

**Independent review of the  
report on progress with the implementation  
of the New South Wales  
Regional Forest Agreements  
for the second and third five-yearly reviews  
2004 - 2014**

*A report to the Commonwealth of Australia and the State of New  
South Wales, to be tabled in Parliament*

**Ewan Waller  
Independent Reviewer  
April 2018**



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Dear Ministers

I submit this review in accordance with the Terms of Reference laid down in the Scoping Agreement between the Commonwealth of Australia and the State of New South Wales dated 7 May 2016 for the second and third five-yearly review of progress with the implementation of the New South Wales Regional Forest Agreements for the Eden, Southern and North East Regions, covering the period 2004-2014.

Yours sincerely

A handwritten signature in black ink that reads "Ewan Waller". The signature is written in a cursive, flowing style.

Ewan Waller BSc (For), MSc, AFSM  
Independent Reviewer  
1 April 2018

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# Abbreviations

ABARES	Australian Bureau of Agricultural and Resource Economics and Sciences (Commonwealth)
ABC	Australian Broadcasting FCNSW (Commonwealth)
ABS	Australian Bureau of Statistics (Commonwealth)
AFS	Australian Forestry Standard
AGS	Australian Group Selection
API	Aerial photo interpretation
AS4708	Australian Standard for Sustainable Forest Management
BMAD	Bell miner associated dieback
BSI	British Standards Institution
BWR	Beecroft Weapons Range
CAM	Common assessment method
CAR	Comprehensive, adequate and representative (reserve system)
COAG	Council of Australian Governments
CRA	Comprehensive regional assessment
CRC	Cooperative Research Centre
CSIRO	Commonwealth Scientific and Industrial Research Organisation (Commonwealth)
Commonwealth	Commonwealth of Australia
DAWR	Department of Agriculture and Water Resources (Commonwealth)
DEC	Department of Environment and Conservation (NSW)
DECC	Department of Environment and Climate Change (NSW)
DECCW	Department of Environment, Climate Change and Water (NSW)
DNR	Department of Natural Resources (NSW)
DTM	Digital terrain model
DOI	Department of Industry (NSW)
DIPNR	Department of Infrastructure, Planning and Natural Resources (NSW)
DoEE	Department of the Environment and Energy (Commonwealth)
DPI	Department of Primary Industries (NSW)
ECAct	Export Control Act 1982 (Commonwealth)
eMAR	Environmental monitoring, assessment and reporting framework
EMS	Environmental Management System
EPA	Environment Protection Authority (NSW)
EPA Act	Environmental Planning and Assessment Act 1979 (NSW)
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)
EPL	Environment Protection Licence
ESFM	Ecologically sustainable forest management

ESP Act	Endangered Species Protection Act 1992 (Commonwealth)
FA	Forest Agreement
FCNSW	Forestry Corporation of NSW
FISAP	Forest Industry Structural Adjustment Package
FM Act	Fisheries Management Act 1994 (NSW)
FMP	Forest Management Plan
FMS	Forest Management System
FNSW	Forests NSW
FMZ	Forest management zoning (zones)
FNPEAct	Forestry and National Park Estate Act 1998 (NSW)
FRAMES	Forest Resource and Management Evaluation System
FWPA	Forest and Wood Products Australia
FY	Financial year
GIPA Act	Government Information (Public Access) Act 2009 (NSW)
GIS	Geographic information system
HQL	High quality large (sawlogs)
HQS	High quality small (sawlogs)
IBRA	Interim Biogeographic Regionalisation for Australia
IFOA	Integrated forestry operations approval
ILUA	Indigenous land use agreement
ISO14001	ISO 14001:2004 – Environmental management systems – Requirements with guidance for use
JANIS	Joint ANZECC/MCFFA National Forest Policy Statement Implementation Sub-committee
KPI	Key performance indicator
LALC	Local Aboriginal Land Council
LiDAR	Light Detection and Ranging
LNE	Lower North East (sub-region)
MER	Monitoring, Evaluation and Reporting
MIG	Montréal Process Implementation Group for Australia
MOU	Memorandum of understanding
MPC&I	Montréal Process Criteria and Indicators
NAIDOC	National Aboriginal and Islanders Day Observance Committee
n.d.	No date
NFPS	National Forest Policy Statement (1992)
NHAM	Net Harvest Area Modifier
NPWS	National Parks and Wildlife Service (NSW)
NPW Act	National Parks and Wildlife Act 1974 (NSW)

NRM	Natural resource management
NRS	National Reserve System
NSW	New South Wales
NV Act	Native Vegetation Act 2003 (NSW)
NVC Act	Native Vegetation Conservation Act 1997 (NSW) (repealed)
OEH	Office of Environment and Heritage (NSW)
p.a.	per annum
PAS	Threatened Species Priorities Action Statement
PEFC	Programme for the Endorsement of Forest Certification
Period 1	First five-year period of the NSW RFAs
Period 2	Second five-year period of the NSW RFAs
Period 3	Third five-year period of the NSW RFAs
PGP	Permanent growth plot
PMP	Park Management Program
PNF	Private native forestry
PNF Code	Private Native Forestry Code of Practice (NSW)
POEO Act	Protection of the Environment Operations Act 1997 (NSW)
PPTSP	Private Property Timber Supplementation Program
PR Act	Plantations and Reafforestation Act 1999 (NSW)
PR Code	Plantations and Reafforestation (Code) Regulation 2001 (NSW)
PVP	Property vegetation plan
PWG	Parks and Wildlife Group (a division of the then NSW Department of Environment and Climate Change)
QAA	Quality Assurance Assessments
RACD	Resource and Conservation Division (NSW) of the then NSW Department of Infrastructure, Planning and Natural Resources
RD&E	Research, development and extension
R&D	Research and development
REDEN	Regrowth Eden
RFA	Regional Forest Agreement
RFA Act	Regional Forest Agreements Act 2002 (Commonwealth)
RLC	Research Liaison Committee
RNE	Register of the National Estate
SCA	State conservation area
SEEng	Social, Environmental and Economic Report
SFNSW	State forests of NSW
SLA	Statistical Local Area
SOFR	Australia's State of the Forests Report

SOP	Standard Operating Procedure
SRM	Strike Rate Modifier
STA	Singleton Army Training Area
STS	Single tree selection
TAFE	Technical and Further Education
TAP	Threat abatement plan
TEC	Threatened ecological community
TSC Act	Threatened Species Conservation Act 1995 (NSW)
UNE	Upper North East (sub-region)
UNESCO	United Nations Educational, Scientific and Cultural Organization
WH	World Heritage
WSA	Wood supply agreement

# 1. Executive summary

This report presents the findings and recommendations of the independent review of the report on progress with the implementation of the New South Wales (NSW) Regional Forest Agreements (RFAs) for the Eden, Southern and North East Regions (the Agreements) for the periods 2004-2009 and 2009-2014.

During the public submission period, 5425 submissions were received. This high number reflects a strong and passionate public interest in the management of the state's forests.

The key findings of the reviewer are:

1. The State of NSW and the Commonwealth of Australia (the Parties) have made considerable progress towards achieving RFA commitments. A total of 111 commitments were achieved, 39 commitments were partly achieved or achieved outside the timelines, but the reviewer believes progress was satisfactory, 36 commitments were not achieved and 14 were ongoing or no longer needed.
2. The Parties and the public generally demonstrate a reduced understanding of and support for RFAs, for example:
  - The Parties have made significant changes to NSW forest management tenures, processes and sustainability factors during the review period but have not updated the RFAs accordingly.
  - The RFAs had a five-year reporting framework but the Parties released the review reports around 4 and 9 years late, delaying the process for renewing the RFAs.
  - Most submitters believe the RFAs cover only State forest and are unaware the RFAs include forest in National parks, reserves, plantations and on private land.
3. The Parties have made many achievements through the course of the RFAs, including transferring more than four million hectares or 71% of public land forest to the conservation reserve system.
4. The majority of submitters would like the State to cease native forest logging on public land, indicating it damages biodiversity, environmental values and environmental services such as water, carbon capture and amenity, and provides a low economic return.
5. The native forest timber industry indicated there are markets for most products and they are an important economic component of many rural towns. However, since the transfer of land to the reserve system, parts of the industry have had difficulty sourcing suitable supplies. The delay in the renewal of the RFAs has also meant many businesses have not been able to plan ahead.
6. The native forest timber industry operates under regulations and is audited internally, and externally by independent auditors. However, many submitters are concerned that native forest logging on public land is exempt from the provisions of the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) and third party litigation for breaches.

The reviewer has made a number of recommendations for the Parties to consider. These are listed in section 2.4 of this report and address such things as:

- agencies working more closely together across all land tenures, including establishing regional and state committees to help deliver on RFA commitments and to coordinate forest management, data collection and reporting, and research and investment
- establishing objective environmental and socioeconomic indicators with baseline data and improved monitoring and reporting regimes to identify change over time
- improved adaptive management approaches to prepare for risks such as climate change, bush fires, pest invasions and ecological changes
- greater transparency in reporting on budgets, investment and accountability for performance across public land tenures.

## 2. Introduction

### 2.1 Overview

#### 2.1.1 Purpose of this report

This report presents the findings of an independent review of the report on progress with the implementation of the three NSW RFAs for the second and third five-yearly reviews (July 2004 – June 2014) and public submissions received on that report.

The review covers the period 2004 to 2014 and does not refer to the period 2014 to 2018 unless necessary for illustrative purposes.

#### 2.1.2 Regional Forest Agreements

The three NSW RFAs were signed by the Parties on:

- 26 August 1999 for the Eden RFA
- 31 March 2000 for the North East RFA
- 24 April 2001 for the Southern RFA

The NSW RFAs establish a 20-year framework for forest management. Their purpose is to:

- identify a comprehensive, adequate and representative (CAR) reserve system and provide for the conservation of those areas
- provide for the ecologically sustainable management and use of forests
- provide long-term stability of forests and forest-based industries.

To assist in achieving the purpose of the NSW RFAs, the Parties agreed to a series of milestones, commitments and obligations for monitoring and reporting.

Many aspects of the RFAs are administered by the NSW Government: in particular the National Parks and Wildlife Service (NPWS), Department of Primary Industries (DPI) and the Environment Protection Authority (EPA), and the State-owned corporation, Forestry Corporation of NSW (FCNSW). These agencies are collectively referenced in this report as 'the agencies'.

#### 2.1.3 Review

The Parties are required to review the RFAs every 5 years to assess progress regarding ecologically sustainable forest management. The review provides an assessment of progress of the agreements against established milestones, and includes:

- the extent to which milestones and obligations have been met
- the results of monitoring of sustainability indicators
- inviting public comment on the performance of the RFAs.

The review of RFAs is separate from the review of NSW Forest Agreements (FA) and Integrated Forestry Operations Approvals (IFOA).

In December 2016, the Parties signed a Scoping Agreement for the review of progress with implementation of the NSW RFAs for the second and third five-yearly reviews (refer Attachment). The Parties subsequently prepared A Report of Progress with Implementation of the New South Wales Regional Forest Agreements: Second and third five-yearly reviews July 2004 – June 2014 (the Report). The Report outlines actions taken by the NSW and Australian Governments to implement the commitments in the RFAs.

## 2.1.4 Appointment of Independent Reviewer

Ewan Waller (the reviewer) was appointed as the Independent Reviewer by the Parties to review the Report and any submissions received throughout the public comment period. He was charged with preparing a report to the Parties, to be tabled in Parliament, including making recommendations to improve the delivery of the RFAs.

The Parties will consider these recommendations and provide a joint response to the reviewer's recommendations.

## 2.1.5 Renewal

Both the NSW and Australian governments have a shared intent for an ongoing role for NSW RFAs beyond their expiry from 2019.

On 21 November 2017, the NSW Government announced its commitment to renewing the three NSW RFAs and the commencement of formal negotiations with the Australian Government on extending the RFAs. The outcomes of the review are to inform the RFA extension negotiations.

# 2.2 Public submissions

## 2.2.1 Call for submissions

Public submissions were invited for the review of progress on the implementation of the NSW RFAs between 2004 and 2014 and submissions opened on 18 December 2017 and closed on 23 February 2018. A summary of the number and form of the submissions is as follows:

SUMMARY OF SUBMISSIONS RECEIVED				
	Independent submissions	Pro forma submissions	Pro forma submissions - variations	Total
Email	135	4930	329	5394
Post	4	0	0	4
Online form	26	0	0	26
Referral	1	0	0	1
Total	166	4930	329	5425

A summary of the content of the submissions is in section 7 of this report.

## 2.2.2 Key issues raised in the submissions

The key issues raised in the submissions were:

- The majority of submitters claim to have supported the original objectives of the RFAs but feel let down by RFA processes and believe RFA objectives have not been achieved. Most submissions requested the RFAs not be renewed.
- Submitters were confused about the two websites provided for consultation (EPA and DPI websites) and saw this as a lack of coordination by government. Many believed the consultation process was meaningless as the Parties had committed to extending the RFAs prior to the release of this review.



- The RFAs were written several decades ago and do not include a process for adapting to the findings of research or to other changed circumstances over that time. They do not take into account modern environmental perspectives, international standards and or make any consideration for climate change. The National Forest Policy Statement 1992, that underpins the RFAs, is out-of-date.
- The RFAs do not seem to include a process for continuous improvement when issues are identified. For example, there is no governance framework at the State or regional levels for the collaborative resolution of issues raised by affected stakeholders, or for providing advice to the relevant Australian and NSW Ministers.
- The RFAs had a five-year reporting framework but the reports were released around 9 and 4 years late, without adequate explanation. Submitters believed this to be a fundamental breach of the original RFA contract.
- While the Report was written to meet RFA requirements, the submitters had difficulty reading it and therefore did not give it their support. 'The Report is overly long winded, complicated, and difficult to read, understand and believe'. 'It is not possible to fully comment on a Report that scans a 10-year operational period and includes 351 pages of text (429,733 words), figures, tables and appendices'. There was a notable absence of spatial data (maps etc.) that may have more effectively conveyed information on a landscape scale.
- Submitters called for more transparency in reporting, with unmet government obligations described in the Report as 'achieved outside the reporting period' or 'achieved in part' altered to either 'met' or 'unmet', with unmet obligations explained.
- There was general consensus the Report did not contain adequate data to support its conclusions, possibly because there were inadequate systems in place for collecting the data.
- The Report focuses on data addressing the sustainability indicators of State forest but does not provide the equivalent data for other land tenures (such as conservation reserves). Submitters in general believe there is no evidence to support the claim that ecologically sustainable forest management (ESFM) has been achieved across the landscape. For example, submitters claim the Report contains inadequate data on population numbers of threatened species across all land tenures to be conclusive about their current status.
- A large number of submitters believe the habitat of threatened species is being lost across NSW forests and, in particular, the Koala and Greater Glider should be given greater protection with a Great Koala National Park established.
- EPA is believed to be under-resourced to effectively audit logging operations and to prosecute breaches of logging prescriptions. Submitters called for a restoration of public governance of State forests. They requested reinstatement of Commonwealth oversight of logging operations and of State laws to allow citizens to take legal action against the FCNSW.
- Since the commencement of the RFAs, substantial land area has been transferred from State forest to the conservation reserve system, without identification of sustainable sources of replacement timber. Combined with the effect of exclusion areas (due to environmental controls), logging rotations have subsequently been reduced (from 100-year rotation to 45-year rotation in some places).
- The sawlog industry and their communities say they face an uncertain future as a result of Government failing to secure timber supplies of the right species, quality and age for their high grade sawlog products.
- Increasingly, the State is obtaining substitute timber supplies from private forests to meet quotas and submitters believe this is being done with very little regulation or support for the forest owners to achieve environmental objectives.

- Reduced logging cycles have had environmental impacts and submitters call for other non-timber values, such as water, carbon sequestration, biodiversity, recreation and tourism to be given greater value.
- There was strong support from submitters for ceasing the logging of native timber for woodchips for export overseas for the manufacture of disposal paper products, as this industry was not considered sustainable from either an economic or an environmental perspective. However, the continuation of the industry was supported by local communities that depended on the industry and its 'flow-on' economic benefit.
- Submitters called for the transparent reporting of achievement or non-achievement of sustained logging yield and any Government compensation payouts to industry.
- There was general support for the State transitioning from logging in native forest to a plantation based timber industry, in accordance with the NSW Government's Plantation 2020 strategy. However, the timber industry advised plantations may not meet the need for certain species of high quality sawlogs.

## 2.3 General comments

This section comprises general comments made by the reviewer.

### 2.3.1 Relevance of the current RFAs

The RFAs were introduced to provide the framework for management of the state's forests, including both native forests and plantations. This includes forested land in State forests and in the reserve system such as National parks and private forests.

The RFAs were introduced at the height of the controversy over native forest logging on public land, with the intention of providing a framework for resolving the issues and for the setting of obligations and commitments. Many submitters have indicated they supported the original objectives of the RFAs and had hoped for agreed processes, consistency in decision-making and future stability in forest management in NSW.

The Governments of the time and the agencies supported the Agreements and made significant progress across many aspects. This progress was demonstrated in the first five-yearly review, where most initiatives and intended processes were progressed. Since then, while there has been continued progress on most aspects, the reviewer notes that overall there has not been buy-in from Governments, their agencies, or a continued understanding of RFA objectives within the community.

Many of the submitters did not appreciate the RFAs included all forest areas including National parks, State forest, reserves, plantations and private forest and focussed only on State forest and on native forest logging. This misunderstanding has meant that the contribution and value of RFA processes in establishing the CAR reserve system has not been widely appreciated. A change of name of any future land use agreements, to illustrate the wider coverage, and the use of landscape descriptors may help improve understanding.

This decline in relevance has meant that Government and the agencies have tended to use other avenues to achieve their political and organisational outcomes. For example, the transfer of large areas of State forest and crown land to National park and reserves tenure was made through political processes with minimal reference to the RFA processes.

Many submitters and the reviewer found the Report difficult to follow and comprehend with extensive cross referencing, components being repeated in different sections, overlapping of requirements such as sustainability indicators, ecologically sustainable forest management (ESFM) and Environmental Management Systems (EMS). Having two periods reviewed in the same document compounded these difficulties.

However, despite the apparent lack of support from Government and the agencies, the reviewer notes the RFAs have been successful in the following areas:

- conservation gains made through introducing and significantly expanding the CAR reserve system to include 71% of the native forest on public land
- establishing and enabling reporting on ESM, EMS sustainability indicators and supporting the Montréal Process
- establishing a sound framework and compliance structure to manage and oversee forest logging
- bringing the agencies together for coordinated work on threatened species
- initially providing some certainty for the timber industry and establishing sustainable yields
- improving controls and support for private forest operations and management
- supporting employment throughout the transfer of forest to the CAR reserve system
- supporting Aboriginal involvement and employment in forest management.

Overall, the reviewer believes the RFAs will require significant reshaping and a renewed commitment from the Parties if they are to remain the guiding agreement for future forest management in NSW. Further comments relating to the next generation of the RFAs can be found in section 2.3.8 of this report.

Recommendation - The Parties recommit to supporting RFAs as the framework to manage forests in NSW. This commitment must include -

- adequate resourcing to meet commitments
- amending RFAs to retain relevance, to support adaptive management and to meet statutory changes
- fully complying with obligations of RFAs, including meeting review timelines.

### 2.3.2 Native forest logging

The submissions indicate most submitters want an immediate end to native forest logging on the public estate and stronger controls on private native forest logging. Although the majority of these submissions were proforma letters, overall they indicate a strong rejection of native forest logging. In the main, these submissions argue a case primarily around issues of forest disturbance, impacts on biodiversity and environmental services such as water quality and quantity and carbon capture, and the limited overall socioeconomic return from the industry. The submissions also highlight the potential impact of climate change on logging operations in increasing the risk to conservation values.

Submissions from the timber industry indicate only a small part of the greatly reduced area of State forest is logged annually. The industry's main issue is the continuing decline in the available volume of timber resulting from the transfer of State forest into the CAR reserve system. The reduction in area available for logging has put pressure on the remaining area, with potentially shorter harvesting rotations and the available logs being smaller and of lesser quality than previously. The industry is disappointed that agreed RFA processes were not followed and there has been no full and formal RFA generated process for them to present their case for change.

The NSW Forestry Industry Roadmap provides direction for the logging industry and is being implemented by the NSW Government. However, the reviewer believes a more thorough review is required to properly assess the future of the industry. Key issues for review are the risks that come with climate change, the reported overall decline in the conservation value of native forests, the declining log supply, the value of the forest for carbon storage and a contemporary study of the socio-economic position of relevant rural communities. It is important that such a review objectively assess the science and evidence from the many (sometimes conflicting) studies on the industry and reports impartially to the Parties.

Recommendation – The Parties conduct a contemporary review of the native forest timber industry considering the effect of climate change, the overall conservation status of the forest, the socio-economic position of relevant rural communities and support for the industry.

### 2.3.3 Coordination of forest management

The Report was compiled by a working group and includes components from multiple agencies including the EPA and FONSW. However, it makes only an occasional mention of NPWS despite NPWS being the state's largest forest manager.

The RFAs are intended to bring together all agencies involved in forest management. However, the Report provides little evidence of strong coordination arrangements between the agencies. As an example, the section on sustainability indicator 3.1.a, relating to the maintenance of ecosystem health and vitality, mentions risks to State forest managed by FONSW, such as *Phytophthora* infection causing tree deaths in State forests. However, it makes only passing mention of risks to the CAR reserve system managed mainly by NPWS, such as from deer, feral cats, wild dogs and weed invasion.

Cross agency coordination and collaboration is needed to fully and effectively implement RFA obligations. For example, in order for the agencies to monitor the condition of the forest across all land tenures, the agencies need to establish universal benchmarks and coordinated monitoring regimes. This would best be done through regional and state cross agency coordination committees.

The reviewer understands that research and regional vegetation management was to be guided by cross agency coordination committees, but these were disbanded.

**Recommendation** - The Parties establish a formal coordination structure at the State and regional levels with authority to recommend on forest issues, provide coordinated advice to Ministers and government, coordinate shared services, research and community engagement, and to oversee the collection of reporting information.

### 2.3.4 Climate change and risk

The RFAs and the Report make a passing mention of climate change and the associated risks. Predicted hotter and drier conditions for NSW are likely to affect all values in both State forest and conservation reserves. This is likely to increase pressure on ecological sustainability, with damage compounding when the forest is disturbed. A key risk is the potential for more frequent high intensity bushfires over large areas.

**Recommendation** – The Parties ensure future RFAs fully consider the risks associated with climate change and agencies plan, monitor and report on changes made to forest management practice to adapt to the changing environment.

### 2.3.5 Resource support

The reviewer suspects Government resourcing to support the RFAs has declined in real terms with the decline in the perceived relevance of the RFAs. This is illustrated by the reviews being prepared up to nine years late and by the number of actions achieved outside of timelines, achieved in part or not achieved. The reviewer also suspects there has been a decline in support services such as forest research.

Budget information is needed to indicate trends in support for forest management and to reflect the attitude of the Government and agencies. The Report lacks details about the benefits achieved from the investment of public monies and links to accountabilities and auditable performance. For example, the Report lacks information that could help to evaluate the improvement in conservation values across the CAR reserves managed by NPWS.

**Recommendation** – NSW to ensure agencies fully report on their resourcing for the implementation of the RFAs, with full transparency against budgets and audited achievement against objectives.

### 2.3.6 Community engagement

Stakeholder groups and the community feel disengaged with RFA processes, cannot identify the agency responsible for overall administration of the RFAs and do not know how to address their concerns, especially where they relate to multiple land tenures.

Full and proper community engagement requires agencies to discuss relevant information directly with stakeholders and relevant community groups, to listen and act on concerns, and to show support for stakeholders and groups interested in assisting to achieve RFA outcomes. It is important that the community views the RFAs as 'live' entities, with agencies treating obligations seriously and generally making progress.

The reviewer believes it is not efficient or effective for stakeholder groups and the community to have to deal with multiple government agencies regarding a single issue. A far better approach would be to establish a single multi-agency forum where stakeholder and community concerns can be addressed in a collaborative way.

Refer to the discussion and recommendation in section 2.3.3 regarding the establishment of a coordination structure at the state and regional levels.

Recommendation – NSW agencies commit to a coordinated process for stakeholder and community engagement, based on an agreed communication plan, to support RFA forest management activities.

### 2.3.7 Socioeconomic analysis

The submissions indicate changes of land tenure and land use in forest management lead to flow-on effects and consequences for local communities and wider. In particular, the reviewer notes the Report provides only a very basic socioeconomic analysis of the effect of change and that more extensive data analysis and research is needed to be conclusive.

The reviewer believes it important that Government makes future decisions regarding changes in land tenure and land use based on evidence and research, and provides the community with transparency regarding the basis for any change. Government investment is also needed to counter the flow-on effects and consequences of any change.

In particular, the reviewer notes social science is an available research discipline that could assist Government better analyse the socioeconomic status of state, regional and local communities and their supporting economies.

Recommendation: The Parties commit to on-going analysis of the socioeconomic environment linked to the forest estate and fully evaluate the consequences of any change in forest use.

### 2.3.8 Towards the next RFA

The reviewer has considered the submissions and general comments, and makes the following recommendation.

Recommendation - The Parties prepare future RFAs (or similar arrangements) with consideration to:

- gaining legislated commitment from both Governments to support the arrangements
- gaining formal commitment from the agencies to support the arrangements, including resourcing
- preparing arrangements that are easy to read, with maps, diagrams and detail appended as needed
- reducing the requirement for multiple reporting, particularly in regard to environmental aspects, and replacing this with a single consolidated report that is endorsed by all agencies
- establishing an open and transparent process for amending the arrangements: supporting adaptive management while abiding by established principles
- moving towards an outcome and performance based approach for environmental prescriptions, ensuring their intent is retained or strengthened

- establishing supporting structures to achieve stronger integration of agencies, including establishing state and regional coordinating committees with the authority to recommend on RFA issues, coordinate shared services and research, and to oversee the collection of information to support the arrangements
- a review of performance against objectives derived from the sustainability indicators after five years
- having no automatic right of renewal without a review showing satisfactory performance over the preceding five years
- a change in the title (potentially away from 'forests') to reflect that the agreements cover the wider landscape
- a requirement for strong stakeholder and community communication, based on an agreed plan and with the necessary supporting resources.

## 2.4 Recommendations

The reviewer makes the following recommendations:

	Recommendation	Section
1	The Parties recommit to supporting RFAs as the framework to manage forests in NSW. This commitment must include - <ul style="list-style-type: none"> <li>• adequate resourcing to meet commitments</li> <li>• amending RFAs to retain relevance, to support adaptive management and to meet statutory changes</li> <li>• fully complying with obligations of RFAs, including meeting review timelines.</li> </ul>	2.3.1 and 3.2.4
2	The Parties ensure that the RFAs are appropriately amended to more strongly support strategic and adaptive management while also retaining their original principles and objectives.	3.1
3	The Parties establish a formal coordination structure at the State and regional levels with authority to recommend on forest issues, provide coordinated advice to Ministers and government, coordinate shared services, research and community engagement, and to oversee the collection of reporting information.	2.3.3
4	NSW agencies commit to a coordinated process for stakeholder and community engagement, based on an agreed communication plan, to support RFA forest management activities.	2.3.6
5	NSW to ensure agencies fully report on their resourcing for the implementation of the RFAs, with full transparency against budgets and audited achievement against objectives.	2.3.5
6	The Parties commit to on-going analysis of the socioeconomic environment linked to the forest estate and fully evaluate the consequences of any change in forest use.	2.3.7

	Recommendation	Section
7	That the Parties: <ul style="list-style-type: none"> <li>• review the sustainability indicators</li> <li>• review the monitoring, evaluation and reporting process</li> <li>• collect information across all land tenures</li> <li>• include a process for remedial action</li> <li>• collaborate to engage community interest in the sustainability indicators.</li> </ul>	3.3.3
8	NSW clarify the arrangements for monitoring, evaluating and reporting on conservation values within the CAR reserve system, including a review of performance measures and the use of the Mitchell's Landscapes information layer.	3.4
9	The Parties commit to: <ul style="list-style-type: none"> <li>• adequately resourcing the agencies responsible for field management and compliance of logging operations</li> <li>• consider a model based on outcome performance for providing improved oversight of forestry operations.</li> </ul>	3.3.2
10	The Parties conduct a contemporary review of the native forest timber industry considering the effect of climate change, the overall conservation status of the forest, the socio-economic position of relevant rural communities and support for the industry.	2.3.2
11	NSW to have regular formal regional and state meetings with the timber industry under the auspices of the RFA to discuss and resolve issues and pursue opportunities. As appropriate, these meetings should include a wider audience of those affected, such as local government, with the outcomes shared with the regional community.	3.5
12	The Parties ensure that forest research is effectively managed through: <ul style="list-style-type: none"> <li>• establishing formal research committees at state and regional levels to coordinate research</li> <li>• establishing sub committees to coordinate specific research, such as threatened species</li> <li>• publishing of annual budgets of agency forest research</li> <li>• agreeing on long term strategies for research projects that align with the monitoring objectives of the RFAs.</li> </ul>	3.9
13	Future NSW Agreements to require a detailed and well-presented analysis of the conservation status of the forest, include an explanation for any decline in health or loss of forest area.	6.1.1
14	The Parties ensure future RFAs fully consider the risks associated with climate change and agencies plan, monitor and report on changes made to forest management practice to adapt to the changing environment.	2.3.4
15	In future RFA reviews, NSW to report on: <ul style="list-style-type: none"> <li>• Contemporary information on the science of carbon storage and forests</li> <li>• The contribution of NSW forests to the global carbon cycle</li> <li>• Opportunities to enhance carbon storage in forests.</li> </ul>	6.5

	Recommendation	Section
16	<p>The Parties prepare future RFAs (or similar arrangements) with consideration to:</p> <ul style="list-style-type: none"> <li>• gaining legislated commitment from both Governments to support the arrangements</li> <li>• gaining formal commitment from the agencies to support the arrangements, including resourcing</li> <li>• preparing arrangements that are easy to read, with maps, diagrams and detail appended as needed</li> <li>• reducing the requirement for multiple reporting, particularly in regard to environmental aspects, and replacing this with a single consolidated report that is endorsed by all agencies</li> <li>• establishing an open and transparent process for amending the arrangements: supporting adaptive management while abiding by established principles</li> <li>• moving towards an outcome and performance based approach for environmental prescriptions, ensuring their intent is retained or strengthened</li> <li>• establishing supporting structures to achieve stronger integration of agencies, including establishing state and regional coordinating committees with the authority to recommend on RFA issues, coordinate shared services and research, and to oversee the collection of information to support the arrangements</li> <li>• a review of performance against objectives derived from the sustainability indicators after five years</li> <li>• having no automatic right of renewal without a review showing satisfactory performance over the preceding five years</li> <li>• a change in the title (potentially away from 'forests') to reflect that the agreements cover the wider landscape</li> <li>• a requirement for strong stakeholder and community communication, based on an agreed plan and with the necessary supporting resources.</li> </ul>	2.3.8



## 3. Progress against milestones and commitments

### 3.1 Principles of the Agreement

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
6 (All)	The Parties to determine the process for extending the agreement for a further period as part of the third five-yearly review.	Ongoing	Not applicable	Achieved in part but	Not achieved
8 (All)	This Agreement may only be amended with the consent, in writing, of both Parties. The Parties agree to work co-operatively to address any differences between them as to the interpretation or implementation of the Agreement.	Ongoing		Achieved	Achieved - no amendments
9 (All)	The Parties agree that if a dispute arises between the Parties regarding this Agreement it must be resolved expeditiously in accordance with the provisions of clauses 10 to 14.	Ongoing		Achieved	Achieved – no disputes

#### Points raised in the submissions

Many submitters believe the Parties have committed to extending the RFAs prior to the release of the outcomes of this review and therefore the consultation process is meaningless.

A large number subsequently requested the RFAs not be renewed, because they believed the RFA objectives have not been achieved and they felt let down by RFA processes.

Some expressed disappointment the extension had occurred without a scientifically-based review as to their effectiveness and without equal consideration of alternative options for public forest use and management.

Other submitters saw the consultation process providing an opportunity to revise the content of the RFAs, so they became a more contemporary document, and made suggestions accordingly. A key suggestion was the inclusion of processes for adaptive management to changed circumstances over time.

Members of the timber industry felt particularly let down by the delay in the process for the renewal of the RFAs. A number said the operation of their companies were restricted by the regulatory framework to the end of 2018 or early 2019, and the delays meant they had not been able to plan beyond the end of this time. Once the RFAs were renewed, it would take around a year for all the associated legal requirements to be confirmed, however this was insufficient planning time for the companies. If the original reporting timeframes had been adhered these companies would have had around 5 years to prepare. The impact of this short timeframe also impacted on contractors and the towns that depended upon these industries.

#### Reviewer's comments

As the third five-yearly report of the RFAs was undertaken late, the process for extending the RFAs was not established and a decision on extending the RFAs was not made in a timely manner or with the knowledge and evidence conveyed in the reviewer's report. This has affected the credibility of the RFA process going forward and has had a significant impact on much of the timber industry.

The reviewer finds it surprising there have been few amendments to the RFAs over the 15-year period considering the many changes that have influenced forest management over the period and the large area of the state involved.

The reviewer recognises the overall integrity of the RFA process must be protected and amendments carefully considered before being introduced. If the RFAs are going to be truly strategic documents as well as setting the framework for proper and accountable forest management, then amendments are to be expected as part of the RFA process.

Recommendation – The Parties ensure that the RFAs are appropriately amended to more strongly support strategic and adaptive management while also retaining their original principles and objectives.

## 3.2 Functioning of the Agreement

### 3.2.1 Relationship to previous intergovernmental forest agreements

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
E- 17 (a)	<p>Relationship to Previous Forest Agreements: Milestone</p> <p>This Agreement replaces the South-East Forest Agreement (SEFA) signed by the Commonwealth and New South Wales Governments on 21 December 1993, except that the Parties agree that the remaining unspent Commonwealth and State funds committed through the SEFA will remain available for regional development initiatives in the Eden region. The Parties further agree to develop within six months of the date of this Agreement an appropriate mechanism to develop and consider these initiatives.</p>	Completed	Achieved	Achieved	Achieved

Points raised in the submissions

Submitters did not make any points in regard to this clause.

