



The Wilderness Society Victoria Inc

Submission to the Senate Inquiry into

the effectiveness of threatened species and

ecological communities' protection in

Australia

14 December, 2012

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Introduction

The Wilderness Society Victoria (TWS Vic) welcomes the opportunity to make a submission to this inquiry into the effectiveness of threatened species and ecological communities' protection in Australia.

The Wilderness Society Victoria is a nature conservation organisation working to protect Victoria's native forests from logging and woodchipping. TWS Vic also works in the west of the state, a highly-cleared region, advocating for a viable landscape scale initiative that would link the sea with existing desert parks and the refugia of Gariwerd, the Grampians National Park.

As such, this submission speaks to the effectiveness of threatened species and ecological communities' protection in Victoria's native forest ecosystems, the plight of forest and woodland biological diversity, and the impact of prescribed burn regimes in the west of the state upon threatened species and ecological communities.

This submission gives an indication of the decline in Victorian biodiversity in Australian and global contexts. The destructive logging and burning regimes currently underway in the state are but two processes demonstrating flaws and failings in the protection of endangered species and threatened ecological communities. Key pieces of state and environmental legislation, the Flora and Fauna Guarantee Act (1988), the Environment Protection and Biodiversity Conservation Bill (1999), and the Sustainable Forests (Timber) Act (2004) are briefly canvassed, and their effectiveness and intent considered, especially in light of proposed (regressive) changes. Recent zoning reviews, whereby areas identified as special and important for threatened species are being newly opened to logging, are illuminated by way of example of deterioration in this state in the management of critical habitat. Commonwealth responsibilities and suggestions from improvement are offered, especially in light of the Regional Forest Agreements, which have only over-committed public forests to logging, with enormous costs to biodiversity.

The examples offered in this submission however, are indicative of the dire state of affairs across the entire state (and, indeed, many other parts of the continent), when it comes to the threatening processes of logging and burning, the protection of endangered species and ecological communities, the development and implementation of recovery plans, management of critical habitat across all land tenures, regulatory and funding arrangements at

all levels of government, the historical record of state and territory governments on these matters, and other terms of reference of this inquiry.

Reversing the decline in Victorian biodiversity

Protection of threatened species and ecological communities in Australia is woeful. Biodiversity decline, biodiversity loss and poor environmental management each play their role in our country's unenviable title of having the highest rate of extinction in the past two hundred years, title underscored by decades of mismanagement in terrestrial, freshwater and marine ecosystems.

It is deplorable that in the two decades years since endangered species lists began, only one vertebrate has been elevated off the list.¹

By percentage of area, Victoria has experienced the most native forest loss of any Australian state since European settlement; over 60%, or almost 15 million hectares of native forests have been cleared². A significant portion of what remains has been grazed, logged or burned.

Due to past clearing and current management practices, Victoria is now facing an extinction crisis: 44% of native plants and 30% of wildlife are extinct or threatened.³

Victoria's native forests and woodlands are the only remaining homes for many threatened, endemic flora and fauna. The survival of Victoria's flora and fauna is therefore significantly dependent on the protection of intact and the restoration of logged, burnt and cleared forest and woodland ecosystems across the state.

However, the protected area estate in Victoria remains incomplete. Despite significant gaps in the reserve system, the current state government is refusing even to direct the Victorian Environment Assessment Council (VEAC) to undertake further environmental assessments.⁴ This is a key failing in effective management of critical habitat across all land tenures.

Arguably the most comprehensive body of work on Victoria's biodiversity to date is the development and publication of Forest Block Reports about the native forest estate. However

¹ Flannery, Tim (2012) 'After the Future: Australia's new extinction crisis' *Quarterly Essay* Issue 48

² <http://www.anra.gov.au/topics/vegetation/clearing/vic/index.html>

³ CSIRO (2004) *Environmental Sustainability Issues Analysis for Victoria*

⁴ http://www.premier.vic.gov.au/images/stories/documents/mediareleases/2011/00_Vic_Government_Response_to_VEAC_Remnant_Native_Vegetation_Inv.pdf

these were completed in the 1980s. An entirely new round of resourcing to facilitate similarly detailed research needs to occur; not least to properly inform biodiversity research, management and conservation, especially and including those identified as the terms of reference for this inquiry.

Clearly more resources need to be channeled into biodiversity research, monitoring and recovery. Long-term data gathering on a broad scale needs to be facilitated, to inform strategic biodiversity protection and recovery programs.

In the context of climate change, the impacts of which are and will continue to be profound for biodiversity conservation in Australia,⁵ the entire legislative framework for endangered species and threatened ecological communities' protection needs to be re-thought, not least because climate change, and its impacts, were not considered when legislative framework was first developed. The catastrophic impacts on biodiversity, caused by intense and frequent wildfires in the last decade in Victoria, add weight to the critical need to re-visit the current management framework, which is clearly failing to protect biodiversity.

Logging, and the protection of threatened species and ecological communities

Victoria's remaining native forests support unique ecosystems with high biodiversity values.

Unlike the rest of mainland Australia, Victorian soils are fertile within a temperate climate. The wide variety of vegetation means that this eco-region is known for its high bird and mammal richness.

These native forests provide habitat and vital refugia for an enormous number of forest-dependent species. Endangered species and threatened ecological communities' protection are central to strategies to maintain biological diversity and rare and threatened elements of biological diversity.

However, since the 1960s, industrial clearfell logging has introduced a disturbance regime of intensity and frequency that runs counter to the maintenance of biological values in native forest ecosystems.

⁵ http://www.edo.org.au/edonsw/site/pdf/pubs/090724cth_discussion_paper.pdf

Logging is a major cause of habitat loss, fragmentation and forest modification. At the local level, logging drastically alters the vegetation structure of the forest, including the attributes of individual trees and the ground, understory and over storey composition. At a landscape scale, clearfell logging has long term impacts including the isolation of certain populations of species, simplification and homogenisation of forest stand profile, increased risk of fire and increased risk of species extinction. Recent research⁶ asserts that logging is also making native forests more fire prone, therefore further increasing the risk to biodiversity values.

A number of key animals are now at risk of extinction, whether at local, regional or global levels, with logging in native forests being a major contributing factor. These include Victoria's faunal emblem, the Fairy (Leadbeater's) Possum, the Masked, Sooty and Powerful Owls, Yellow-bellied Glider, Long-footed Potoroo, Orbost Spiny Crayfish, Baw Baw and Giant Burrowing Frogs, Spot-tailed Quoll, Smoky Mouse and Barred Galaxias.

The loss of hollow bearing trees is listed as a threatening process to many animals. To thrive and persist, these animals require old growth hollow bearing trees which continue to be lost to logging across eastern Victoria. Yet in the ash forests of the Central Highlands, an hour and a half north-east of Melbourne, only 1% of old growth forest remains.⁷ In East Gippsland, the far east of the state, definitional nuances mean that old growth forest logging continues despite government comments and publications to the contrary. Hollow-bearing trees are logged, burned and bulldozed in logging operations throughout eastern Victoria, with disastrous implications for wildlife.

A Victorian failure to protect endangered species, and misguided legislative reviews

The impacts of decades of over-logging and massive bushfire events have had momentous and disastrous impacts on Victoria's native forest ecosystems as a whole, but particularly on threatened species and ecological communities.

