

## **Comments on WA Regional Forest Agreement progress report**

Comments prepared by Beth Schultz on behalf of the WA Forest Alliance – September 2013

Regional Forest Agreements were an attempt to get forests off the political agenda by giving resource security to the native forest logging industry while throwing a sop to conservation. They have not achieved their objective.

This review is said to cover both the first and second five years of the 20-year WA agreement. A review was due in 2004 then 2009 and the next review is due in 2014 but is unlikely to be carried out. This total failure to comply with timelines is typical of the approach taken to the WA RFA and the WA Forest Management Plan produced to implement it.

The progress report was prepared by the very people responsible for implementing the RFA and the FMP, the Department of Parks and Wildlife (DPAW), formerly the Department of Environment and Conservation (DEC) and before that the Department of Conservation and Land Management (CALM).

This is like asking the Treasurer to do a progress report on implementation of a government budget.

Clause 43 of the WA RFA states:

Western Australia agrees to produce and publish a Forest Management Plan to implement the commitments of this Agreement by 30 June 2004 taking into account the importance of RFA certainty and commencing the planning process by early 2001.

The FMP was indeed produced on time but implementation was and remains at the discretion of CALM, DEC and now DPAW.

The FMP is written in terms that give total discretion to those implementing it. It declares that it is not legally binding and will be implemented according to availability of resources. Its requirements usually include the words “have regard to” or “seek to”, indicating that for the most part there is no intention to impose any obligation on anyone to do anything.

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. These include all the Conservation Commission’s Forest Management Plan 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

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

This latter 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 FMP. However, its report on the proposed FMP 2014-2023 is far weaker and even recommends that no implementation conditions be placed on the plan.

In 2012, DEC and the FPC released lists of the hundreds of breaches of regulations, prescriptions and guidelines that had occurred in the course of native forest logging between 2004 and 2012. It seems that no agency has the ability or the will to enforce compliance.

Preparation of the next FMP 2014-2023 is well advanced. There is pressure to have it completed before 31<sup>st</sup> December 2013 because by law all contracts for the sale of forest products expire when the FMP expires.

From the outset, the process for developing the next FMP has been result-oriented: the State Government wants native forest logging to continue at present or increased levels regardless of its devastating environmental impacts and its huge financial cost to the State.

Documents used in the course of this process have revealed that:

- The modelling used to determine the sustained yield and allowable cut of native forest logs cannot take account of fire, drought or frost. Yet higher temperatures, lower rainfall and greater numbers and intensity of frosts along with increased incidence of pests and diseases are already having a significant impact on forest health.
- On the figures provided, all karri forest available for logging could be cut over within 25 years and all jarrah forest available for logging and not logged since the mid-1980s could be cut over within 30 years.
- Some 90 per cent of the wood extracted from native forests will be used for firewood or charcoal (jarrah) or woodchips (karri), and there is pressure to develop a biomass industry to provide a market for the ever-increasing volume of low-grade logs produced under the false pretence that logging is for high-value products.
- The monitoring program used to claim that logging and burning have no impact on forest biodiversity has been limited to a small number of sites in the jarrah forest, has been conducted infrequently for only five years and did not include the majority of forest taxa.
- An expert panel has recommended that the next FMP be reviewed after five years to enable it to adapt to shocks such as major fires, cyclones or pest or disease outbreaks (all exacerbated by climate change).

The only tangible outcome of the WA RFA has been to exclude the operation of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* in WA forests. However, while it remains in force, some unwelcome provisions of the WA RFA could be implemented.

The WA RFA has failed to protect forest biodiversity or to shore up the dying native forest logging industry in WA. It should not be rolled over or renewed.

The proposed FMP 2014-2023 should be re-written by ecologically competent experts with genuine community participation, and conditions must be placed on its implementation.

The EPBC Act should be amended immediately to allow its provisions to apply in WA forests