Reviewer's comments

This milestone was completed and commented on in the first period review.

### 3.2.2 Relationship to statutory obligations

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
19 (All)	<p>Relationship to Statutory Obligations</p> <p>Neither Party will seek to use existing or future legislation to undermine or impede this Agreement.</p>	Ongoing		Achieved	Achieved <sup>1</sup>

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<sup>1</sup> See comments on land tenure changes and impacts on RFA principles following

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
21 (All)	National Estate  The Parties will manage their respective responsibilities with regard to the National Estate in accordance with the provisions of this Agreement as detailed in Attachment 4 (E- Attachment 3).	Not applicable		Not applicable	Not applicable <sup>2</sup>
NE– 26 E– 25 S– 26	Endangered species protection  The Commonwealth notes that its obligations to promote endangered species protection will involve ongoing co-operative work with New South Wales agencies concerning the Upper North East and Lower North East regions (E– the Eden region; S– the Southern region).	Ongoing		Achieved	Achieved
NE– 27 E– 26 S– 27	World Heritage assessment  The Parties agree to actively investigate, and jointly participate in the further World Heritage assessment of the relevant Australia-wide themes specified in Section 3.4.2 (Table 17) of the World Heritage Expert Panel report, including any potential contribution from the Upper North East and Lower North East regions.	Ongoing		Achieved	Achieved <sup>3</sup>
NE– 28 S– 28	World Heritage properties  Parties recognise that existing World Heritage properties within the RFA regions, and any new areas nominated for World Heritage listing subject to clause 31 will be subject to the provisions of the Environment Protection and Biodiversity Conservation Act 1999.  (S- Parties recognise that any areas nominated for World Heritage listing subject to clause 31 will be subject to the provisions of the Environment Protection and Biodiversity Conservation Act 1999).	Ongoing		Achieved	Achieved

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<sup>2</sup> Arrangements for National Estate now align with Environment Protection and Biodiversity Conservation Act 1999

<sup>3</sup> Process has changed – see comments

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-29	<p>World Heritage Nomination for the Greater Blue Mountains</p> <p>The Parties agreed in 1997 to develop a World Heritage Nomination for the Greater Blue Mountains region in reference to the Eucalypt theme. The nomination was submitted in 1998 and is currently undergoing assessment. A section of the Lower North East RFA Region forms part of the nominated area. The Parties have agreed to develop funding and management arrangements for the nominated property.</p>	Completed		Achieved	Achieved
NE-30 E-27 S-29	<p>World Heritage Nominations</p> <p>The Commonwealth agrees that it will give full consideration to the potential social and economic consequences of any World Heritage Nomination of places in the Upper North East and Lower North East regions and that any such nomination will only occur after the fullest consultation and with agreement of the State.</p>	Ongoing		Ongoing	Ongoing – no nominations
NE-31 E-28 S-30	<p>World Heritage Nominations involving any part of the forest estate</p> <p>The Parties agree that any World Heritage Nomination involving any part of the forest estate in the Upper North East and Lower North East regions will be from within the CAR Reserve System.</p>	Ongoing		Ongoing	Ongoing – no nominations
NE-32 E-29 S-31	<p>Management arrangements for any World Heritage Nomination</p> <p>The Parties agree that before any World Heritage Nomination is made:</p> <p>(a) all necessary management arrangements, including joint policy coordination arrangements will be agreed;</p> <p>(b) all related funding issues will be resolved to the satisfaction of both Parties; and</p> <p>(c) The Parties will develop an agreed management plan that is suitable for consideration for bilateral accreditation under Section 46 of the Environment Protection and Biodiversity Conservation Act 1999.</p>	Ongoing		Ongoing - not applicable	Ongoing – not applicable

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 33 S– 32	<p>Environment Protection and Biodiversity Conservation Act amendment: Milestone (NE)</p> <p>The Commonwealth undertakes to use its best endeavours to secure the enactment of legislation which amends the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) by inserting definitions of “forestry operations”, “RFA forestry operations” and “RFA or Regional Forest Agreement” identical to those contained in the Regional Forest Agreements Bill (Commonwealth) and introduce such legislation into the Parliament of the Commonwealth by 30 June 2000 (S– by 14 August 2000).</p>	<p>By June 30 2000</p> <p>Completed</p>	Completed	Achieved	Achieved in the first period
NE– 34 E– 30	<p>Exports of hardwood Woodchips</p> <p>Parties note that current Commonwealth export arrangements provided that, after 31 March 2000, exports of hardwood Woodchips from native forests will only be permitted from areas covered by an RFA.</p> <p>(E– after 31 December 1999)</p>	Ongoing		Achieved	Achieved
NE– 35 E– 31 S– 33	<p>Export Control Act 1982 exemption</p> <p>The Parties note that no controls under the Export Control Act 1982 (Commonwealth) will apply to hardwood Woodchips or Unprocessed Wood sourced from the Upper North East and Lower North East regions while this Agreement is in place.</p>	Ongoing		Achieved	Achieved
NE– 36 E– 33 S– 34	<p>New South Wales confirms that its Upper North East Region Forest Agreement and Lower North East Forest Agreement (NSW, 5 March 1999) and any Integrated Forestry Operations Approvals for all or part of the Upper North East and Lower North East regions are parts of the New South Wales Forest Management System and are means by which New South Wales will implement obligations and undertakings arising from this Agreement.</p> <p>Milestone (S)</p> <p>(S– Consistent with clause 47, NSW agrees to have in place a Forest Agreement covering the Southern region and have granted an Integrated Forestry Operations Approval applying to the Southern region by 30 June 2001.)</p>	Ongoing	Completed for Southern	Achieved	Achieved

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-37 E-35 S-36	Notifying the Commonwealth of changes to FAs and IFOAs  New South Wales undertakes to notify the Commonwealth within fourteen days of any amendment or termination of a FA or amendment, suspension or revocation of any Integrated Forestry Operations Approvals which applies to either of the Upper North East and Lower North East regions. Copies of any FA or Integrated Forestry Operations Approvals will be provided to the Commonwealth within fourteen days.	Ongoing		Achieved in part	Not achieved <sup>4</sup>

#### Points raised in the submissions

Several submitters raised concerns about the transfer of State forest to the reserve system during the period of the current RFA and, while this was in keeping with the intent of the RFA, it detracted from the achievement of other RFA objectives, such as assuring stability of timber supplies for industry.

A number of submitters objected to the amendment of the Environment Protection and Biodiversity Conservation Act 1999 to exempt forestry operations from the planning approval process and asked for these arrangements to be rescinded. Further discussion on this issue is included in section 3.3.2 of this report.

Submitters noted the NSW comprehensive regional assessments (CRA), which preceded the RFAs, made no attempt to specifically identify World Heritage values. As an alternative in 1998 the Commonwealth established a 'World Heritage Expert Panel' to identify outstanding universal values in forested areas as part of its RFA process. They confirmed the "eucalypt theme" as a qualifying value for north east NSW however, despite this, there had been no World Heritage nominations within the three RFA regions within the three five-year periods. Key themes they believed needed to be addressed were passive marginal swells, Aboriginal ceremonial sites, Rufous Scrub-birds and velvet worms.

Submitters claimed community groups had made repeated attempts to have governments recognise and implement their World Heritage obligations over decades, but these had been ignored. They believed World Heritage discussions should take place concurrently with the RFA process because the RFAs have a significant bearing on World Heritage—including potentially degrading areas that are of World Heritage significance.

#### Reviewer's comments

The statutory obligations outlined in this section of the RFAs for the Commonwealth and state governments are

1. Agreeing not to undermine the Agreements with current or future legislation
2. Complying with their responsibilities on the National Estate
3. Cooperating on endangered species protection
4. Cooperating on World Heritage nominations

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<sup>4</sup> Did not notify the Commonwealth on all IFOA amendments within 14 days

5. Controls on wood chip exports
6. Applying the Forest Management System to implement obligations and undertakings in the Agreements
7. Implementing five-year reviews that will be openly reported and tabled in both parliaments

#### Undermining or impeding the RFAs through legislation

There have been significant changes in the tenure of the public forest estate during the periods of the RFA. This has predominately been the movement of State forest and crown land to National park and reserve tenure. This transfer has been through legislation, principally the National Park (Preservation) Act 2002, 2003 and 2005.

It can be debated that this change in land tenure does not impede, and in fact supports the intent of the RFA process in allocating land use to the right purpose. Alternatively, it could be stated that moving public forest away from legislated uses, such as for wood and non-wood uses, is against the intent of the RFAs to provide for improved long term stability of these forest uses. (It is worth noting that, following the transfer, additional sawlog volumes were made available through changes to forest zoning, purchase of forested private land and/or the purchase of logging rights on private land).

The reviewer disagrees with the statement 'neither Party did not use existing or future legislation to undermine or impede the agreements', when this has obviously occurred. In doing so, the Parties ignored the set RFA processes for amending the agreements and the public consultation processes. This undermines the purpose of the RFAs and associated public trust and stakeholder confidence.

#### Cooperating on threatened species protection

Refer section 3.3.5 for comment.

#### National estate and World Heritage nominations

The reviewer notes responsibility has largely moved to the Australian Government. There is merit in considering World Heritage nominations with RFA processes - there are efficiencies in focussing at one time on the most appropriate forest use and also to reduce the uncertainty that arises with continual land use changes (or the threat of change).

#### Applying the Forest Management System to implement obligations and undertakings in the Agreements

The Forest Management System refers to the system outlining the process FCNSW uses to manage State forest. It includes processes for the approval and control of logging and regeneration operations.

The reviewer notes logging operations appear to be well controlled with internal and external independent compliance audits conducted through the EPA (refer to section 3.3.2 for comment on the adequacy of resourcing to address this responsibility).

The Report stated that amendments to IFOAs were not reported to the Australian Government within 14 days, if at all. This oversight means that the Parties were not necessarily working together on the main approvals process covering public land logging.

### 3.2.3 Milestones

CI	Action – Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 39 E and S – 37	Annual reporting – first five-years: Milestone  This Agreement establishes milestones as given in Attachment 5 (E– Attachment 4 and S– Attachment 5) and the Parties will report annually on their achievement during the first five-years, using an appropriate public reporting mechanism.	Annually for the first five-years	Completed	Achieved	Achieved

## Points raised in the submissions

Submitters noted the RFAs had a five-year reporting framework but the reports were released around 4 and 9 years late, without adequate explanation. Submitters believed this to be a fundamental breach of the original RFA contract, and a number stated this as the primary reason they no longer supported RFA processes.

## Reviewer's comments

The reviewer notes there was yearly reporting during the first five-year period. The diligence in reporting then lapsed with the mandated second and third period five-year reporting not being done on time.

### 3.2.4 Five-yearly review

Q	Action – Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 40 E and S– 38	<p>Review of the performance of the Agreement</p> <p>Within each five-year period, a review of the performance of the Agreement will be undertaken. The purpose of the five-yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:</p> <p>(a) The extent to which milestones and obligations have been met, including management of the National Estate;</p> <p>(b) The results of monitoring of sustainability indicators; and</p> <p>(c) Invited public comment on the performance of the Agreement.</p>	Ongoing		Achieved in part	Not achieved (see comments following)
NE– 41 E and S– 39	<p>Modification of RFAs post review</p> <p>While the review process will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the review as per clause 8.</p>	Ongoing		Not applicable	Not applicable as the full suite of reviews did not happen



Q	Action – Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 42 E and S– 40	Outcomes of the review: Milestone  The outcomes of the review will be made public. The mechanism for the review will be determined by both Parties before the end of the five-year period and the review will be completed within three months.	Before the end of the first five-year period  Now ongoing	Completed	Achieved - outside the proposed timelines	Not achieved <sup>5</sup>
NE– 43 E and S– 41	Tabling the signed Regional Forest Agreement: Milestone (NE & S)  The Commonwealth will table in the Commonwealth Parliament the signed RFA and when completed the annual reports detailing achievement of the milestones for the first four years of the Agreement and the first five-yearly review on performance against milestones and commitments.	Annually and following signature after the first five-year period	Completed	Achieved - outside the proposed timelines	Achieved – outside the proposed timelines

#### Points raised in the submissions

All submitters who commented on the delays in reporting were annoyed at Government's non-compliance with their agreed obligations to report on a five-yearly basis.

Some submitters commented that Government expected high standards of compliance from industry and all other partners involved in the RFAs and yet did not meet their own obligations.

Submitters believe that, in the interests of transparency, unmet Government obligations described in the Report as 'achieved outside the reporting period' or 'achieved in part' should be changed to either 'met' or 'unmet, with unmet obligations explained.

Most submitters considered the Report did not contain sufficient data on sustainability indicators to support its conclusions. There were questions regarding whether adequate data collection systems were in place and some suggested no data had actually been collected! One submitter identified that, had an appropriate data collection system been in place, it would have been easy for Government to generate the reports at the required time intervals.

The timber industry believed the late reports and absence of monitoring of sustainability indicators within the agreed reporting timeframe resulted in their issues not being identified and resolved in a timely manner. It meant they were not equipped with the evidence they needed to defend their practices against detractors, particularly in regard to adherence to ESFM.

Conversely, submitters with conservation interests considered the absence of reports and monitoring to provide evidence that ESFM was not being achieved.

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<sup>5</sup> The first review was made public but the preparation for subsequent reviews was not established within the first five years

#### Reviewer's comments

While many obligations under the RFAs are either implemented or being worked on, the credibility of the value of the Agreements has been diminished as the reviews for the three periods have not been done on time. This raises questions about whether the respective Governments and senior management value the Agreements. It has resulted in community concern about the lack of transparency, with virtually all submitters raising this concern.

For those responsible for implementing actions in the RFAs, the delays in reporting devalues their work, is de-motivating and may lead them to neglect proper process – the very reason the Agreements were initially introduced.

Managing and reporting on RFA processes requires ongoing resources and commitment to:

- meet the statutory requirements of the Agreements
- to monitor, assess and amend the workings of the Agreements
- to share information and updates between the Parties, stakeholders and the public.

It is apparent the Parties have inadequately supported the NSW RFAs. They must now commit either to adequately resourcing and reporting on the Agreements or to amending them to reduce the reporting burden. Refer to recommendation in 2.3.1.

### 3.3 Ecologically sustainable forest management

All Australian jurisdictions, including NSW, are Parties to the National Forest Policy Statement 1992 and its principles of ecologically sustainable development.

The NSW RFAs define ESM as 'forest management and use in accordance with the specific objectives and policies for ecologically sustainable development as detailed in the National Forest Policy Statement'.

In the three NSW RFAs, the NSW Government confirmed its commitment to the achievement<sup>6</sup> of ESM consistent with the following five principles:

- Principle 1: Maintain or increase the full suite of forest values for present and future generations across the NSW native forest estate
- Principle 2: Ensure public participation, access to information, accountability and transparency in the delivery of ESM
- Principle 3: Ensure legislation, policies, institutional framework, codes, standards and practices related to forest management require and provide incentives for ecologically sustainable management of the native forest estate
- Principle 4: Apply precautionary principles for prevention of environmental degradation
- Principle 5: Apply best available knowledge and adaptive management processes.

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<sup>6</sup> See clauses 46NE, 44E, 44S

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE- 44 E and S - 42	<p>Elements of ESFM</p> <p>The Parties agree that ESFM is an objective which requires a long-term commitment to continuous improvement and that the key elements for achieving it are:</p> <ul style="list-style-type: none"> <li>a. the establishment of a CAR Reserve System (Attachment 1(A) and Attachment 1(B)) [E and S- Attachment 1];</li> <li>b. the development of internationally competitive forest products industries; and</li> <li>c. integrated, complementary and strategic forest management systems capable of responding to new information.</li> </ul>	Ongoing		Achieved	Achieved
NE- 46 E and S - 44	<p>Achievement of ESFM on Public and Private Land</p> <p>New South Wales confirms its commitment to the achievement of ESFM on Public and Private Land consistent with the principles of Ecologically Sustainable Forest Management at Attachment 14, and to the ongoing review and subsequent implementation of its legislation, policy, plans, Codes and Regional Prescriptions to ensure ESFM objectives can be achieved in a more efficient regulatory environment.</p>	Ongoing		Achieved	Achieved
NE- 47 E and S - 45	<p>Amendment of Forest Management System to implement FFA</p> <p>New South Wales agrees that in providing for ESFM, its Forest Management System will be amended to implement the undertakings of this Agreement, including those specified in Attachments 6, 8 and 12 (Part D) (E- Attachments 5 and 7, S- Attachments 6 and 8).</p>	Ongoing		Achieved	Achieved
S- 46	<p>Establishment of FA and IFOA – Southern region</p> <p>Following processes outlined in the Forestry and National Park Estate Act 1998, NSW will establish by 30 June 2001 a Forest Agreement covering the Southern region and an associated Integrated Forestry Operations Approval applying to the Southern region which are consistent with this Agreement, the Integrated Forestry Operations Approvals and Forest Agreements presently in place in NSW.</p>	Completed		Achieved - outside proposed guideline	Achieved - outside proposed guideline

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 48 (a) E– 46 (a) S– 47 (a)	Environmental Management Systems/ Forest Management Systems  New South Wales undertakes to:  NE– Maintain Forest Agreements covering both the Upper North East and Lower North East regions  E– Maintain a Forest Agreement covering the Eden region for the duration of this Agreement  S- Make by 30 June 2001 and maintain for the duration of this Agreement a Forest Agreement covering the Southern region.	Ongoing		Achieved	Achieved
NE– 48 (b) E– 46 (g) S– 47 (b)	Environmental Management Systems/ Forest Management Systems: Milestone  NE–Maintain for the duration of this Agreement an Integrated Forestry Operations Approvals covering the Upper North East and Lower North East regions, consistent with Attachments 1A, 1B, 3, 4, 8 and 12  E– Grant within three months of the date of this agreement and maintain for the duration of this Agreement an Integrated Forestry Operations Approval covering the Eden region, consistent with Attachments 1, 2, 3, and 7  S–Grant by 30 June 2001 and maintain for the duration of this Agreement an Integrated Forestry Operations Approval covering the Southern region, consistent with Attachments 1, 3, 4, and 8]	Completed		Achieved	Achieved
NE– 48 (c) E– 46 (b) S– 47 (c)	Environmental Management Systems/ Forest Management Systems: Milestone  Complete and publish plans of management for areas dedicated under the National park and Wildlife Act 1974 (NSW) by 1 January 2005  (E– by 1 January 2002 and S– by 31 January 2006)	By 1 January 2005  Ongoing	Underway	Achieved in part	Achieved in part

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE- 48 (d) E- 46 (c) S- 47 (d)	Environmental Management Systems/Forest Management Systems: Milestone  Complete and publish Regional ESM Plans for State forests under the Forestry Regulation 1999 (NSW) under the Forestry Act 1916 (NSW) by 30 June 2000  (E- by 1 April 2000 and S- by 31 December 2001)	NE- by 30 June 2000  E- by 1 April 2000  S- by 31 December 2001  Completed	Completed	Achieved outside proposed timeline	Achieved outside the proposed timelines
NE- 48 (e) E- 46 (d) S- 47 (e)	Environmental Management Systems/Forest Management Systems: Milestone  Implement the Forest Management Zoning system for the Upper North East and Lower North East regions by 30 June 2000 (E- by 1 October 1999 and S- by 31 December 2001)	NE- by 30 June 2000  E- by 1 October 1999  S- by 31 December 2001  Completed	Completed	Achieved	Achieved
NE- 48 (f) E- 46 (e) S- 47 (f)	Environmental Management Systems/Forest Management Systems: Milestone  Manage cultural values, both Aboriginal and non-Aboriginal, in the Upper North East region, consistent with the guidelines in the Protective Mechanisms for Cultural Heritage – Generic Version and the Lower North East region consistent with the guidelines in the Protective Mechanisms for Cultural Heritage – Lower North East as outlined in clause 92, Attachment 4 and the principles in Attachment 10 (E(e)- clause 79, Attachment 3 and the principles in Attachment 9 and S- clause 90, Attachment 4 and the principles in Attachment 10).  The Commonwealth acknowledges that the Cultural Heritage Guidelines attached to both the Upper North East Integrated Forestry Operations Approval (December 1999) and the Lower North East Integrated Forestry Operations Approval (December 1999) are consistent with the above documents.	Ongoing		Achieved	Achieved
NE- 48 (g) E- 46	Environmental Management Systems/Forest Management Systems: Milestone  Implement the review and monitoring processes and develop the strategic and operational requirements of sustainable yield systems and processes using	By 1 December 2006  Completed	NE, S- completed  E- inventory & review of sustainable	Achieved - outside proposed timeline	Achieved - outside proposed timeline

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
(f) S- 47 (g)	enhanced Forest Resource and Management Evaluation System (FRAMES) as described in Attachment 12 (Part E) to enable the review of sustainable yield by 1 December 2006 as described in Attachment 12 (Part B)  (Sas described in Attachment 8 to enable the review of Sustainable Yield by 1 December 2006)  (E Develop and implement an inventory system for regrowth forests and review the calculation of Sustainable Yield using methods consistent with Attachment 11 and the principles and processes used in the Forest Resource and Management Evaluation System (FRAMES), in time for the first RFA review.)		yield underway		
NE- 48 (h) E- 46 (h) S- 47 (h)	Environmental Management Systems/Forest Management Systems: Milestone  Develop and implement environmental management systems in accordance with the principles outlined in Attachment 8 (E (h) – Attachment 7 and S- Attachment 8) within five-years (S- by 30 April 2004).	Within five-years of signing  Completed	Forests – completed  DECCW - underway	Achieved - outside proposed timeline	Achieved - outside proposed timeline

#### Points raised in the submissions

##### Environmentally sustainable forest management

Submitters raised concern over the currency of the National Forest Policy Statement 1992, which provides the foundation for EFSM. They thought the document, which is now a quarter of century old, did not consider the risks and impact of climate change and the findings of science and research over that time, nor did it consider the current status of forested areas resulting from management under the RFAs. Because of its age, the document lacked credibility and submitters considered it overdue for a review.

Many submitters stated their support for the original objectives of the RFAs, particularly the principles of EFSM, but now many believed the Report contained insufficient evidence to prove these principles had been achieved. For example, there was no spatial dataset showing the location, time, spatial area and volume harvested from individual logging operations over the life of the RFAs and no spatial dataset to show the change in forest age-structure over the life of the RFAs—a key measure of biodiversity values, carbon stores and water provision.

This opened the way for dissent from stakeholders of all persuasions; conservationists believed EFSM had not been achieved, while the timber industry claimed there was insufficient evidence to support their claims that EFSM was being well-managed. It appeared no stakeholder group was satisfied with Government's commitment to monitoring EFSM.

Many submitters indicated strongly that native forest logging is incompatible with EFSM particularly as the environment changes with climate change.

Despite the requirement for 'integrated, complementary and strategic forest management systems capable of responding to new information', many submitters noted the FFAs did not seem to have a process for incorporating new information or this findings of research, as there had been no amendments to the FFAs made in regard to climate change and carbon sequestration, despite these being significant modern issues.

#### State and regional EFSM plans and management plans

One submitter stated that the regional EFSM plans for State forests had been amalgamated into the one state plan by the FONSW and a number of the management plans were not complete. They blamed the failure to properly monitor sustainability indicators on the failure to properly develop these indicators for local situations.

#### Monitoring, reporting and consultative mechanisms

Refer section 3.3.1.

#### Accreditation

Refer section 43.

#### Sustainability indicators

Refer section 3.3.3.

#### Private land

Refer section 0.

#### Threatened flora and fauna

Refer section 3.3.5.

#### The CAR reserve system

Refer section 3.4.

#### Industry and regional development

Refer section 3.5.

#### Aboriginal heritage

Refer section 3.6.

#### Other forest users

Refer section 3.7.

#### Competition principles

Refer section 3.8.

#### Research

Refer section 3.9.

#### Data access and archiving

Refer section 3.10.

#### Legally binding rights and obligations

Refer section 3.10.

#### Reviewer's comments

The principles of EFSM set the direction for forest management in NSW. Specific comments relating to the principles are as follows:

Principle 1: Maintain or increase the full suite of forest values for present and future generations across the NSW native forest estate.

It is not possible to fully assess if this has been achieved on the limited data provided. The reduction in forest area across the state indicates a net loss of forest (although this may be from assessing forest differently) and studies stating only 9% of the forest is in a natural state and the forest condition has deteriorated indicates that this principle is unlikely to be achieved.

The key indicators for this principle must come from baseline and trend data on conservation values in the now extensive area (71% of the RFA public land area) in the CAR reserve system (National parks, reserves and state forest zoning). This is not shown well enough in the report to judge if the management of the CAR reserves is effective.

Many submitters indicated strongly that native forest logging is incompatible with ESM particularly as the environment changes with climate change. Again the limited data (some without a stated methodology or baselines for comparison) means any assessment is of limited value.

Principle 2: Ensure public participation, access to information, accountability and transparency in the delivery of ESM.

The Report does not indicate fully how and if this principle is covered except for publication of certain documents on websites and public meetings on the more extensive changes. To achieve effective communication requires extensive and intensive planning and work and a joined up approach between the agencies. The reviewer did not detect this.

Some submitters indicated they wanted more spatial and detailed information on the forest particularly during and after logging. This should be achievable in the digital age and the agencies need to openly work with the various stakeholders to achieve this.

Principle 3: Ensure legislation, policies, institutional framework, codes, standards and practices related to forest management require and provide incentives for ecologically sustainable management of the native forest estate.

The RFAs illustrate that there is structure and process to implement this principle. On public land and some private land, the parks, reserves and the CAR reserve system are in place to manage for and protect conservation values. There are structured planning and approval processes for wood production. These include internal and independent audits of operations with reporting on compliance.

There are ESM plans for the RFA areas. More than 70% of the park and conservation reserves under the CAR reserve system have approved plans, which is well in excess of the national average. The progressive introduction of IFOAs across the three RFA areas was generally within the stated timelines. Private forest land holder operations are controlled through an approved private native forestry (PNF) plan and must comply with the PNF Code of Practice and State vegetation clearing regulations.

Many submitters questioned the strength of the systems that underpin native forest logging management and compliance. It is not possible for the reviewer to judge this with the given data although the structure and approach are sound. It is probable that most submitters on this issue do not want any form of logging and any management and compliance system will not meet expectations.

Principle 4: Apply precautionary principles for prevention of environmental degradation

The transfer of large areas of forest into the CAR reserve system indicates the State supports the precautionary principle. However, the Report conveyed some (though limited) evidence that management of the CAR reserves was achieving the precautionary principle by (at least) stabilizing environmental values.

Principle 5: Apply best available knowledge and adaptive management processes.

There was no strong evidence that this principle was directly applied, but the reviewer believes that management would be applying knowledge and adaptive management on a regular basis in order to get things done on the ground. The reviewer suspects there is a decline in research and basic monitoring to support management.



Overall on the evidence provided, it is unlikely that full ESFM is being achieved across the forest estate. While the extensive expansion of the CAR reserve system supports the ESFM principles, there is no evidence that there is maintenance if not an improvement in forest values. The indicator is that forest health overall is declining.

With forest activities such as native forest logging, the operation is an intrusion and an interference with the natural system. However, most forest values can be protected to an extent through regulation, controls and close monitoring.

### 3.3.1 Monitoring, reporting and consultative mechanisms

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-49 E-47 S-48	Report on the results of monitoring of sustainability indicators  New South Wales will report on the results of monitoring of sustainability indicators which are described in the report 'Criteria, Indicators, Targets and Monitoring Processes of Ecologically Sustainable Forest Management for the Upper North East and Lower North East RFA regions' (E- Attachment 9 of its Eden Region Forest Agreement). Reporting against the indicators will be consistent with the framework document A Framework of Regional (Sub-National) Level Criteria and Indicators of Sustainable Forest Management in Australia (Department of Primary Industries and Energy 1998) developed by the Montréal Process Implementation Group (MIG).	Ongoing		Achieved	Achieved outside proposed timelines
NE-50 E-48 S-49	Continuation of public reporting activities and on-going opportunities for public participation  Comprehensive Regional Assessments and the development of this Agreement have provided extensive opportunities for public participation and reporting. Parties recognise that the public reporting activities and on-going opportunities for public participation and consultation associated with existing New South Wales and Commonwealth processes and instruments will continue. A range of these processes and improvements are listed in Attachment 6 (E- Attachment 5 and S- Attachment 6).	Ongoing		Achieved	Not achieved

NE– 51 E– 49 S– 50	Annual reporting on FAs and IFOAs: Milestone  As required by the Forestry and National Park Estate Act 1998 (NSW), New South Wales will report annually to Parliament on compliance with any Integrated Forestry Operations Approval for the Upper North East and Lower North East regions [E– Eden region and S– Southern region] and the New South Wales Upper North East Region Forest Agreement and Lower North East Region Forest Agreement [E– Eden Region Forest Agreement and S– Southern Region Forest Agreement]. New South Wales will also furnish a copy of the reports to the Commonwealth [NE& S] within fourteen days of their tabling.	Annually - ongoing	Reporting – completed  Tabling - underway	Achieved in part	Not achieved
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#### Points raised in the submissions

Refer to section 3.3.3 for a summary of comments regarding the sustainability indicators.

Submitters agreed the Report was written to meet RFA reporting needs however, this meant stakeholders and the public had difficulty reading and interpreting it, and therefore did not give it their support. More maps and visual presentations may have helped.

‘The Report is overly long winded, complicated, and difficult to read, understand and believe.’

‘It is not possible to fully comment on a report that scans a 10-year operational period and includes 351 pages of text (429,733 words), figures, tables and appendices.’

Submitters identified a major shortcoming of the monitoring process to be a focus on the sustainability indicators of State forest but not the equivalent monitoring of other land tenures (i.e. conservation reserves and private forests). Subsequently, they stated there is no evidence presented to identify whether ESFM has been achieved across the regional landscape. Submitters considered a regional landscape perspective far more important than information on single tenures and accused the current systems to be monitoring agency ‘silos’.

‘Regional level monitoring data for all tenures is required to properly report the sustainability indicators. Using state or national level data is generally inappropriate as is the use of data that is out of date or limited to a single tenure.’

#### Reviewer’s comments

The annual reporting to the NSW Parliament on implementation for the FAs and IFOAs was behind schedule. Annual reporting to Parliaments on the compliance performance of the agreements is a critical requirement for proper governance. This has not happened and raises questions on the importance the Parties give the RFAs.

It is difficult for the reviewer to assess the effectiveness of public participation in ESFM. While information may be made readily available through posting on web sites and notices in local newspapers, it may well not stimulate a general public response or a response from the community that will most help to improve forest management.

There is obviously much interest in the approval processes and control arrangements for forestry operations. For example, there is currently a process underway to amalgamate four IFOAs into a single coastal IFOA. Public submissions were sought and 877 submissions received, with many carefully considered.

### 3.3.2 Accreditation

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE–52 E–50 S–51	<p>Forest Management Systems</p> <p>The Commonwealth accredits as providing for continuing improvement in ESFM New South Wales Forest Management Systems (including its legislation, policies, codes for the Upper North East and Lower North East regions, plans and management practices applying to both Public and Private land), as agreed to be amended in this Agreement, particularly those undertakings in clause 48(a), (b), (d), (e), (g), (h) and 57 (E- 46(a), (b), (d), (e), (g), (h) and 56 and S– 43, 47(a), (b), (d), (e), (g), (h) and 56). The System includes:</p> <p>The New South Wales Upper North East Region Forest Agreement and Lower North East Region Forest Agreement;</p> <p>Integrated Forestry Operations Approvals for the Upper North East and Lower North East regions;</p> <p>Regional ESFM Plans for the Upper North East and Lower North East regions;</p> <p>New South Wales processes for forecasting Sustainable Yield from both for the Upper North East and Lower North East region;</p> <p>Codes of Practice and Eco-Field Guide for Public Lands;</p> <p>Codes of Practice for Private Lands;</p> <p>The Native Vegetation Conservation Act 1997 (NSW);</p> <p>The SFNSW Native Forest Management System; and</p> <p>The NPWS Environmental Management System.</p>	Ongoing		Achieved	Achieved

#### Points raised in the submissions

Submitters provided two perspectives on accreditation. The timber industry supported accreditation of contractors, as they believed self-regulation worked well and breaches of prescription were identified and rectified.

However, a large number of submitters claimed accreditation removed public governance of public forests as follows:

- Commonwealth oversight of logging operations under the Environment Protection and Biodiversity Conservation Act 1999 is removed.
- State laws prohibit citizens from taking legal action against the FONSW.
- EPA is solely responsible for auditing logging operations and is responsible for prosecuting breaches of logging prescriptions.

- However, EPA is understaffed for this role and, despite the best efforts of field-based staff, reputedly audited only 187 out of 4,000 reports of non-compliances. Submitters advised the Report does not mention this.

Submitters identified breach reports had been submitted for many public forests including: Barrington, Boambee, Brothers, Bulga, Cherry Tree, Clouds Creek, Double Duke, Ellis, Gibberagee, Gibraltar Range, Girard, Gladstone, Glenugie, Grange, Kerewong, Koreelah, Lansdowne, Lorne, Marengo, Moogem, Mt Mitchell, Myall River, Newry, Nymboida, Orara, Pine Creek, Richmond Range, Royal Camp, Styx, Sugarloaf, Tabbimobile, Tambar, Tucker's Knob, Wallingat, Wang Wauk, Wedding Bells, Wild Cattle Creek, Yabbara and for private forests in Bulga, Hewittville and Whian Whian.

These submitters called for accreditation to be removed and public governance instated.

#### Reviewer's comments

Under the RFAs, the timber industry has been set up to be self-regulating in regard to the Environment Protection and Biodiversity Conservation Act 1999, with the State-based regulatory framework providing independent regulatory oversight. Individual forestry operations undertaken in compliance with the RFAs do not need to be referred for assessment under the Environment Protection and Biodiversity Conservation Act 1999.

The reviewer also believes that, given third parties are unable to take legal action against the FCNSW, it is important a strong and independent regulator is appointed to enforce the regulations. Under the current approach, the EPA must be adequately resourced to oversight the regulations.