Immediately following the tragic 2009 wildfire, an inter-agency report documented significant concerns about the impacts of the fire on Victoria's biodiversity. A key finding of

⁶ Lindenmayer, David et. al. (2011) *Newly discovered landscape traps produce regime shifts in wet forests*, Proceedings of the National Academy of Sciences

⁷ DSE (2010) personal correspondence

the *Burned Area Emergency Response* report is that the 2009 wildfire altered the Victorian landscape with regard to the habitat of fauna in a profound way.⁸

The report provides a sobering assessment of the impacts of fire on biodiversity and highlights the need for changed management and increased reserve protection. To date, the report has been ignored.

Key illustrations of how current management of threats to listed species and ecological communities and the development and implementation of recovery plans is failing species lie in the Central Highlands Forest Management Plan (FMP), which was due for review 5 years ago.

The Central Highlands FMP is based on decades-old data, and has not been reviewed in the face of major fire events and catastrophic loss to species. It includes nonsensical, hard-wired dates which mean that a tree that would have been protected in 1990 for its age, will not be protected in 2012 for having the same attributes, despite the fact that so much of that age-class has been lost to logging and fire in the past decade. With fires and logging accelerating the collapse of hollow bearing trees, it is a crisis and a scandal that the management plans are not adapting to the ecological needs of the forests after fire.

That there has not been commensurate policy and management responses to these crises in Victoria's forests is a disgrace, and means that decline of endangered species and ecological communities is far from slowing, halting or reversing.

The Fairy (Leadbeater's) Possum, Victoria's faunal emblem, is a case in point. Notoriously shy, it was thought extinct until 1961, when it was rediscovered in the tall forests of the Central Highlands. The decline of this species is happening before our very eyes, and serves as an indicator of a landscape in crisis.

⁸ DSE, Melbourne Water, CFA, Parks Victoria, US BAER National Interagency Team (2009) *Kilmore East-Murrundindi South Complex Fire, Burned Area Emergency Response Report*



Faunal emblems are special native animals chosen to be the mascots of our nation's states and territories. Fast forward fifty years, and here in Victoria, the Fairy (Leadbeater's) Possum's forest home is still being logged for woodchips, mostly to make Reflex copy paper, and for overseas export.

Estimates vary, but surveys show only a few hundred to 2,000 Fairy (Leadbeater's) Possums exist outside zoos and captive breeding programs (which should only be a last resort to conserve a species, after comprehensive efforts to protect remaining habitat in the wild, for example, have also been undertaken).⁹ By way of comparison, a 2004 study estimated the wild population of endangered Orangutans to be in the vicinity of 61,000.¹⁰

In September, the global expert on the Fairy (Leadbeater's) Possum resigned from the Baillieu government's recovery program for this species. Professor David Lindenmayer chose to discontinue with a government program that, in his view, was only going to manage the Fairy (Leadbeater's) Possum into extinction. He said "almost half of Leadbeater's possum's habitat was fried in 2009 yet there's been absolutely no change to the amount of logging that is going on in those forests,"¹¹ echoing the call for significant changes to management regimes made by the panel of international experts who authored the *Burned Area Emergency Response* report.

Professor Lindenmayer's resignation stands as a stark reminder of the deplorable state of endangered species protection in Victoria. Professor Lindenmayer is not alone in calling for

⁹ Flannery, Tim (2012) 'After the Future: Australia's new extinction crisis' *Quarterly Essay* Issue 48

¹⁰ <http://www.iucnredlist.org/details/17975/0>

¹¹ <http://www.theage.com.au/national/making-himself-extinct-absolute-disgrace--prompts-leadbeaters-possum-scientist-to-quit-20120911-25qo5.html>

immediate change. In 2011, the Recovery Team for the Leadbeater's Possum, concerned by data it had collected since the tragic 2009 fires, called for a moratorium on logging in the Central Highlands. The Baillieu government refuses to listen to the very team responsible for the Leadbeater's Possums' recovery, and continues to allow logging in critical habitat today. This is an unacceptable situation that requires urgent intervention.

It also came amidst the government's review of major logging legislation, the Sustainable Forests (Timber) Act 2004 (SFTA), a review with not insignificant implications for regulatory and funding arrangements.

In very general terms, the SFTA Review seeks to dilute, if not remove, government and environmental oversight of logging in Victoria's publicly-owned native forests. Recommendations include entrenching taxpayer-subsidised government logging agency, VicForests, for twenty years.

The SFTA Review seeks to vest in the state government's logging agency, VicForests, an unreasonable amount of power. It suggests that VicForests determine the extent and rate of logging in our forests, despite years of failed regeneration, numerous instances of unlawful logging, gross miscalculations in yield, and the significant loss, even according to industry, of 10million cubic metres of stand ash timber in the 2009 bushfires alone.¹²

We believe that to review the SFTA Act in isolation from other laws and regulations is not best practice, and is flawed from both resource security and environmental sustainability and biodiversity conservation perspectives,¹³ with significant implications for endangered species, and for any claim to the veracity of regulatory mechanisms and oversight.

Informal reserves diminished

In East Gippsland, Victoria, there is currently underway a proposed Amendment and review of the zoning scheme for Owl Management Areas (OMAs), with serious implications for

¹² Victorian Association of Forest Industries (2009) Submission to Victorian Bushfires Royal Commission available at http://www.royalcommission.vic.gov.au/Submissions/SubmissionDocuments/SUBM-002-028-0178_R.pdf

¹³ <https://www.wilderness.org.au/files/tws-submission-sfta-review-final/view>

management of critical habitat across all tenures. This Amendment and review follows the East Gippsland Forest Management Zone Amendments of 2010-11.¹⁴

While it is laudable that species survey work for large forest owls in the East Gippsland Forest Management Area has identified 'new' Powerful, Sooty and Masked Owl sites, that these 'new' records should be used to justify zoning changes that will result in an overall reduction in forest habitat for these species, as is proposed, is unacceptable.

Diminishing the available area to meet habitat requirements for these species is in contradiction to the requirements of the Action Statements (and where developed, the recovery plans) for each of these species, and does not represent best practice conservation management.

The Goongerah Environment Centre (GECO) recently revealed that more than 500 football fields of former forest Special Protection Zones (SPZ) have been made available for logging according to the Baillieu government's own plans.

The GECO analysis shows that of the additional 2,507 hectares made available to the logging industry under the 2010-11 Zone Amendments, twenty of the new areas, totalling more than 700 hectares, were previously protected from logging due their high conservation value.

In recent weeks, former SPZ areas set aside as critical habitat for the endangered Spot tail Quoll in far East Gippsland have been opened up for logging to meet woodchip quotas, attracting the ire of conservationists, some of whom have been protesting on site in an effort to protect these precious and irreplaceable stands of old-growth forest, forest with attributes important for the Quoll and other endangered species.¹⁵

¹⁴ See Appendix 2: Join Submission to East Gippsland Forest Management Zone Amendments, September 2010

¹⁵ See also http://www.daff.gov.au/data/assets/pdf_file/0003/1802343/fraser.pdf



The idea that SPZs would be ‘retired’ from ‘reserve’ for logging and wood chipping is a fallacy; SPZs are a form of conservation reserve deigned such as other reserve areas cannot satisfy habitat requirements of species due to other management practices, including logging and wood chipping.

