

4 October 2012

Sustainable Forest (Timber) Act 2004 Review
Department of Primary Industries
GPO Box 4440
Melbourne VIC 3001
By email only: sfta.review@dpi.vic.gov.au



Dear Sir or Madam

Sustainable Forests (Timber) Act 2004 Review

Lawyers for Forests Inc (LFF) is an organisation of legal professionals working towards the protection and conservation of Australia's remaining native forests.

LFF commends the Government for its move to streamline and simplify the legislative framework governing Victoria's native forests, however we have serious concerns regarding some of the recommendations.

1. Removal of conditions on Allocation Orders resulting in VicForests no longer providing data about its logging operations and regeneration activities to Government

LFF broadly supports the removal of compliance obligations from subordinate instruments toward consolidation of key regulatory requirements into the *Sustainable Forests (Timber) Act 2004 (Vic) (the Act)*, such as compliance with the Code of Practice for Timber Production.

However, the Allocation Order reporting obligations are vital regulatory requirements. Preferably, they should be inserted into a new section in the Act. It is paramount that Government hold and maintain all forest data, not least to enable proper planning and research. The Department of Sustainability & Environment (DSE) cannot properly carry out its functions relating to forest management zoning without such information. Public access to information, including logging history, currently available on the DSE website mapping systems will also be compromised if VicForests is no longer obligated to regularly provide this information to Government. This would represent a lack of transparency around what is occurring in our publicly-owned native forests.

Further, regeneration activities must continue to be regulated and supervised by DSE to enable it to properly carry out its functions in resuming control over regenerated forest. To do so, DSE must receive information and evaluate VicForests performance on a regular basis.

2. Removal of the requirement for the Secretary to approve TRPs

VicForests has shown repeatedly that it is incapable of properly balancing environmental and commercial objectives in planning the logging of our native forests. Accordingly, it is the role of DSE to plan and regulate forestry in a way that adequately balances these conflicting interests.

LFF has serious concerns about the conflicts of interest that VicForests will face if charged with the roles of both commercial operator and logging planner.

Government, in the form of DSE, must retain involvement and oversight over Timber Release Planning to ensure environmental and social considerations are balanced against commercial objectives.

3. Removal of maximum terms on TRPs, 15 year maximum Allocation Orders and 5-yearly reviews of Allocation Orders

Logging planning must be flexible to enable adjustment in response to environmental change, perhaps most significantly serious wildfire events, climate change and the status of threatened forest-dependant species. The removal of maximum terms on TRPs and regular reviews will enable longer term Allocation Orders and TRPs, thereby locking Victoria in to an inflexible and unsustainable level of logging that cannot account for environmental change.

While it is in VicForests' interest to plan (and estimate) for a maximum loggable area to maximise commercial outcomes (particularly in the short term considering its recent reported losses), it is in the public interest to plan for long-term sustainability, both in terms of the timber resource and the environment. Serious concerns have been raised about current rates of logging beyond sustainable yields. Locking Victoria in to such levels by handing timber release planning over to VicForests for indefinite periods will not only fail to provide long-term security to timber workers but will also fail our environment.

Government (not VicForests) should undertake a comprehensive assessment of the current timber resource in State forests to accurately assess sustainable yield levels and protect remaining high conservation areas, before any long-term timber release planning is carried out, and before such planning is handed over to VicForests with little future Government oversight.

LFF understands that this proposed amendment is paving the way for VicForests to enter 20 year contracts. LFF has serious concerns about locking Victorian taxpayers in to 20 year contracts that may be difficult to fulfil in the future, including due to environmental change and current overestimates of timber resources and future yields. LFF is also gravely concerned that current declines in forest-dependant species, such as the Leadbeater's Possum, will continue if yields are not brought in line with ecological capacities. Long-term contracts will provide a disincentive to address these issues into the future.

In addition, the removal of any 5-yearly review will be in breach of the Victorian Regional Forests Agreements. The Victorian Government is proposing amendments that put it in direct breach of its legal obligations with the Commonwealth. Evidently, the Victorian Government is prohibited from removing the 5-yearly reviews. We expect that the Victorian Government inadvertently failed to have regard to this obligation when proposing the amendments and will now withdraw this proposed amendment without delay.

4. Removal of Timber Harvesting Operators Licenses

Logging contractors are often left with responsibility for environmental checks in the field, including identification and retention of habitat and seed trees. If they retain such responsibility, they must be properly trained. For this reason, Timber Harvesting Operators Licences should remain.

5. Failure to update Forest Management Plans and prepare Action Statements

LFF urges the Government to meet its environmental obligations to review and update Forest Management Plans and prepare Action Statements for all listed threatened species in the State as part of its Forestry legislative review to ensure commercial, social and environmental considerations are each properly addressed.

Yours Sincerely



Management Committee
Lawyers for Forests Inc