A good working model for providing oversight and advice on forestry operations is the Tasmanian model that combines self-management by the industry and independent monitoring and enforcement by the Forest Practices Authority. Forest Practices Officers are trained and authorised by the Forest Practices Authority and employed within the industry to expertly work with the industry and monitor and enforce standards in forest practices. They provide advice on regulatory and technical matters, including requirements for the protection of natural and cultural values. Corrective action is based on achieving the right outcomes and not simply the enforcement of prescriptions, although these are enforced when required. The Forest Practices Authority has a statutory responsibility to report annually to the Tasmanian Parliament on its operations and performance, and the forest practices system.

Recommendation: The Parties commit to:

- adequately resourcing the agencies responsible for field management and compliance of logging operations
- considering a model based on outcome performance for providing improved oversight of forestry operations.

### 3.3.3 Sustainability indicators

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-53 (a)	Implementing mechanisms to monitor and review sustainability indicators	Ongoing		Achieved	Achieved
E and S -52 (a)	Parties agree that the current Forest Management System will be enhanced by implementing mechanisms to monitor and review the sustainability of forest management practices. To ensure this occurs, Parties agree that:  The sustainability indicators referred to in clause 49 (E- clause 47 and S- clause 48) are consistent with the Montréal Process Criteria in Attachment 9 (E- Attachment 8),				

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	and take into account the Framework of Regional (Sub-National) Level Criteria and Indicators of Sustainable Forest Management in Australia developed by the MIG;				
NE– 53 (b) E and S – 52 (b)	<p>Implementing mechanisms to monitor and review sustainability indicators</p> <p>Parties agree that the current Forest Management System will be enhanced by implementing mechanisms to monitor and review the sustainability of forest management practices. To ensure this occurs, Parties agrees that:</p> <p>Both Parties agree that the indicators referred to in clause 49 (E– clause 47) are to be trialled and assessed during the first five-year period to ensure they are practical, measurable, cost-effective and capable of being implemented at the regional level;</p>	Ongoing		Achieved outside proposed timeline	Achieved outside proposed timeline
NE– 53 (c) E and S – 52 (c)	<p>Implementing mechanisms to monitor and review sustainability indicators</p> <p>Parties agree that the current Forest Management System will be enhanced by implementing mechanisms to monitor and review the sustainability of forest management practices. To ensure this occurs, Parties agrees that:</p> <p>Reporting on the indicators referred to in clause 49 (E– clause 47) will be under the headings of the Montréal Process Criteria as in Attachment 9 (E– Attachment 8).</p>	Ongoing		Achieved	Achieved
NE– 53 (d) E and S – 52 (d)	<p>Implementing mechanisms to monitor and review sustainability indicators: Milestone (NE &amp; S)</p> <p>Parties agree that the current Forest Management System will be enhanced by implementing mechanisms to monitor and review the sustainability of forest management practices. To ensure this occurs, Parties agrees that:</p> <p>Both Parties agree to further develop, review, and if necessary revise sustainability indicators in time for the first five-yearly review.</p>	In time for the first five-year review	Underway	Achieved outside proposed timeline	Not achieved

#### Points raised in the submissions

‘If the Government’s monitoring, evaluation and reporting (MER) framework operated properly, five-yearly reports should be a relatively straight-forward collation exercise. The delays suggest the agencies do not have an adequate system in place to collect data.’

Nearly all submitters were critical of data collection systems, particularly of the data surrounding the sustainability indicators. One person suggested that 80% (n =35) of the sustainability indicators were inadequately reported upon for one or more reasons – the responses were ‘data deficient, incomplete, overly generic, tenure limited and or out of date’.

Several submissions suggested that the reason for poor data was that the sustainability indicators were too qualitative and not suitable for quantitative analysis. Others suggested the indicators were state-wide, but should have been regional and with more consideration given to local situations.

One submitter suggested the indicators were meant to be developed through the process of developing regional EFSM plans for State forests and management plans for National parks. However, they believed the regional EFSM plans had been amalgamated into the one state plan by the FCNSW and a number of the management plans were not complete. ‘Major deficiencies in the monitoring of regional sustainability indicators may be attributed to under-resourcing and poor implementation of tenure-based EFSM plans.’

Submitters also advise the Report focuses on the sustainability indicators of State forest but does not provide the equivalent data for other land tenures (i.e. conservation reserves and private forests). Subsequently, there is no evidence to identify whether EFSM has been achieved across the landscape.

#### Reviewer’s comments

The sustainability indicators as reported by the agencies meet the international requirements of the Montréal Process. These are reported on to the NSW Parliament through the annual report of the EPA. The Indicators were to be reviewed at the end of the first five-year period but this was delayed until 2008 and they were reassessed for effectiveness at the regional level in 2010.

The reviewer considers the following improvements need to be made:

- Given this situation and the comments in the submissions, it is appropriate and overdue that the sustainability indicators are reviewed.
- The MER framework needs to be strengthened so that the data on the sustainability indicators can be easily collected and inform regular reports.
- The MER framework must cover all land tenures so that evidence to identify whether EFSM has been achieved can be collected and analysed on a landscape scale. This will require all agencies working together.
- There is a need for more trend analysis with resources to support remedial actions.
- The agencies need to collaborate to harness stakeholder and community group interest in monitoring the sustainability indicators and engage with the community regarding the findings.

Recommendation: That the Parties:

- review the sustainability indicators
- review the monitoring, evaluation and reporting process
- collect information across all land tenures
- include a process for remedial action
- collaborate to engage community interest in the sustainability indicators.

### 3.3.4 Private land

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 54 E and S – 53	<p>Reaffirming NFPS commitments</p> <p>The Parties reaffirm their commitments made in the National Forest Policy Statement (1992) to the conservation and management of the private forest estate. The Parties note that New South Wales has provisions under the Native Vegetation Conservation Act 1997 (NSW) for native vegetation retention controls to regulate the clearance of native forest on Private Land.</p>	Ongoing		Achieved	Achieved
NE– 55 E and S – 54	<p>ESFM for private landholders</p> <p>The Parties agree to encourage private forest owners to ensure that their management operations are consistent with ESFM practices.</p>	Ongoing		Achieved	Achieved
NE– 56 E and S – 55	<p>Management of CAR values</p> <p>CAR Values which are priorities for the CAR Reserve System and which occur on Private Land will be dealt with by the principles and mechanisms outlined in Attachments 1(A), 1(B) and 2 (E– Attachments 1 and 12 and S– Attachments 1 and 2). Parties agree the values listed at Attachment 2 (E– Attachment 12) can be managed consistently with the Joint ANZECC/MOCCA National Forest Policy Statement Implementation Subcommittee (JANIS) Reserve Criteria through a range of mechanisms, with the consent of the land owner, as specified in Attachment 2 (E– Attachment 12). Priorities for protection of Forest Ecosystems are given in Tables 1 and 2 of Attachment 2 (E– Table 1 of Attachment 12). All conservation mechanisms for the establishment of the Private Land component of the CAR Reserve System will be voluntary.</p>	Ongoing		Achieved	Achieved
NE– 57 E and S – 56	<p>Milestone</p> <p>New South Wales agrees to produce a Code of Practice for timber harvesting of native forest on Private Lands by the first five-yearly review.</p>	<p>By the end of the first five-year period</p> <p>Completed</p>	Completed	Achieved outside proposed guideline	Achieved outside proposed guideline

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-58 S-57	Milestone Parties recognise that a Code of Practice for Plantations on Private Lands is to be completed by 31 December 2000 (S- by 30 June 2001).	By 31 December 2000 S- by 30 June 2001	Completed	Achieved outside proposed timeline	Achieved outside proposed timeline
NE-59 S-58	Establishment of CAR Reserve System New South Wales confirms that the CAR Reserve System has been established through this Agreement, including Attachment 2, and that conservation levels achieved in that reserve system will not subsequently be used as a basis for preventing timber harvesting being carried out on Private Lands. Consistent with clause 18 this is not to be interpreted as preventing voluntary conservation measures to protect CAR Values on Private Land.	Ongoing		Achieved	Achieved

#### Points raised in the submissions

Some submitters believed ESFM had not been achieved in logging operations on many private forest areas due to lower regulatory standards for private forests (conservation measures in private forest is voluntary) and a lack of information available to private forest owners. The quoted examples on non-compliance were frequently in regard to the management of private forests.

A number of submissions, including some from private forest land holders, indicated the support for technical forest harvesting and management matters including conservation practices was not good enough for improved management.

One of the reasons given for the increased pressure of timber harvesting in private forests was the transfer of a number of areas of State forest to the CAR reserve system since the commencement of the PFAs. These areas had previously been made available for timber harvesting and, after their transfer into the CAR reserve system, alternative sources of timber were required to meet timber quotas. Much of this timber was now sourced from private land.

While not explicit in the submissions, members of the public may have had difficulty discerning the difference between State managed and privately managed forest areas and harvesting operations.

#### Reviewer's comments

NSW has mechanisms in place to guide private land forest management and, where needed, in operational forestry to ensure there are good controls. It is disappointing that the Code to guide private forest logging took so long to be published. However, this is an important document.

Private forests are an important but limited resource for maintaining the state's supply of logs. However, log supply from private property is intermittent and cannot be relied upon to maintain supply to the industry. As well, 'middle-men' contractors often manage harvesting operations in private forests, increasingly working to the very limits of environmental prescriptions.

There is a significant area of private land (336,350 hectares at 30 June 2017) that is under agreement with the State where the owners have agreed to conserve and manage CAR values. This is an important contribution, with much of it in vegetation types that have been over cleared.



### 3.3.5 Threatened flora and fauna

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE–60 E–57 S–59	Protection of rare or threatened flora and fauna species and ecological communities  The Parties agree that the CAR Reserve System, actions under the New South Wales Biodiversity Strategy, Threatened Species Conservation Act 1995 (NSW) [and the Endangered Species Protection Act 1992 (Commonwealth) (and the equivalent parts of the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) when it commences)], Forestry and National park Estate Act 1998 (NSW) and the application of a range of management strategies, management plans and the Integrated Forestry Operations Approval will provide for the protection of rare or threatened flora and fauna species and ecological communities. [E– and the Endangered Species Protection Act 1992 (Commonwealth) and S– and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)]	Ongoing		Achieved	Achieved
NE–61 E–58 S–60	Recovery Plans and Threat Abatement Plans  Where threatened species, ecological communities and threatening processes restricted to New South Wales are listed under both the Threatened Species Conservation Act 1995 (NSW) and the Endangered Species Protection Act 1992 (Commonwealth), any new or revised Recovery Plans or Threat Abatement Plans will be jointly prepared to meet the requirements of both Acts. Where Recovery Plans or Threat Abatement Plans under the Threatened Species Conservation Act 1995 (NSW) meet the requirement of the Endangered Species Protection Act 1992 (Commonwealth), the Commonwealth will consider adopting them under Section 46 of the Endangered Species Protection Act 1992 (Commonwealth).	Ongoing		Achieved	Achieved

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 62 E– 59 S– 61	Implementation of management prescriptions or actions identified in jointly prepared and agreed Recovery Plans or Threat Abatement Plans  The Parties agree that the management prescriptions or actions identified in jointly prepared and agreed Recovery Plans or Threat Abatement Plans will be implemented as a matter of priority, including through the Integrated Forestry Operations Approval on State forest.	Ongoing		Achieved	Achieved
NE– 63 E– 61 S– 62	Preparation of recovery plans  Recovery Plans for items listed under both Acts and extending beyond New South Wales will be prepared jointly with New South Wales and other relevant governments to be considered for adoption under Section 46 of the Endangered Species Protection Act 1992 (Commonwealth) (S– under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)).	Ongoing		No longer applicable	Achieved - no longer applicable
NE– 64 E– 62 S– 63	Consultation on the priorities for listing of threatened species, ecological communities and threatening processes, and the preparation of Recovery Plans  Parties will continue to consult on the priorities for listing of threatened species, ecological communities and threatening processes, and the preparation of Recovery Plans, recognising that priorities can change in the light of new information. Currently agreed priorities and commitments for the next five-years are outlined in Attachment 3 (E– Attachment 2 and S– Attachment 3).	Ongoing		Achieved	Achieved

#### Points raised in the submissions

A large number of submissions were made by groups and members of the public with significant concerns over the way logging operations in both State forests and private forests affected flora and fauna and, in particular, the habitat of threatened species. Concerns affecting threatened species included the loss of old growth trees with habitat hollows, that take around 100 years to form, and the loss of flora diversity, which reduced the food sources required by a number of species.

Submitters identified threatened species that had been omitted from the tables in this report, in particular:

- Glossy Black Cockatoo
- Barking Owl
- Olive Whistler
- Yellow-Bellied Glider
- Squirrel Glider

- Pink Robin
- White-Footed Dunnart.

Many submissions identified that the conservation requirements of the koala and greater glider were not considered adequately in the processes leading to the current RFAs and these should now be considered in the review of the RFAs. Many called for the establishment of a Great Koala National Park.

Several submitters noted clause 62 of the NE RFA states that "The Parties agree that the management prescriptions or actions identified in jointly prepared and agreed Recovery Plans or Threat Abatement Plans will be implemented as a matter of priority, including through the IFOA on State forest". Yet they believed neither the IFOA nor the Threatened Species Licence had any reference to recovery plans and no mechanism to take them into account.

Many people believe the conservation measures in private forests to be discretionary and protections for threatened species not equal to those in State forests. Some claimed protections for threatened species in the reserve system were also not equal to those in State forests.

Compliance with the Environment Protection and Biodiversity Conservation Act 1999 was a major issue with logging operators accredited to self-regulate. The issues submitters identified in regard to this accreditation are listed in section 3.3.2 of this review. One group claimed to have identified over 4000 cases of non-compliance with this legislation but had been powerless to act as only the EPA was empowered to prosecute breaches, but were under-resourced for this role.

A smaller number of submissions from some members of timber industry believed the accreditation system worked well and that the industry upheld high standards for managing threatened species in logging areas.

Some submitters believed the Report contained inadequate data on population numbers of endangered species (including the Koala) over the different land tenures (including reserves) to be conclusive and that every State forest in Eden had been monitored multiple times for threatened species but this monitoring had not been equally carried out across the reserve system or in private forests. The status of many threatened species across the RFA landscape was therefore unknown. Another submitter suggested the Koala may in fact be more prevalent in State forest than in the reserve systems – but the lack of cross-tenure monitoring meant there was no evidence available to support this premise. Another quoted: 'Timber production is blamed for many things. It is assumed these things will be corrected when land is in the reserve system – not necessarily so, as other factors (climate change etc.) are at play.'

Overall, many groups with an interest in threatened species did not appear to be well engaged in the RFA processes and there was general scepticism about the willingness of those managing RFA processes to consider scientific evidence or to enlist the assistance of experts or special interest groups.

#### Reviewer's comments

There is legislation through the Threatened Species Conservation Act 1995 (NSW) (TSC Act), the Environment Protection and Biodiversity Conservation Act 1999 and the 'Saving our Species' program for protecting and conserving threatened flora and fauna across NSW, with 90 recovery plans approved for threatened flora and fauna. Surprisingly, only one threat abatement plan has been prepared by the State.

Threatened species protection is always a contentious issue. While it is difficult to assess the input into threatened species management, the supporting structure is sound and there appears to be good cooperation between the agencies and between the Parties on this issue.

The submissions highlight that work to manage threatened species must operate across all tenures, with the monitoring, evaluating and reporting 'tenure blind.' With 71% of the public land in the RFAs in reserves such as National parks, the State is well placed to manage threatened species. As well, the FONSW does pre logging surveys to identify, amongst other environmental attributes, endangered species and restrict activities accordingly. The IFOA process must carry provision to implement threatened species recovery plans or threat abatement plans.

It is important that the reporting and accountability to protect species is made available to the public, and there are strong performance indicators to show progress across all tenures. There is strong interest by the public in being involved in threatened species work and this volunteer effort needs to be supported with a focussed program.

### 3.4 The CAR reserve system

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE- 65 E- 63 S- 64	Primary function of the CAR Reserve System  Parties agree that the primary function of the CAR Reserve System is to ensure the conservation and protection of Environmental and Heritage Values.	Ongoing		Achieved	Achieved
NE- 66 E- 64 S- 65	Satisfying the JANIS criteria  Parties agree that the CAR Reserve System as identified on Map 1(A) and Map 1(B) (E and S – Map 1) and presented in Attachment 1(A), Attachment 1(B) and Attachment 2 (E – Attachment 1 and S – Attachment 1 and Attachment 2), satisfies the JANIS Reserve Criteria. Each element of the CAR Reserve System, with the exception of Commonwealth owned or leased land, will be administered in accordance with New South Wales legislation.	Ongoing		Achieved	Achieved
NE- 67 E- 65 S- 66	Implementation and management of the CAR Reserve System by NSW  New South Wales agrees to implement, manage and conserve the Upper North East region CAR Reserve System described in Attachment 1(A) (E and S – Attachment 1) and identified on Map 1(A) (E and S – Map 1) and the Lower North East region CAR Reserve System described in Attachment 1(B) and identified on Map 1(B), with the exception of Commonwealth owned or leased land.	Ongoing		Achieved in part	Achieved in part
NE- 68 S- 67	Implementation and management of the CAR Reserve System by the Commonwealth  The Commonwealth agrees to manage and conserve those parts of the CAR Reserve system on Commonwealth owned or leased lands consistent with the conditions outlined in Attachment 1(B) (S – Attachment 1).	Ongoing		Achieved	Achieved

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 69 S– 68	<p>Enhancements to the CAR Reserve System</p> <p>Parties agree that through the acquisition of Private Land (by voluntary sale), transfer of lands of the Crown, or transfer of land from an existing reserve tenure to one of higher conservation protection status, enhancements to the CAR Reserve System could occur. Both Parties agree that such enhancements to the CAR Reserve System will not impede the management of State forest lands or the meeting of the wood supply commitments in this Agreement (Clauses 79, 80 and 84). (S- clauses 76, 77, 79, 80, 81).</p>	Ongoing		Achieved	Achieved
NE–70 S– 69	<p>Licences and occupation permits in the CAR Reserve System</p> <p>In the incorporation into the CAR reserve system of lands of the Crown over which a licence or occupation permit is held NSW will:</p> <ul style="list-style-type: none"> <li>confirm the presence of CAR Values needed for reservation;</li> <li>through consultation, take into consideration any existing interests in the land of the licensee or permit holder;</li> <li>ensure where practicable that suitable transition arrangements apply; and</li> <li>ensure that practical and legal access remains available where such access to adjacent private, licenced or leased land currently crosses or falls within land to be added to the CAR reserve system under this agreement.</li> </ul>	Ongoing		Not applicable	Not applicable as no land was added that was licensed or held under occupation permit.
NE– 71 E– 66 S– 70	<p>Changes to the CAR Reserve System</p> <p>Parties agree that changes to the CAR Reserve System will only occur in accordance with this Agreement, will be made publicly available and will not lead to a net deterioration in the representation or protection of identified CAR Values, except that minor changes to the levels of representation or protection of specific CAR values may occur.</p>	Ongoing		Achieved	Achieved

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE- 72 E- 67 S- 71	Changes to the levels of protection of individual values as a result of changes to the CAR Reserve System  Parties agree that best endeavours will be used to maintain the levels of protection of National Estate Values in a regional context, however, minor changes to the levels of protection of individual values may occur as a result of changes to the CAR Reserve System in State forest.	Ongoing		Achieved	Achieved

#### Points raised in the submissions

Many in the industry claim that the initial estimation of the timber resource and growth forecasts was 'optimistic' and that the subsequent transfer of State forest to the CAR reserve system, without consideration of sustainable sources of replacement timber, has exacerbated this problem.

The timber industry believed that enhancements to the CAR reserve system were intended to not impede the management of State forest lands or the meeting of wood supply commitments. However, they believe this has happened. Refer to section 3.5 for further detail.

Following the transfer, the industry claims timber to make up wood commitments was sourced by reducing logging cycles in State forests (suggested in Eden as 45-year cycle instead of a 100-year cycle) and from private forests.

A large number of submissions identified the reduced logging cycles and the increased logging of private forests as having a detrimental effect on the environment, affecting soil stability and erosion, water quality and quantity, flora diversity, threatened species, bee-keeping and the general amenity of the area for locals and tourists alike. The issues relating specifically to private forests are detailed in section 0.

Several submissions identified specific parcels of land that could be transferred into the CAR system. In the main this was where more recent research had identified values not recognised in the original survey work.

Finally, one submission said: 'A common misconception is that a permanent forest conservation estate (National park etc.) will provide for the protection of Australia's unique forest biodiversity. However, there are no indicators or metrics that validates that the reservation status delivers any improvements in conservation outcomes.' The need to establish and monitor sustainability indicators across the CAR reserve, to establish whether objectives were being achieved was apparent.

#### Mitchell's Landscapes

Several later submissions commented that the Report attempted to justify the use of NSW Landscapes (Mitchell's Landscapes) (page 48 of the Report) to indicate progress in maintaining the CAR system. They advised Mitchell's Landscapes were never intended for use with RFAs, because Forest Ecosystems provided far better levels of data and mapping.

The information for Mitchell's Landscapes was assembled early in the RFA process to address the implementation of National Forest Policy Statement requirements by technical working groups (TWG), comprising the best available scientists and stakeholder representatives. The TWG recorded the conservation status of each forest ecosystem, including on private forested land. Submitters said this process assembled some of the best forest botanical databases and forest ecosystem classifications ever put together in Australia (and possibly the world). In the NE RFA area alone, the process included over 5,000 vegetation survey plots.

In contrast, the Mitchell's Landscape layer was developed 20 years ago as a coarse-level interim environmental layer to report whole-of state conservation progress for only some conservation programs. Mitchell's Landscapes were determined over predominantly non-forested landscapes, using only abiotic data (no forest vegetation survey plot or biological information was used in their construction).

Submitters said key stakeholders had not been consulted over the change from Forest Ecosystems to Mitchell's Landscapes for the second and third five-yearly review documents.

#### Reviewer's comments

The CAR reserve system was established through the RFA process and this has been a significant change in the management of the forests in the RFA areas. The public land in the three NSW RFA contributing to the CAR reserve system totalled 4,077,000 hectares as at June 2014. This included 377,000 hectares in informal reserves and 247,000 hectares protected by prescription. This is a large area (71% of the total forest area on public land in the RFAs) and indicates the RFA process has led to significant improvement in the protection of conservation values for the State at least by area.

From the submissions, it is apparent there is concern over the information layer, Mitchell's Landscapes, that is used for data collection and mapping. It is imperative that the best approach possible within resource constraints is used for this critical work that is the platform for all ongoing analysis.

Measures are needed to show that conservation values have stabilised if not improved. The Report is unclear about the monitoring, evaluating and reporting programs being conducted in the CAR reserves. The State of Parks reports have not been published since 2007. The NSW Natural Resources Monitoring, Evaluation and Reporting Strategy 2010-2015 was developed to guide the monitoring, evaluation and reporting of natural resources in NSW. The strategy focuses on developing a seamless link between local, regional, state and national data on natural resource management to inform the community about the natural resources of NSW. The NSW State of the Environment Report 2015 states there is no broad strategy or framework to monitor the conservation status of species in NSW.

Recommendation – NSW clarify the arrangements for monitoring, evaluating and reporting on conservation values within the CAR reserve system, including a review of performance measures and the use of the Mitchell's Landscapes information layer.

## 3.5 Industry and regional development

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
E-72	Establishment of sustainability strategy for timber supplies  The Parties note that the New South Wales Eden Region Forest Agreement establishes the sustainability strategy for timber supplies.	Ongoing		Achieved	Achieved
NE-73 E-68 S-72	State forest outside the CAR Reserve System  The Parties agree that State forest outside the CAR Reserve System is available for timber harvesting in accordance with this Agreement and the laws of New South Wales.	Ongoing		Achieved	Achieved

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
E-73	Supply to sawmills in the Eden region  New South Wales agrees to supply to sawmills in the Eden region a minimum of 25,000 m <sup>3</sup> p.a. of Quota Sawlogs for the first five-years and a minimum of 24,000 m <sup>3</sup> p.a. of Quota Sawlogs for the subsequent 15 years of the term of this Agreement. In addition, a minimum of 345,000 tonnes p.a. of Pulpwood for 20 years is to be supplied from the Eden region. From this Pulpwood, up to 23,000 m <sup>3</sup> p.a. of suitable material will be selected to be supplied as non-quota Sawlogs for 20 years	Ongoing		Achieved in part – E RFA	Not achieved
E-74	Open tendering of non-quota specialty Sawlogs and craftwood sourced in the Eden region  New South Wales agrees to regularly offer, through an open tendering or other competitive process, non-quota specialty Sawlogs and craftwood sourced in the Eden region for the duration of this Agreement. The offers will be structured in terms of species, specifications, supply and volumes such that it will be feasible for users of low quantities of timbers to apply. Applications will be sought periodically through advertisements in regional newspapers and consultation with potential buyers.	Ongoing		No longer applicable – E RFA	Not achieved <sup>7</sup>
NE-74 E-69 S-73	Changes to the total area of State forest – not to affect wood supply  The Parties agree that any changes to the total area of State forest or areas excluded from harvesting or Regional Prescriptions applied to State forest will not lead to net deterioration in the capacity to supply wood from the Upper North East Region and Lower North East Region, in terms of volume as specified in this Agreement and terms of species and quality.	Ongoing		Achieved	Achieved in part but no evidence given that would supply would be maintained

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<sup>7</sup> Need evidence that the specialty timbers were marketed widely and use encouraged



CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-75 E-70 S-74	<p>a. The Parties acknowledge that forest-based industries in the Upper North East and Lower North East regions contribute to both the regional and State economies and are an essential component of many communities in the regions. The Parties intend that this Agreement will enhance opportunities for further growth and development of forest-based industries in the Upper North East and Lower North East regions.</p> <p>b. The Agreement will provide long-term stability for these industries through including long-term certainty of timber supply. This stability will facilitate industry development through:</p> <ul style="list-style-type: none"> <li>i. new investment, plantation development, reforestation, downstream processing, value-adding and jobs growth in forest-based industries;</li> <li>ii. further introduction of new technology, enhanced utilisation of regrowth timber for sawn products, thinning of regrowth forests and more efficient utilisation of residual wood</li> </ul> <p>c. There will be significant economic opportunities in other forest-based industries, such as:</p> <ul style="list-style-type: none"> <li>i. tourism and recreation; and</li> <li>ii. mineral exploration and Mining.</li> </ul> <p>d. Additional opportunities for enhancement of forest based industries are anticipated arising from the Long-term Timber Supply Strategy (Attachment 12).</p>	Ongoing		<p>a. Achieved in part</p> <p>b. Achieved in part</p> <p>c. Achieved in part</p> <p>d. Achieved in part</p>	<p>a. Not achieved<sup>8</sup></p> <p>b. Achieved in part<sup>9</sup></p> <p>c. Achieved in part</p> <p>d. Not achieved<sup>10</sup></p>

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<sup>8</sup> The available timber resource is below level set in RFAs

<sup>9</sup> Reasonable support for investment and new technology in the timber industry

<sup>10</sup> Some of the opportunities have developed but also many have waned or not developed and overall not achieved

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
E-75	<p>Timber availability through harvesting trials</p> <p>New South Wales agrees that if any timber becomes available through the harvesting trials outlined in its Eden Region Forest Agreement it all will be made available to industry provided this is consistent with this Agreement, including the provisions relating to Ecologically Sustainable Forest Management, and that there are no adverse environmental effects, including deleterious effects on CAR Values.</p>	Ongoing		Not applicable	Not applicable  No harvesting trials in any period
NE-76 E-71 S-75	<p>Greater security of access to forest resources</p> <p>As part of providing greater security of access to forest resources, the Commonwealth will not prevent enterprises obtaining, using or exporting the quantities of timber, Woodchips or Unprocessed Wood products sourced from the Upper North East and Lower North East regions in accordance with this Agreement.</p>	Ongoing		Achieved	Achieved
E-76	<p>Review of timber volumes</p> <p>New South Wales agrees that the timber volumes made available under this Agreement will be reviewed using the processes described in clause 46(f), and in accordance with the provisions of this Agreement. Any additional sustainable timber volumes identified in this way will be made available to industry provided this is consistent with this Agreement, including the provisions relating to Ecologically Sustainable Forest Management, and that there are no adverse environmental effects, including deleterious effects on CAR Values.</p>	Ongoing		Not applicable	Not applicable  No additional volumes were identified as available
S-76	<p>Supply of high quality large logs in the southern region</p> <p>NSW agrees to supply a minimum of 48,500 m<sup>3</sup> p.a. of high quality large logs from the South Coast Sub Region and a minimum of 48,000 m<sup>3</sup> p.a. of high quality large logs from the Tumut Sub Region for 20 years from 1 January 2001.</p>	Ongoing		Achieved – SFRA	Not achieved - the minimum volume was not made available to the industry

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
S-77	<p>Wood Supply Agreements</p> <p>The timber volumes in clause 76 will be allocated under twenty-year Wood Supply Agreements. These agreements will take effect from 1 January 2001 for the South Coast Sub Region and as early as possible, but no later than 1 January 2002, for the Tumut Sub Region.</p>	Completed		Achieved outside proposed timelines	Achieved outside proposed timelines <sup>11</sup>
NE-78	<p>Implementation of Long-term Timber Supply Strategy and Sustainable Yield Systems and Processes</p> <p>NSW Agrees to implement the Long-term Timber Supply Strategy and Sustainable Yield Systems and Processes as outlined in Attachment 12 of this Agreement.</p>	Ongoing		Achieved	Achieved
S-79	<p>Supply of high quality large logs in the Tumut Sub Region</p> <p>The volumes described in clause 76 from the Tumut Sub Region will be comprised of 18,500 m<sup>3</sup> of Ash and 29,500 m<sup>3</sup> of mixed hardwood logs. It is noted that an additional 1,000 m<sup>3</sup> p.a. of Quota Sawlogs (a sawlog having dimensions and quality that are equal to or greater than those specified in the Wood Supply Agreements between SFSW and sawlog-using customers) will be supplied from Ingebirah State forest in the Tumut Sub Region to the Eden RFA Region over the period of this Agreement. This 1,000 m<sup>3</sup> p.a. for the Eden RFA Region is additional to the Tumut Sub Region High Quality Large Log volume of 48,000 m<sup>3</sup>.</p>	Ongoing		Achieved in part	Not achieved The RFA allocated volume was not made available to the industry
S-80	<p>Arrangements for pulp grade timber/pulpwood in the South Coast Sub Region</p> <p>The Parties note that for the South Coast Sub Region, arrangements for pulp grade timber/pulpwood include an amount of 97,000 tonnes p.a., being a quantity which reflects the maximum supply levels contracted at the date of this Agreement.</p>	Ongoing		Achieved	Achieved

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<sup>11</sup> Unsure if the volume specified in the WSA complied with the minimum stated in the RFA



CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	Lower North East Region Forest Agreement (1999) as defined through net harvestable area exclusions and the Integrated Forest Operations Approval (1999). The reviews will also consider the contribution to the Sustainable Wood Supply Strategy of any additions to the area available for harvesting resulting from the purchase of Private Land and development of new public hardwood Plantations (Part C, Attachment 12).				
S- 81	Supply of high quality small logs  High quality small logs will be supplied at a minimum of approximately 4,850 m <sup>3</sup> p.a. for the South Coast Sub Region and at levels greater than 1999 contracted volumes for the Tumut Sub Region, being 3,085 m <sup>3</sup> p.a. (1,500 m <sup>3</sup> p.a. hardwood and 1,585 m <sup>3</sup> p.a. Ash).	Ongoing		Achieved in part	Achieved in part  Tumut sub region volumes were not available
NE- 82	Review to inform additional supplementation  Informed by the review in clause 81, NSW will consider additional supplementation of high quality large sawlogs and Large Veneer Logs having regard to the long-term Sustainable Yield after 2018.	Ongoing		Achieved	Achieved
S- 82	Supply arrangements for other Forest Products in the Southern Region  Supply arrangements for other Forest Products (including poles, piles, girders, veneer logs, high quality small logs, Low Quality Logs and pulp logs) from forest operations will be in accordance with current and future market demands.	Ongoing		Achieved	Achieved
NE- 83	Changes in contracted volumes: Milestone  Any changes in the contracted volumes specified in clause 79 resulting from the review process outlined in clause 81 will be incorporated into this Agreement through Clause 8 and will be advised to holders of Wood Supply Agreements prior to 1 December 2006. These	By 1 December 2006	Completed	Achieved in part	Not achieved <sup>13</sup>

<sup>13</sup>It specifically states that Clause 8 must be used to adjust the volume

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	volumes will then be available to industry until the end of 2018.				
S- 83	Supply of forest products  The Forest Products referred to in clauses 80, 81 and 82 will be supplied as a result of the management and harvesting of forests (including thinning operations) to meet the volumes specified in clause 76.	Ongoing		Achieved in part – S RFA	Not achieved <sup>14</sup>
NE- 84	Supply to mills in the North East Region  In addition to the timber in clause 79, NSW agrees to supply 2,846 m <sup>3</sup> to mills in the Upper North East Region and 5,911 m <sup>3</sup> to mills in the Lower North East Region of high quality large sawlogs under transitional arrangements in 2000.	2000		Achieved	Achieved
NE- 85	Supply of high quality small sawlogs in the North East Region  High quality small sawlogs will be supplied at levels greater than 1999 contracted volumes. In addition, NSW will use their best endeavours to provide a greater proportion of the high quality small sawlogs resource through Wood Supply Agreements to enhance security for processors.	Ongoing		Achieved in part	Achieved in part <sup>15</sup>
NE- 86	Arrangements for pulp grade timber in the North East Region  Arrangements for pulp grade timber include an amount of approximately 30,000 tonnes p.a. in the Upper North East Region and approximately 152,000 tonnes p.a. in the Lower North East Region, being a quantity which reflects supply levels current at the date of this Agreement. In addition, existing supply arrangements for other Forest Products (including poles, piles, girders, high quality small sawlogs, low quality timber and small veneer logs) from forest	Ongoing		Achieved in part – NE RFA	Not achieved <sup>16</sup>

<sup>14</sup> The volumes stated in S-76 were not available

<sup>15</sup> Difficult to confirm

<sup>16</sup> There are significant changes in the pulpwood volume in this RFA over time - this should have been reflected in an amendment to the RFA

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	operations will be honoured.				
NE-87	Supply arrangements in the North East Region  The quantities referred to in clause 86 simply reflect supply arrangements existing at the date of this Agreement. Other quantities of Forest Products will be supplied as a result of the management and harvesting of forests to meet the volumes specified in the Wood Supply Agreements for high quality large sawlogs and Large Veneer Logs (refer to clause 79). This will not result in a net increase in the High Quality Large Sawlog or Large Veneer Log volumes specified in clause 79.	Ongoing		Achieved	Achieved
NE-88 E-77 S-84	Enhancement of silvicultural programs and reforestation works  Wherever possible New South Wales will enhance silvicultural programs and reforestation works to improve the productive capacity of State forests. (S- Such programs and works will be conducted in accordance with other clauses contained in this Agreement.)	Ongoing		Achieved	Achieved <sup>17</sup>
S-85	The Parties agree that the timber volume to be supplied from the South Coast Sub Region and the Tumut Sub Region as provided in clause 76, is to be on a non-declining even-flow Sustainable Yield basis for the period modelled by FRAMES (being 180 years).	Ongoing		Achieved in part	Not achieved <sup>18</sup>
S-86	WSA – the objective of this scenario was to meet current (2008-2020) WSA volumes, while continuing to maximise long term sustainable supply levels of HQL  To achieve the non-declining even-flow Sustainable Yield for South Coast Sub-Region agreed in clause 85[S]:	Ongoing		Achieved in part	Achieved in part <sup>19</sup>

<sup>17</sup> This is a good initiative encouraging alternative approaches to suit the forest type

<sup>18</sup> The volume supplied is below the stated volume in the RFA but currently above the non-declining even-flow level Sustainable Yield

<sup>19</sup> The non-declining even-flow sustainable yield was not achieved but the endeavours to achieve it are acknowledged

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	<p>NSW will carry out silviculture (such as thinning), purchase land for timber production and plantation establishment, may purchase timber rights, and enter into joint ventures for plantations, and carry out other appropriate measures.</p> <p>NSW will expend up to \$5 million on these measures (Attachment 11 of the RFA). In addition, \$1.5 million will be expended on silvicultural thinning to increase timber yields in the relevant period on other areas of State forests.</p> <p>The Parties agree to jointly contribute a further \$2.5m (drawn in equal shares from Commonwealth and NSW contributions) from the Forest Industry Structural Adjustment Package (FISAP) for a project of regional significance to carry out silvicultural thinning and plantation establishment (but not land purchase) on those other areas of State forests.</p>				
NE-89 S-87 E-78	<p>FISAP</p> <p>Both Parties are committed to the development and implementation of hardwood timber industry development initiatives through the Forest Industries Structural Adjustment Program.</p>	Completed		Achieved	Achieved
NE-90 S-88 E-78 (c) and (d)	<p>Objectives for industry and regional development</p> <p>Both Parties agree that this Agreement will promote the following objectives:</p> <p>(a) maximising opportunities for employment in the timber and forest industry and for any workers displaced as a result of the implementation of the CAR Reserve System; and</p> <p>(b) development of an environmental management system, and MIG criteria and indicator monitoring program to a standard which would allow certification of the system under the ISO14000 series.</p>	Ongoing		Achieved	Achieved

#### Points raised in the submissions

Submitters believe the FRAMES industry modelling system, used to derive timber volumes, substantially over-estimated available timber volumes. Consequently, after the twenty-year period of the RFAs, there is a significant shortfall of timber.