It is instructive that historically, rather than create additional larger reserves, these smaller areas (SPZs) were created to facilitate extensive logging and wood chipping.

The Wilderness Society Victoria strongly objects to any intention or proposition that these small areas be removed from this ‘reserve’ system. A suite of new research to supplement the 1980s era Forest Block Reports, as discussed above, is urgently required, and should be conducted before any informal protection areas are downgraded and handed to the logging industry.

These extensive SPZ re-zoning issues are here provided by way of example of the failure to development and implement of recovery plans and to effectively manage critical habitat across all land tenures.

Burn regimes, monitoring and protection of endangered species and threatened ecological communities

After the tragic 2009 bushfires, which burnt 430,000 hectares of land in Victoria, the state government committed to a target of burning 5% of the state's public land each year. This is a cumulative, rolling target, with disastrous consequences for the state's precious environment.

Across the state, local communities are aghast at the ecological and social amenity impacts of misguided burns. Not least because planned burns and vegetation clearing will not stop catastrophic fire events.¹⁶

Long-time conservationists in the Bendigo region noted in a submission to local authorities some of the problems associated with regulatory arrangements around fire and the management of key threats to listed species and ecological communities, highlighting politicisation of the issue:

“We realize [*sic*] that the proposed burns are as a result of the Bushfire Royal Commission recommendations, and that you and your staff must carry out burns in 3 categories, and burn a particular quota every year, at least until the politically motivated policy alters. (It seems odd to us that the recommendation to put electricity cables underground in fire prone areas can be completely neglected, whilst recommendations to burn are taken up with such alacrity and diligence.)”¹⁷

In a highly cleared region such as western Victoria where on average, over 85% of the native vegetation been cleared, the remaining habitat shelter and food sources are critical for any listed species - threatened, rare, vulnerable endangered. Yet, it is an area where the effectiveness of threatened species and ecological communities protection is falling down: the listing of species does not guarantee the habitat for their survival and therefore the effectiveness of protection is compromised or negated.

In the west of the state, the current state government introduced prescribed burning program poses a major threat to the endangered Malleefowl. The species is already confined to the

¹⁶ <http://www.wilderness.org.au/files/2009-black-saturday-fires-report-taylor.pdf>

¹⁷ See Appendix 1: Bushlinks submission to the 2012-13 Murray Goldfields Fire District Proposed Fire Operations Plan

poorer habitat not taken up by settlers, for example, the Little Desert NP and small, remnant fragments, including the Nurcounge Block west of Mount Arapiles.



Currently around 80% of the Little Desert National Park has been burnt in a mixture of prescribed burning and bushfires. The Malleefowl population has declined severely, yet currently large block burns are planned. Commonwealth protection measures should be automatically triggered by this situation. So too in the small, Nurcounge remnant where a comparatively thriving Malleefowl population lives in long unburnt habitat at risk from planned fire events.

Effective, easily and quickly triggered threatened species legislation is essential to support the science of the active Malleefowl Recovery Group.

Even though there is a very active recovery team for the endangered Red-tailed Black Cockatoo, there is concern that too much prescribed burning can take out of production for too long the critical food sources of Brown Stringybark and Desert Stringybark which take around ten years to produce seed after burning or scorching.



Research by the Red-tailed Black Cockatoo Recovery Team has shown the critical importance of secure food resources for birds moving over the landscape seeking food at different times of the year.

The current increased prescribed burning throughout the forested remnants of the region is also a major threat to the existence of ground log shelter and tree-hollow habitat of the Spot Tailed Quoll.

This threat also applies to arboreal species and small ground mammals such as the Long Nosed Potoroo and Southern Brown Bandicoot. Even though the latter species' range is contracting prescribed burning, this does not trigger pre-prescribed burn surveys, which should be basic to any management of threatened fauna. In the very hot burn that occurred in the Byjuke Forest in far south-west Victoria, where there had been past sightings of the Southern Brown Bandicoot, no fauna survey work was conducted.

Gum woodland ecological communities are threatened in western and central Victoria yet are unprotected against continued decline and degradation by state government action, including the recent reintroduction of firewood cutting.¹⁸ Much of the public land where threatened gum woodlands remain are at the interface between agricultural and public land and are “unprotected without long term certainty or stability of conservation management in various state forest categories.”¹⁹

¹⁸ <http://vnpa.org.au/page/publications/media-releases/government-fingers-burnt-on-firewood-policy-bungle>

¹⁹ The Wilderness Society Victoria (August 2010), submission, *VEAC Remnant Vegetation Investigation*

Both Gum Woodland and Box Ironbark are fire-sensitive and seriously threatened by the current 5% burn targets. According to the Derghom State Park Management Plan (1998), Yellow Gum woodland should not be burnt. Because understorey is sparse in these non-fire prone ecosystems, prescribed burns can seriously threaten endangered fauna species' food and shelter needs. By way of example, a 30 year recovery area, for the Tuan, is now subject to a prescribed burn in the Bendigo region.²⁰



This photo, taken in Connewirrecoo in May 2012, shows sparse understorey, habitat log and hollows near ground that are vulnerable to being destroyed by introduced burns. The very systematic way in which prescribed burns are lit, especially in many places at once, with an artificially strengthened burning, even in damp weather in autumn, winter or spring means the fires frequently burn very hotly and destroy shelter and food sources. Made up of a variety of damp EVC's and an alternating mixture of gum and grassy woodlands, damp mosaics, swamps, stringybark and patches of threatened EVC's mostly cleared in the region, Connewirrecoo is important conservation habitat and, like many other remnants, in need of scientific surveying.

²⁰ See Appendix 1: Bushlinks submission to the 2012-13 Murray Goldfields Fire District Proposed Fire Operations Plan

Long-unburnt ecosystems are now rare and threatened in Victoria. There should be some way scientific research and the latest findings, such as that conducted by Dr David Cheal into fire and its relationship with various ecosystems, and that of Dr David Lindenmayer into Mountain Ash Forests, can be acted upon quickly and efficiently for protection of threatened species and ecosystems.

Naturally long-unburnt ecosystems such as the alternating gum woodland and Stringybark of the Bogalara block of the Dergholm State Park (long unburnt in 1958 at the Park's inception, but where now large burns are planned), need to be allowed to evolve and be protected as research takes place during that evolution.

Victoria's Flora and Fauna Guarantee Act 1988

In an unprecedented move that shocked environment groups, in 2011 the Victorian Government announced plans to exempt logging from Victoria's endangered species protection laws. With the sweep of a pen, the pro-logging Liberal-National Coalition government quietly proposed to exempt logging from state environmental laws to ensure "certainty of supply to Victoria's native forest timber industry".²¹

Logging is already exempt under the Federal government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC). Now it is proposed logging will also be exempted from state laws and environmental controls. The proposed changes (which are yet to be formalised) hand discretionary powers to the Victorian Department of Sustainability and Environment to simply determine on a case by case basis whether the out dated, taxpayer-funded, loss-making native forest logging industry take precedence over the enforcement of endangered species action statements that form part of Victoria's Flora and Fauna Guarantee Act 1988 (FFG) legislative framework - the key piece of state legislation designed to protect endangered species in Victoria.

