) log as at 25 May 2012, provided by Conservation Council.

prior to scheduling disturbance activities, to ensure that obligations are met to conserve Aboriginal heritage.

Socio-economic benefits

- The FMP assumes that keeping the forest products industry afloat is economically beneficial. While in the very short term there is undoubtedly an economic and social benefit to those workers directly employed in the forest industry, the native forest products industry in Western Australia is no longer financially viable having posted declining profits over the past 7 years and cumulative losses of \$34 million over the past 4 years.⁸
- The South-West forests are a public asset and must be managed in a way that maximises their socio-economic benefit for current and future generations of West Australians. This principle is echoed by Criterion 6 of the Montreal Criteria for ESFM: 'Maintenance and enhancement of long term multiple socio-economic benefits to meet the needs of societies.'
- The FPC blames the industry's dire financial straits on the current FMP's allowable cut levels. However, the FPC's own annual reports demonstrate that the FPC is not meeting its allowable cut for jarrah and marri.⁹ There is strong evidence that the industry is in decline for other reasons. Relevant external factors are: over-supply of wood chips on the global scale, changing consumer trends, and the development of substitute products.¹⁰ The ailing ecosystem health of our forests is another central reason: the FPC is having difficulty locating quality logs. This is due to the increased scarcity of large, healthy trees due to long-running logging activities. It is also due to the effects of dieback and other diseases, reduced rainfall, and other stresses on our forests.
- A very small percentage of the wood from native forest logs becomes sawn timber. Many mills have modified their operations to process lower quality wood, and there is a downward trend in high quality log grade production. It is wasteful in the extreme to use valuable jarrah and karri hardwood for low-quality timber products. Currently, the majority of karri logs other than 1st and 2nd grade are sold as chiplogs.¹¹ 160,000 tonnes of jarrah other bole logs are supplied to Simcoa annually for charcoal used in production of silicon.¹²
- TAI estimates the total number of people employed in native forest falling, hauling and transport to be 300 – 460¹³. . These workers should be assisted to transition to sustainable industries such as plantation forestry.

Please see the report from the Australia Institute that concludes that WA native forests are being logged at a loss to taxpayers.

In addition we refer you to and support the material and conclusions presented '***The need for a comprehensive reassessment of the Regional Forest Agreements in Australia***' by David B. Lindenmayer, David Blair, Lachlan McBurney and Sam C. Banks and published in *Pacific Conservation Biology*, 2015.

⁸ Swann, T and Browne, B. 2016. *Barking Up The Wrong Trees*. <http://forestsforlife.org.au/wp-content/uploads/Swann-Browne-2016-Barking-Up-The-Wrong-Trees-FINAL.pdf>

⁹ Forest Products Commission, *Annual Report 2011-12*, pp. 39 – 40.

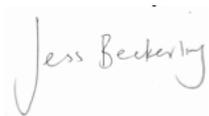
¹⁰ Many of these are identified in *Social and Economic Impact Assessment on the Potential Impacts of Implementation of the Draft Forest Management Plan 2014 – 2023 (Social and Economic Impact Assessment)*, released 14 August 2012, URS Australia Pty Ltd, p. 21.

¹¹ URS Australia, *Social and Economic Impact Assessment*, p. 21.

¹² URS Australia, *Social and Economic Impact Assessment*, p. 21.

¹³ Swann, T and Browne, B. 2016. *Barking Up The Wrong Trees*. <http://forestsforlife.org.au/wp-content/uploads/Swann-Browne-2016-Barking-Up-The-Wrong-Trees-FINAL.pdf>

Yours sincerely



Jess Beckerling

Convener

WA Forest Alliance

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Attachments:

- 1 **The need for a comprehensive reassessment of the Regional Forest Agreements in Australia**
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^AFenner School of Environment and Society, The Australian National University, Canberra, ACT 2601, Australia.
^BCorresponding author. Email: david.lindenmayer@anu.edu.au published in *Pacific Conservation Biology*, 2015
- 2 Swann, T and B. Browne. 2016 *Barking up the Wrong Trees*. The Australia Institute
- 3 Submission on the Draft Forest Management Plan 2014 – 2023. Office of Giz Watson MLC, Member for North Metropolitan Region