Following the transfer of land from State forest to the CAR reserve system (refer section 3.4), the industry claims timber to make up wood commitments was sourced by reduced logging rotations in State forests and from private forests.

This has resulted in a number of issues:

- In some coastal areas logging cycles have reduced from 100-year rotations to 45-year rotations.
- Reduced logging cycles have resulted in smaller logs and logs of poor quality. Large logs from 100-year rotations, preferred for high value products such as flooring, are in short supply.
- In some cases, the timber sourced from private forests to make up wood supply commitments was previously earmarked for supply to other sawmills and which now need to also seek alternative supplies.
- Competition for quality logs has increased and a number of smaller sawmills complained about particular companies receiving preferential treatment.
- Areas designated for woodchips have now been allocated to sawmills, without any evaluation of the suitability of the resource for sawlogs.
- There are increased haulage costs involved for logs sourced outside the original agreed areas.

A number of submissions from within the industry believe Government has failed to manage agreed supply and quality levels, thereby threatening the overall sustainability of the timber industry and their local communities.

‘All Parties to the RFA, (and NSW Ministers and agencies being bound by it), have failed to abide with the specific agreement to Clause 69; that “any changes to the total area of State forest or areas excluded from harvesting or Regional Prescriptions applied to State forest, will not lead to a net deterioration in the capacity to supply wood from the Eden region, in terms of the volumes as specified in this Agreement and in terms of species and quality.”’

‘Mapped exclusions under IFOA regulations have reduced the net harvest area of the Eden Management Area by 40% from 123,000 ha in 1997 to only 74,000 ha in 2016. Restriction of harvesting and subsequent reservation of the Murrah Flora Reserve (2016) removed 11,811 ha from the forest estate. These reductions have been implemented regardless of clause 69.’

Several sawmillers said they had addressed this issue to FCNSW, the NSW Forest Industry Taskforce and to the NSW Government but had not been able to get a response. They said the most critical review, conducted in 2012 by the Natural Resources Commission, was confidential with only the outcomes and recommendations of the NSW Government released, but implementation by FCNSW differed substantially from those recommendations.

There was general support for the State transitioning from logging in native forest to a plantation based timber industry, in accordance with the NSW Government’s Plantation 2020 strategy.

Submitters claim plantations are cheaper to plant, maintain and harvest, and produce better pulp wood than native forests. It is also easier to achieve Forest Stewardship Council (FSC) certification from plantations than from logging of native forests, and FSC is increasingly demanded by consumers. Submitters also claim plantations are profitable.

However, the timber industry advised plantations may not meet the all the need for high quality sawlogs.

#### Reviewer’s comments

The actual timber volumes made available to be harvested were significantly less than the stated volumes in the three RFAs.

The RFA process was established in part to give certainty and a framework for issues like environmental protection and uses of the forest to be considered and worked through. The reduction in the harvestable log volumes should have triggered amendments to the RFAs and open and frank discussions with the industry, stakeholders and the community.

The exception is NE RFA, where Clauses 81 and 83 allows the volumes to be adjusted after a review of volume availability. However, Clause 83 states that any change must be made through Clause 8 which requires an amendment to the RFA as agreed by the Parties.

The reduction in available log volumes was largely due to the reduction in the available forest area due to State forest being transferred to the CAR reserve system. The log volumes were correctly adjusted down and alternative supplies sought from private forests and through relaxing some of the informal reserve zoning preventing logging.

It is unclear if these measures will ensure a sustainable flow of logs at the current levels. The industry submissions indicated they believe rotations will be significantly less (from 100 years down to 45 years) with lower log quality and small sizes.

The sustainable harvest levels have been based on outputs from FRAMES and both this program and the predicted yields have been reviewed regularly by experts. Predicting sustainable harvest levels is a very difficult exercise. The next iteration of the RFA process must allow adjustments to be made, but only after a transparent and inclusive consultation process.

The industry submissions also raised the frustration at not being able to resolve problems. The industry would like to have regular open, regular and formal discussions with the agencies (and the Commonwealth as needed) on a collective basis, with issues worked through and solutions enacted. This is a reason the RFAs were introduced and these dealings need to be under the auspices of the RFA.

As the stated wood volumes in the three RFAs were not achieved and the RFAs were not amended accordingly, the reviewer overall has determined that most of the RFA clauses on wood supply were not achieved.

Recommendation – NSW to have regular formal regional and state meetings with the timber industry under the auspices of the RFA to discuss and resolve issues and pursue opportunities. As appropriate, these meetings should include a wider audience of those affected, such as local government, with the outcomes shared with the regional community.

## 3.6 Aboriginal heritage

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 92 E– 79 S– 90	<p>Guidelines and measures to ensure the appropriate management of Aboriginal heritage</p> <p>New South Wales agrees to develop guidelines and a package of measures that will be implemented to ensure the appropriate management of Aboriginal heritage including the maintenance of traditional historic uses and values, and to facilitate ongoing Aboriginal involvement in the management of the Upper North East and Lower North East regions.</p> <p>The principles to be applied in the Upper North East are those in the Protective Mechanisms for Cultural Heritage – Generic Version and for the Lower North East region those in the Protective Mechanisms for Cultural Heritage – Lower North East [S– Protective Mechanisms for Cultural Heritage – Southern Region] in addition to the principles at Attachment 4 and Attachment 10. [E– The principles to be applied are at Attachment 3</p>	Ongoing		Achieved	Achieved

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	and Attachment 9]				

Points raised in the submissions

Refer to information in section 6.6.4

A submission from the logging industry claimed Aboriginal heritage issues deny access to large areas of the coastal multi-aged forest and have effectively stopped supply from some areas of State forest. No account has been made as to the extent that these areas may diminish the capacity to supply wood from the area.

Reviewer's comments

The ongoing effort and fostering of involvement of the Aboriginal community in forest management is to be commended. The list of involvement is impressive including the extensive area of forest under joint management.

### 3.7 Other forest uses

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-95 E-82 S-93	Forest uses other than timber production  Parties agree that forest uses other than timber production will be determined in accordance with New South Wales legislation with due regard for protection of Environment and Heritage Values. In some limited circumstances that do not relate to the substance of this Agreement (for example foreign investment approval, export controls for non-forest products and major infrastructure developments) Commonwealth legislative provisions may also apply.	Ongoing		Achieved	Achieved
E-84	Mining Operations within parts of the CAR Reserve System  The Parties agree that Mining Operations are permitted within parts of the CAR Reserve System which are State forest or Crown Reserves in Attachment 1. A condition of Mining Operations in Informal Reserves is that: CAR Values that are compatible with those Mining Operations be maintained; and for CAR Values not compatible with those Mining Operations, conservation be provided for elsewhere. Where a Mining Operation is not compatible with that part of the CAR Reserve System described as values protected by prescription in Attachment 1, NSW will use best endeavours to ensure that conservation of these values is provided for elsewhere.	Ongoing		Achieved	Achieved

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-97 S-95	The Parties agree that Mining Operations are permitted within parts of the CAR Reserve System which are State forest or Crown Reserves in Attachments 1(A) and 1(B) (S- Attachment 1). In Informal Reserves, or in those parts of the CAR Reserve System described as 'Values Protected by Prescription' in Attachments 1(A) and 1(B) (S- Attachment 1), NSW agrees that CAR values, as identified in Attachments 1(A) and 1(B) (S- Attachments (sic) 1), that are compatible with those Mining Operations will be maintained while CAR values, as identified in Attachments 1(A) and 1 (B) (S- Attachments (sic) 1), not compatible with those Mining Operations will, where practicable, be provided for elsewhere	Ongoing		Achieved	Achieved
NE-98 S-96 E-85	Mining Operations subject to environmental impact assessment  New South Wales will ensure that any proposed Mining Operations will be subject to environmental impact assessment (including species impact statements where required) under the provisions of the Environment Planning and Assessment Act 1979 (NSW). Mining Operations will be subject to the Mining Act 1992 (NSW), and the Petroleum (Onshore) Act 1991 (NSW). Mining will be in accordance with an approved Mining Operations Plan and Annual Environmental Management Reports. Rehabilitation of any sites disturbed by Mining Operations will be carried out in accordance with the provisions of the relevant statutes (including the Environment Planning and Assessment Act 1979 (NSW) and the Mining Act 1992 (NSW)) and it will aim to achieve world's best practice.	Ongoing		Achieved	Achieved <sup>20</sup>

Points raised in the submissions

#### Beekkeeping

State forests provide licensed apiary sites or the potential for apiary sites for around 2,509 licensed apiculture sites. These sites service the 35 agricultural industries dependant on honey bees for

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<sup>20</sup> All mining operations are subject to the requirements of the environmental planning and assessment act 1979 New South Wales

production - the economic value of these industries is estimated to be in a range of \$4 to \$6 billion.

For healthy bees and for pollination to occur, bees need to access forests with a full biodiversity of flora and free from pesticide, insecticide and herbicide impacts. This access allows the honey bee to build up health and vigour before and after pollination events. Bees cannot tolerate sterile monocultures with a single native species.

Apiarists see themselves as both the assessors of forest health and the observers of logging practice. There call for greater communication and consultation with the agencies monitoring the RFAs.

### Mining

No submissions raised any issues regarding mining. One submission drew a parallel between mining and the logging industry and queried why the same conditions did not apply to both industries. Mining and quarrying operate under development consents - issued under planning law. These consents usually operate for 20 years and then lapse on expiry.

### Reviewer's comments

Use of the forest for industry other than for timber harvesting is important and provides products that are otherwise difficult to obtain. These uses must be carefully managed and sustainable levels of use set. This generally does not happen.

Mining operations are allowed on certain crown land and State forest. All mining operations are subject to environmental impact assessment. Mining is allowed on some CAR system reserves provided it can be demonstrated that the conservation values can be protected. However, it is difficult to see how CAR reserve values can be adequately protected with mining operations.

It is appropriate that the opportunity remains for the less intrusive mining operations and potentially using the operation to gain conservation benefits but the controls must be strong and strictly enforced.

## 3.8 Competition principles

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE-99 E-86 S-97	Competition Principles Agreement: Milestone (E)  Parties recognise that under the Competition Principles Agreement, Governments aim to achieve more transparency and greater efficiency in Government owned business enterprises. The Commonwealth agrees that the day to day pricing and allocation arrangements for wood from public forests are matters for New South Wales. New South Wales confirms its commitment to the pricing and allocation principles set out in the National Forest Policy Statement. New South Wales confirms that legislation and policies relevant to the allocation and pricing of hardwood logs from State forests will be reviewed as part of the Competition Principles Agreement (E- before the end of 1999. Competitive neutrality principles will be taken into account in any changes following the review).	Eden RFA - before the end of 1999	Concluded	Achieved	Achieved

## Points raised in the submissions

As discussed earlier, a number of submissions identified that the National Forest Policy Statement 1992 needs review.

Several submissions (commercial in confidence) from industry were critical of the way the FCNSW handled the allocation of hardwood logs, with several accusing the FCNSW of giving preferential treatment to individual companies and to specific sectors of the industry. Great transparency and equity was requested.

## Reviewer's comments

The creation of FCNSW achieves the intent of this clause for competitive neutrality, but with government oversight, and seems to be successful.

Government support for FCNSW to provide non-wood services is logical and encourages multiple use of the State forest.

## 3.9 Research

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE–100 E–87 S–98	Establishment of a Research Liaison Committee: Milestone  The results of the Comprehensive Regional Assessments of the forest values of the Upper North East and Lower North East regions indicated a number of areas requiring further research. New South Wales will establish a Research Liaison Committee to identify research priorities relating to forest management and publish a list of priorities by August 2000 (S– by 30 September 2001). Parties have outlined themes for further research in Attachment 7 (E– Attachment 6 and S – Attachment 7).	By August 2000  (S– by 30 September 2001)	Concluded	No longer applicable	No longer applicable – changed arrangement
NE–101 E–88 S–99	Priorities of the Research Liaison Committee  In developing priorities, the Research Liaison Committee will take account of priorities arising out of the Comprehensive Regional Assessment process for the Upper North East and Lower North East regions, particularly those outlined in the reports titled Criteria, indicators, targets and monitoring processes of Ecologically Sustainable Forest Management for the Upper North East and Lower North East RFA Regions and Knowledge and Information Gaps for the Upper North East and Lower North East and Southern CRA/ RFA regions.	Changed arrangements		No longer applicable	No longer applicable - changed arrangement

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE–102 E–89 S–100	Compendium of New South Wales Forest Research: Milestone  New South Wales will prepare by the first five-yearly review, a Compendium of New South Wales Forest Research that will provide a bibliography of research in progress as well as published and unpublished works.	By the end of the first five-year period	Up to 2002 – underway  Post 2002 – concluded	No longer applicable	No longer applicable
NE–103 E–90 S–101	Development of joint research projects  Parties agree to consult each other in the development of joint research projects that may affect the Agreement and note that the subject areas and priorities may change throughout the duration of the Agreement.	Ongoing		Achieved	Achieved
NE–104 E–91 S–102	Public availability of research reports  Parties agree to make publicly available, wherever possible, research reports relevant to this Agreement.	Ongoing		Achieved	Achieved <sup>21</sup>

#### Points raised in the submissions

Submitters were generally critical of what they perceived as the failure of those managing the RFAs to have a process for evaluating and incorporating, where appropriate, the findings of science and research. In particular, a number of submissions called for a more contemporary and rigorous evidentiary approach to evaluating the RFAs.

‘The RFAs were written 20 years ago and do not include a process for adapting to the findings of research or for other changed circumstances over that time. They do not encompass modern environmental perspectives, international standards and or make any consideration for climate change.’

#### Reviewer’s comments

It is difficult to assess the research effort from the limited information provided. It is disturbing that the Research Liaison Committee was disbanded in 2002 (without amendment to the RFAs) and replaced with what appears to be a loose approach based on a network partnership.

The research noted in the Report is predominately for State forest rather than for the broad forest estate. There is no reference to research conducted by the NPWS for their forest estate

Science and research is critical for management and understanding of the forest: the ecosystems, species needs and the proper management of the many uses. While there will be research relating to the specific responsibilities of one party, much can usually be gained by combining the research effort across agencies and land tenures. Threatened species research is good example, as species may cover multiple forest tenures: park, forest, crown land and private land. Ideally, science and research should cover all

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<sup>21</sup> NSW legislation requires research information to be made available to the public

tenures, be collaborative between agencies and be effectively coordinated. Some of the wider aspects that require ongoing research include adaptation to climate change and the socio-economics effect of alternative forest uses.

Investment into research is critical if forest management and use is to be guided by science. The findings of research must be made available to Government and the community so they can clearly see the trends and the return on public investment.

Recommendation – The Parties ensure that forest research is effectively managed through:

- establishing formal research committees at state and regional levels to coordinate research
- establishing sub committees to coordinate specific research, such as threatened species
- publishing of annual budgets of agency forest research
- agreeing on long term strategies for research projects that align with the monitoring objectives of the RFAs.

### 3.10 Data access and archiving

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
E–92	<p>Develop Data Agreement: Milestone</p> <p>Parties agree to develop an agreement concerning the management of the data including models used to develop this Agreement within six months of the date of this Agreement. The data agreement will cover:</p> <ul style="list-style-type: none"> <li>• ownership and custodianship;</li> <li>• archival lodging and location and associated documentation standards; and</li> <li>• access, use and maintenance of the data.</li> </ul> <p>The data principles at Attachment 13 will form the basis for the data agreement.</p>	Within six months of signing	Completed	Achieved	Achieved
NE–106 S–104	<p>Access to data</p> <p>Parties agree to manage and provide access to Data, including models used to develop this Agreement, in accordance with the Data Agreement at Attachment 13 of this Agreement.</p>	Ongoing		Achieved	Achieved
NE–105 E–93 S–103	<p>Archival copies of Data: Milestone</p> <p>The Parties also agree to lodge archival copies of Data within six months of signing this Agreement (S– by 30 June 2001).</p>	<p>Within six months of signing</p> <p>S– by 30 June 2001</p>	Completed	Achieved	Achieved



Points raised in the submissions

No issues were raised regarding data access and archiving.

Reviewer's comments

The reviewer has no issues with data access and archiving.

## 3.11 Legally binding rights and obligations

### 3.11.1 Forest management

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 108.1 E– 95.1 S– 106.1	New South Wales will: In accordance with clause 99(NE), 86(E), 97(S), under the Competition Principles Agreement review legislation and policies relevant to the allocation and pricing of hardwood logs from State forest	Ongoing		Achieved	Achieved
NE– 108.2 E– 95.2 S– 106.2	New South Wales will: In accordance with clause 51(NE), 49(E), 50(S), and as required by the Forestry and National Park Estate Act 1998 (NSW) report annually to Parliament on compliance with any Integrated Forestry Operations Approval for the Upper North East and Lower North East regions (Eden region/ Southern region) and the New South Wales Upper North East Forest Region Agreement and Lower North East Region Forest Agreement (Eden Region Forest Agreement/ Southern Region Forest Agreement)	Ongoing		Achieved in part	Achieved in part
NE– 108.3 E– 95.3 S– 106.3	New South Wales will: In accordance with clause 37 and 51(NE), 35 and 49(E), 36 and 50(S), furnish to the Commonwealth within 14 days:  (a) a copy of annual reports of compliance with the New South Wales Upper North East Region Forest Agreement and Lower North East Region Forest Agreement (E– Eden Region Forest Agreement and S– Southern Region Forest Agreement) and Integrated Forestry Operations Approval for the Upper North East and Lower North East regions (E– Eden region and S– Southern region), required by section 21 of the Forestry and National Park Estate Act 1998 (NSW);  (b) a copy of any Forest Agreement and Integrated Forestry Operations Approvals for the Upper North East and Lower North	Ongoing		Achieved in part	Not achieved

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	East regions (E– Eden region and S– Southern region), and any amendments to those documents; and  (c) notification of termination, suspension or revocation of any Forest Agreement and Integrated Forestry Operations Approval				
NE– 108.4 E– 95.4 S– 106.4	New South Wales will:  In accordance with clause 48a(NE), 46a(E), 46 & 47a(S), maintain a Forest Agreement covering the Upper North East and Lower North East regions [E– Eden region and S – Southern region] for the duration of this Agreement	Ongoing		Achieved	Achieved
NE– 108.5 E– 95.8 S– 106.5	New South Wales will:  In accordance with clause 48b(NE), 46g(E), 47b(S), maintain an Integrated Forestry Operations Approval covering the Upper North East and Lower North East regions [E– Eden region and S– Southern region] for the duration of this Agreement	Duration of the Agreement		Achieved	Achieved
NE– 108.6 E– 95.5 S– 106.6	New South Wales will:  In accordance with clause 48d(NE), 46c(E), 47d(S), complete and publish Regional ESFM Plans for State forests under the Forestry Regulation 1999 (NSW) [E– Forestry Regulation 1994 (NSW)] under the Forestry Act 1916 (NSW) by 30 June 2000 [E– by 1 April 2000 and S– by 31 December 2001]	NE - By 30 June 2000 E – by 1 April 2000 S– by 31 December 2001		Achieved outside proposed timeline	Not achieved
NE– 108.7 E– 95.6 S– 106.7	New South Wales will:  In accordance with clause 48g(NE), 47g(S), implement the review and monitoring processes and develop the strategic and operational requirements of sustainable yield systems and processes using enhanced Forest Resource and Management Evaluation System (FRAMES) as described in Attachment 12 (Part E) [S– Attachment 8] enable the review of Sustainable Yield by 1 December 2006 [NE - as described in Attachment 12 (Part B)]  In accordance with clause 46f(E), develop and implement an inventory system for regrowth forests and review the calculation of Sustainable Yield using methods consistent with Attachment 11 and the principles and processes used in the Forest Resource and Management	In time for the first RFA review		Achieved – NE  Achieved outside proposed timeline – E  Achieved outside proposed timeline - S	Achieved outside proposed timelines except for NE

CI	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	Evaluation System (FFAMES), in time for the first RFA review				
NE– 108.8 E– 95.9 S– 106.8	New South Wales will:  In accordance with clause 48h(NE), 46h(E), 47h(S), develop and implement environmental management systems in accordance with the principles outlined in Attachment 8 [E– Attachment 7] within five-years	Within five-years		Achieved outside proposed guideline	Not achieved
NE– 108.9 E– 95.7 S– 106.9	New South Wales will:  In accordance with clause 57(NE & S), 56(E), produce a code of practice for timber harvesting of native forest on Private Lands by the first five-yearly review	By the first five-year review		Achieved outside proposed timeline	Achieved outside proposed timelines
NE– 108.10	New South Wales will:  In accordance with clause 78(NE), implement the Long-term Timber Supply Strategy for the regions as at Attachment 12 of this Agreement	Completed		Achieved	Achieved
NE– 108.11 S– 106.10	New South Wales will:  In accordance with clauses 79-84(NE), 76-79(S), maintain contracted supply for High Quality Large Sawlogs [NE- and Large Veneer Logs]	Ongoing		Achieved in part	Not achieved
NE– 109.1 E– 96.1 S– 107.1	The Commonwealth will:  Not prevent enterprises obtaining, using or exporting the quantities of timber, Woodchips or Unprocessed Wood products sourced from the Upper North East and Lower North East regions [E– Eden region and S– Southern region] in accordance with this Agreement.	Ongoing		Achieved	Achieved
NE– 109.2 E– 96.2 S– 107.2	The Commonwealth will:  Maintain accreditation of New South Wales' Forest Management System for the Upper North East and Lower North East regions [E– Eden region and S– Southern region] as agreed to be amended in this Agreement as set out in clause 52 providing any changes to the system are consistent with the provisions of this Agreement.	Ongoing		Achieved	Achieved

Submitters raised questions regarding whether New South Wales had maintained contracted supply for High Quality Large Sawlogs (NE - and Large Veneer Logs) in accordance with clauses 79-84(NE) and 76-79(S).

This section relates allocating responsibilities between the Parties. The reviewer's comments on the specific aspects of this section are contained throughout the rest of the report.

Q	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
NE– 110 E–97 S– 108	Compensation  Refer to the RFAs (clauses 110.1 to 110.20) for details of the provisions for compensation.			Not applicable	Not applicable (no claims)

Submitters called for the transparent reporting of achievement or non-achievement of sustained logging yield and any Government compensation payouts to industry.

Any compensation payment should be openly disclosed as the State is dealing with public property.

[illegible]

C	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	<p>initiatives through the NSW Forest Industry Structural Adjustment Package</p> <p>The Parties will facilitate native forest hardwood timber industry initiatives through the implementation of respective responsibilities in the operation of the Forest Industry Structural Adjustment Program in accordance with jointly agreed guidelines. The Parties further agree to give priority to the consideration of the proposed initiatives outline in Attachment 10.</p>				

#### Points raised in the submissions

Sectors of the hardwood timber industry were very grateful for the assistance provided by Government to help them develop their businesses. Several also mentioned the considerable investment they had made in research and development, in establishing markets, and in supporting local communities in anticipation of the industry having longevity.

A considerable number of submissions were critical of what they saw as a hardwood industry heavily subsidized by either the softwood industry and/or the 'public purse', and called for more transparent reporting. Most thought the industry should be self-sustainable. Suggestions included transitioning from native forest logging to plantation logging, and the greater development of the tourism potential of the native forest areas.

However, there was no consensus about whether the tourism industry would be able to provide the economic or social stability for the small towns to survive, especially those with a large dependence on the timber industry.

#### Reviewer's comments

The Commonwealth / NSW Forest Industry Structural Adjustment Package (FISAP) program finished in 2007 with expenditure of \$131.5 million on timber industry development, worker assistance for retraining and reskilling and business exit assistance for those who wished to leave the industry. The final report to the NSW Parliament noted that the program had been a success with increased value adding and business efficiency for those who stayed in the industry and support for both owners and workers who left the industry.

As recommended in section 3.11.2, the reviewer recommends any government assistance relating to use and support for activities in the State's forest must be openly disclosed.

## 4. Progress against milestones and commitments listed in attachments to the RFAs

### 4.1 CAR reserve system

Attachment 1 in the Eden, North East and Southern RFAs provides information on the extent of and the forest ecosystems within the CAR reserve system for each NSW RFA region.

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 1, 4, 2nd dot point [Eden]	Plans of Management for Crown Reserves will be prepared by 1 January 2002 as outlined in the New South Wales Eden Region Forest Agreement.	By 1 January 2002	Concluded	Achieved	Achieved
Att 1 (A), 4, 2nd dot point [North East]	Plans of Management for Crown Reserves will be prepared by 1 January 2005 as outlined in the New South Wales Upper North East Region Forest Agreement.	By 1 January 2005	Concluded	Achieved	Achieved
Att 1 (B), 4, 2nd dot point [North East]	Plans of Management for Crown Reserves will be prepared by 1 January 2005 as outlined in the New South Wales Lower North East Region Forest Agreement.	By 31 January 2006	Concluded	Achieved	Achieved
Att 1, 4, 2nd dot point [Southern]	Plans of Management for Crown Reserves will be prepared by 31 January 2006.			Achieved outside proposed timeline	Not achieved
Att 1 (A), 5 [North East] Att 1 (B), 5 [North East] Att 1, 5 [Southern]	NSW will finalise boundaries of the CAR Reserves to enable its implementation within 6 months of signing this Agreement.  NSW will finalise boundaries of the CAR Reserves with the exception of the Forest Management Zoning System by 30 June 2001. The Forest Management Zoning System will be finalised by 31 December 2001.	Within six months of signing  Forest management zoning finalised by 31 December 2001	Completed	Achieved	Achieved
Att 1, 9 [Eden]	New South Wales will, by 1 April 2000, produce a Regional ESM Plan for the Eden region that	By 1 April 2000	Completed	Achieved outside the	Not achieved <sup>22</sup>

<sup>22</sup> The ESM plans were produced five years after the milestone

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 1 (A), 7 [North East]	includes Forest Management Zoning within State forests as described in the document Forest Management Zoning in State forests, (SFNSW 1999).  New South Wales will, by 30 June 2000, produce a Regional ESFM Plan for the Upper North East region that includes Forest Management Zoning within State forests as described in the document Forest Management Zoning in State forests, (SFNSW 1999).	By 30 June 2000	Completed	proposed timeline  Achieved outside the proposed timeline	Not achieved
Att 1 (B), 11 [North East]	New South Wales will, by 30 June 2000, produce a Regional ESFM Plan for the Lower North East region that includes Forest Management Zoning within State forests as described in the document Forest Management Zoning in State forests, (SFNSW 1999).	By 30 June 2000	Completed	Achieved outside the proposed timeline	Not achieved
Att 1, 7 [Southern]	New South Wales will, by 30 June 2000, produce a Regional ESFM Plan for the Lower North East region that includes Forest Management Zoning within State forests as described in the document Forest Management Zoning in State forests, (SFNSW 1999).  New South Wales will, by 31 December 2001, produce a Regional ESFM Plan for the Southern region that includes Forest Management Zoning within State forests as described in the document Forest Management Zoning in State forests, (SFNSW 1999).	By 31 December 2001	Completed	Achieved outside the proposed timeline	Not achieved
Att 1, 7 [Eden]	New South Wales agrees to establish all Dedicated Reserve and Informal Reserve components of the CAR Reserve System within six months of signing this Agreement.	By February 2000	Completed	Achieved	Achieved
Att 1 (A), 8 [North East]	New South Wales agrees to establish all Dedicated Reserve and Informal Reserve components of the CAR Reserve System within six months of signing this Agreement.	By September 2000	Completed	Achieved	Achieved
Att 1 (B), 12 [North East]	New South Wales agrees to establish all Dedicated Reserve and Informal Reserve components of the CAR Reserve System by 30 June 2001 and 31 December 2001 respectively.	By 30 June 2001	Completed	Achieved	Achieved
Att 1, 8 [Southern]		By 31 <sup>st</sup> of December 2001	Completed	Achieved	Achieved
Att 1 (B), 8-10 [North East]	The Commonwealth agrees to manage those areas of Commonwealth owned land			Achieved	Achieved

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
<p>[for Singleton Army Training Area]</p> <p>Att 1, 10-12 [Southern]</p> <p>[for Beecroft Weapons Range]</p>	<p>identified in the [NE- STA; S- BWR] as CAR Informal Reserves and to take all reasonable steps for the protection of identified CAR values, on the following conditions:</p> <ul style="list-style-type: none"> <li>• Condition 1. That the reserve does not exclude Defence activities that would not compromise the maintenance of the CAR values. Necessary Unexploded Ordnance management will not be impeded by any Informal Reserve declaration or this agreement.</li> <li>• Condition 2. That the establishment of the reserve is based on existing Defence management arrangements as prescribed in the [NE- Singleton Area Environmental Management Plan (1998)/S- Beecroft Peninsula Environmental Management Plan (1999)] rather than any modification of existing tenures which may be detrimental to Defence's usage of the training areas.</li> <li>• Condition 3. That Defence is the sole approving agency for the Defence Environmental Management Plans that prescribe the management regime for the reserve. Defence will however consult with relevant State and Commonwealth agencies on the appropriateness of the management regimes.</li> <li>• Condition 4. Consultation on management by Defence of Defence activities in the training area will be achieved in the consultation process with State and Local authorities and other stakeholders in the review of the Environmental Management Plan for the [NE- STA/S- BWR].</li> <li>• Condition 5. Public comment on changes to the reserve boundary will occur except in circumstances proscribed by national defence protocols.</li> <li>• Condition 6. The reserve</li> </ul>				



Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	<p>boundary will delineate the actual CAR values.</p> <p>Defence will establish all operational and environmental management buffer zones around the reserve based on particular land use activities that may occur adjacent to the reserves. The buffers will be identified in the Defence Environmental Management Plans.</p> <p>The Department of Defence will identify this CAR Informal Reserve on Commonwealth land on operational and planning maps.</p> <p>The CAR Informal Reserves on Commonwealth land will be included in future Environmental Management Plans prepared for the area.</p>				
<p>Att 1, 14 [Eden]</p> <p>Att 1, 14 (A) [North East]</p> <p>Att 1, 18 (B) [North East]</p> <p>Att 1, 18 [Southern]</p>	<p>Management plans identified in Section 2-3 of the New South Wales [Eden/ Upper North East/ Lower North East Forest Agreement] for Dedicated Reserve and Informal Reserve elements of the CAR Reserve System will clearly identify the CAR Values and the actions being taken in each reserve to appropriately manage and conserve those values.</p> <p>Plans of Management for the Dedicated Reserve and Informal Reserve elements of the CAR Reserve System clearly identifying the CAR Values and the actions being taken in each reserve to appropriately manage and conserve those values will be finalised by 31 January 2006.</p>	By 31 January 2006		Achieved	Achieved

#### Points raised in the submissions

One submitter suggested that the regional ESM plans had been amalgamated into the one State plan by the FONS and a number of the management plans were not complete. They attributed deficiencies in the monitoring of regional sustainability indicators to under-resourcing and poor implementation of tenure-based ESM plans.

