

Submission on the 2nd and 3rd Five Yearly Reviews of the NSW Regional Forest Agreements.

Firstly, may I say how appalled I am that these reviews are 9 and 4 years late and the NSW Government hasn't even considered them important enough to get them done in the timeframes required by the RFAs.

Secondly, these so-called reviews are not actual reviews but more like propaganda documents prepared to pay lip service only to the processes of the RFAs without any analysis or data on their actual operation on the ground. This is clearly demonstrated in the following instances:

Five-yearly reviews – lots of mentions of timeframes but not one mention of the requirements that they be completed within those timeframes or them being 9 and 4 years late. I note Recommendation 3 from the 1st five-yearly review *“Parties to expeditiously initiate a further review process to meet the agreed RFAs second review time requirements – Underway.”* Underway and it's 9 years late!!! Why not be real and say FAILED where many other items should also be flagged as failed?

Section 2: Despite the fact that the third five-yearly review is to be used to determine the process for extending the agreement for a further period, the decision was made to extend the RFAs before the report was even prepared let alone exhibited and responses analysed. Again, the failure to conduct the reviews within the timeframes is mentioned but no reason given for these failures.

Aboriginal Heritage: Lots of motherhood statements, particularly around National Parks, but nothing about the protection of Aboriginal sites on the ground. The Denis Byrne predicative model for Aboriginal sites that is used by NSW Forestry is out of date and doesn't take in the last 20-30 years of archaeological research. None of this is mentioned or assessed in the review.

Threatened species and environmental controls are described in the report by what the systems direct but not what is actually happening on the ground. Recommendation 10 from the 1st five-yearly review says *“The NSW Government should continue to give priority to audit and compliance activity by each agency involved in the RFAs and that auditing be closely scrutinised as part of the NSW Review.”* The NSW Government response to this recommendation directs us to www.epa.nsw.gov.au/forestagreements/monitoring.htm, a page that doesn't exist. There is not one mention in the report that over the 10 years of the review, only 187 audits of the 5,000 – 6,000 native forest operations were conducted by NSW EPA. There is not one mention of the 4,089 breaches of Environment Protection and Threatened Species Licence conditions over that period. There is not one mention of the three cases in the Land and Environment Court where NSW Forestry was fined for serious breaches of their legislative requirements. Why not if we're supposed to be having an honest review? The Scoping Agreement for this review clearly states *“The Review will: be conducted in a manner that is open and transparent.”* Absolute bullshit.

The occurrences of breaches of licence conditions by NSW Forests haven't even reduced over the 10 year timeframe of the review and this failure to remedy identified non-compliance must be seriously addressed as part of the review, not just the fact that some audits have been done. Penalty Infringement Notices, Warning Letters, Advisory Letters, Official Cautions and Corrective Action / Remediation Notices clearly don't work as they have had no slow-down effect on the breaches. I have been to a few logged compartments and there are many, many breaches of licence conditions in every one of them so over 4,000 breaches from 187 audits is merely the tip of the iceberg. Many of the audits have been initiated by EPA after notification from environmentalist and the EPA have often said that they don't have the staff to follow up on most of the reports. So much for giving priority to audit and compliance activity and claiming it *“...has been fully implemented.”* I'm calling BS again.

The RFAs assume that the provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 are complied with. However, with probable thousands of breaches of Environment Protection and Threatened Species legislation by NSW Forestry every year and ongoing, how can such an assumption be supported? NSW is the only state in Australia where citizens are unable to take legal action against NSW Forestry for their illegal actions – NSW Environment Protection Authority are the only ones with that power and they are significantly underfunded and understaffed to do that job properly, hence the ongoing continuation of breaches.

Given the level of incompetence of this report shown in these few items, you can see why I have no confidence whatsoever in the rest of the contents where propaganda has replaced honesty in the interest of expediency and deception.

I have attached a paper prepared by a friend on the justice and equity issues of this whole RFA renewal process, "Questioning Application of Procedural Justice Principles within the NSW Government's Regional Forest Agreement Public Submission Process". This paper shows the inequity of the entire process from a procedural justice perspective and I would like this taken into account as part of my submission.

I've also attached a copy of the discussion paper "Money Doesn't Grow on Trees" published by the Australia Institute in 2016. The RFAs require that all available information be taken into account in any decision to review them and this information on the costs of logging our native forests should be included in this report and be part of the renewal considerations. There are much better ways to manage our forests than these underhanded Regional Forest Agreements where deception of the public is an integral part of the game.

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