A 2011 forest report²² provided a scathing insight into the failure of Victoria's legislative framework to protect biodiversity values in our native forests. *Forests Law Report: Evaluation of Victoria's Forestry Conservation Framework* provides a detailed review of the

²¹ <http://www.theage.com.au/national/new-state-law-in-the-pipeline-to-aid-loggers-20111102-1mvlm.html>

²² *The Forests Law Report: Evaluation of Victoria's Forestry Conservation Framework*, prepared by Lawyers for Forests Inc. and the Wilderness Society (Victoria) Inc. (2011)

extent to which the current legislative framework actually works to protect flora and fauna in Victoria's native forests.

The report found that the intricate legislative framework surrounding biodiversity protecting in Victoria's native forests is not meeting the purpose for which it was set up in the first place.

In summary the report found that:

- audits undertaken by the Environment Protection Authority are inadequate and compromised (with significant implications for regulatory arrangements)
- Regional Forest Agreements have failed to deliver on their charter and should be suspended (discussed in more detail below)
- The FFG Act is not delivering on its objectives and needs to be strengthened.

In April 2009, the Victorian Auditor General published an audit report into the Administration of Victoria's FFG Act.²³ This report was scathing of the implementation of the Act, and found:

- the full range of 'management processes' and 'conservation and control measures' available in the Act has not been used
- the effort directed to list threatened species and processes has not been matched by effort to develop action statements, to monitor the implementation of actions, or assess their effectiveness
- the gap between listed items and items with action statements continues to widen
- the lack of baseline data and outcome or output performance measures means it is not possible to conclude whether the act has achieved its primary objectives; the available data, which is patchy, indicates that it has not.

These reports add to a substantial body of evidence²⁴ pointing to the abject failure of Victorian legislation to actually protect plants and animals in this state. The state government's own State of the Forest Report 2008²⁵ found that for the majority of forest dependent species, ecological information is poor, and that there are data gaps for over two thirds of sustainability indicators for sustainable forest management.

²³ http://download.audit.vic.gov.au/files/flora_fauna_full_report.pdf

²⁴ See also <http://www.edovic.org.au/law-reform/major-reports/wheres-the-guarantee>

²⁵ <http://www.dse.vic.gov.au/forests/victorias-forest-landing-page/state-of-the-forests-report-2008>

In Victoria, threatened species' lists remain ever-growing. Management prescriptions do not have the elevation some of our most amazing fauna and flora off threatened and endangered species lists as either their stated objectives, or as underpinnings of their strategic approaches. Getting species off these lists should be the goal of protecting endangered species and threatened ecological communities.

Commonwealth responsibilities: 'Green Tape'

The recent push to dilute, if not remove, so-called 'green tape' would surely commit the Fairy (Leadbeater's) Possum, and its forest home, among other endangered species and threatened ecological communities, to a grim prognosis.

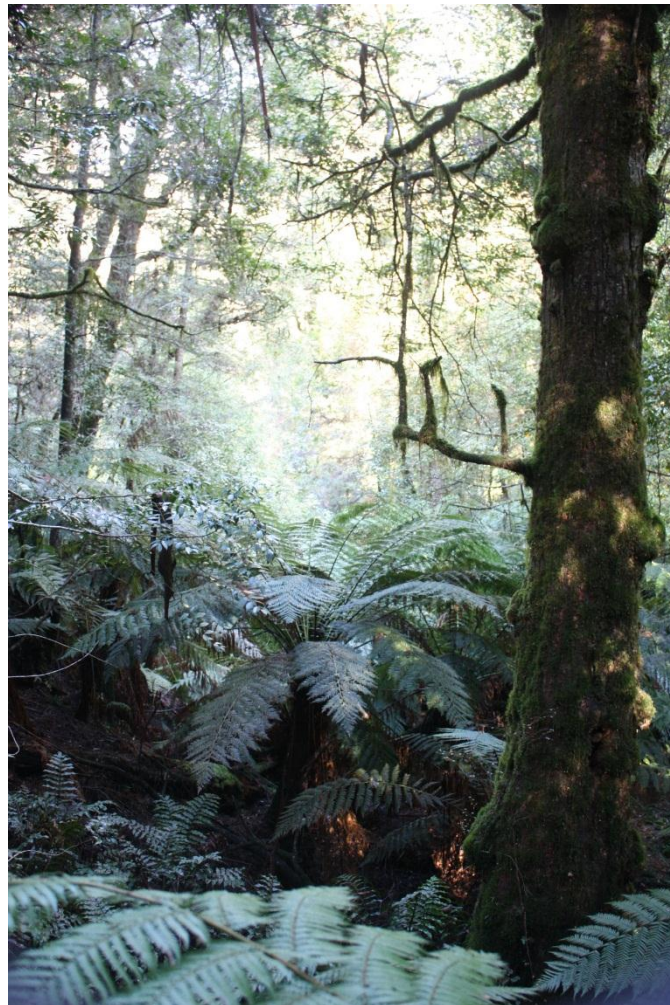
Rather than seeking to 'streamline' environmental processes, Commonwealth biodiversity conservation and environmental protection measures should only be strengthened. There is a clear need for legislation and regulation at more than a singular level of government; biodiversity conservation and management needs significant investment and improvement to be truly effective. This now should be the scope and purpose of any future discussions around 'green tape'.

The Commonwealth has the constitutional capacity to demonstrate strong environmental leadership, particularly when it comes to the protection of endangered species and ecological communities:

- the Commonwealth should hold legislative responsibility for a broad list of matters of national environmental significance, including climate change, land degradation, logging and landclearing, and, where a response to a crisis of the magnitude of the 2009 wildfires is so heavily contested, so severely compromises ecosystem health, and drives species towards localised extinction (such as the burn regime currently decimating much of Victoria's landscape
- the Commonwealth should require states to comply with strong monitoring and reporting requirements around protection of endangered species and ecological communities; state performance should be reviewed every two to three years and significant non-compliance should be adequately dealt with

- when it comes to endangered species and threatened ecological communities' protection, the Commonwealth should have regard to both the principles of ecologically sustainable development, and the precautionary principle.

In Victoria's native forests, logging is listed as a key threatening process for a range of threatened species and ecological communities. Yet time and again, logging operations impact upon such species and communities, including cool-temperate rainforest, to give but one example.



In deciding whether a process is eligible to be listed as key threatening process, the Commonwealth is required to consider whether a threat abatement plan is feasible, effective and efficient. Rather than the decision to list turning on possibilities and convenience, and social and economic considerations, a listing ought to be based on the scientific evidence: a process either adversely affects species or communities, or it does not.

It is deplorable that key threats to listed species and ecological communities in Victoria's native forests and woodlands are not better mitigated, especially the threats of logging and burning. There is a clear need for risk management within the listings process to be tightened up.

Regional Forest Agreements: appalling historical record of state and Commonwealth governments

The most significant piece of Commonwealth legislation dealing with endangered species and threatened ecological communities' protection, the EPBC Act 1999, does not apply to forests within a Regional Forest Agreement (RFA) area.

This underscores and gives rise to the dismal decline of many endangered species and threatened ecological communities across the continent, including in the native forests of Victoria.