There was criticism of the monitoring of the CAR values within the reserve system, with the absence of detail about the current status of CAR values in the Report supporting this assertion.

There was criticism of the resourcing provided to manage CAR reserves – particularly in regard to fire management (build-up of fuels). ‘There is mounting evidence that the act of conserving forests in National park is leading to perverse environmental outcomes. In the absence of true government commitment, the agencies have done the best they can with ever-diminishing resources. There are two contributing factors:

- the lack of resources for management of these reserves
- the capacity to maintain the landscape in a manner that is safe and for human habitation e.g. the indigenous burning regimes that maintained the landscape have been lost and fuel is allowed to accumulate, causing a fire risk. ‘

‘Timber production is often blamed for many things across all land tenures: vegetation thickening after logging in part due to lack of ongoing burning; weed invasion (due to lack of capacity to recognise a problem and take timely remedial action to prevent it getting worse); a species change (again due to lack of fire); forest health such as the poorly-named bell miner associated dieback (again due to lack of fire). It is assumed these things will improve once land is placed in National park, but this is not necessarily so.’

#### Reviewer’s comments

The establishing of all dedicated reserve and informal reserve components of the CAR reserve system, soon after the agreements were made, was an important step in ensuring that conservation values and reserves could be identified and appropriately reserved. Most of the CAR reserves have plans (73%), which is well above the national average.

The regional ESFM plans were published five-years behind schedule and were not reviewed in periods 2 and 3 but are currently being reviewed.

As the full budget profile of the agencies was not provided, it is not possible to assess if resourcing is adequate to manage all forest areas.

## 4.2 Threatened flora and fauna and ecological communities

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 2, 2 & Table 1 [Eden]  Att 3, 2 & Table 1 [North East]  Att 3, 2 & Table 1 [Southern]	Current priorities for developing Recovery Plans for threatened forest dependent fauna and flora for the next five-years are provided in Table 1.			Achieved in part	Achieved <sup>23</sup>
Att 2, 4 [Eden]	A Threat Abatement Plan under the Threatened Species Conservation Act 1995 (NSW) for Predation by the European Red Fox is due for completion in December 1999.	By December 1999		Achieved outside proposed timeline	Achieved outside the proposed timeline

<sup>23</sup> Unrealistic ask – ‘current’ priorities will always be changing. The listing and description on threatened flora and fauna species appears thorough.

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 3, 4 [North East]	A Threat Abatement Plan under the Threatened Species Conservation Act 1995 (NSW) for Predation by the European Red Fox is due for completion in July 2000.	By July 2000	Completed	Achieved outside proposed timeline	Achieved outside the proposed timeline
Att 3, 4 [Southern]	A Threat Abatement Plan under the Threatened Species Conservation Act 1995 (NSW) for Predation by the European Red Fox is due for completion by December 2001.	By December 2001	Completed	Achieved	Achieved

#### Points raised in the submissions

There were no comments specifically regarding the development of Recovery Plans for threatened forest dependent fauna and flora, or regarding the development of Threat Abatement Plans.

#### Reviewer's comments

Threat Abatement Plans must be wider than the Agreement areas unless specifically required. For example, the Fox Threat Abatement Plan 2001 applies across the whole state.

## 4.3 National Estate values

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 3, 8 [Eden]	Parties endorse the joint preparation of a set of Statewide Guidelines for the Management of Cultural Heritage Values and Places in New South Wales Forests based on the outcomes of the Protecting Cultural Heritage Values and Places in NSW Forests project. Both Parties agree to finalise these guidelines by the end of 1999.	End of 1999	Completed	Achieved	Achieved
Att 4, 14 [Southern]	Parties note that New South Wales, in consultation with the Commission, has agreed to undertake the identification and assessment of outstanding cultural heritage values in these remaining areas by 31 December 2001.	By 31 December 2001	Concluded	Achieved	Achieved

#### Points raised in the submissions

One submission said the Report had no information about aboriginal sites and that the Denis Byrne predicative model for aboriginal sites used by NSW FONSW is out of date and doesn't take into account the last 20 to 30 years of research.

#### Reviewer's comments

The Report indicated that the Statewide Guidelines for the Management of Cultural Heritage had been prepared and trialled by NSW Forests. The Report should have expanded on the value of this work and the progress that had been made.

## 4.4 Public reporting and consultative measures

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 5, 1 (n) [Eden] Att 6, 1 (n) [North East] Att 6, 2 (f) [Southern]	Production of annual ESFM Reports on progress for meeting targets in Regional ESFM Plans and reporting on criteria, indicators and targets for the [E- Eden region/NE- Upper North East and Lower North East regions] in accordance with New South Wales [E- Eden Region Forest Agreement/NE- Upper North East and Lower North East Region Forest Agreement].  Production of annual ESFM Reports on progress for meeting targets in Regional ESFM Plans and reporting on criteria, indicators and targets for the Southern region in accordance with clause 49 and the New South Wales Forest Agreements under the Forestry and National Park Estate Act 1998 (NSW).			Achieved	Not achieved
Att 5, 1 (o) [Eden] Att 6, 1 (o) [North East] Att 6, 1 (n) [Southern]	Production of annual Environmental and Social Values report at a statewide level on the progress and performance of State forests of NSW in accordance with New South Wales [Eden/ Upper North East/Lower North East] Region Forest Agreement.  Production of annual Environmental and Social Values report at a statewide level on the progress and performance of State forests of NSW in accordance with New South Wales Forest Agreements and the Forestry and National Park Estate Act 1998 (NSW).			Achieved	Achieved

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 5, 1 (p) [Eden]	Publication of a New South Wales State of Parks report by April 2000.	By April 2000	Completed	Achieved	Achieved
Att 6, 1 (p) [North East]	Publishing a New South Wales State of Parks report by April 2001.	By April 2001	completed		
Att 6, 1 (o) [Southern]	Publishing a New South Wales State of Parks report by 31 August 2001.	By 31 August 2001	Completed		
Att 5, 1 (q) [Eden] Att 6, 1 (q) [North East] Att 6, 2 (g) [Southern]	Production of an annual report for the New South Wales [Eden/North East/Southern] Region Forest Agreement with respect to Ecologically Sustainable Forest Management in the region, and compliance with any Integrated Forestry Operations Approval for the region. As required by the Forestry and National Park Estate Act 1998 (NSW).			Achieved	Achieved
Att 5, 2 (b) [Eden]	Publishing the document Ecologically Sustainable Forest Management for the Eden RFA Assessment within six months.	Within six months of signing	Completed	Achieved	Achieved
Att 6, 2 (b) [North East]	Publish Eco-Field Guides for the Upper North East and Lower North East regions by 30 June 2000.	By 30 June 2000	Completed	Achieved	Achieved
Att 6, 2 (b) [Southern]	Publish Eco-Field Guides for the Southern region by 31 December 2001.	By 31 December 2001	Completed	Achieved outside proposed timeline	Achieved outside proposed timelines
Att 5, 2 (c) [Eden]	Document the basis for silvicultural practices and publish silvicultural guidelines for commercial forest types by the 31 March 2000.	By 31 March 2000	Completed	Achieved	Achieved
Att 6, 2 (c) [North East]	Document the basis for silvicultural practices and publish the native (sic) Forest Silviculture Manual (SFNSW) by the 31 December 2000.	By 31 December 2000	Completed	Achieved	Achieved
Att 6, 2 (c) [Southern]	Document the basis for silvicultural practices and publish the Native Forest Silviculture Manual (SFNSW) by the 31 March 2001.	By 31 March 2001	Completed	Achieved	Achieved
Att 5, 2 (d) [Eden]	Publishing the results from the Yambulla and Tantawangalo Research Catchments by the year 2000.	By the year 2000	Yambulla – underway Tantawangalo - concluded	Achieved outside the proposed timeline	Achieved outside the proposed timeline

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 5, 2 (e) [Eden]	Publishing the results from the Eden Burning Study by the first five-yearly review.	By the first five-year review	Completed	Achieved outside the proposed timeline	Achieved outside the proposed timeline
Att 5, 2 (f) [Eden] Att 6, 2 (d) [North East] Att 6, 2 (d) [Southern]	Documenting and publishing a description of the New South Wales Forest Management System covering Public and Private Lands in time for the first five-yearly review.	By the first five-year review	Underway	Achieved outside the proposed timeline	Achieved outside the proposed timeline
Att 5, 2 (g) [Eden]	Publishing within three months a description of the FRAMES system referred to in clause 46(f).	Within three months	Completed	Achieved	Achieved
Att 5, 2 (h) [Eden]  Att 6, 2 (e) [North East] Att 6, 2 (e) [Southern]	Publishing by the first five-yearly review a description of the methods and results of calculating Sustainable Yield on Public Land, and publishing in time for subsequent five-yearly reviews independent audits of Sustainable Yield, as outlined in Attachment 11.  Publishing by 1 December 2006 a description of the methods and results of calculating Sustainable Yield on Public Land, and publishing in time for subsequent five-yearly reviews independent audits of Sustainable Yield, as outlined in [NE - Attachment 12/ S- Attachment 8].	By the five-year review  By 1 December 2006	To be done  Completed	Achieved outside the proposed timeline  Achieved outside the proposed timeline	Not achieved <sup>24</sup>  Not achieved
Att 5, 2 (i) [Eden] Att 6, 2 (f) [North East]  Att 6, 2 (h)	From 1999 the New South Wales government will table in each House of Parliament an annual report on its [Eden/ Upper North East Region Forest Agreement/ Lower North East Region Forest Agreement] which will include an ESFM report and the outcomes of compliance with any Integrated Forestry Operations Approval for the region.  From 2001 the New South Wales government will table in each House	From 1999 for LNE and UNE Regions  from 2001 for S Region	Underway	Achieved (all)	Achieved (all)

<sup>24</sup> This is important information for the industry and community and needed to be published on time

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
[Southern]	of Parliament an annual report on its Forest Agreement covering the Southern region which will include an EFSM report and the outcomes of compliance with any Integrated Forestry Operations Approval applying to the region.				

Points raised in the submissions

No issues were raised about the publication of these reports.

Reviewer's comments

It is very difficult to follow the varied and often overlapping reporting required from the Parties. The annual EFSM reports are four years behind schedule. It is unclear if this included reporting on the CAR reserve system managed by NPWS

The State of Parks annual report ceased to be produced in 2007 and there does not seem to be a replacement report, although the EPA's annual NSW Forest Agreements and IFOA Implementation reports includes information on EFSM and other criteria for all forests.

## 4.5 Improvements to the NSW Forest Management System

New South Wales will further improve its Forest Management System across forest management agencies and land tenures by:

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 7, 1 [Eden]  Att 8, 1 (a) [North East] (Milestone)  Att 8, 2 (b) [Southern] (Milestone)	NSW National Parks and Wildlife Service developing an Environmental Management System (EMS), for lands dedicated under the National park and Wildlife Act 1974 (NSW) consistent with the following broad principles: .....  NSW National Parks and Wildlife Service developing an Environmental Management System (EMS) by April 2004 (S- by 30 April 2004), for lands dedicated under the National park and Wildlife Act 1974 (NSW) consistent with the following broad principles: .....	By April 2004 (S- 30 April 2004)	Underway	Achieved outside proposed timeline	Achieved outside proposed timeline
Att 7, 2 [Eden]  Att 8, 1 (b) [North East] (Milestone)  Att 8, 2 (c) [Southern]	State forests of NSW developing a Native Forest Management System as an EMS, with the objective of achieving system certification comparable with the ISO 14000 series.  State forests of NSW developing, by April 2001 (S- by 30 April 2001) a	By April 2001  (S- 30 April	Completed	Achieved outside proposed timeline	Achieved outside proposed timeline

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
(Milestone)	Native Forest Management System as an EMS, to a standard which would allow certification of the system under the ISO 14000 series.	2001)			
Att 7, 12 [Eden] Att 8, 1 (l) [North East] Att 8, 2 (l) [Southern]	Incorporating by the first five-yearly review within Regional ESFM Plans and plans of management under the NPW Act, provisions that address in an integrated fashion bush and other fires to ensure ecologically sustainable management of the forest estate. These plans will be consistent with the NSW Biodiversity Strategy and any Bush Fire Risk Management Plans.	By the first five-year review	Completed	Achieved	Achieved
Att 7, 13 [Eden] Att 8, 1 (n) [North East] Att 8, 2 (n) [Southern]	Establishing a process, including public reporting, for regular audits of compliance and reviews of Codes of Practice, Eco-Field Guides and/ Regional Prescriptions by December 2002 (S— by 31 December 2002) and undertake audits at first and subsequent five-yearly reviews of the Agreement. This process is to be included in any environmental management system, including the SPNSW Native Forest Management System.	By the first and subsequent five-yearly reviews	Completed	Achieved	Achieved
Att 8, 2 (a) [Southern]	Developing consistent with this Agreement, a Regional ESFM Plan, a New South Wales Southern Region Forest Agreement, and an Integrated Forestry Operation Approval.			Achieved	Achieved
Att 8, 1 (m) [North East] Att 8, 2 (m) [Southern]	Incorporating by the first five-yearly review within Regional ESFM Plans and plans of management under the National park and Wildlife Act 1974, integrated feral animal and weed control programs.	By the first five-year review	Completed	Achieved	Achieved
Att 8, 1 (o) [North East]	Establishing by April 2001 demonstration areas in both the Upper North East and Lower North East regions for illustrating silvicultural practices and the suite of silvicultural regimes referred to in the Upper North East Region Forest Agreement and Lower North East Region Forest Agreement for use in field supervisor training and public education.	By April 2001	Completed	Achieved	Achieved



Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 8, 2 (o) [Southern]	Identifying areas in the Southern region for illustrating silvicultural practices and the suite of silvicultural regimes for use in field supervisor training and public education.			Achieved	Achieved
Att 8, 1 (q) [North East] Att 8, 6, (b) [Southern]	Developing by the end of 2010, a model to predict recruitment and maintenance of habitat trees over time.	By the end of 2010	Underway	Achieved	Achieved
Att 8, 1 (s) [North East] Att 8, 2 (p) [Southern]	The Native Forest Silviculture Manual (SFNSW) to be published by 31 December 2000 [S— by 31 March 2001] will outline the scientific basis for site specific silvicultural regimes and the silvicultural decisions and guidelines to where such regimes are to be applied. Parties note that a peer review process will form part of the public consultation process as identified in Attachment 6.	By 31 December 2000 (S— by 31 March 2001)	Completed	Achieved	Achieved
Att 12, 21, 2 <sup>nd</sup> dot point [North East]  8, 3, 3 <sup>rd</sup> dot point [Southern]	NSW will develop a regulatory framework that enables a more efficient and integrated approval process to allow for effective private forestry development. Codes of Practice for private plantations and private native forests will be in place within five-years in accordance with clauses 57 and 58. The State will also provide advice regarding marketing and pricing.  NSW will develop a regulatory framework that enables a more efficient and integrated approval process to allow for effective private forestry development. Codes of Practice for private native forests and private plantations will be in place within five-years and by 30 June 2001 respectively in accordance with clauses 56 and 57. The State will also provide advice regarding marketing and pricing.	By 30 June 2001		Achieved in part  Achieved in part	Achieved in part  Achieved in part
Att 8, 3, 5 <sup>th</sup> dot point [Southern]	NSW will ensure that an integrated Code of Practice is developed for plantation activities across all tenures, under the Plantations and Reafforestation Act 1999 (NSW) and that the environmental standards in the objects of this Act and its linkage			Achieved	Achieved

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	with the Native Vegetation Conservation Act 1997 (NSW) are maintained.				
Att 12, 21, 5 <sup>th</sup> dot point [North East] (Milestone)	Parties agree that a private forest inventory of northern NSW to determine the basis of yield of wood products from Private Land is required. Parties will use their best endeavours to promote an inventory of private forests, with the agreement of forest owner groups, with the objective of having an inventory in place within five-years.	By 2005	Concluded	Achieved in part	Not achieved
Att 8, 4 [Southern]	Parties agree that a private forest inventory of southern NSW to determine the basis of yield of wood products from Private Land is required. Parties will use their best endeavours to promote an inventory of private forests, with the agreement of forest owner groups.			Not achieved	Not achieved
Milestone Att 8, 5 [Southern]	SFNSW will publish all FRAMESCRA reports for the Southern region by 30 September 2001.	By September 2001	Concluded	Achieved	Achieved
Att 12, 22 4 <sup>th</sup> dot point [North East] Att 8, 6, (d) [Southern]	Report the annual production of all timber products.	Annually	Completed	Achieved	Achieved
Att 12, 22, 5 <sup>th</sup> dot point [North East]  Att 8, 6, (e) [Southern] (Milestone)	Undertake additional inventory plot measurement consistent with FRAMES principles to improve the accuracy of volume estimates at the Regional Level, funded at \$500,000 per year for the first five-years of this Agreement.  Undertake within the first five-year period, additional inventory plot measurement consistent with FRAMES principles to improve the accuracy of volume estimates at the regional level.	  By the first five-year review	Underway  Underway	Achieved in part  Achieved in part	Achieved in part  Achieved in part
Att 12, 22, 6 <sup>th</sup> dot point [North East]  Att 8, 6, (f) [Southern]	Monitor FRAMES performance through comparison of actual versus predicted volumes each 12 months for 20 years  Monitor FRAMES performance through comparison of actual versus predicted volumes annually.	Annually  Annually	Concluded  Concluded	Achieved in part  Achieved in part	Not achieved  Not achieved
Att 8, 6, (g)	Map, monitor and report on			Achieved	Achieved

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
[Southern]	measures associated with silviculture that are carried out through clause 86 and the effect on Sustainable Yield.				
Att 11, 5 [Eden] (Milestone)	New South Wales will establish a continuous FRAMES development program for the Eden region consistent with the Statewide FRAMES and including the following elements before the first five-yearly review: [the Eden RFA includes 10 dot points not listed here]	By first five-year review	Underway	Achieved in part	Achieved in part
Att 12, 24 [North East]	New South Wales will consult with the Commonwealth in the establishment of an ongoing FRAMES development program for the Upper North East and the Lower North East regions [S- Southern region]. It is expected that this program will be implemented by 1 December 2006 and will include the following elements:	1 December 2006	Underway	Achieved in part	Achieved in part
Att 8, 7, [Southern] (Milestone)	[the NE RFA includes 10 dot points and the Southern RFA includes 12 dot points not listed here]				
Att 12, 15, 2 <sup>nd</sup> dot point [North East]	[NSW agrees to...] Commission and publish an independent review of the enhanced systems and process, models, information base, and assumptions which contribute to the FRAMES system (by 1 December 2006)	By 1 December 2006	Improvements – underway	Achieved	Achieved
Att 8, 8, 1 <sup>st</sup> dot point [Southern]	[NSW agrees to...] Commission and publish an independent review of the enhanced systems and process, models, information base, and assumptions which contribute to the FRAMES system applying to both the South Coast and Tumut sub-regions of the Southern region by 1 December 2006.	1 December 2006	Review – completed	Achieved	Achieved
Att 11, 1 [Eden]	The Parties agree to commission a review of the systems and processes used, and the Sustainable Yield calculated from Public Land as a result of the New South Wales review of Sustainable Yield described in clause 46(f), to be completed and published in time for the first five-yearly review.	End of the first five-year period	Wood volume – completed	Not achieved	Not achieved

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 12, 15, 3 <sup>rd</sup> dot point [North East] (Milestone)	Using the results of the above FRAMES enhancement and review, NSW will review the timber resource and the annual volume which may be harvested from 2007 – 2018 consistent with the overall Sustainable Wood Supply Strategy to achieve a long-term Sustainable Yield and to optimise sustainable use objectives consistent with this Agreement (by 1 December 2006)	By 1 December 2006	Concluded	Achieved	Achieved
Att 8, 8, 2 <sup>nd</sup> dot point [Southern]	Undertake a review of Sustainable Yield every five-years using enhanced FRAMES systems and information bases. The results of which will inform the annual volume which may be harvested from Southern region (or sub-region) being mindful of achieving long-term Sustainable Yield and optimising sustainable use objectives consistent with this Agreement.	Every five-years		Achieved in part	Not achieved <sup>25</sup>
Att 11, 2 [Eden] (Milestone)  Att 12, 23 [North East] (Milestone)  Att 8, 8, 3 <sup>rd</sup> dot point [Southern]	New South Wales will undertake independent audits of Sustainable Yield to be completed and published in time for each subsequent five-yearly review.  NSW will commission independent audits of the progress of the Sustainable Wood Supply Strategy to be completed and published in time for the second and third five-yearly reviews.  Undertake independent audits of Sustainable Yield to be completed and published in time for each subsequent five-yearly review.	By the second and third review	Underway	Achieved in part (3)	Achieved in part <sup>26</sup>
Milestone Att 11, 7 [Southern]	Consistent with the commitments in this Agreement NSW agrees to provide 20-year wood supply agreements to operators utilising high quality large sawlogs. NSW agrees to prepare these agreements	By 1 January 2001 (South Coast Sub	Completed	Achieved in part	Achieved in part

<sup>25</sup> The Southern region has reviewed the yield estimates but not every 5 years

<sup>26</sup> Significant work on sustainable yield and checked by audit has been achieved

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	to take effect from 1 January 2001 for the South Coast Sub Region and as early as possible but no later than 1 January 2002, for the Tumut Sub Region.	Region) By 1 January 2002 (Tumut Sub Region)			
Att 11, 28 [Southern]	The 'ratio model' has been developed in consultation with industry and the NSW Minister for Forestry will make an assessment of the qualitative and quantitative criteria. Final determinations for extensions to Wood Supply Agreements will be made by the Minister prior to 31 December 2001.	By 31 December 2001		Achieved outside proposed timeline	Achieved outside the proposed timeline
Att 12, 19 [North East]	<p>The Parties agree that the following long-term hardwood sawlog supply supplementation strategy will be implemented to allow the supply of more timber and raise the long term Sustainable Yield of hardwood sawlogs from public forests in northern New South Wales:</p> <p>Subject to availability of suitable land, New South Wales will spend the allocated \$18 million between 1999 and 2004 to purchase Private Land and/or timber rights to provide approximately 180,000 m<sup>3</sup> of high quality large sawlogs and Large Veneer Logs for the Upper North East and Lower North East regions within the term of this Agreement</p> <p>Subject to the availability of suitable land, New South Wales will spend the allocated \$30 million by 2004 to establish at least 10,000 hectares of hardwood Plantations across both Upper and Lower North East Regions to supplement supplies of high quality large sawlogs and Large Veneer Logs from public forests. This initiative is expected to produce approximately 125,000 m<sup>3</sup> p.a. for 10 years commencing in approximately 40 years' time.</p>		Underway	Achieved outside proposed timeline	Achieved outside proposed timelines

Points raised in the submissions

These actions appear to address a number of issues raised by submissions including:

- The initial over-estimation of the timber resource by FRAMES
- The securing of supplementary supplies of high quality large sawlogs
- The development of codes of practice for logging on private land.

However, the submissions from the timber industry (many of which were confidential) indicated the industry retained a high level of dissatisfaction with the efforts of the State to address their issues.

One company noted 'Unless agreements and all the necessary regulatory processes are in place before the end of 2018, all of the business, all of the investments, all of the jobs and all of the community values that have been secured will be put in jeopardy.'

A call was made for the transparent reporting of achievement or non-achievement of sustained yield and any compensation payouts.

As also mentioned earlier, there was concern about the sourcing of supplementary supplies of timber from private forest as sustainable management practice in these forests is discretionary. Concern for the environmental impact of logging was across all land tenures, not just State forest.

#### Reviewer's comments

The reviewer commends the creation of demonstration areas for silviculture alternatives and the forming of the Code of Practice for private forestry. Creating an inventory of the timber resource in private forests is essential for the State to have a clear understanding of the overall forest resource, and must be an ongoing program.

It is disappointing the Report contains minimal information about the progress on planning for forests managed by NPWS. The RFA responsibilities cover parks and reserves managed by NPWS and information about these should be included in the Report.

FONSW has undertaken extensive work reviewing the FRAMES program, both internally and by experts who have commented it is a sound predictive program. The independent reviews and audits on sustainable yield estimates are to be commended.

The RFA for each region mandates a check on sustainable yields each five years. This issue was identified in a recommendation from the first period review and it is important that issues are resolved in consultation with the timber industry.

There has been good work on acquiring private forest or logging rights in the North East Region to support the short and long term log supply. There are implications from this, such as fewer controls on the logging operations on private land that needs to be managed.

## 4.6 Private lands

Attachment 12 of the Eden RFA and Attachment 2 of the North East and Southern RFAs describe the Parties' support for private land conservation and indicate the forest ecosystems on private land by priorities that would complement the CAR reserve system on public lands through voluntary conservation measures.

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 12, 8 [Eden] Att 2, 8 [North East] Att 2, 8 [Southern]	NSW will establish a Regional Vegetation Committee for the Eden region and provide it with funding to provide for the conservation of Forest Ecosystems that are rare or non-existent on Public Lands. Short-term employment positions are expected to be available over two years.  NSW will establish Regional Vegetation Committees in the Upper North East and Lower North East regions [S– Southern region] and provide them with funding to provide for the conservation of Forest Ecosystems that are rare or non-existent on Public Lands.			No longer applicable	No longer applicable <sup>27</sup>

Points raised in the submissions

There were no issues regarding these milestones.

Reviewer's comments

It is not possible for the reviewer to assess if the practices introduced to replace Regional Vegetation Committees are successful. Forest on private land is a significant state resource and while the CAR mechanisms for protecting private conservation values are sound and there are clearing controls, there are many other areas of private forest that should be actively conserved.

## 4.7 Employment initiatives

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 9, 2 [Eden]	The creation of 33,000 hectares of National park additions in the Eden region, including the addition of 7,760 hectares to the Brogo Wilderness and the declaration of the new 15,950 hectares Yowrie Wilderness is a key outcome. The need is recognised for additional NSW National Parks and Wildlife Service staff to be employed in the management of the additional			Achieved	Achieved

<sup>27</sup> Regional vegetation committees have been disbanded

Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
	reserve areas, including four Aboriginal staff to specifically manage areas of significance to the Aboriginal community. Fourteen positions including four Aboriginal staff are expected to be employed in cultural heritage and joint management initiatives, supported by \$1.2 million per annum over five-years funded by the New South Wales Government.				
Att 11, 62 [NE]	<p>Aboriginal Cultural Heritage Officers</p> <p>Four Aboriginal cultural heritage officers are to be employed equally between State forests and National Parks and Wildlife Service, in the Upper North East and Lower North East Regions. These officers will give greater protection to cultural heritage and foster a close working partnership between the Aboriginal community and the Government.</p> <p>Foremost in the tasks of the cultural heritage officers will be the surveying, care and maintenance of significant sites, permanent recording of their locations and consultation over protection mechanisms for these sites with management agencies. This initiative will encourage increased participation of the local Aboriginal community in forest management decisions.</p> <p>The initiative also includes a number of traineeships to assist Aboriginal trainees gain land management skills. It is anticipated that this training should provide skills, which will enhance continued employment and promotional opportunities in the management of forested land.</p> <p>Funding Commitment: \$520,000 per annum over 5 years</p> <p>Predicted employment benefit: 10 positions in total; 4 Aboriginal Cultural Heritage officers in total equally distributed between agencies and RFA regions, 6 traineeships over both Upper and Lower North East.</p>			Achieved	Achieved



Milestone	Action - Commitment	Timeline	Period 1 Report	Period 2&3 Report	Period 2&3 Reviewer
Att 11, 41 [Southern]	<p>Employment in Aboriginal Heritage and Conservation Management</p> <p>The NPWS will fund the employment of 91 positions for conservation and Aboriginal heritage management of the new Southern reserves. Four of these positions are identified as Aboriginal Cultural Heritage Officers.</p>			Achieved	Achieved
Att 11, 42-44 [Southern]	<p>Aboriginal Cultural Heritage Program</p> <p>42 This project will fund assessment of Aboriginal cultural heritage on State forest in the Southern RFA region. Two cultural heritage officers employed by State forests will foster a close working partnership between the Aboriginal community and the NSW Government's forestry program.</p> <p>43 The cultural heritage officers' tasks will centre on identifying, assessing significance, and giving greater protection of sites. They will consult on protection mechanisms for these sites with Aboriginal communities and management agencies.</p> <p>44 This project will also encourage increased participation of the local Aboriginal community in forest management decisions.</p> <p>Funding level: \$150,000 per annum for 5 years</p> <p>Funding source: NSW Consolidated Fund</p> <p>Employment impact: 2 positions for 5 years</p>			Achieved	Achieved

#### Points raised in the submissions

Several submissions supported this type of employment initiative, as they increased the resources available to address management issues in conservation reserves and increased the input of traditional Aboriginal knowledge into management decisions.

#### Reviewer's comments

The initiatives to significantly increase employment to manage the large increase in parks and conservation reserves has been successful. This has included increased employment from the Aboriginal community.

## 5. Recommendations from the first five-yearly independent review

For the first five-yearly review of the NSW RFAs, the Parties appointed Mr Scott Spencer of Queensland as the Independent Assessor to review the Draft Report on Progress with Implementation of the New South Wales Regional Forest Agreements (RFAs) and the 32 public submissions received as part of this review.

In November 2009, the Independent Assessor provided his report<sup>28</sup>, which included 18 recommendations for the Australian and NSW governments to consider in the ongoing implementation of the NSW RFAs.

On 15 March 2010, the Independent Assessor's report was tabled in the Australian Parliament.

The NSW and Australian governments produced a Joint Government Response to the Independent Assessor's report<sup>29</sup>, which was tabled in the House of Representatives of the Australian Parliament on 30 October 2014.

This section provides an overview of progress against the recommendations from the independent review of the first five-yearly implementation report under the NSW RFAs.

Of the 18 recommendations for continued implementation of the NSW RFAs arising from the 2009 independent review, the Parties have indicated that:

- 11 have been completed or fully implemented
- 2 have been partly implemented
- 5 are underway through ongoing actions that have been implemented since 2014.

The reviewer has assessed progress on implementing the recommendation as:

- 10 have been achieved / implemented
- 2 have been part achieved
- 2 are underway and ongoing
- 4 have not been achieved or satisfactorily implemented.

Recommendation	Joint Government Response	Status for Periods 2&3	Reviewer's comments
1. That for future reviews the Parties consider supplementing the notification process by directly advising key	Considered important. Public notices were placed for the first period review seeking comment.	Underway and completed when the Implementation report is released. Key stakeholder list	Achieved although submitters including some who would be key stakeholders, commonly complained they had not

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<sup>28</sup> Spencer S2009, Final Report on Progress with Implementation of NSW Regional Forest Agreements: Report of Independent Assessor, accessed 9 November 2016,

[www.agriculture.gov.au/forestry/policies/rfa/publications/annual-reports/nsw](http://www.agriculture.gov.au/forestry/policies/rfa/publications/annual-reports/nsw)

<sup>29</sup> NSW and Australian Governments 2014b, Joint Australian and New South Wales Government Response to the Final Report on Progress with Implementation of the NSW Regional Forest Agreements: Report of the Independent Assessor, accessed 9 November 2016 [www.agriculture.gov.au/SteCollectionDocuments/rfa/publications/annual-reports/nsw/jointresponse-nswrfa.pdf](http://www.agriculture.gov.au/SteCollectionDocuments/rfa/publications/annual-reports/nsw/jointresponse-nswrfa.pdf)

Recommendation	Joint Government Response	Status for Periods 2&3	Reviewer's comments
community, conservation and industry groups of the review and the various processes involved.		has been prepared and used to notify groups once the Implementation Report was released.	been notified and were 'taken by surprise' with the review announcement. The then short time line for submissions was also seen as an issue.
<p>2. With the approval of the submitters, the Parties refer the submissions to this review to:</p> <ul style="list-style-type: none"> <li>the NSW Review</li> <li>the Australian Government, to be taken into account during development of its response of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Review 2008)</li> <li>Executive Management of the NSW forest agencies.</li> </ul>	Both Parties supported the submissions being used outside the review process.	Completed	Achieved
<p>3. The Parties consider initiating a further review process as soon as possible to meet the agreed RFAs second review time requirements and;</p> <p>these reviews focus on progress with milestones due to commence in the second 5 years of the RFAs, actions underway from the first 5 years, and</p> <p>indicators that are considered critical to the success of the RFAs in areas such as reserve management, species protection (including pest animal and weed management), management planning and wood supply estimates.</p>	Both Parties supported the intent of the recommendation to commence further five-year review on time.	<p>Underway. The Parties acknowledge there have been delays.</p> <p>The combined second and third five-yearly review will focus milestones as well as commitments or obligations, sustainability indicators and demonstrate ESFM.</p>	Not achieved - 4 years late on the third review and 9 years on the second review. This delay reflects poorly on the stated intent of transparency, commitment and accountability through the RFA process.
<p>4. That the Parties to the RFA consider:</p> <ul style="list-style-type: none"> <li>The resource requirements of on-</li> </ul>	Both Parties committed to implementation of the milestones and	<p>Fully implemented.</p> <p>The Parties have worked on the requirements within</p>	Not achieved with many milestones, commitments and obligations lagging. As well, milestones have not

Recommendation	Joint Government Response	Status for Periods 2&3	Reviewer's comments
<p>going and yet to commence undertakings under the three RFAs to determine whether implementation is likely within agreed timelines, and/or</p> <ul style="list-style-type: none"> <li>Whether reprioritization of any milestones is necessary to ensure delivery of initiatives which are essential to the implementation of the RFAs.</li> </ul>	applying resources to achieve this.	<p>available resources and most have been achieved fully, in part or underway.</p> <p>No milestones have been amended except the timing of the second five-yearly review.</p>	been amended when the Parties have been aware that changes were needed.
5. In future five-yearly reviews the Parties consider further including more commentary for Milestones in the "Underway" and "Concluded" categories to provide an assessment of the adequacy of progress of these milestones.	Supported by both Parties	Implemented with more commentary on progress and implementation	Achieved
6. The Parties continue to ensure their current data release and publication strategies align with modern practice for the release of publicly held information.	Implemented	Implemented with the Parties engaging with interested groups and regularly releasing reports and information on the states forest.	Achieved
7. The NSW Government continue to give priority to completion and publication of plans of management for various dedicated areas.	NSW continues to prioritise completion and publication of management plans for various dedicated areas.	Underway	Underway with progress considering the expansion of reserves and parks. The interim step of preparing plans/ strategies to cover the key risks of fire, pests and visitor management is commended.
8. In future reviews the Parties should provide more information about development of various threatened species recovery plans to allow an assessment of the adequacy of progress in the management of threatened species as it relates to Milestone 23.	Both Parties support the provision of information on the development and implementation of threatened species and ecological communities' recovery plans and recovery actions.	Fully implemented	Implemented

Recommendation	Joint Government Response	Status for Periods 2&3	Reviewer's comments
9. The NSW Government should give high priority to finalisation of its Park Management Program and this issue should be specifically reported on as part of the second 5 yearly RFAs Review.	The Parties agree that the PMP should continue to be developed and made publicly available, where appropriate.	Underway with good progress on legislation, assessment of all parks within New South Wales four times since 2005 and state-wide reporting on progress.	Underway and ongoing. The PMP is dynamic and an adaptive program that will be adjusted over time to meet the needs of the park system and its management.
10. 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.	Both Parties agree that an effective and credible audit and compliance framework is essential for both the implementation of and public confidence in the three NSW RFAs.	Fully implemented	Implemented and ongoing with independent DPI audits of Crown-timber land compliance, and private native forestry and plantation forestry audits. Needs to be extended to all agencies.
11. The NSW Government should continue to give high priority to the release of the NSW Forest Management System covering public and private land. It should be completed before the next review.	Both Parties agree that a high priority should be given to the release of the New South Wales and met FMS covering public and private land.	Underway and will be fully implemented on the publication of the implementation report	Not achieved - outside the timeline set in recommendation 11. It is important that the forest management system is readily available and that it clearly illustrates how the States forests are managed.
12. The NSW Government should initiate immediate action to establish and deliver the regional ESM performance reports as required under Milestone 41.	Both Parties agree that the regional ESM performance reports should be publicly available.	Fully implemented	Implemented in Part I. ESM performance reports are the responsibility of FONSW. The ESM indicators have been revised by Government and released as an EPA publication. The new indicators align with MIG 2018 indicators.
13. The NSW Government should give the highest priority to the continuous improvement system for FRAMES as required under Milestone 48 and development of the inventory plot measurement systems required across the various regions as required under Milestone 49.	Both Parties agree that the FRAMES provides the toolkit of applications for long-term wood supply determinations from state forests in the three RFA regions where harvesting is permitted.	Implemented in part	Implemented. FONSW continues to improve FRAMES and this will be ongoing. The measurement of inventory plots will be required to provide base data.
14. The NSW Government should ensure that its FRAMES and associated supply models undergo regular (5 yearly) expert	Both Parties agree that the frames program would benefit from expert independent assessment to support	Fully implemented	Implemented with two reviews of FRAMES and regional woods flow models by a timber supply expert.

Recommendation	Joint Government Response	Status for Periods 2&3	Reviewer's comments
independent assessment to confirm the efficacy of any improvement and other amendments to the system.	confidence in the program		
<p>15. The Parties should:</p> <p>Satisfy themselves that the requirements of Milestone 51 to provide annual comparisons of actual and modelled yields cannot be cost effectively or safely delivered in the form originally envisioned in the RFAs and</p> <p>If so, initiate action to develop an alternative arrangement that allows consideration of actual v modelled performance using the information already produced by Forests NSW. This data should be published annually.</p> <p>Keep this matter under continuous review to take advantage of refinements in FRAMES that might allow better comparison of actual v modelled performance at a sub-regional scale.</p>	Not described	Implemented in part	Not achieved – the main recommendation was that the actual yield would be checked against the predicted. FCNSW are working to make FRAMES operative at the state, RFA and tactical levels and to be able to compare actual with predicted product flows.
16. The NSW Government should take early action to complete the various reviews of sustainable yield calculations as required under Milestone 53. These reviews should be made available publicly when completed. Publication of a description of sustainable yield calculation methodologies as required by Milestone 54 should occur as soon as possible.	Both Parties agree that reviews of sustainable yield which delivers wood supply yields for the three New South Wales RFA regions are essential to the socioeconomic outcomes under the New South Wales RFAs.	Fully implemented	Achieved- there has been a lot of work refining the sustainable yield calculations including expert reviews. This work is ongoing to improve components of the inputs such as described in response to Recommendation 15.
17. That the Parties to the RFAs consider whether more systematic, cost effective approaches could be available to collect data on threatened species over time or in its absence, whether it would be valid to	Both Parties support the collection of data on threatened species on a systematic basis.	Fully implemented	Implemented. New South Wales established a systematic and cost-effective program for addressing threatened species management through the 'savings our species' program. This

Recommendation	Joint Government Response	Status for Periods 2&3	Reviewer's comments
release appropriately qualified comparative data developed from existing sources.			program sets out the government's species management plan and what needs to be done to secure New South Wales threatened species in the wild over the next hundred years.
18. The NSW Government should explore accessing data on soil and water quality from all relevant Commonwealth, State and Local government agencies including community NRM volunteer groups, with a view to developing a more systematic and comprehensive approach to monitoring of these attributes in forest areas.	Both Parties agreed to access all data that may be beneficial to the monitoring of the ESM criteria and indicators as adopted.	Fully implemented	Implemented and ongoing.

#### Points raised in the submissions

The recommendations made by the Independent Assessor seem to address many of the issues raised by the submissions made as part of this review. The Status for Period 2&3 column indicates most of the actions outlined in the Joint Government Response are complete.

It is therefore strange that the majority of submissions submitted as part of this review considered these issues to remain unresolved.

Specific issues raised by the submissions included:

- Overall dissatisfaction with the level of resourcing provided and the systems in place for conducting the five-yearly reviews and monitoring achievement of ESM.
- Insufficient EPA field staff to audit on-ground logging operations for breach of prescription.
- Insufficient monitoring of sustainability indicators across all land tenures to give a landscape perspective.
- Poor engagement with local interest groups regarding the collection and use of data on threatened species.
- Lack of a process to address issues once identified, such as issues regarding shortages in sustainable yield.
- The absence of sufficient threatened species Recovery Plans.

#### Reviewer's comments

Overall there is been progress implementing the recommendations from the first review and a number of pleasing developments prompted by these recommendations. These developments include significant progress in developing the Park Management Program and work on the high-risk areas pending the writing of actual plans for all areas. There is also been significant progress on collaborative work with threatened species protection and planning.

While it is still work in progress, FRAMES is improving in providing sustainable yield estimates. The FRAMES system and the derived sustainable yield estimates have been closely examined by experts, with subsequent progressive refinements. The first review of the RFA recommended the FRAMES predicted volumes be compared to actual log volumes and there have been three reconciliations of this important check.

There remain a number of areas where the Parties need to improve including:

- publishing of the current status of the ESFM indicators for each RFA. While this is partly covered by other reports, a consolidated report on these important descriptors is essential. (Note – this was achieved in 2016)
- publishing the NSW Forest Management System, clearly outlining the processes for managing forests on both private and public land.

There is still work to be done in regard to the agencies contacting all stakeholders well in advance of an RFA review. While the agencies have identified many key stakeholders, it is important they keep this list updated to include the many groups with an interest in forest management.

The ongoing problem of lagging on timelines for review of the RFAs is a concern. The review of period two and three of the three RFAs was around 9 and 4 years behind schedule. This follows the first review being four years behind schedule, although it was limited to milestones only.

Because the Parties failed to meet what many consider to be the most important milestone of the RFAs (that is, the review of progress in implementing the RFAs), many submitters questioned whether the Parties are genuinely committed to RFA processes. However, the reviewer finds the Report to be an impressive document that supports the Parties' commitment to RFA processes.

The reviewer recognises the agencies may find it difficult to provide adequate resources to support all the processes and commitments of the RFAs, especially where RFA processes have remained static while an evolving work environment has resulted in the need for agencies to prioritise the many competing demands on their resources.

The reviewer hopes future RFAs will be written to be more relevant, adaptive and focused on the elements that are important and current in forest management, while also protecting the integrity, accountability and transparency of the original RFAs. Hopefully this will then lead to the agencies providing adequate resourcing to both implement and review the RFAs on schedule.



## 6. Results of monitoring of sustainability indicators

Each of the three NSW RFAs requires that the five-yearly review provide an assessment of progress of the Agreements, including the results of monitoring of sustainability indicators. The NSW RFAs provide that:

- the sustainability indicators referred to in clause 47(E) (48(S) or 49(NE)) are consistent with the Montréal Process Criteria in Attachment 8(E) (or 9NE & S), and take into account the Framework of Regional (Sub-National) Level Criteria and Indicators of Sustainable Forest Management in Australia developed by the Montréal Process Implementation Group for Australia (MIG)
- both Parties agree that the indicators referred to in clause 47(E) (48(S) or 49(NE)) are to be trialled and assessed during the first five-year period to ensure they are practical, measurable, cost-effective and capable of being implemented at the regional level
- reporting on the indicators referred to in clause 47(E) (48(S) or 49(NE)) will be under the headings of the Montréal Process Criteria as in Attachment 8(E) (or 9NE & S)
- both Parties agree to further develop, review, and if necessary revise sustainability indicators in time for the first five-yearly review.

The Parties undertake regular reporting on the monitoring of sustainability indicators, outside of the RFA review mechanism. For example, the NSW EPA publishes annual reports on the implementation of the NSW Forest Agreements and integrated forestry operations approvals. In addition, NSW, the Commonwealth and the other states and territories all contribute to the five-yearly publication of the Australia's State of the Forests Report; the next one is scheduled to be published in 2018.

The sustainability indicators used are those developed by the MIG. The MIG has adapted the indicators developed by the Montréal Process Working Group on Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests to better apply to Australia's unique forest characteristics. The alignment of the 44 indicators adopted for Australia and the international indicators is published in Appendix A of Australia's State of the Forests Report 2013 (SOFR2013).

The data drawn upon for this section are generally captured at one of three levels: the NSW RFA regions, the whole of the state, or the national level. The reported level is dependent on data availability, and the level is identified at each indicator.

Points raised in the submissions

A number of submissions were critical of the sustainability indicators, saying they were descriptive, lending themselves to qualitative assessments that were not supported by evidence based science.

Reviewer's comments

The reviewer made recommendations in regard to reviewing the sustainability indicators in section 3.3.3.

### 6.1 Criterion 1 - Conservation of biological diversity

#### 6.1.1 Ecosystem diversity

Indicator 1.1.a: Area of forest by forest type and tenure

This indicator uses the area for each forest type over time as a broad measure of the extent to which forest ecosystems and their diversity are being maintained. Reporting on forest tenure aids our understanding of how different land management regimes may impact on forest biodiversity.

Indicator 1.1.b: Area of forest by growth stage

This indicator measures the change in area of forest by growth stage to reflect how ecological processes and species associated with those processes change as forests grow. The age and size of trees is important in maintaining forest biodiversity.

Indicator 1.1.c: Area of forest in protected area categories

This indicator uses the area and proportion of forest ecosystems reserved through formal and informal processes as a measure of the emphasis placed by society on the preservation of representative ecosystems as a strategy to conserve biodiversity.

Indicator 1.1.d: Fragmentation of forest cover

This indicator describes the loss of forest cover and the spatial configuration of that loss. Fragmentation can impact on forest dwelling species and gene pools through changes in the connectivity of populations and the loss of species genetic variability.

Points raised in the submissions

Submitters almost unanimously believed the Report contained insufficient evidence to prove that sustainable management of forests had been achieved. No stakeholder group was satisfied with the monitoring data provided.

Submitters said they found the Report almost impossible to read, understand (and believe) the data when it was presented in charts and tables. Several identified that the Report should have used spatial data, rather than charts and table, to display the achievement of these indicators.

Specific comments on this criterion include:

1.1.a. Cover: Missing from the evidence on this indicator is an assessment of condition. Logging results in serious weed infestations, which in turn contributes to problems like bell-miner associated dieback.

1.1.b. Growth stage: Growth stage is an important predictor of many forest attributes such as the volume of carbon stored in forests, biodiversity value and water provision. No data is presented on the change in growth stage in production forests throughout the life of the RFAs, and therefore to the degree that logging has conformed to ESFM. FCNSW has not developed a spatial layer that details the location, method and frequency of individual logging events.

1.1.c. Protected areas: Informal reserves and areas protected by prescription make up 9% of Eden, 20% of NE and 8% of Southern RFA regions. Missing is a table showing each Forest Ecosystem, the percentage reserved in each reserve type and the percentage still outstanding. No data is presented about the success of prescriptions in protecting forest values. The submitters believe that informal reserves are not a genuine protected area category.

1.1.d. Fragmentation: There is a lack of data. The report highlights that native vegetation condition is declining throughout NSW. While the 2015 State of Environment is cited, the Report fails to address Table 13.1 in 2015 State of Environment Report that shows logging to be the largest driver of canopy cover loss in NSW on an annual basis. Logging is fragmenting habitat (i.e. greater glider). The report cites land clearing as a Key Threatening Process (KTP) but fails to recognise the loss of hollow-bearing trees.

Reviewer's comments

The reviewer acknowledges the points raised by the submissions however, believes that the Report contained information that gave insights into the state of the forests in NSW. However, more detail is required in the Report to accurately analyse the areas of concern such as those raised by the submitters.

The diversity of the state's ecosystem is measured by the area of forest type and tenure, by growth stages such as regeneration and old-growth, by area of forest in protected areas and the degree of fragmentation.

The total forest area in the state is 22,681,000ha or 28% of the state's area. While this is an impressive, there has actually been a decline in forest area of around 4 million hectares between 2006 and 2011. This decline has mainly been in the eucalypt forest particularly the eucalypt medium open forest. There have been gains in the eucalypt medium woodland forest area of over 2 million hectares. These differences are not explained in the Report but it is suspected it is due to changes in how forest is assessed.

Three RFA regions are predominantly forest with Eden 74% of the area, Southern 61% and north-east 65% forest by area. There is nearly 9 million hectares of native forest in the RFA regions with around 4 million hectares in reserves. This includes an estimated 1.9 million hectares of old growth forest.

There is 644,000 hectares of forest on private land including 339,714 hectares, or after half that are protected by conservation mechanisms and contribute directly to the CAR reserve system.

In measuring fragmentation or degree of disturbance, only 9% is estimated of the forested area is in close to the natural condition. The report states that the forest condition is deteriorating due to the effects of different land uses and land management regimes. While these statements are disturbing, the criteria and methodology used need to be provided so the authenticity can be assessed.

The vegetation map base with extended parameters is being developed as part of OEH Native Vegetation Information Strategy. NSW has retained an impressive area of forest and has reserved over half in conservation reserves. This protection extends for over half the forest on private land. Nearly half of the forest in reserves is old growth.

While overall the protection of the state's forest is impressive there are concerns particularly with the overall decline of 4 million hectares in forest area over the period from 2006 to 2011 although this likely to be the way forest is assessed. The other concern is fragmentation of the forest with only 9% in natural condition and the overall assessment that the forest condition is deteriorating.

These descriptors of the forest condition need stronger definition and explanation. The base must be through mapping and narrative clearly defining of the causes and trends of deterioration. This mapping and analysis must be widely promulgated and provide an objective factual base and the trends for discussion to support management to improve the state of the forest.

Recommendation - Future NSW Agreements to require a detailed and well-presented analysis of the conservation status of the forest, include an explanation for any decline in health or loss of forest area.

## 6.1.2 Species diversity

Indicator 1.2.a: Forest dwelling species for which ecological information is available

This indicator reports the level of information available to manage forest dwelling species and tracks changes in this knowledge over time. The amount of habitat, disturbance and life history information available to make management decisions indicates the capacity to assess risk to species and to implement conservation strategies.

Indicator 1.2.b: The status of forest dwelling species at risk of not maintaining viable breeding populations, as determined by legislation or scientific assessment

This indicator measures the conservation status of nationally listed threatened forest dwelling species. Documentation of this information over time allows analysis of changes to species' conservation status indicating the extent to which forest species biodiversity is being maintained.

Indicator 1.2.c: Representative species from a range of habitats monitored at scales relevant to regional forest management

This indicator provides broad habitat, population, and range information for representative forest dwelling flora and fauna. Evidence of changing ranges or densities of forest dwelling species can be used to guide forest management activities so that they are consistent with maintenance of forest biodiversity.

## Points raised in the submissions

Submitters identified the Report contained inadequate data on the proportion of each forest ecosystem protected or impacts on species.

Additionally, as mentioned in section 3.3.5, submitters identified that the following threatened species had been omitted from the tables in this report:

- Glossy Black Cockatoo
- Barking Owl
- Olive Whistler
- Yellow-Bellied Glider
- Squirrel Glider
- Pink Robin
- White-Footed Dunnart.

The absence of baseline information meant it was not possible to identify whether improvement had occurred over the life of the RFA. Additionally, data across multiple tenures (in particular, conservation reserves and private property) was not provided so there was no way of identifying the status of many threatened species on a landscape scale.

The majority of submitters were not convinced of the success of programs for threatened species in State forests and most called for logging to cease in these areas.

Specific comments on this criterion include:

1.2.a. Forest-dwelling species: This indicator cites non-ecological data almost exclusively from NPWS's WildCount program. The conclusion is that FCNSW is doing no work to increase knowledge of habitat, disturbance and life history information and is not collecting any data to track changes in species over time.

1.2.b. Forest-dwelling species at risk: Need to assess the change in conservation status of forest species or ecosystems over the life of the RFAs. It is not possible to accurately report on the trends of forest species if no effort is made to survey them.

1.2.c. Representative species monitored: There is no data to allow the reader to assess population trends of the monitored species and therefore to assess whether the RFAs have been effective in their protection. Monitoring requires information on change over time.

## Reviewer's comments

The reviewer supports the views of the submitters but notes a number of programs underway to address these issues.

There is reasonable information on species numbers of forest dwelling vertebrate and vascular plant species although the figures finish at 2011. The WildCount program measuring fauna numbers and activity is a more recent intervention and will provide much needed information. Volunteers must be welcomed into the program and used more widely as there are many mutual benefits.

NSW has 25 of the forest ecological communities listed as threatened ecological communities under the Environment Protection and Biodiversity Conservation Act 1999.. This is around half of the national listed communities.

Surveys by the FCNSW show an increase in sightings of threatened species over a three-year period and the number of individual sightings over a two-year period 2013 to 2014. FCNSW do pre logging surveys for amongst other forest values, expertly survey for threatened species hence the listing of sightings. While it is commendable that the FCNSW is recording this information, without the methodology and analysis, it does not convey verifiable baseline information.

There is good work by the Parties monitoring forest dwelling species. There is however, a lack of overall coordination although this may develop with OEH's eMAR framework. The state 'Saving our Species' program to conserve the genetic variation from extinction should also fit into a wider state conservation protection program. There are working examples of protection of the forest timber species both nationally and within the state.

The state carries many of the nationally listed threatened forest ecological communities. The report does not give a clear indication of the conservation status of these threatened communities and the area of the communities within the CAR reserve system.

While there is good work being done individually by the agencies on monitoring the forest dwelling species, there does not appear to be well set out common objectives, methodology, analysis and reporting. Potentially the eMAR framework may provide this with the inclusion of the 'Saving our Species' program to conserve genetic diversity.

### 6.1.3 Genetic diversity

Indicator 1.3.a: Forest associated species at risk from isolation and the loss of genetic variation, and conservation efforts for those species

This indicator assesses the risks to loss of forest genetic variation and describes the formal measures designed to mitigate this risk. A loss of genetic diversity in species can result in a decreased ability to adapt to future environmental change, and thus a higher risk of extinction.

Indicator 1.3.b: Native forest and plantations of indigenous timber species which have genetic resource conservation mechanisms in place

This indicator uses the coverage and implementation of formal genetic resource conservation mechanisms as a measure of the degree to which timber species' genetic resources are managed and conserved.

Points raised in the submissions

Specific comments on this criterion include:

1.3.a. Forest species at risk of isolation: Logging increases the degree of isolation of forest patches for many forest-dependent species by reducing key habitat features e.g. the greater glider. There is no data provided to indicate the success of prescriptions in increasing dispersion.

1.3.b. Genetic resource conservation: No data is presented. There is concern that a single species (blackbutt) is favoured over other species, which may decrease the genetic diversity in production forests over time.

Reviewer's comments

As discussed in sections 3.4 and 3.9, more research is needed on the effects of logging and species migration across the broader landscape.

## 6.2 Criterion 2 - Maintenance of productive capacity of forest ecosystems

Indicator 2.1.a: Native forest available for wood production, area harvested, and growing stock of merchantable and non-merchantable tree species

This indicator reports the capacity of forests to sustainably produce wood to meet society's needs into the future. The area of native forest available for wood production, the nature of the growing stock, and the area harvested over time provide means to demonstrate the sustainability of forest management.

#### Indicator 2.1.b: Age class and growing stock of plantations

This indicator uses the area, age class and growing stock of native and exotic species plantations to assess the volume of timber that Australia's plantation forests can supply now and into the future.

#### Indicator 2.1.c: Annual removal of wood products compared to the volume determined to be sustainable for native forests, and the future yields for plantations

This indicator measures the harvest levels of wood products in relation to future yields. The capacity to implement strategies to deal with changing demand for forest products based on future yields from both native and plantation forests is an integral part of sustainable forest management.

#### Indicator 2.1.d: Annual removal of non-wood forest products compared to the level determined to be sustainable

This indicator is used to assess the sustainability of the harvest of non-wood forest products. These products can represent a significant asset base supporting the livelihoods of remote communities.

#### Indicator 2.1.e: The area of native forest harvested and the proportion of that effectively regenerated, and the area of plantation harvested and the proportion of that effectively re-established

This indicator is used to assess the success of the re-establishment of forests after harvesting. Re-establishment is critical to the maintenance of the productive capacity of the forest.

#### Points raised in the submissions

Almost all submissions were concerned over the economic and environmental sustainability of the timber industry over the life of the RFA and believed the Report had inadequate data to prove otherwise.

The timber industry identified that the Report failed to adequately demonstrate they were managing sustainably and this caused them issues. Conservation groups identified that the lack of data proved the forests were not being managed sustainably.

Several submitters identified this data would be better represented in a spatial (map) format.

Submitters' comments in regard to sustainable yield are summarised in section 3.5.

Specific comments on this criterion include:

2.1.a. Available forests and area harvested: Failures to meet WSA means that the NSW has spent approximately \$12 million buying-back non-existent timber. No reference is made to the review of WSAs that showed widespread dissatisfaction of smaller millers at preferential treatment of a larger company. Table 24 indicates that the harvestable area has increased slightly over the life of the RFAs, in contradiction of the view that reservations have reduced harvestable area.

2.1.b. Plantations: This section needs some discussion about the trends in plantations over time and the interaction between the plantation and native sectors.

2.1.c. Removal of wood products: A key element of this indicator is 'the level determined to be sustainable'. The data provided gives no information about this level.

2.1.d. Removal of non-wood products: A key element of this indicator is 'the level determined to be sustainable'. The data provided gives no information as to this level, and therefore no assessment can be made as to whether the figures in Table 35 reflect sustainable use.

2.1.e. Area harvested and proportion regenerated: Data is provided about the regeneration of forests. However, the average proportion regenerated is 79.5% and in some years considerably less. It is not clear from the data which areas are failing to regenerate. No interpretation is given of how this is consistent with ESFM.

#### Reviewer's comments

Refer to section 3.5 for discussion on sustainable yield. Further details on the productive capacity of the forests is as follows.

The forest area available for harvest and the actual area harvested annually are set out and reported on as part of the overall forest management system. Around 2% of the forest available for harvest was harvested in 2013-14 declining from around 4% in 2004-05. The annual area harvested has increased over time. This is not explained adequately but the reviewer expects that it is due to logging lower yielding forest and returning to re-thin previously logged stands.

Sawlog volumes are set by the annual sustainable yield and take into account restrictions on harvesting defined by the codes of forest practice. Adjustments to set allowable yields can be made due to disturbance such as damage through bush fires and longer term forest changes such as from climate change. FRAMES is the main growth and yield prediction model and it has been progressively reviewed and improved in recent times.

The harvested volume of sawlogs and pulpwood from native forest in 2013-14 was the lowest volume over the period of the RFAs. This is due in part to lessening demand for products, revision of yields and damage from high intensity fires.

Forests are regenerated after harvesting with systematic checks on success. The standard for successful regeneration is 70% of the area is restocked and this has been achieved across the RFAs between 2004-05 and 2013-14 each year except during 2006-07.

The area of forest under plantation in the state is 390,000 hectares. Softwood species comprise 76% of this total.

There are many non-wood products harvested from the state forests. There are controls in place to protect environmental values.

The native forest timber industry is heavily regulated with limited areas of forest that can be logged and tight operational controls that are independently checked for compliance. The yield is based on the estimated sustainable harvest level and the productivity maintained as defined within the sustainability indicators by successful regeneration.

The State's plantation resource is significant, with the softwood plantation area maintained while the area of hardwood plantation declining due to loss of financial incentives.

It is disturbing that a number of submitters have raised what they believe is unfair allocations of WSA within the industry with smaller mills being overlooked for the larger mills. It is not appropriate for the reviewer to comment on these assertions but to reiterate there needs RFA processes to openly manage these issues.

Wood for bio fuel is a contentious issue and consideration of its use should be included in the contemporary study of native forest logging as recommended in 2.3.2.

There are significant non-wood products from the three RFAs. It is not possible to assess from the report if productivity is sustainable and limits are required based on the current knowledge. For example, the estimated sustainable level of harvest of kangaroos should be stated.

## 6.3 Criterion 3 - Maintenance of ecosystem health and vitality

Indicator 3.1.a: Scale and impact of agents and processes affecting forest health and vitality

This indicator identifies the scale and impact on forest health of a variety of processes and agents, both natural and human-induced. Through the regular collection of this information, significant changes to the health and vitality of forest ecosystems can be monitored and measured.

Indicator 3.1.b: Area of forest burnt by planned and unplanned fire

This indicator is used to provide an understanding of the impact of fire on forests through the reporting of planned and unplanned fire. Fire is an important part of many forest ecosystems in Australia and may have either a positive or negative impact on forest health and vitality.

## Points raised in the submissions

### Specific issues related to bell miner associated dieback (BMAD):

- Failure of the Report to mention the intensity or extent of the BMAD problem in the World Heritage Area in the Border Ranges, Toonumbar and Richmond Range National parks, and in other State forests.
- Disagreement with the statement in the Report that the primary cause of BMAD is reduced fire frequency – when the recently released BMAD Causal Review supports that ‘canopy disturbance’ (that is, logging) is the primary causal factor.
- The failure of the Report to mention that the scale and intensity of BMAD outbreaks have increased considerably over the life of the RFAs.
- The RFA review document makes reference to the BMAD Working Group (BMADWG). The BMADWG did make a number of significant achievements in its 15 years of operation however it has not received any Government support or met or been consulted for the past five-years.
- The FCNSW (supported by the BMADWG) has attempted to manage BMAD at Mt Lindsay and Donaldson State forests following logging disturbance but this has failed.
- The cost to restore forest from BMAD is around \$2500 per hectare and the cost of restoring the tens of thousands of hectares in the Upper North East Forest estate alone is enormous and will ultimately be far greater than the net value of timber taken from these forest compartments.

### Fire received several mentions in the submission:

- The timber industry believed their management of the State forests had a positive effect on fuels and fire intensity.
- The impact of climate change on fire frequency and intensity.
- The need for fire management regimes to be conducted with consideration to traditional Aboriginal fire treatments.
- The shortage of resources to manage fire and planned burning in conservation reserves.
- The build-up of fuels in conservation reserves due to lack of active fire management.

### Comments on this criterion include:

3.1.a. Scale and impact of agents and processes affecting forest health: Logging increases light to the under or mid-storey and healthy forests may move towards a BMAD affected forest. Logging should therefore not take place in susceptible forests. BMAD can kill forests and reduce timber stocks. The report fails to make any analysis of soil impacts of logging.

3.1.b. Area of forest burnt: It would be useful to have a breakdown of how much State forest has been burnt, including proportions, and what impact this has had on timber stocks.

### Reviewer's comments

There are a range of threats that impact the health and vitality of the forest ecosystems, including invasive pests and plant disease. Some like *Phytophthora* species, Myrtle Rust and BMAD have high potential to do damage and effect sustainability to timber production and conservation values.

Bushfires have burnt 656,000 hectares of forest over the 7-year period from 2004-05 to 2010-11. This is an average of around 90,000 hectares burnt each year which is a significant area.

Forests like any natural system are always vulnerable to invasion from external unwanted agents. While the report lists some of the forest invasive agents that have, or have the potential to effect sustainability and forest health, there are others that need to be noted. These include for example, deer and feral horses that graze on native vegetation and compact and disturb soil effecting conservation sustainability, as well as feral cats and wild dogs preying on wildlife.



The potential effects of climate change need to be noted here, particularly on bush fire and flood events. High intensity bushfires can have an immense impact on all forest values killing millions of animals, spoiling water catchments, releasing stored forest carbon, destroying soil structure and the forest structure. It can take many decades for the environment to recover from the effect of a large high intensity bushfire. Protecting the environment from bushfires and other significant events is dependent on the agencies being well prepared with the risks identified through analysis and modelling.

## 6.4 Criterion 4 - Conservation and maintenance of soil and water resources

### Indicator 4.1.a: Area of forest land managed primarily for protective functions

The area of forest land where priority is given to protecting soil and hydrological functions provides an indication of the emphasis being placed by society on the conservation of these values. This indicator includes areas managed to protect soil and water by excluding incompatible activities.

### Indicator 4.1.b: Management of the risk of soil erosion in forests

This indicator assesses the extent to which the risk of soil erosion has been explicitly identified and addressed in forest management. The avoidance of soil erosion reflects the extent to which associated values, including soil fertility and water quality, are protected.

### Indicator 4.1.c: Management of the risks to soil physical properties in forests

This indicator measures the extent to which the risk to soil physical properties in forests has been explicitly identified and addressed. The protection of soil physical properties, including minimising soil compaction and redistribution, affects soil integrity and, as a consequence, many associated values.

### Indicator 4.1.d: Management of the risks to water quantity from forests

This indicator measures the extent to which the risk to water quantity has been explicitly identified and addressed in forest management. Water quantity is important for ecosystem health and water supply for human use.

### Indicator 4.1.e: Management of the risks to water quality in forests

This indicator measures the extent to which the risk to water quality has been explicitly identified and addressed in forest management. Water quality is important for forest ecosystem health and water supply for human use.

### Points raised in the submissions

A majority of submissions were critical of the impact of logging on soil and water properties in State forests. There was particular concern about the impact on water quality and quantity, given climate change and the projections for reduce rainfall and increased frequency of droughts, and the increasing value of water resources. Roading and the increased logging rotations in State forests exacerbated erosion and water quality.

The majority of submissions considered the impact of logging on water supplies was not in keeping with the principles of ESM and supported the cessation of logging in native forests.

Specific comments on this criterion include:

4.1.a. Area managed for protective functions: This indicator requires maps of the locations of open and closed catchments and an explanation as to why the areas protected change over time.

4.1.b. Management of the risk of soil erosion: No data is provided to allow the public to assess the degree to which soil erosion has been avoided.

4.1.d. Management of the risks of water quantity: Spatial information on logging operations would help, as would better presentation of the FCNSW data that is cited (e.g. changes in stream flow over time; changes in sediment loads etc.).

## Reviewer's comments

The State has extensive regulations and processes in place to mitigate impacts from timber harvesting in both native forests and plantations. The EPA monitors compliance with IFOAs with a state wide audit and enforcement program. As well the FCNSW conducts its own audits.

Between 1 and 2% of the total native forest estate is logged annually. All areas are assessed for the risk of soil erosion and measures set out to limit soil loss. This may include changing the harvesting approach like moving to selective logging to lessen soil disturbance. However, there is no data in the Report that indicates if the erosion control measures are successful and this information is needed.

There are extensive regulations and processes including independent checks on compliance in place to manage and oversight logging and other forest activities that may impact on soil and water resources.

A significant potential threat to soil and water values are large high intensity bush fires that impact over whole catchments. It is critical that the agencies involved in fire management understand and are resourced so they can more effectively manage for forest fires. This must include prevention actions like strategic burning programs and forest fuel management as well as strong first attack capability on fires and adequate resourcing for long run fires. It is expected that climate change will increase this risk with drier hotter conditions.

Poor roading practices can also impact on soil and water values through lack of maintenance. The trends across the RFAs in roading management, such as new roading and track development, and the related resourcing need to be shown.

## 6.5 Criterion 5 - Maintenance of forest contribution to global carbon cycles

Indicator 5.1.a: Contribution of forest ecosystems and forest industries to the global greenhouse gas balance

This indicator assesses the contribution of Australian forests to the global carbon cycle. Forest management can have a significant positive or negative impact on the global carbon cycle.

### Points raised in the submissions

A large number of submissions referenced carbon and saw detailed information about carbon as a major omission in the Report and evidence that the RFAs were outdated. There was particular concern about the carbon impacts of woodchipping for export for the manufacture of disposable paper products.

Submitters identified that when the RFAs were written 'there was little public concern about greenhouse gas emissions, little awareness of the greenhouse emissions associated with clearing forested land, and no associated financial incentives to preserve carbon sinks in old growth forests or forests which had been selectively logged prior to extensive mechanisation and allowed to regenerate. All of these factors have changed over the twenty-year period of the RFAs.'

With regard to the information provided in the Report for Criterion 5 submitters claim the Report is almost fraudulent in its treatment of the issue, it makes no mention at all of massive carbon release through industrial clear fell logging and the export of massive quantities of woodchips.