Logging industry lobbyists and interest groups often state the existence of RFAs ensures that Victoria's endangered species have been protected. The Wilderness Society Victoria argues strongly against this proposition. In fact, RFAs have failed to properly protect endangered species and threatened ecological communities. Again, the Fairy (Leadbeater's) Possum is a case in point.

It remains the case that it is impossible to claim that Victoria's threatened and endangered species are being protected under the RFAs. Significantly, in yet another recent Supreme Court hearing brought by another community environment group, MyEnvironment (and currently under appeal), Justice Robert Obsorn found that

“MyEnvironment has demonstrated a strong case for the overall review of the adequacy of the reserve system...The bushfires have materially changed the circumstances in which the existing system was planned and implemented and there is, on the evidence, an urgent need to review it.”²⁶

Another significant and systemic failure of the RFAs lies in the appalling rates of regeneration, which continues despite a backlog, in Victoria, of tens of thousands of hectares of native forest remaining unregenerated after logging. This of course has clear implications

²⁶ <http://www.myenvironment.net.au/index.php/me/Work/Legal/Save-Sylvia-Appeal/Appeal-Hearing-Transcript>

for the protection of endangered species, not only from a habitat perspective for fauna, but from a local extinction perspective for flora as only those species favoured by the logging industry are regenerated, not the full suite of species and age diversity as existed prior to logging in intact, biodiverse native forests.

Reviews have not been conducted into the effectiveness of the RFAs. The out-dated and ineffective RFAs were negotiated without minimum standards for environmental impact assessment or habitat for a substantial part of Australia's biodiversity.

Today, RFAs are a liability for Commonwealth and state governments alike.

The lack of analysis by successive federal and state governments of data related to RFA goals appears to be deliberate. State and Commonwealth governments continue to give their unqualified support to remaining RFAs, despite the so-called 'Agreements' having failed to deliver upon their stated purpose, that is, to deliver reasonable conservation needs and to facilitate economic development in the remaining forests (which should, twenty years on, take into account the existing and predicted impacts of climate change, and include the full suite of economic opportunities in the public forest and woodland estates, not just provide for export woodchipping, paper production, and a declining and increasingly controversial solid wood products industry).

It is no secret that while the RFAs facilitate funding from the public purse to aid logging, funding for ecological projects including endangered species surveys and monitoring is scarce, and should immediately be increased.

It is TWS Vic's view that RFAs have failed to deliver positive outcomes to the broader Victorian community, are driving species towards extinction, are fiscally defunct, and should be terminated.

Conclusion

Intense community concern about the protection of native forest and woodland dependent species and their habitat cannot be underestimated.

This submission offers but a selection of recent developments that provide an insight into the context in which biodiversity management, effective conservation efforts, and endangered

species and ecological communities' protection is compromised, fought for, and stymied in the state of Victoria.

There is significant room for improvement, and a critically important role for the Commonwealth to play in effective protection of threatened species and ecological communities. The Commonwealth government must retain its legislative responsibilities for environmental and biodiversity conservation.

In already depleted forest and woodland ecosystems, with the added significant impact of recent major fires, the existing native forest reserve system is not adequate to protect endangered species and threatened ecological communities.

Logging and burning rates are ecologically unsustainable and cannot continue into the future. The combination of a greatly expanded reserve system and comprehensively changed forest management is needed to protect the values of Victoria's biodiverse forests and woodlands into the future. The protection of endangered animals and threatened ecological communities' must significantly inform these outcomes. These crucial steps must be part of a broader and more substantial investment in long-term biodiversity conservation strategies and policies in this country.

Appendix 1

Bushlinks submission to the 2012-13 Murray Goldfields Fire District Proposed Fire Operations Plan

B U S H L I N K S

Connecting Bendigo Environmental & Community Groups

28th August, 2012

The District Manager

DSE Murray Goldfields Fire District

P.O. BOX 3100

Bendigo Delivery Centre, Vic 3554

Re: Proposed 2012-13 Fire Operation Plans

Bushlinks comprises 16 community and environmental groups. We also welcome input from individuals, and regularly meet with the City of Greater Bendigo planning staff to raise matters of interest to people in our community. We have had concerns expressed on the proposed Fire Operation Plans for 2012-13 from people living in the Mandurang Valley, and Junortoun. The major opposition to the burns is due to the obvious loss of biodiversity that will occur.

We realize that the proposed burns are as a result of the Bushfire Royal Commission recommendations, and that you and your staff must carry out burns in 3 categories, and burn a particular quota every year, at least until the politically motivated policy alters. (It seems odd to us that the recommendation to put electricity cables underground in fire prone areas can be completely neglected, whilst recommendations to burn are taken up with such alacrity and diligence.)

Re: Mandurang Cahills Road Proposed Burn MGFBO 027

Grade 1 Asset Protection 164 Ha

It is inappropriate to burn this area for the following reasons:

- On 17/07/2012 John Bardsley and Wendy Radford found a female **Brush Tailed Phascogale** in excellent condition dead on Cahills Road: GPS co-ordinates 55H 0258589

- 5920304 elevation 272 metres. This was handed in to Peter Johnson (DSE) on 24/08/12 who confirmed the identification. The GPS coordinates are thus putting the phascogale in the middle of the proposed asset protection burn area. Phascogales are on the Threatened List of the Flora and Fauna Guarantee Act 1988. The females do not roam far. Opposite to the position in which she was found dead is open farm land, so it is obvious that this very healthy specimen of a listed species was living, and was likely to breed, in the forest immediately adjacent to the road. This is proof that there are populations of the vulnerable Brush Tailed Phascogale inhabiting this burn site, and it should not therefore be burnt.

- This area has been part of Maurie Lewis' 30 year Tuan Recovery Program, and should not be burnt as this will result in the extinction of this listed species (see below).
- There is no evidence that the residents along Cahills Road want this area burnt to protect their 'assets' as there has been no comprehensive surveying.
- The Western section of this proposed burn was previously saved by DSE as the community alerted them to its significance for **Maurie Lewis' Phascogale** study, and the C.F.A. representative at the meeting did not feel it was a significant fire threat.
- This is likely to be within the range of a pair of nesting **Powerful Owls** (Listed as endangered in the Flora and Fauna Guarantee Act, see below)

Mandurang Diamond Hill Road Proposed Burn MGFBO 036

Grade 2: Bushfire moderation 507 Ha

This area needs a zone change. This area should never be burnt for the following reasons:

1. There is no bushfire history that shows this area has ever suffered wildfire, including on Black Saturday, 2009, and hence 'moderation' is not relevant.
2. This is an inordinately large area to be burned - 507 Ha is an unreasonably large fire break, and has obviously been proposed as a means of getting the burn quota fulfilled. This is unfair for the residents of the area, as they will suffer smoke and ash inundation, and the pain of seeing their lovely forest burnt, and the biodiversity destroyed. In addition, it will not help prevent fires when another Black Saturday occurs. Nothing would.
3. Wendy Radford, John Bardsley and Glenise Moors have observed locally significant birds in this forest and between and Mandurang South Road:

- i. May, June, July 2012 - **Scarlet Robins, Flame Robins, White Throated Tree Creepers, Yellow Tufted Honeyeaters** were all observed in the forest block 036 south of Monroe's Track;
 - ii. **Diamond Firetails** were observed at Mandurang South Road; **Speckled Warblers** (listed as endangered in the Flora and Fauna Guarantee Act) nested near Mandurang South Road in the 2010, 2011 and 2012 seasons;
 - iii. **Brown Tree Creepers** were observed for many year before the drought broke throughout Mandurang South Road, and in the forest block called 036, indicating this whole area is a drought refuge for populations of these birds;
 - iv. 2011 Hogans Road - **Swift Parrots** observed
 - v. 2011-2012 - **Powerfull Owls** nesting and breeding have been observed by Glenise Moors within close proximity of the burn site. The burn site is within their range for hunting.
4. In an interview conducted with **Maurie Lewis**, 26/08/12 at Neale Street, Bendigo, he noted that this block is at the heart of his 30 year Tuan Recovery Program, undertaken at considerable personal expense in terms of time and money, under the auspices of Bendigo Field Naturalists Club, and with some input and assistance from DSE. **Maurie said "Phascogales will go extinct in the Bendigo area if they burn these bush blocks because the food is gone."** (See Map 1 for an indication of Maurie's study area, drawn in by Maurie at this interview.)

He went on to explain that he has installed over 700 boxes throughout a carefully mapped area to re-establish connectivity with other populations of Phascogales that are known to exist in the Mt. Alexander and Lockwood areas. (See *SWIFFT Meeting notes 2 February 2012* bird.net.au/bird/index.php?titles=SWIFFT_meeting_notes_2_February_2012#Long_term_nest_box_study_in_the_Bendigo_area for Maurie's talk which gives a description of his program.) The Bendigo Field Naturalists have put in 120 nest boxes in the Spring Gully Water Reserve.

In January 2011 Maurie Lewis and a group of TAFE students erected 20 nesting boxes along Monroe Track. The boxes were checked in July of that year and all of the boxes were occupied by either Phascogales, bats or gliders. (See accompanying photo taken by one of the TAFE students, Sam Seven)

Maurie said that if the forest is burnt in, or even in between, these bush blocks then that will extinguish the scent trails left by the phascogales that enable them to find each other and breed. If this burning occurs on such a large scale there may be remnant populations left initially, but it is Maurie's considered opinion that these isolated populations would not be genetically robust enough to survive and this would lead to **the extinction of brush tailed phascogales in the Bendigo area**. Maurie noted that if this large block is burnt coppice hollows would be burnt out and this would remove cover from foxes and feral cats. The fire will also destroy the food sources which are insects, carrion, spiders, ants, eggs, duck wing beetle, spit fire caterpillars the larvae of the Cup moth. No phascogales can survive under these circumstances.

Maurie Lewis also stated that **"there is no point in having community input if this is over ridden."** He also noted that other countries are spending billions of dollars to implement projects to save animals that are a lot less rare than the Brush-tailed Phascogale whilst we are wantonly burning their habitat.

He regards these actions which will lead to extinction as senseless.

5. Flora and Fauna Guarantee Act 1988 Action Statement No. 79

Threatened List July 2012

'Brush-tailed Phascogale (Phascogale tapoatafa)

Conservation Status: CNR (1995) Rare in Victoria

Major Conservation Objectives: to maintain viable populations of the Brush-tailed Phascogale across its range; ... to re-establish viable populations within the species' former range...

Habitat Protection and Restoration

18. Prepare prescriptions to protect and maintain Brush-tailed Phascogale populations and their habitat in State Forests as part of public land planning processes. ACTIONS MAY INCLUDE A REVIEW OF FUEL REDUCTION BURNING PRACTICES IN SENSITIVE AREAS...'

Potentially Threatening Processes

Processes List July 2012

'High frequency fire resulting in disruption of life cycle processes in plants and animals and loss of vegetation structure and composition'

6. Lack of Scientific evidence to justify a burn: Professors Andrew Bennett and Michael Clarke are conducting a study of the effects of fire in the Heathcote Graytown area. It is 2 years into the 3 year study so at present the answer to the above threatening processes as applies to the Bendigo Box Ironbark forests is unknown. Hence, burning should not proceed on those grounds alone until adequate scientific information is available.

Re: Bendigo Main Channel BGO 0117

Grade 1 50 Ha

This burn should be abandoned upon the evidence cited previously of the **nesting Powerful Owls** observed by Glenise Moors, Member of the Bendigo Field Naturalists Club and Birds Australia Atlas coordinator for this area.

Also the grounds on which this is a Grade 1 burn are extremely contentious.

Strathdale Wildflower Drive MGFB G0024

We refer you to the article in the Bendigo Advertiser of 11/08/12 *Burn plan sparks concern* which details the dissatisfaction of local residents. They are concerned for the wonderful wildflowers, particularly orchids, that will be degraded or destroyed by this repeated burning. We suggest you seek expert botanical opinion before you go ahead with this burn. Again, there is no scientific evidence that would suggest that it is safe to burn these valuable botanical assets. The precautionary principle should apply.

Bushlinks urges you to abandon all of the above mentioned burns.

Please let us know of your decision. If you decide to burn in any of the above mentioned areas can you please let us know of your timetable.

Yours faithfully

Wendy Radford

Convenor, Bushlinks

Appendix 2

Join Submission to East Gippsland Forest Management Zone Amendments, September 2010



**Australian Conservation Foundation
Environment East Gippsland
Gippsland Environment Group
The Wilderness Society Victoria
Victorian National Parks Association**

Submission to East Gippsland Forest Management Zone Amendments

September 2010

Introduction

The Wilderness Society Victoria, the Australian Conservation Foundation, Environment East Gippsland and the Victorian National Parks Association have collectively many decades of active involvement in forest management issues in East Gippsland. The groups were engaged in public debate seeking greater ecological responsibility from government processes well before the signing of the East Gippsland Regional Forest Agreement in 1997. It is widely recognised scientifically that the public State forests within the East Gippsland region contain biodiversity elements and ecological processes of global significance.

This new draft zoning proposal represents the most significant reassessment of changes to the informal reserve system since the inception of the East Gippsland Regional Forest Agreement. Federal and Victorian governments have accepted an obligation to conduct planning based on adherence to the 'Precautionary Principle'. Therefore to meet the obligation of ecologically sustainable forest management, decisions must be scientifically based to provide an assurance of a reasonable level of certainty as to outcomes.

It has however become blatantly apparent from concerns raised by the ecological scientific community, that the qualitative and quantitative levels of research knowledge available and the standard of proactive monitoring being applied by the Victorian government to state forest management is totally inadequate to meet the obligations above.

For example the impact on Victoria's flora and fauna from wildfire in the past decade cannot be underestimated. East Gippsland is now a refuge for many of Eastern Victoria's rare and threatened forest species. To be responsible and responsive about reversing the decline in number and populations of threatened species, the zoning system must now strongly favour protection of their remaining habitat.

There is also strong scientific evidence showing the dramatic impact which climate change is already having on the regenerative capacities of native flora, particularly eucalypt forests, and the implications for biodiversity and ecological processes. We will need to completely reassess the implications for our already threatened flora and fauna.