'To make matters worse, it has even been proposed that surplus woodchips could be burned to generate "renewable" energy. Despite the loss of sequestered carbon, and the other emissions associated with logging, transport etc., this would amount to an even lower economic value for this timber than for paper making.'

Submitters claim that ending logging in the forests of the southern forest region would result in between 1.2 and 1.5 million tonnes of avoided emissions per year and, at a conservative price for carbon of \$10 per tonne, there is the potential for these public forests of South East NSW to earn about \$20 million per annum as compared to the substantial financial losses presently be incurred by the present native forest logging operations. Submitters accuse the Government of failing to see the opportunity that retaining

native forests as carbon credits offers.

‘The Forest Industry Roadmap suggests that logging forests can help mitigate climate change. Independent research in southern NSW suggests that this is misguided. Instead, managing forests for conservation can have much greater carbon mitigation benefits as carbon stocks are recovered.’

Comments on this criterion include:

5.1.a. Contribution of forest ecosystems and forest industries to greenhouse gas balance: Unfortunately, the report has chosen to represent the industry viewpoint on forest carbon cycles without citing the research of independent scientists that presents alternative findings. An evidence-based approach to carbon stocks is needed.

#### Reviewer’s comments

The reviewer notes that the contribution of forests to global carbon cycles is controversial. There is conflicting recommendations from studies on carbon storage and management.

The report indicates that the states forest now store 791.2 millions of tonnes of carbon and sequest 4.2 millions of tonnes annually from the native forest and 3.3 million tonnes from softwood plantations. This illustrates how important the forested areas are in managing carbon. Most of the carbon (83%) is held in ‘non production’ forest which includes the forest held in CAR system reserves.

The report illustrates the positive value of the state’s forest in managing carbon. This includes the areas used for wood production.

Recommendation – In future RFA reviews, NSW to report on:

- Contemporary information on the science of carbon storage and forests
- The contribution of NSW forests to the global carbon cycle
- Opportunities to enhance carbon storage in forests.

## 6.6 Criterion 6 – Long-term socioeconomic benefits

The wording of Criterion 6 is: Maintenance and enhancement of long-term multiple socioeconomic benefits to meet the needs of societies.

### 6.6.1 Production and consumption

#### Indicator 6.1.a: Value and volume of wood and wood products

This indicator measures the size and economic contribution of the wood products sector to the economy. Analysis of trends in the value and volume of wood and wood products enables socioeconomic benefits derived from the forest industry to be assessed.

#### Indicator 6.1.b: Values, quantities and use of non-wood forest products

This indicator measures the quantities, values and usage of non-wood products. It enables socioeconomic benefits to be monitored by ascertaining trends in quantities, values and usage of non-wood products.

#### Indicator 6.1.c: Value of forest-based services

This indicator measures forest-based services such as ecosystem services, carbon credits, salinity mitigation and ecotourism. Forest-based services provide economic values and contribute to the sustainability of forests by providing significant social and environmental benefits.

Indicator 6.1.d: Production and consumption and import/export of wood, wood products and non-wood products

This indicator measures the consumption of forest-based products in Australia. Consumption trends over time provide a measure of the ability of Australian forest and timber industries, through both domestic production and importation, to meet Australian society's demand for forest-based products and the industries' contribution to the economy.

Indicator 6.1.e: Degree of recycling of forest products

This indicator measures the extent to which recycling or reuse of forest products occurs. As global demand for forest products increase, there is a growing need to meet societal demands for recycling of forest products.

#### Points raised in the submissions

A large number of submitters requested a comparative analysis of the value of wood products and the value of other forest aspects such as the value of carbon, water etc.

Some submitters thought the Report should identify the degree to which the native timber industry was subsidised by the plantation industry or directly from government. Without this information, the socioeconomic benefit of the timber industry is not clear.

'FONSW has two operating segments; the Softwood Plantation Division, and the Hardwood Division. For the six years between Fiscal Year 09 and Fiscal Year 14, the Softwood Plantations Division cross-subsidised loss making native forestry to the order of \$79 million.'

Specific comments on this criterion include:

6.1.a. Value and volume of wood and wood products: It would be more useful to separate public and private native forest volumes. Explanation as to the decline in harvest over time in native hardwood is not offered. This is important information as one of the aims of the RFAs was to ensure a sustainable industry.

6.1.b. Non-wood forest products: Because the indicator includes data outside RFA regions it is not possible to assess patterns in state forests.

6.1.c. Value of forest-based services: Well-developed markets exist for water, carbon and tourism. The discussion of bio-banking is irrelevant to analysis of performance under the indicator. The field of ecosystem service valuation has advanced since the RFAs were signed, yet there is no discussion of this.

#### Reviewer's comments

The reviewer discusses the socioeconomic aspects of forest use in section 2.3.2 and 2.3.7. Further details on the socioeconomic aspects follow.

The financial value of timber production from state's forests in the RFA areas in 2014 is estimated at \$378 million with softwood plantations contributing \$269 million. In the period from 2005 to 2014, native hardwood value has declined from \$113 million in 2005 to \$102 million in 2014. However, there has been a significant reduction in volume harvested over this period (1,846,000 M3 down to 914,000 M3) indicating a significant rise in the unit value of the timber harvested.

There is a wide range of other products produced from the forest, indicating the multiple use by the community. Forests also provide community services such as clean air and water, biodiversity and carbon sequestration. Many of these have not been financially valued although the State has introduced Biobanking where biodiversity credits can be traded.

Around 8 million visits were made to forest based ecotourism destinations in NSW in 2009 and 2010. Around 40% of these visits were by international visitors. Around 7 million hectares of public land is available for recreation across NSW. The majority (71%) is in reserves managed by the NPWS.

There has been a steady but significant decline in the recreational facilities provided for tourists and visitors to NSW forests, although there is a reported upturn in the use of State forest for outdoor activities such as mountain bike riding, horse riding and orienteering.

The production and consumption of wood products is described but not quantified in the report. The report indicates that timber recycling is increasing while recycling of other products such as paper is declining slightly.

The Report in Table 38 indicated the budget for FONSW was around \$28 million across NSW in 2012-13. The recurrent budget for NPWS in 2011-12 was \$277 million.

Various reports indicate that research expenditure into the forest and wood products sector has declined by between 8% and 13% in recent years. Estimates on research on the wider forest aspects such as biodiversity, bush fire effects, water production are not given.

About 2.7 million hectares of forest across NSW is managed with the Aboriginal community, with the main area being co-managed with the land managers (81%). There are good working examples of partnership arrangements that are working across forests in NSW.

Surveys indicate that the public level of understanding of the value of forests, such as for carbon storage, is increasing. There is continued community support for the use of wood products, as it is acknowledged as more 'environmentally friendly' than the alternatives.

There has been a decline in employment in the forest sector from 70,500 in 2013-14 to 64,300 in 2015-16. There are no figures given for forest management work.

Wage rates are increasing in the wood product sector and are higher than other primary industries. Injury rates are declining in the sector. Eight statistical local areas were shown to have high dependence on the timber industry. Most of these areas experienced a decline in employment in the industry but this was less than the decline in overall employment indicating the industry improved community resilience. Around 1 to 1.4% of the Aboriginal population on the NSW rural east coast are employed in the timber industry.

#### Recommendation

Refer to recommendation in sections 2.3.2 and 2.3.7.

### 6.6.2 Investment in the forest sector

#### Indicator 6.2.a: Investment and expenditure in forest management

This indicator quantifies investment and expenditure in developing, maintaining, and obtaining goods and services from forests. It provides an indication of the long-term and short-term commitment to forest management, further processing and other forest uses.

#### Indicator 6.2.b: Investment in research, development, extension and use of new and improved technologies

This indicator monitors the investment in, and adoption of, new or improved technologies in forest management and in forest-based industries. It also quantifies the level of research and development. Significant investment in research, development and new technologies result in continual improvements to forest management practices.

#### Points raised in the submissions

The Report focused on Government investment, rather than private investment in forest management.

A number of businesses in the timber industry indicated they had made substantial investment in research and development, but noted this investment was constrained by a lack of resource security and scale.

'Family financial investment in this and ongoing investments in private native forestry is considerable and its outcome is dependent on continued critical mass of supply of sawlogs from the public estate.'

Another company said: 'The long delays in conducting the prescribed five-yearly reviews, and the failure to acknowledge significant shortfalls of resource, have left our company grossly uninformed as to future terms of Forest Agreements, if any, or for any basis of investment at all.'

#### Reviewer's comments

Timber production has declined from the native forest but its unit value has increased, indicating it remains in demand and is valued. Softwood plantations are an increasingly important component of the rural and state economy and are significant in sustaining many rural areas in NSW.

The forests provide many products including environmental services such as water and biodiversity. These must be valued so management can be supported. For example, facilities for forest based recreation have declined yet use of the forest for recreation remains strong.

There is a need to show the overall Government investment in forest and park and reserve management. Continued support with investment in the key areas such as research, road maintenance, fire management and conservation is critical to sustain forest assets.

The large forest area that is co-managed with the Aboriginal community is commendable and will assist in sustaining cultural aspects as well as adding diversity to forest management.

It is difficult to assess the socioeconomic benefits of the forests from the information given. The key indicator of the multiplier effect of value from forest use is not provided or the wider employment figures by including the forest and park resources. Again, having a clearer focus on the value of the forest will assist in gaining support that will sustain the many benefits from forests.

#### Recommendation

Refer to recommendations in section 2.3.5 in relation to budget transparency, section 3.9 in relation to funding for research and section 6.4 in relation to investment in roading.

### 6.6.3 Recreation and tourism

#### Indicator 6.3.a: Area of forest available for public recreation/tourism

This indicator measures the area of forest available for use by the community for recreation and tourism purposes. This provides an indication of the emphasis placed by society on the management of forest for recreation and tourism.

#### Indicator 6.3.b: Range and use of recreation/tourism activities available

This indicator assesses the range and number of recreation and tourism facilities provided in forests, their level of use and their contribution to the broader tourism sector. Appropriate and well managed facilities help to optimise visitor satisfaction as well as minimising environmental impacts associated with recreation and tourism.

#### Points raised in the submissions

A majority of submissions identified State forest as providing extensive on-going opportunities for public recreation and tourism and included a large number of suggestions. Most thought the logging of native forests should cease and the local economies of timber towns should convert to tourism.

However, there was some debate about the level of jobs that would be provided through this transition: whether they would provide stable long term employment or just short-term casual positions.

Comments on this criterion include:

6.3.b. Range and use of recreation/tourism: No measure of user satisfaction is presented. This is important as logging recreation areas frequently causes conflict. The number of most facilities has steadily declined over time.



#### Reviewer's comments

Virtually all State forest is open for recreational use.

There is decline in the activities where visitors seek permits for use of State forest. There has been a significant reduction in the facilities provided in State forest, which is a concern. Overall across the state there is an increase in visitors seeking nature based recreational experience and there has been a steady increase in visitors seeking activities like mountain bike riding and horse riding.

The Report contained no data regarding recreation/tourism in the reserve system managed by NPWS

Refer to section 2.3.7 regarding a recommendation on reviewing the socioeconomic effect of any change in land use.

#### 6.6.4 Cultural, social and spiritual needs and values

Indicator 6.4.a: Area of forest to which Indigenous people have use and rights that protect their special values and are recognised through formal and informal management regimes

This indicator monitors the degree to which land is placed under appropriate tenure classifications or management regimes to protect Indigenous peoples' values in forests. An acceptable level of accountability for the protection of Indigenous peoples' cultural, religious, social and spiritual needs and values is an essential part of forest management.

Indicator 6.4.b: Registered places of non-Indigenous cultural value in forests that are formally managed to protect those values

This indicator measures and monitors management regimes for non-Indigenous cultural values, such as historical, research, education, aesthetic, and social heritage values. Maintaining these values is integral to the protection of non-Indigenous people's values associated with forests.

Indicator 6.4.c: The extent to which Indigenous values are protected, maintained and enhanced through Indigenous participation in forest management

This indicator measures the extent to which Indigenous people participate in forest management. Active participation in forest management reflects the relationship between people and the land, and the integration of Indigenous peoples' values with forest management practice, policy and decision-making.

Indicator 6.4.d: The importance of forests to people

This indicator measures the range of attitudinal values that communities and individuals place on their forests. The importance of forests to society is exemplified through the value that people place on biodiversity, clean air and water, social equity or simply the knowledge that Australia's forests exist.

#### Points raised in the submissions

Several submissions identified that logging and the subsequent environmental disturbance indicated a lack of respect for Aboriginal cultural values.

Submission 5396 states the RFA process has failed to facilitate Aboriginal involvement to any more than a marginal degree and only addressed cultural significance, not economic needs or legal rights. The 20-year nature of the RFAs has effectively suspended native title claims for their duration. An example given was Mumbulla mountain, on the south coast of NSW, where Indigenous values failed to prevent logging operations from being conducted.

#### Reviewer's comments

There is strong Aboriginal involvement in forest management across NSW and in all tenures, with heritage protection for cultural sites. The forests provide for aboriginal cultural practices such as seeking bush tucker and materials, and also provide for spiritual and social wellbeing.

Direct involvement and care must be taken by agency management in dealing with activities that may involve or intrude on Aboriginal cultural interests. These need to be worked through using the State processes that cover the protection of Aboriginal values.

A reasonable number of Aboriginals are employed in forest management and this is expected to grow as more land and responsibility moves to Aboriginal communities. The figures indicate there is Aboriginal employment in the timber industry, which is important as a number of the Aboriginal communities are situated near the forest.

### 6.6.5 Employment and community needs

#### Indicator 6.5.a: Direct and indirect employment in the forest sector

This indicator measures the level of direct and indirect employment in the forest sector. Employment is an important measure of the contribution of forests to viable communities and the national economy.

#### Indicator 6.5.b: Wage rates and injury rates within the forest sector

This indicator measures the level of wage and injury rates in the forest sector. A sustainable industry will ensure high levels of workforce health and welfare and wage rates comparable with national averages for other occupations.

#### Indicator 6.5.c: Resilience of forest dependent communities to changing social and economic conditions

This indicator provides a measure of the extent to which forest dependent communities are able to respond and adapt to change successfully. Resilient forest dependent communities will adapt to changing social and economic conditions, ensuring they remain viable into the future.

#### Indicator 6.5.d: Resilience of forest dependent Indigenous communities to changing social and economic conditions

This indicator provides a measure of the extent to which forest dependent Indigenous communities are able to respond and adapt to change successfully. Resilient forest dependent Indigenous communities will adapt to changing social and economic conditions, ensuring they prosper into the future.

#### Points raised in the submissions

A number of submissions commented that the timber industry employed only a small number of people.

Conversely, other submissions identified significant employment either directly within the timber industry or in communities associated with the timber industry.

Specific comments on this criterion include:

6.4.a. Direct and indirect employment: This section fails to disentangle the native forest and plantation sectors.

6.5.c. Resilience of forest communities: This indicator does not give much information about the resilience of communities. It is important to disaggregate the native forest and plantation sectors so the public can better understand the job contributions and trade-offs.

6.5.d. Resilience of Indigenous communities: Total employment of Aboriginal people is extremely low, and forestry accounts for a small proportion of Aboriginal employment. This suggests the economic opportunities for the Aboriginal community are minimal.

#### Reviewer's comments

Refer to the discussion and recommendation on the socioeconomic impact of any change in land use in section 2.3.7.



## 6.7 Criterion 7 - Legal, institutional and economic framework

The full wording of this criterion was: Legal, institutional and economic framework for forest conservation and sustainable management.

Indicator 7.1.a: Extent to which the legal framework supports the conservation and sustainable management of forests

This indicator outlines the support that the legal system gives to the sustainable management of forests. A legal system that ensures transparency and public participation in policy and decision-making processes supports the continuous improvements in sustainable forest management.

Indicator 7.1.b: Extent to which the institutional framework supports the conservation and sustainable management of forests

This indicator examines the institutional frameworks that support sustainable forest management. Institutional frameworks provide mechanisms for engagement of the wider community in the process of continuous improvement and sustainable forest management.

Indicator 7.1.c: Extent to which the economic framework supports the conservation and sustainable management of forests

This indicator examines the extent to which Government policies support the conservation and sustainable management of forests. Government policies on investment, taxation and trade influence the level of investment in forest conservation, forest establishment and timber processing.

Indicator 7.1.d: Capacity to measure and monitor changes in the conservation and sustainable management of forests

This indicator examines the capacity of forest owners and agencies to measure and monitor changes in the forest and the impact of forest activities. A comprehensive measurement and monitoring programme provides the basis for forest planning to support sustainable management.

Indicator 7.1.e: Capacity to conduct and apply research and development aimed at improving forest management and delivery of forest goods and services

This indicator reports on the scientific understanding of Australian forest ecosystem characteristics and functions needed to underpin sustainable forest management. Research, inventory and the development of assessment methodologies provide the basis for sustainable forest management.

Points raised in the submissions

Issues in regard to this criterion are discussed in other sections of this report as follows:

- Legal framework – section 3.11
- Institutional framework for engaging the community - sections 2.3.6 and 4.4
- Government policies supporting conservation and sustainable management of forests – section 3.3
- Capacity to measure and monitor changes in the forest – sections 3.3.1 and 3.3.3
- Research - section 3.9.

Reviewer's comments

The Forestry Act 2012 is the primary legislation relating to the management and use of state forest and crown land for timber production across NSW. It constitutes the FONSW as a statutory state owned corporation. OEH, through NPWS, manages the National parks and conservation reserves.

There are reports and ongoing programs for monitoring and assessing the conservation and sustainable status of the forests with the RFAs. These include reporting on vegetation and mapping threatened ecological communities in State forests and private forestry. While this work is commendable, the overall management and direction setting and the essential coordination across all tenures is not apparent. It is also not possible to assess the overall investment and comment on if it is sufficient to sustain forest values.

## 7. Summary of the public submissions

The reviewer would like to thank the public for their efforts in providing submissions and notes many submitters have put considerable time and effort into preparing their submissions.

The reviewer has summarised the submissions for inclusion in this document, and has attempted to keep the intent of each submission intact. Where the reviewer was unable to do this adequately, such as where a submission was extensive and complex, the reader is directed to the full submission. A number of submissions were also heavily referenced: however, references are not included in the summary.

A number of submissions were confidential and yet held information of importance to this review. The reviewer has removed all identifying comments and identified these submissions as 'Anonymous'.

### Proforma letter 1

Due to the number of submissions that followed this proforma, this submission is provided in full.

'I am writing in response to consultation on the NSW Regional Forest Agreements (RFAs) and to state my opposition to their renewal. The RFAs are a failed model for forest management.

We are living within the sixth extinction. Today, there are over 1000 threatened species and 100 threatened ecological communities in NSW alone. Australia's carbon emissions are increasing, threatening the health of our community. We know that trees provide the most effective form of carbon capture and storage, yet the RFAs continue to allow the logging of NSW's public native forests.

RFAs exempt the public native forest logging industry from complying with Commonwealth environment laws. While every other industry must comply with these laws, logging in habitat for federally listed threatened species can proceed with legal impunity under RFAs.

RFAs were initially developed as a model to facilitate multiple uses of public native forests, including timber extraction and conservation, and to underpin in a stable forestry industry. They have failed to meet these aims as the following facts attest:

Populations of forest animals – including koalas – have plummeted over the life of RFAs; Ecosystem processes in forests, like the carbon and water cycles, have been disrupted; Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging; Ecologically Sustainable Forest Management has not occurred; Forestry job numbers have steadily declined, and subsidies keep logging financially viable; The NSW taxpayer has repeatedly footed the bill to buy out logging contracts.

I am concerned that the current process is not a genuine review of the performance of RFAs and whether they have met their aims. If it were genuine, the Berejiklian and Turnbull governments would not have already committed to their extension. The overdue progress report on the second and third five-yearly reviews fails to provide adequate data for the public, NSW and Australian Governments to assess the performance of the RFAs. It also fails to take account of new knowledge, particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing – social, health, mental, and economic.

We know from recent polling in the seats of Ballina and Lismore that the vast majority of people (90%) support protecting public native forests for wildlife, water supplies, carbon stores and recreation. 70% support the creation of new national parks to protect koalas. Less than 10% support the logging of forests for timber, woodchips and biomass burning.

Public native forest logging is unsustainable. It is time that our state forests, the property of the citizens of NSW, were managed in the best interests of the public. Proposals like the National Parks Association NSW's (NPA) Forests For All seeks to protect all public forests and increase public access for recreation, nature-based tourism, health and well-being and education. This proposal is supported by several health and education organisations.

In light of these comments, I recommend that the NSW and Australian Governments:

- Not renew RFAs because they are a failed model for forest management;

- Heed the accumulated evidence and use the expiry of the RFAs to trigger a just transition of workers out of the native forest logging industry; and
- Protect public native forests to ensure our wildlife, water and carbon stores is safeguarded for future generations by implementing strategies like NPA's Great Koala National Park and Forests For All plan.

RFAs were a well-intended effort to reconcile logging and conservation. Given the accumulated evidence that they haven't worked, rolling over the RFAs will constitute a decision to entirely favour the logging industry over the public interest. This will prolong conflict and hasten the demise of threatened species. I urge you not to take this path.'

## Proforma letter 2

Due to the number of submissions that follow this proforma, this submission is provided in full.

'I strongly believe that the current RFAs in New South Wales should not be renewed. They have failed in their objectives to provide for conservation, for ecologically sustainable use and management of forests and for successful and thriving timber industry.

All three RFAs in NSW have resulted in significant losses of native forests, destruction of protected and, for many years, native forest logging has operated at an economic loss. The current RFAs account for the value of forests in a narrow way, which has contributed to their failure. It is time to move away from this form of forest management to a model that measures the value of forests beyond what timber they can provide.

A lack of accountability in forest management is a key element of the failure of the RFAs. There have been continued breaches of codes aimed at protecting native species, often with little consequence. Many of these breaches have only been documented and uncovered because of the ongoing work of conservationists. The Government has failed both in their role to regulate and review logging operations.

A compounding issue is the Government's unrealistic wood supply contracts. The pressure of these contracts has driven greater logging of native forests, leaving protected and endangered species destroyed or damaged. This highlights the need to move away from a model of forest management which measures value nearly solely on timber production, so that everyone in New South Wales can enjoy the benefits that these public resources can provide.

The RFAs are a failed model of forest management. There needs to be significant change to how forestry resources are managed going forward to ensure the success and viability of our environment, climate and industry.

Key issues:

### 1. Stop native forest logging

Native forest logging is both an ecologically and economically unsound practice. Moving away from logging these public native forests is the most important change that is needed in forest management.

### 2. Recognise the value of forests beyond timber production and investigate alternative ways to use state forests

The forests of NSW are a public resource and vital ecosystem that serve every person in this state. Protecting and preserving these public assets can provide much greater value than just the timber they currently provide. In moving forward with public forest management, it is incumbent upon the Government to assess and investigate the wider value that forests provide.

### 3. Establish a Great Koala national park

In NSW, the iconic koala is listed as vulnerable, with nearly every population on the east coast in decline. Habitat destruction from logging native forests is a significant threat to the species. Establishing a Great Koala National Park would be a significant step towards preserving this species and changing how forests are managed in NSW. It offers the opportunity to shift towards a model of forest management that allows the people of NSW to enjoy these public resources, while protecting and preserving the inherent value of these forests.'

### Proforma letter 3

I am writing in response to consultation on the NSW RFAs (RFAs) and to state my opposition to their renewal. The RFAs have failed to meet their aims and instead during their 20 years:

- Populations of forest animals – including koalas – have plummeted over the life of RFAs;
- Ecosystem processes in forests, like the carbon and water cycles, have been disrupted;
- Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging;
- ESFM has not occurred;
- Forestry job numbers have steadily declined, and subsidies keep logging financially viable; and
- The NSW taxpayer has repeatedly footed the bill to buy out logging contracts.

I am concerned the current process is not a genuine review of the performance of RFAs and whether they have met their aims. The overdue Report on the second and third five-yearly reviews fails to provide adequate data for the public, NSW and Commonwealth governments to assess the performance of the RFAs. It also fails to take account of new knowledge, particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing – social, health, mental, and economic.

Public native forest logging is unsustainable. It is time that our state forests, owned by the people of NSW, were managed in the best interests of the public. I recommend that the NSW and Commonwealth governments:

- Not renew RFAs because they are a failed model for forest management;
- Heed the accumulated evidence and use the expiry of the RFAs to trigger a just transition of workers out of the native forest logging industry; and
- Protect public native forests to ensure our wildlife, water and carbon stores are safeguarded for future generations by implementing strategies like the NSW National Park Association's Great Koala National Park proposal and Forests For All plan.

### 1 National Parks Association of NSW (NPA)

Note, the main submission from NPA is submission 5396. This submission comprises a short letter.

- The submission opposes the remaking of the RFA and provides a plan to transition NSW from native forest logging to alternative ways of producing hardwood and paper. The plan is outlined in the publication Forests for All, found at <http://forestforall.org.au>
- The submission reiterates the following goals of the RFAs including:
  - (Providing for) the ecologically sustainable management and use of forested areas in the regions
  - (Having) regard for studies and projects carried out in relation to principles of Ecological Sustainable Forest Management (ESFM). As defined in the Australia's National Forest Policy Statement, these include 'maintaining the ecological processes within forests (the formation of soils, energy flows and the carbon, nutrient and water cycles)'.

- Climate change predictions for south-east Australia are for more frequent droughts and decreased rainfall. Forests provide one of the best supply sources of high quality fresh water. Governments are responsible for ensuring sustainable water quantity and quality into the future and should therefore protect native forests as a priority.
- Research (referenced in the submission) undertaken since the introduction of the RFAs, which supports this view, indicates:
  - Old growth forests yield around 25% more water than younger regrowth forests (research conducted in Victorian Central Highlands RFA).
  - The \$ value of water produced through increased water production resulting from ending logging would be at least twice the \$ value of timber produced should logging continue (research conducted in the Goulburn Broken Catchment in Victoria).
  - Logging may contribute up to five times the sediment to water bodies than unlogged areas, which reduced water quality and may take many years to recover.

## 2 Richard Barcham

The RFA is a failure. It is a failure because the RFA perpetuates:

- an industry that requires constant subsidies for transport (paid by Bega Shire ratepayers)
- that requires constant close supervision to keep within the rules (provided by volunteer citizen scientists)
- that is based on native forests that cannot sustain even 50 year cutting cycles (on the climate and soils of the Monaro escarpment)
- that wastes a valuable local, regional, national and international resource by turning it into paper and throwing it in the bin.

END THE RFA - END EXPORT WOODCHIPPING.

## 3 Mary Qancey

I support the establishment of the Great Southern Forest in New South Wales. The RFA process has not brought an end to woodchipping our native forests. I call for an end to export woodchipping and preservation and management of native habitat and forest environments.

## 375 Anonymous

- Submitter has interests in New South Wales including 3800 acres.
- The RFAs have largely failed in their mission to adequately protect the State's forests for other than timber values.
- All indicators are that forest conditions have deteriorated significantly over the past 20 years and forest dependent species have not been adequately protected and are in serious decline. Extension of the RFAs would therefore commit to further declines and significantly increase the probability of extinctions.
- Supports the work of the NSW National Parks Association and the Nature Conservation Council and other environment interest groups as well as the extensive forest ecology work over many decades by Professor David Lindenmayer (ANU).
- Notes the materials on the NSW and Commonwealth web sites lack adequate or current information, appearing out of date and disinterested.

Proforma letter 2, with the following additions:

- The RFA reviews have not been timely or adequate and have failed the process and the faith that was put into the RFAs when they were established by all involved.
- As a minimum the RFAs should not be extended until the CAR, JANIS and protection of forest-dependent species is addressed.
- A rapid transition to plantation forestry should be pursued, as set out in the Plantations 2020 endorsed by the NSW Government (refer attached), and the remaining high-conservation forests protected and rehabilitated.

Background:

- Native forest logging does not provide that jobs or economic benefits that that RFAs sought to achieve. In 2009-2012, FCNSW lost \$85 million in native forest logging operations. In 2015, The Greens obtained figures from FCNSW that showed that NSW taxpayers had lost more than \$40 million from State Native Forests over the previous 4 years. Though FCNSW has recently reported a profit in this area, the past accounts show that it has been a financial drain on tax payers for many years.
- As of 2011, the forestry industry in NSW only employed a total of 2,126 workers, either directly or through a support service. Of this number, it is likely that only 600 were directly employed in the native forest industry. This amounts to less than 0.1% of the total workforce. It is clear from these figures that the employment and economic benefits are not able to justify the significant ecological and heritage loss that is caused by logging public native forests.
- Our forests also present a significant economic opportunity through tourism. In 2016, nature-based travellers made up 82.9% of visitors to NSW, with national parks and state forests the 2nd most popular class of destination in the state. Public forests offer recreational opportunities for residents and visitors alike, through popular activities like bushwalking, photography, bird watching, camping and trail bike riding.
- Establishing a Great Koala National Park would be a significant step towards preserving this species and changing how forests are managed in NSW. By adding 175,000 hectares of state forest to the existing national parks in the Coffs Harbour hinterland, the NSW Government could establish a 315,000 hectare koala reserve. This area contains both koala populations and habitats of national significance, and offers the best chance of a successful conservation effort.
- In the past 250 years we have lost 50% of our forests and woodlands, and degraded around 70% of what remains. So we need to protect the remaining 35% and help to restore enough of the degraded and cleared land to reconnect our forests. This is likely to:
  - arrest the decline of our forest-dependent native species (including hollow dependent species), who have as much right to be here as we do
  - protect our water catchments and soils from erosion and siltation and reduce the impacts of flooding, which is likely to worsen on a warming planet
  - reduce the intensity and spread of crown fires, which have been reported to be encouraged by logging (refer the Black Saturday Bushfires Enquiry)
  - help arrest the contribution that forestry and land clearing make to CO2 emissions and global warming
  - provide opportunities for an increase in sustainable jobs, such as in forest-based tourism (noting only some 400 direct jobs now exist in NSW Forestry) and noting that large-scale National park, such as the proposed Great Koala National Park between Grafton and Macksville would potentially provide many new sustainable jobs



- provide opportunities for indigenous people to protect their connection to forests and potentially provide employment on country
- allow the subsidies put into native forest logging to be directed to areas of greater priority (or used to help balance future budgets)
- put an end to the conflicts over the incompatibility of conservation and wood supply from publicly owned native forests, as was achieved in South East Queensland and almost achieved in Tasmania;
- improve New South Wales' reputation and standing as a clean, green place to visit or do business; and
- provide more places for nature based recreation and inspiration which is likely to help reduce health issues related to inactivity and mental health issues related to lack of exercise and/or connection to nature.
- Much of the above is required in any case to meet the CAR, JANISand target species conservation criteria set out under the original RFAs, which were never fully implemented, and also aligns with other objectives of government or otherwise represents positive policy.

### 377 Nick Hopkins

- The EPA has been inconsistent in living up to its brief of Protecting the Environment.
- Of over 10,000 reported breaches by logging contractors under the RFAs, only a handful of prosecutions have been made. The submitter quoted an example of illegal behaviour by contractors in Cherry State forest.
- Hardworking EPA ground staff have documented breaches regarding hollow bearing tree destruction in the Mogo State forest (esp. compartments 147 and 148). They have met locally with concerned residents and helped them understand the complex provisions of the Threatened Species legislation. However, locals have been left with no confidence that documented breaches will result in any consequences whatsoever for the FCNSW or its contractors. This in turn undermines community willingness to participate in field observation of the harvesting operations as the feeling is 'what's the point?'
- In summary, the EPA needs to be far better resourced AND to adopt a far more assertive and pro-active approach in using the legislation to proceed to prosecution of non-compliant behaviours, not just in forestry but also in waste disposal.
- This lack of willingness to prosecute non-compliance has emboldened a cavalier attitude amongst some sections of the FCNSW and contractors and has also destroyed public confidence in the EPA itself.

### 378 Anonymous

- Woodchipping/ Native forest logging is rubbish.

### 400 Northern Zone Hunting Club (Inc.)

- Hunting club members are frustrated over restrictions on recreational opportunities in the State forests of NSW, especially coastal areas. Bee-keepers, 4WD users, fishers, fossickers and motorcycles have been excluded or severely restricted from operating in many former State forests.
- The pressure placed on government by minority groups over fauna and flora protection policy has skewed present forest management practices and prevents the full potential use of NSW forests by the general public.



- The Club supports wildlife conservation and renewable resources expansion with the local jobs it brings. Many Club members hold a feral animal control licence for State land and pay an annual fee after initial test and long-term training. They feel that more co-operation between feral hunting clubs and state forest management is needed to better mitigate the feral/invasive species animal threat.

#### 478 Anonymous

- It is vital that we do not destroy any more native forests. Past practices, even when regulated, have not fulfilled the protections specified. The forests are many times more valuable when preserved. The beautiful environment could bring tourism and money into the area.

#### 541 Evan Christen

- FFAs are not in the best long term interest of the environment, the economy or society. Logging provides short term gain only, does not provide many jobs, results in the loss of the beautiful environment and causes species extinction.
- In contrast, the long term returns from tourism would exceed that from logging. Woodchips can be sourced anywhere in the world, but you can only see koalas, gliders, wallabies, kangaroos, echidnas in Australia!
- Native forest logging must be stopped before the general Australian public loses these benefits for the profit of a few individuals.

#### 601 Keith Muir, Colong Foundation for Wilderness Ltd

- The FFAs remove public governance of public forest lands and have failed to achieve ESFM in state forests due to over logging.
- The community has a much better knowledge now of the science and technology related to forests and to climate change, and has much higher expectations than previously.
- Logging operations need to adapt to changing circumstances or they will continue to fail to meet community expectations.

#### Supporting points:

- Because the FFAs were deliberately set up as a closed arrangement between government and the forest industry, these agreements essentially privatise native forest resources with the public subsidising this asset transfer. Management of public forests should cease to be a closed arrangement and there should be more public transparency in the arrangements and reporting.
- The plantation sector currently competes with the subsidies paid to assist native forest logging operations. The FFAs hinder a move to self-sufficiency in timber production and the uptake of innovative alternatives. There should be transparent reporting on sustained yield, non-achievement of sustained yield and reporting of any compensation payouts.
- There are no advisory committees for publicly owned state forests to provide the relevant Minister with a broad range of comments and oversight.
  - Page 200 of the implementation report should be amended to state that on-going consultation has not been achieved.
  - The report should recommend legislated processes for consultation and review through advisory committees or other formal credible input processes.
- Breaches of the FFA arrangements are currently unenforceable. Third party legal enforcement of the FFAs should be introduced to ensure outcomes are met.