To this end we believe that a comprehensive scientifically based assessment of the future survival needs of forest dependent species, especially currently threatened species, be conducted prior to any new planning measures which allow for renewed forestry activities. Due to significant problems raised by the Victorian Auditor General into the administration of the Flora and Fauna Guarantee Act, the Supreme Court findings of the Brown Mountain court injunction, the conclusions of the State of the Forests Report 2008 and repeated concerns raised in annual Monitoring of Annual Harvesting, this review would need to have sweeping powers to completely revisit forest management issues in Victoria. The impacts of climate change, fire, weed and feral animals and logging, coupled with changing demographics and community attitudes to forest management, all point to the need for a major, independent assessment and overhaul of current logging arrangements. Forest values for carbon storage, water production, ecosystem services, habitat protection, local amenity and tourism potential all need to be broadly assessed and considered against the current bias toward logging and pulplog production.

We believe that the proposed rezoning process is seriously flawed due to the following reasons:

- Inappropriate application and implementation of Flora and Fauna Guarantee Act apparatus and lack of data;
- Problems with old growth forest data;
- Logging history in proposed Special Protection Zones (SPZs);
- Outcome biased and driven by expected supply to the logging industry;
- RFA process is flawed and out of date;
- Inadequate time period and process

We request that the current re-zoning process be abandoned and a comprehensive reassessment of conservation values for East Gippsland be undertaken before any further attempts to change the zoning scheme are made. The comprehensive regional assessment should be more like an environmental impact study of a bioregional assessment and include:

- All relevant data sources and dedicated data collection program for key threatened species;
- On-ground assessment of old growth, recruitment old-growth and fire impacts;
- A clear rationale and supporting data for proposed changes on case by case basis;
- A public consultation process, including comments period of at least 60 days.

Discussion

With the increasing awareness and concern for the environment, the public will be extremely alarmed by this latest assault on the East Gippsland region's already inadequate reserves. Our groups represent the concern over this process and oppose the planned amendments to the informal reserve system.

We reject the downgrading of current Special Protection Zones as the government simply does not have enough data to justify these changes. Our reasons for this opposition are briefly listed below:

1. Inappropriate application and implementation of Flora and Fauna Guarantee (FFG) Act apparatus and lack of data

Under the FFG Act, action statements are required to set out "what has to be done to conserve and manage (a threatened) taxon or community". The action statements contain short-term, *interim*, objectives and actions as well as longer term objectives and actions to ensure the species return to a secure conservation status. To the extent that the re-zoning will result in the longer term actions and objectives of the action statements for the relevant species not being implemented and achieved, the re-zoning could result in a failure to meet legal obligations that arise under the FFG Act.

For the **Powerful Owl**, the long term objective of the FFG action statement is:

- *“...to increase population numbers in potentially suitable areas, where owls are now scarce by maintaining and restoring habitat for species across all land tenures to return it to a secure conservation status in the wild”.*

Changes to the zoning are inconsistent with the long term objective of this statement.

Of the *minimum* target of 500 sites required by the action statement, East Gippsland's arbitrary contribution of Powerful Owl Management Areas (POMAs) is 100. This cannot be considered in isolation from what is happening to the species in the rest of the state. Without evidence to support that Powerful Owl protection has viably achieved on a statewide basis, a single regional target can not be justified as being met. Likewise the action statement also includes specific requirements for monitoring, including at least 10% of POMAs regularly monitored to determine persistence of owls and breeding success.

For the **Sooty Owl**, the FFG Action Statement (2001, now nine years old) – states:

- *At this point the short-term conservation objective is to prevent further population decline by maintaining good-quality habitat for a population target of at least 500 breeding pairs of Sooty Owl on public land in Victoria.*

This includes 131 Sooty Owl Management Areas (SOMAs) in East Gippsland. “The long-term objective is to return the Sooty Owl to a secure conservation status in the wild by increasing numbers in potentially suitable areas where the Sooty Owl is now scarce. This can be achieved by maintenance and restoration of its habitat across all land tenures”. The action statement also has explicit recommendation for protection in conservation reserves which are separate from the proposal for state forest. In addition, there are a number of proposed monitoring and research requirements in the Action Statement to confirm whether the short term prescriptions are working. There is a requirement that new information may trigger a review of the action statement.

For the **Spot-tailed Quoll**, the conservation objectives of the FFG action statement are as follows:

- *To develop a reliable standardised method for detecting Spot-tailed Quolls*
- *To investigate habitat use by Spot-tailed Quolls, and develop a predictive habitat model to ensure sufficient habitat is protected in Victoria to ensure that a viable population of Quolls can survive*
- *To investigate the threats to Quolls, and develop and implement threat control procedures to ensure that a viable population of Quolls can survive.*

Section 14 of the action statement states:

- *Periodically review the selection of Quoll records to be afforded protection by the standard prescription outlined in 5.1 in each FMP to which targets apply, to ensure that, once targets are reached and as new records accrue or other information becomes available, the network of protected habitat in each FMA is optimal for Quoll conservation. To assist this review, develop guidelines for the substitution of protected Quoll sites based on the extent and quality of habitat and on the currency, reliability and type of record.*

The FFG statement seems to clearly point to the need to justify that “...*the network of protected habitats in each FMA is optimal for Quoll conservation...*”, yet there is no information which provides support for this in the proposed re-zoning.

The failure to meet targets for the **Masked Owl** is simply dismissed by saying “... there are extensive areas of suitable habitat in existing National Parks yet to be survey”. The interim target (first five years, 2003-2008) for East Gippsland for Masked Owls is:

- *In the East Gippsland FMA (regional target population 100 pairs), up to 500ha of SPZ or SMZ is established in state forest for each pair of owls, apportioned to Geographic Representation Units (GRU)*

This is simply not good enough and fails to even attempt to meet requirements of the rest of the action statement.

Legislation to protect threatened species is not being implemented, monitored or actioned. In April 2009, the Victorian Auditor General confirmed this, making key conclusions and comments in its report on the administration of the Flora and Fauna Guarantee Act:

- Concerted effort is required to develop comprehensive, reliable information on the conservation status of threatened and vulnerable species
- The full range of ‘management processes’ and ‘conservation and control measures’ available in the Act has not been used
- The effort directed to listing threatened species and processes has not been matched by the effort to develop action statements, to monitor the implementation of actions, or assess their effectiveness
- The lack of baseline data and outcome or output performance measures means it is not possible to conclude whether the Act has achieved its primary objectives

In response to some of these concerns, DSE responded that it will ‘continue to invest, to the extent possible given available budget, in survey monitoring and research focused on key threatened species and the processes that threaten them’.

In regards to key threatened species in East Gippsland, DSE has provided no evidence to suggest that any comprehensive surveys have taken place to ensure that the species are being adequately monitored and protected as per legislative requirements in their action statements and the FFG Act.

The most recent State of the Forests report, published by DSE also concluded that we do not have enough data to determine whether threatened forest dependent species are maintaining viable populations to ensure their on-going survival. This data is crucial prior to making any major management changes to the informal reserve. An example (amongst many) of the lack of data is for Indicator 1.2a:

- *Indicator 1.2a The status of forests dependent species at risk of not maintaining viable breeding populations, as determined by legislation or scientific assessment*

The main findings from this indicator were:

- *There was real decline in 23 forest dependent species compared to a real improvement for only 4 species*
- *Ecological information is poor for the majority of forest dependent species*

For many of the other indicators the finding of “No data” points to a dire situation for our knowledge of threatened species and highlights a failure of government to deliver on its own Sustainability Charter commitments.

Some of the data being included in target numbers for management areas dates back many decades. We reject the idea that simply fulfilling short term regional site number targets requiring protection as inconsistent with the full requirements of the FFG action statements.

We particularly question the limits put on species sites in the wake of recent major fire impacts in other parts of the state. For example, along with other species, the Sooty Owl has been significantly impacted by recent fire events. We have no idea whether current management zones are adequate to protect species, and it can be now argued that all green forests need to be reviewed in light of their legacy status for these forests. Until a serious long term study into the cumulative impacts of fire and logging has been performed, the arbitrary figures in East Gippsland have little meaning.

Likewise, action statements all require further research and monitoring to be completed and have both short and long term targets. No information has been provided on how the proposed changes deal with delivery of statewide targets or long term objectives of the FFG action statements.

The precautionary principle must be used and all appropriate habitat for these threatened species protected. We jointly call for significant funding to resource DSE to perform the surveying and monitoring needed to ensure the future survival of threatened species before any changes of protection zones are contemplated.

Without data for long term species populations trends, it is impossible to determine whether requirements under the FFG Act are being met. DSE does not have the resources nor the intent to perform the comprehensive surveys required to ensure FFG Act requirements are being met and viable populations of species maintained on a long term basis.

2. Problems with old growth forest data

Recent re-mapping of old growth forest in East Gippsland has determined that the amount of officially mapped old growth forests has fallen from over 200,000 hectares in 2003 to less than 120,000 hectares in 2007. Another layer of future old growth in 2022 is now maintained by DSE. Much of the reason for 2003 old growth forest now no longer being classified as old growth is due to logging and fire.

Of the fire layer, there are significant amounts of both planned burns and bushfire that seem to contribute to the 'no longer old growth' classification. There is a significant amount of forest considered old growth in 2007, but which was not considered old growth in 2003. Interestingly, about 10% of this has been logged before. A large portion of this 'new' old growth forest has had fire, including both planned burns and bushfire.

Consequently, the data being used to accurately determine what actually is ecologically mature forest is questionable. Major questions have been raised in the past about negligibly disturbed forest not being included in old growth forest layers. The new datasets further raised concern about the accuracy of old growth forest data and claims about protection of old growth forest levels:

- Some old growth forest has disappeared (from 2003 layer) that has not been logged or burned before;
- Some old growth forest has appeared (not in 2003, now appears in 2007) when it has been logged before;
- Some old growth forest has disappeared because it has had planned burns/fire through it;
- Some old growth forest has appeared that has had planned burns/fire through it

The mapping inconsistencies and lack of on-ground monitoring of old growth forest parallels the lack of data for threatened species. This makes clear the overall lack of understanding of the forest estate to make such major decisions over land tenure. A huge increase in funding to DSE is critical to perform more comprehensive on-ground analysis of old growth forest, including negligibly disturbed forest in old growth mapping exercises.

We have previously provided a detailed report to government on the failures of the new reserve areas to deliver on the government's commitment to protect the last significant stands of old growth forests in East Gippsland. We have previously highlighted the problems with computer modeled old growth definitions and have argued that government needs to fund on-ground research to properly protect ecologically mature forest values. Without this information and research, DSE's claims of 'sustainability' have no credibility.

3. Logging history in proposed special protection zones

Many of the proposed new SPZs have a history of logging in them. Many of the SPZs proposed to be downgraded to SMZ or GMZ have other values including old growth forests. Some are important regional reserves. It is simply counterintuitive to be putting logged forests into informal reserves and removing previously protected areas, including important local old growth forest, from the reserve.

4. Outcome biases logging industry

In 2006, the Victorian Government committed to protect the last remaining significant stands of old growth forest in East Gippsland. In this promise, the state government committed to protecting 41,000 hectares of forests, including at least 36,000 hectares available to the industry.

DSE's report has confirmed that this has not been achieved. Prior to the inclusion of reserves, the area available to industry was 430,200 ha. After implementation of the new reserves, this decreases to 405,800 ha, a difference of 24,400 ha. These draft proposals increase this to 420,600 ha. So if the draft zones are adopted the amount of forest available to the industry has only decreased by 9,600 ha. This delivers about 25% of the government's commitment and is clearly inadequate. One can only view this return of forests to the industry as a 'payback' or 'offset' for the new reserves in East Gippsland.

Government could argue that this is to maintain 'sustainable timber levels'. The sustainable yield in East Gippsland is currently set at 143,000 m³. The most recent figures reveal that the amount of sawn timber cut is much less than this. In 2007/8 sawn timber cut was about 99,000 m³, in 2006/7 it was only 91,000 m³. However, in 2007/8 an additional pulplog/E grade cut was 346,000 m³ and in 2006/7 it was 380,000 m³.

The sawlog 'sustainable yield' in East Gippsland is well above a sustainable level. An ever increasing proportion of logs continue to go as pulplogs as the State government maintains a licence agreement with the SEFE woodchip mill in Eden and with Midways in Geelong. Overcutting of the forests is being driven further by a demand to open up new areas to maintain a sawlog level of around 100,000 m³ which in reality maintains the present volume to the woodchip exporters.

5. RFA process is flawed and out of date

The Regional Forest Agreement and its review process has failed to deliver upon its stated purpose. In East Gippsland, it has failed to protect jobs and it has failed to protect high conservation values in our forests. With the removal of limits to woodchip exports, volumes have steadily grown with no regional value adding and no job creation.

When the RFA was signed in 1997 the method of assessing wood resource was based on unreliable data, lacked basic resource data and delivered serious failures in an overestimate of volume. To this day there are ongoing sustainability problems. No allowances have been made to adjust production yields due to fire damage or other natural degradation of timber. Our rare species must not be sacrificed in order to prop-up an agreement that continues to have adverse impacts on public land management in East Gippsland.

The Victorian Supreme Court found in August 2010 that, at Brown Mountain in East Gippsland, the Victorian government failed its own threatened species protective management obligations where DSE and VicForests failed in their responsibilities. Conflict over logging in publicly owned native forests continues where RFAs are in place.

6. Inadequate time period and process

The proposed amendments represent a major overhaul of the informal reserve system in East Gippsland. Environment groups have only had 30 days to respond, which in the context of the significance of the changes, and the future impacts on species, is highly inadequate. We argue that DSE itself does not have adequate data to ensure its own responsibility to protect threatened species will be fulfilled into the future.

Whilst staff at DSE have facilitated data access in the 30 days of the consultation, this does not give enough time to fully understand the impacts on the informal reserve system and the species it supports. East Gippsland is a large and remote location and the public simply has not had enough time to assess the changes on the ground. DSE's interactive online map now seems to contain less information about current SPZ values, making it even more difficult for us to determine what the databased values of certain areas are.

We also believe the broader public has not had adequate time to become involved with this process, understand its significance or be briefed on the likely impacts to Victoria's threatened species.

If DSE has limited resources – and we advocate for more resources be made available for expert scientific research into threatened species and processes – it is puzzling that assessment has been initiated in East Gippsland, rather than other parts of the state where major fires have severely impacted upon threatened species.

ENDS