- Public scrutiny of development application and planning approval processes is blocked by RFA resource security provisions. To substitute for this, adaptive plans of management should be introduced to ensure continual operational improvements to native forest management.
- If the Report is to reflect the NSW Government's stated objective of 'no reduction in existing environmental protections', it must recommend retention of all existing prescriptions for threatened species, stream protections, erosion controls and logging intensity, pre-logging threatened species surveys and the reduction in logging quotas to sustain these protections. There should be reporting on the non-achievement of logging prescriptions.
- Integrated Forestry Operation Approvals (IFOAs) indefinitely relieve forestry operations from environmental impact assessment and public review processes under state planning law. This reduces protection to threatened species under state biodiversity conservation law. The report should recommend continued reporting on threatened species and the reinstatement of pre-logging survey protocols for threatened species.
- No statements were made about the intensity or extent of the Bell Miner Related Dieback problem in the World Heritage Area in the Border Ranges, Toonumbar and Richmond Range national parks, or in other state forests. Reference should be made in regard to this problem.
- Areas subject to an IFOA are not eligible for wilderness declaration. Measures in the Comprehensive Regional Assessments (CRAs) should ensure that Wilderness Act processes are not impeded where there is no significant impact upon logging operations. For example, the FNPE Act should permit the provisions of the Wilderness Act to operate on areas unavailable for logging.
- Other forms of natural resource extraction, such as mining and quarrying, operate under development consents - issued under planning law, these consents usually operate for 20 years and then lapse on expiry. RFAs should not be automatically extended each five-years.
- Logging operations in natural forests should be phased out over three years as public native forests are more valuable as carbon repositories than for log production.
- Logging from old growth forest (to apply to all logging regimes) should continue to be excluded.
- Further World Heritage assessments of the eucalypt sub-theme should be undertaken following recommencement of bilateral discussions regarding a serial eucalypt World Heritage nomination.

## 605 Anonymous

- Robots and automation have already taken most (if not all) the forestry jobs. A 20-year extension is pure madness. It's all about giving tens of millions of tax-payers' dollars to the big end of town with nothing for the locals, while Koalas and our beautiful surroundings are decimated.
- Coffs Harbour needs to instead focus on Tourism. Tourism brings more than just the holiday makers; it brings those looking for a beautiful place to live. This brings into the area money and innovation.
- It's forecasted that Australia's economy can provide anything towards \$500 billion a year GDP from digital innovation. Coffs is a location perfect for digital innovation. It has the original NBN (FTTP) and an airport.
- Saying no to the RFA is doing something really fantastic for locals now and future generations. For anyone that wants any hope in keeping our children in this area, rather than losing them to the cities as they grow up and look for employment, we need to all push for better tourism and ideas like the Great Koala National Park.

### 606 Anonymous

- End all logging of our native forests. Use plantation timber only.
- Timber mills for too long have had access to absurdly cheap timber cut from our native forests.
- Our native fauna and flora are in rapid decline and we need all our forests intact to halt the decline.
- It's a disgrace that electricity authorities still use hardwood timber instead of concrete posts because they are so much cheaper in spite of the extra longevity in their life span.

### 610 Anonymous

- Supports the National Parks Association of NSW submission (submission 5396) and their Forests for All Plan.
- The NSW Government has already committed to extending the RFAs. This commitment was made prior to the review that is now being conducted, so this consultation cannot be regarded as genuine. It would be better if this review were collating evidence to assess the performance of the RFAs with a view to making an evidence-based decision.
- Commonwealth oversight is removed from logging operations. Logging has not complied with accreditation standards and has resulted in a multitude of license breaches. Commonwealth oversight of forest management must be restored.
- The RFAs removed public oversight of logging by excluding 'third Parties' from taking legal action on logging breaches. This has resulted in a lack of accountability and transparency in their implementation and has favoured industry over the public interest.
- The NSW taxpayer has paid millions of dollars to a multi-national corporation to buy-back non-existent timber because of over-estimated timber volumes by FONS. This is one of a series of subsidies that the logging industry receives.
- The progress report for the RFA review fails to provide any data to support the assertions that logging is conforming to ESFM. In contrast, there is lots of evidence that forest wildlife is in decline, we know logging reduces carbon stores and water supplies and we know the majority of people support protecting forests.
- The number of threatened forest species has risen during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.
- Climate change was not considered as part of the RFAs, but is now the largest social, economic and environmental challenge we face. It is reckless to continue logging when we know it reduces carbon stores of forests.
- The logging industry is one of the most mechanised and most dangerous. The number of direct jobs in the industry has steadily declined and is now estimated as less than 400 across NSW.
- RFAs have failed to achieve their aims and must not be renewed. Forests must be managed for the public good. The Great Koala National Park proposal would help protect koalas and become a huge tourist attraction.

### 659 Geoff Robertson

- The submitter supports the position of the National Parks Association of NSW and requests their arguments be reviewed. He opposes the rolling over of the agreements.

- Since coming to power in the Commonwealth and NSW, the coalition governments have cut back government spending for the environment and allowed many slipshod practices to emerge.
- The changes to the Biodiversity and Native Vegetation legislation, while consolidating some of the good work done by previous governments, have led to confusion about the NSW government's commitment to biodiversity.

#### 665 Wendy Grealy

Woodchipping/ native forest logging is rubbish.

#### 666 Anonymous

Shorted sighted buddysim between business and all tiers of government is ruining our country and the planet, from mining, resource depletion. Timber is such a valuable resource; it should be utilized more wisely that woodchips.

#### 667 Anonymous

- Questions why NSW uses clear felling rather than selectively logging mature trees. It argues selective logging increases the productivity of the forest over a tree life time by 25% with the following benefits:
  - 25% more carbon is removed from the atmosphere.
  - A continual supply of mature timber is made available to industry.
  - Vulnerable species are protected.
  - Jobs are protected.
  - Landscape beauty is maintained.
  - The monoculture caused by clear felling is avoided. Monoculture is not natural and encourages fire, disease etc.

#### 668 Rebecca Blunden

- As a long term resident of south east NSW, submitter argues against the continuation of the PFAs.
- Over the past 20 years, the logging industry has damaged local forests beyond recognition, degraded local creeks and rivers and the log trucks speed through town with disregard.
- Key points:
  - Large-scale clearing and deforestation are not 'sustainable' logging practices.
  - The forestry industry is a dinosaur, surviving on government grants/ subsidies, turning valuable forests into chip for low grade products.
  - There is habitat fragmentation, species loss and extinction.
  - Forests should be used as carbon offsets to mitigate climate change.
  - The forests have intrinsic value to local people, their children and grandchildren.

#### 675 John Edwards, Clarence Environment Centre

- The PFAs were designed to facilitate multiple uses of public native forests: conservation (via the establishment of a Comprehensive, Adequate and Representative [CAR] reserve network of forest ecosystems); timber extraction, and recreation.

- The concept of Ecologically Sustainable Forest Management (ESFM), which incorporates the principles of Ecologically Sustainable Development, was designed to underpin logging to ensure that logging did not result in negative impacts on forest ecosystems. Issues:
  - Illegal logging of old growth
  - Over-estimation and commitment of timber volumes
  - Failure to conserve biodiversity
  - Forests being logged faster than they can grow back
  - Increased Bell Miner Associated Dieback (past 35% trigger point)
  - Increased non-compliance with no effective enforcement mechanism
  - Use of 'offsetting' to apply a maximum 40% (average) basal area logging rate, therefore allowing clear felling across most forest areas.

In summary:

- The RFAs must not be renewed.
- State forests are a public asset that must be managed for the public good not just for the benefit of an ailing timber industry.
- The eco-services provided by native forests, specifically clean air to breathe and water to drink, far outweigh any benefit to be gained from logging.
- Alternative models for forest management can be found.
- Other values of forests must be considered.
- The Government should use the end of the RFAs as the point at which it implements a just transition out of native forest logging on public land, as was originally planned.

## 679 Dörte Planert

- The report compiles data on logging regimes and associated issues and the extent to which various targets have been met. It contains inadequate data on:
  - the change in forest growth stage over the life of the RFAs (no spatial data is provided)
  - the proportion of each forest ecosystem protected or impacts on species
  - the value of forest-based services.
  - the assertions that logging is conforming to environmentally sustainable forest management.
- Logging for woodchips in south east NSW is a long-term contested practice, creates social discord, environmental and financial loss and disrespects Aboriginal culture.
- Climate change was not adequately considered as part of the RFAs, but is now the largest social, economic and environmental challenge we face. The Report doesn't mention carbon loss through woodchips for paper when over 90% of the Eden and Southern logs go to woodchips. In the short to medium term, ending logging in the forests of the southern forest region would result in between 1.2 and 1.5 million tonnes of avoided emissions per year. At a conservative price for carbon of \$10 per tonne, there may be the potential for these public forests of south east NSW to earn about \$20 million per annum to fund new infrastructure and jobs.
- The transition to plantation forestry is essential. Plantations were not part of the first RFAs and yet perhaps 70% of the Implementation Report is about plantations, including virtually all of the positive material.

- During the 10 years reporting period, over 4,000 non-compliances with Environment Protection and Threatened Species Legislation were identified through EPA audits and investigations. However, the EPA conducted only 187 audits for approximately 5,000 to 6,000 logging operations. None of this is mentioned in the review upon which the public has been asked to comment.
- Threatened species data for Eden RFA area is missing from lists in Table 67: Threatened species list – fauna (p. 295), include, Glossy black cockatoo, Barking owl, Olive whistler, Yellow-bellied Glider, Squirrel glider, Pink robin and White-footed Dunnart. The number of threatened forest species has continued to rise during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW.
- Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees. The State forests are exempt from the provisions of the Environment Protection and Biodiversity Conservation Act 1999. Given that it takes 100 to 200 years for habitat hollows to form in trees, the term ‘sustainable logging’ has contradictory connotations.
- The NSW taxpayer has paid millions of dollars to a multi-national corporation to buy-back non-existent timber because of over-estimated timber volumes by FCNSW. This is one of a series of subsidies that the logging industry receives. We know that the value of carbon, water and tourism from forests is much greater than timber, and that protected areas are important for the economy. The Government must assess these trade-offs as part of a genuine review.
- Less than 10% of logs are milled for sawlogs. More than 90% of native trees logged in these regions goes to the chipmill and are exported to Asia at a loss to taxpayers of \$79 million over the past 7 years and at the expense of the environment and iconic species.
- The logging industry is one of the most mechanised and most dangerous. The number of direct jobs in the industry has steadily declined and is now estimated as under 400 across NSW.
- Combined, Agriculture, Forestry and Fishing is only the 9th employer in the region and forestry jobs are a small proportion of that total, becoming less and less, replaced by machinery. Between 30 and 40 people are employed at the Eden chip mill and fewer than 100 in total forestry operations.

## 772 Anonymous

- Please carefully consider the terms of the RFAs. Reduce the amount of deforestation. We need these forests for clean air, natural beauty, habitat for all sorts of animal life, and protection against climate change. Deforestation for short term financial gain is incredibly short sighted. Please take a moment to see the long-term view and protect these areas.

## 835 Anonymous

- The RFAs should not be renewed as they do not provide for conservation, ecologically sustainable management of forests or a healthy timber industry. The three RFAs in NSW have led to significant loss of native forests as well as destruction of protected areas.
- The way in which RFAs account for forest value is absurdly narrow. We need a model of forest management that measures the value of forests beyond timber. For example, they produce and store water and protect the quality of water in streams and rivers, sequester carbon, maintain biodiversity, mitigate the effects of climate change, produce oxygen, protect and grow soil, provide natural air-conditioning, maintain the Web of Life, provide beauty and have great tourism values.



- There is a serious lack of accountability in the RFAs, with ongoing breaches of codes going unchecked and unpunished. Without the ongoing work of conservationists, many of these breaches would never be noticed by authorities. This is the result of a major failure of governments to regulate and review logging operations.
- The pressure of wood-supply contracts has driven greater logging of native forests causing endangered species to be destroyed or damaged.
- Also, urgent attention is needed for the widespread decline of Koala populations in NSW. I call on the Government to establish a Great Koala National Park, in order to holistically manage the future survival of our iconic Koalas.

#### 844 Anonymous

- The submitter opposes the renewal of RFAs in their current form. Had hoped RFAs would work for the forests but it has become apparent they are not far short of a disaster.
- Over logging and brazen flaunting of environmental guidelines is apparent. The forests of NSW are in far worse condition than they were in 2000, and Forest FCNSW has been fined a few thousand dollars despite having been committed of multiple serious breaches in forestry practice.
- The NSW Coalition Government will have to shoulder the blame for the demise of the Greater Glider and the Koala, to name just two creatures in dire trouble.
- Far better agreements governing logging in NSW forests must be drawn up that both protect biodiversity and hand out very large fines for breaches. And they must be properly policed by an independent body.

#### 896 Anonymous

- The submitter strongly believes that the RFAs should not be continued. They have failed in their objectives to provide for conservation, for ecologically sustainable use and management of forests and for successful and thriving timber industry.
- All three RFAs in NSW have resulted in significant losses of native forests and, for many years, native forest logging has operated at an economic loss.
- The RFAs account for the value of forests in a narrow way, which has contributed to their failure. It is time to move away from this form of forest management to a model that measures the value of forests beyond what timber they can provide.
- A lack of accountability in forest management is a key element of the failure of the RFAs. There have been continued breaches of codes aimed at protecting native species, often with little consequence. Many of these breaches have only been documented and uncovered because of the ongoing work of conservationists. The Government has failed both in their role to regulate and review logging operations.
- The Government's outrageous wood supply contracts have driven greater logging of native forests, leaving protected and endangered species destroyed or damaged.
- Native forest logging is both an ecologically and economically unsound practice. The forests of NSW are a public resource and vital ecosystem that serve every person in this state. Protecting and preserving these public assets can provide much greater value than just the timber they currently provide. It is incumbent upon the Government to assess and investigate the wider value that forests provide.

- In NSW, the iconic koala is listed as vulnerable, with nearly every population on the east coast in decline. Habitat destruction from logging native forests is a significant threat to the species. Establishing a Great Koala National Park would be a significant step towards preserving this species and changing how forests are managed in NSW.

#### 1028 Anonymous

- Opposes the renewal of the RFAs and suggested NSW should immediately call a halt to all extractive industry scale extraction in native forests.
- All past guarantees of species protection have failed though lack of will at the government and bureaucratic levels to enforce existing laws.
- The past agreements have been broken repeatedly with no action to retrieve any semblance of balance or justice.
- One can only hope that in some future date the people that have participated at all levels of this widespread and documented roting will be prosecuted for their criminal behaviours under laws against the environment.

#### 1032 Anonymous

- Submitters are dismayed at the practice of using native forest for woodchipping in southern NSW, when existing mature plantations could provide the needs of the domestic and export timber markets.
- Less than 10% of logs are milled for sawlogs and more than 90% of native trees are logged for the chipmill for the Asian markets.
- The validity of the report is questioned, given it does not include data on the decline in population numbers of the koala and Glossy Black Cockatoo.
- The discussion on the effect of climate change on our social, economic and environmental context is inadequate.
- If over 90% of Eden and Southern logs go to woodchips then Australia is unnecessarily emitting between 1.2 to 1.5 tonnes of additional carbon emissions per year.
- The value of our flora and fauna, the foregone carbon emissions and tourism is much greater than the timber sold to Asia for questionable purposes. The preservation of our forests and Indigenous heritage legitimately justifies the redeployment on some 400 forestry jobs across Australia.

#### 1095 Lois Katz

- The past two decades of overlogging (faster than the forest can grow back) in NSW have had a dire effect on flora and fauna. Australia is losing its native animals at a faster rate than any developed nation. One hundred and thirty-four native plants and animals have been added to the threatened species in Australia in the past seven years.
- The koala was listed as 'Rare and Vulnerable' in 1992. In 1995, the NSW Government introduced State Environment Planning Policy No 44 - Koala Habitat Protection. However, New South Wales Government has never implemented the Koala Recovery Plan. Koala numbers have declined 26 per cent in NSW over the past two decades.



- Forest NSW is a corporation with powers unmatched for a state agency, including protection from third-party challenges such as from environmental groups. This is a terrible miscarriage of justice. When illegal logging is sighted, NSW citizens should have the legal right to have their concerns listened to and taken seriously. NSW Governments of both major Parties have punished the messenger with fines and/or arrest, rather than allow open and independent investigations of these reported breaches.
- FONSW has two operating segments; the Softwood Plantation Division, and the Hardwood Division. For the six years between Fiscal Year 09 and Fiscal Year 14, the Softwood Plantations Division cross-subsidised loss making native forestry to the order of \$79 million.
- Logging our NSW native forests is a money losing proposition but governments have condoned it on the premise that rural communities would be decimated without it. However, this logging will be stopped because of lack of supply, and with nothing in place to replace it, these communities will certainly suffer.
- Alternative options could be setting up renewable energy production, plantation logging or employing more Forest Rangers. NSW Government should be hiring people who have worked in these forests as loggers. They certainly know the forests and would welcome the more secure employment.
- Successive NSW Governments have failed to see the opportunity that retaining our native forests as carbon credits offers. If Australia stops logging our native forests and gets our carbon credit certification business organised, we would be in a good position to reap in a huge amount of income.
- We need to look at the fact that only about 600 people are directly employed in the native forest industry in NSW, less than 0.1% of the total workforce. A fact of today's society is that huge numbers of people have had to retrain or relocate in order to secure employment.

#### 1110 Anonymous

- Opposes the renewing of RFAs as they don't support a viable forestry industry and degrade the environment.

#### 1182 Anonymous

- Both forms of government are obsessed with growth economics which is not only unsustainable but puts market issues above human welfare and the environment.
- Governments and politicians should adhere to the recommendations of our scientific community, not just to economists.

#### 1226 Michael Whatman

- The submitter opposes the renewal of the RFAs and references a number of works in support (references not included in summary). He supports the National Parks Association of NSW's Forests for All plan that seeks to protect all public forests and increase public access for recreation, nature-based tourism, health and well-being and education.
- He is concerned that the current process is not a genuine review of the performance of RFAs and whether they have met their aims. The overdue progress report on the second and third five-yearly reviews fails to provide adequate data for the public, NSW and Australian Governments to assess the performance of the RFAs. It also fails to take account of new knowledge, particularly on climate change.
- The value of carbon stored in native forests far exceed the royalties received from logging activities.

- FFAs were initially developed as a model to facilitate multiple uses of public native forests, including timber extraction and conservation, and to underpin a stable forestry industry. They have failed to meet these aims.
- There are over 1000 threatened species and 100 threatened ecological communities in NSW. Populations of forest animals – including koalas – have plummeted over the life of FFAs. Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging; ESM has not occurred.
- FFAs exempt the public native forest logging industry from complying with Commonwealth environment laws.
- There is a close working relationship between forest industries and the NSW Forestry Commission, encouraging mutual economic interest to the detriment of responsible practice and regulatory oversight.
- NSW Forestry Commission has validated over-logging and institutionalised a perception in the forestry industry of a right to public lands and forests.
- FFAs have not succeeded in arbitrating the emerging constantly political disputes over public forests.
- The two NSW south east FFA areas experienced an increase of deforestation from 9568 hectares in 2001-02, to 14388 hectares by 2006-07.
- Logging industries claim they struggle with investing in upgraded technologies to address environmental protections, due to risks surrounding FFA renewal and social licence.
- 90% of forests cut in the south-east of NSW have been chipped and exported under the FFA to Japan through the Eden mill. Deforestation should not be relied upon to support commodity exports.
- Concerns over endangered species in areas already logged around Eden and south coast state forests make communities in these areas likely places for renewed political contention and social movement campaigns that seek to preserve public lands for significant reasons.
- Steep slope areas of forest are also now becoming key places of vulnerability, as the forestry industry keen to move in to previously unworkable areas with new technology.
- There is a marked absence of government or industry representatives undertaking fieldwork of data collection and reporting back against Environmental Protection Agreements.
- We know from recent polling in the seats of Ballina and Lismore that the vast majority of people (90%) support protecting public native forests for wildlife, water supplies, carbon stores and recreation. 70% support the creation of new national parks to protect koalas. Less than 10% support the logging of forests for timber, woodchips and biomass burning.

#### 1244 Anonymous

- Please stop the current FFAs in New South Wales. Stop native forest logging. I value our forests and I hope the government does. Forests are public resource not something to be plundered for a quick buck, not to mention our amazing wildlife that dwell in these forests.

#### 1260 Anonymous

- Supports the continuation of the forestry industry in the Eden and Southern Regions of NSW, arguing that the cessation of timber harvesting operations in these areas would result in adverse consequences for many local towns. For example, in the Eden area, where population numbers are already low:
  - Allied Natural Woods Export (ANWE) operate the chipmill (30 employees)

- The Pentarch Group of companies operate the whole log export next to the chipmill.
- Blueridge hardwoods is a sawmill located in Eden that can only process hardwood, not softwood, and can only continue operating if there is a hardwood forest operation supplying timber (45 employees).
- There are 6 contractors and their log haulage provides full-time employment to local workers.
- There are a number of truck owners/drivers who support all the above industry.
- At least 150 people are employed in the industry and contractors have invested millions of dollars in plant and equipment
- These industries support additional jobs in East Gippsland, the Monaro and areas of the south coast, north of Bega.
- FONSW, EPA and WorkCover are some of the Government agencies who would be impacted.
- There are many service industries that rely on servicing the timber industry for most of their work e.g. mechanical, stevedoring, tug and line boat operators and tyre suppliers.
- All the people directly or indirectly involved with the timber industry support local business schools, medical facilities.
- Forestry workers support local tourism events.
- Full time jobs lost by the closure of the Eden cannery and the previous restructures of the forest and fishing industry have never been fully replaced by the tourism industry, as most are part time or casual jobs.
- Government agencies control the overall harvesting operations in all FFA areas through the Integrated Forest Operations Approval (IFOA) and other licence conditions of operation. The forest industry is one of the most environmentally regulated primary industries in NSW and many of the issues raised by opponents of native forests do not reflect the environmental performance of the industry.

### 1281 Anonymous

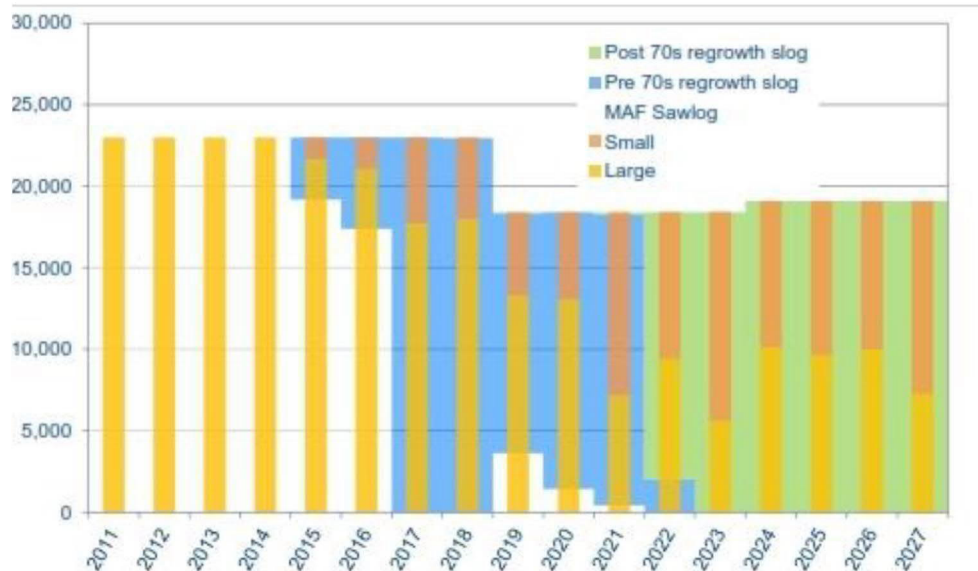
- The FFA is a very compelling document but the theory has not been put into practice. The FFA has completely failed the hardwood timber, sawmilling and further processing sector.
- (The company) has invested heavily into the hardwood timber industry and has developed the technical expertise and markets for the timber products available, and established a substantial and respected business, with a skilled, enthusiastic and loyal workforce.
- (The company) is a significant contributor to the local economy.
- (The company) can legitimately claim to have achieved the industry development goals set in the FFA. It has achieved its targets for employment, regional benefit and community value.
- (The company) is a willing contributor to the regional economy and wants to remain in business. It has great respect for its staff and has personally committed to doing everything in its power to ensure the ongoing employment of those people. However:
  - The hardwood sawlog resource is spiralling towards zero
  - There have been dramatic reductions in total area available for the forest based industries.

- The IFOA is due to be remade in 2019, but (the company) is unaware of conditions that may be proposed for the future, and their effect on timber yields. Unless agreements and all the necessary regulatory processes are in place before the end of 2018 all of the business, all of the investments, all of the jobs and all of the community values that have been secured will be put in jeopardy.

### Background

- The RFA, (and NSW FA), was designed to provide a stable political, legislative and operational environment for the continuation and development of the timber industry for 20 years and beyond. This followed a period of capricious reactionary decision making by both Federal and State governments, where they maximised formal reserves, forecast very optimistic growth from the remaining State forest, and then provided a stable rule set, the IFOA, for the carrying out of harvest operations. All have had a negative impact on the future availability of sawlogs.
- Reviews of both the RFAs and the NSW FAs are prescribed to occur at five-yearly intervals. Reviews were to have occurred in 2004, 2009 and 2014, made public, and a report tabled in Parliament. The Review Report “NSW Regional Forest Agreements, A report on progress with implementation of the New South Wales Regional Forest Agreements, Second and third five-yearly reviews July 2004 – June 2014”, provided in November 2017, is at least 4 years late and is based on information that is between 4 and 14 years old. The process of reviews, specifically in the third review in 2014, and for extending the RFA has been neglected until now.
- The long delays in conducting the prescribed five-yearly reviews, and the failure to acknowledge significant shortfalls of resource, have left (the company) grossly uninformed as to future terms of Forest Agreements, if any, or for any basis of investment at all.
- The agencies managing the RFA appear to flaunt the very ideals and commitments made in the RFA and NSW FA, including:
  - Failure to meet commitments and prescribed timeframes.
  - Delivering outcomes that promote opportunity for increased revenue but diminish the potential for a sustainable sawlog resource into the future.
- Management of the Integrated Forestry Operations Approval (IFOA) exclusively by the EPA, without regard for the agreements and conditions of the RFA, has distorted the balance of outcomes of the RFA and severely threatens the reliability of future forest agreements.
- The resource of sawlogs in the Region was assessed by FCNSW as being sustainable in the long term (100 years).
- Supply of only Large and Small Graded sawlogs (as resource for the current processing plant) from the region cannot be sustained. The combined effects of reduced total area, reduced pulpwood production, reduced growth, reduced rotation length, intensive thinning and poor response to thinning, seriously question the principles applied to ensure the sustainability of the sawlog resource and the sawmilling operations at Eden. Conversely the future for pulpwood production with shorter rotation, smaller size, and better quality is improving, but only in what is left of the total area available.
- At this time, the life of (the company) has been restricted by FCNSW to the end of 2018. In a context of diminishing resource, diminishing quality and diminishing supply, and in frustration of trying to obtain reliable estimates from FCNSW, the future operation of (the company) is uncertain. (The company) needs to plan for a new resource, and a new development, with the full co-operation of the both NSW and Australian Governments.
- Numerous resource reviews, consultations and correspondence with FCNSW have failed to ease (the company) concerns since 2008. Referral of (the company) concerns by the NSW Forest Industry Taskforce to the NSW Government in 2013 has been ignored.

- Management of the resource by FONSW is now based on a 45-year rotation; not as per the previously determined 100-year cycle. This means that with an average growth rate of 0.75 cm per year, sawlog production of Large Graded and Small graded sawlogs from the last harvesting cycle will be minimal or even zero. This estimate of potentially zero only relates to the regrowth and the entire future harvesting operation has been legally circumvented by leaving potential large sawlog trees as habitat trees, during the first harvest event. Silvicultural practice is now to heavily thin regrowth when it achieves minimum economic size for pulpwood. (The company) harbours serious doubt as to how beneficial this will be for maximizing sawlog output in the future.



- The log resource is seriously diminished in size. Proposals to reduce rotation lengths exacerbate the problem and diminish growth and overall sawlog yield to the point that future volumes could be as low as 2 – 5,000 m<sup>3</sup> p.a., beyond 2030.
- Observations of thinning outcomes by (the company) have highlighted general lower quality of regrowth and a thinning response (increased branching) that has a detrimental outcome for sawlogs. Coppice growth also appears to limit growth in some cases.
- The link between all these management documents is inescapable. The Premier of NSW signed the RFA, on behalf of his Government and the State Minister of the Environment was one of the signatories of the NSW FA. This must mean that the EPA is responsible for all components of those documents, not just environmental regulation. It would appear that they have the responsibility to consider socioeconomic values as well, via their Minister's signature and her Premier. Senior management within EPA denies any responsibility, other than 100% focus on environmental regulation and any adverse outcomes caused by this are ignored. In effect, this policing policy must mean that the EPA and their Minister do not recognize the RFA, the NSW FA, or that the IFOA is a component within those documents.
- Environmental management within reserved forests is largely relegated to benign neglect; levels of protection provided by reservation have not been routinely assessed, known records and protections have not been monitored, (to verify that reservation has provided any appropriate additional protection), and protection measures have rarely been modified to reflect improved knowledge and achievements through management. Yet the restrictions imposed on operations within State forests continue to be increased on the principle of achieving total protection of everything possible, to the exclusion of forest management.

- After determination of timber yields, the IFOAs further restrict areas of State forest to provide increased or absolute protection of a very large number of environmental values by the imposition of exclusions and prescriptive regulations within harvesting operations. There is no account of the protections provided within the reserve system, because most of the values are unknown, not monitored, not surveyed, and not managed in the reserve system. In contrast every area of State forest in the region has been surveyed a number of times since 1992 and the number of endangered species records, their protection and treatment, has increased substantially. Review of conservation needs, management prescriptions and licensing reviews have not been completed.
- Management of the IFOA exclusively by the EPA, without regard for the agreements and conditions of the RFA, has distorted the balanced outcomes and severely threatens the veracity of the outcomes within forest agreements.
- The IFOA regulations restrict the conduct of forest operations but take no account of conservation values that are directly and indirectly attributable to forest management, such as fire protection, forest health, regeneration and consequent specific habitat protection. They were unable to ameliorate the gross environmental destruction of the 2003/4, 2006/7 and 2009 fires within National park of south eastern Australia.
- Of particular concern, and in some cases perverse outcomes, of the IFOA involve
  - Alternate coupe patterns, adjacency and return times, creating a further move to young regrowth forests
  - Rocky outcrops and buffers for Rhyolite formations being applied to all rocks. Reservation of all rocky outcrops reduces timber resource and again pressures regrowth forests unnecessarily.
- Habitat tree retention confusion is retaining large trees without hollows, denying the most valuable timber resource.
- To cater for capricious IFOA regulation necessarily brings forward the utilisation of smaller regrowth logs and reduces the rotation age – that creates a rather perverse outcome for environmental value, forest growth, and a negative outcome for sawlog production.
- Mapped exclusions under IFOA regulations have reduced the net harvest area of the Eden Management Area by 40% from 123,000 ha in 1997 to only 74,000 ha in 2016. Restriction of harvesting and subsequent reservation of the Murrah Flora Reserve (2016) removed 11,811 ha from the forest estate. These reductions have been implemented regardless of clause 69.
- Notwithstanding all of the regulation imposed on the conduct of forest harvesting, small groups protesting a range of issues, (including aboriginal heritage, water quality, rocks, wombats and potential koala habitat), are able to have operations halted, restricted or rescheduled, (usually with Ministerial advice), through media and political pressure despite the commitments of the NSW Forests Agreements and signed by the responsible Ministers.
- Aboriginal heritage issues deny access to large areas of the coastal multi-aged forest and have effectively stopped supply from some areas of State forest. No account has been made as to the extent that these areas may diminish the capacity to supply wood from the Eden Management Area.
- One of the biggest changes to the political and operational landscape has been the corporatisation of the NSW forest service and subsequent changes to the Forestry Act 2012. The main objective of the original Forestry Act 1916 was to “conserve and utilize the timber on Crown-timber lands”, but this has been changed in the Forestry Act 2012, “to be a successful business...”

- Since 2014 FCNSW have actively sought to attract international customers for the forest resource at Eden. That strategy has been an open threat to sacrifice the existing industry, its investment, its jobs and its development under the current forest agreements and the regional and community values which have been established to date. Whether the strategy may or may not provide a better sawlog royalty value to meet the commercial objectives of FCNSW, at the expense of socioeconomic value, remains to be seen.
- FCNSW has recently sought an expression of interest (EOI) for the public tendering of a Wood Supply Agreement for the sawlog component of the Eden forest resource. That is, only the sawlogs.

## 1286 Robin Gunning - Tamworth Greens

- Supports the National Parks Association of NSW submission (submission 5396) relating to their Forests for All plan, which aims to protect forests to facilitate increased human access for health and wellbeing, recreation and education. The Great Koala National Park proposal would help protect koalas and become a huge tourist attraction.
- Commonwealth oversight is removed from logging operations
- The RFAs were designed to facilitate multiple uses of public native forests: conservation, timber extraction and recreation, but have failed to deliver this.
- The concept of ESFM was to ensure logging did not result in negative impacts on forest ecosystems, but this has failed. The progress report for the RFA review fails to provide any data to support the assertions that logging is conforming to ESFM.
- The aims of the RFAs relate to various issues such as ecologically sustainable forest management; threatened species; World Heritage and Wilderness; community uses of forests and providing for a thriving timber industry. The National Parks Association of NSW conducted a detailed review of RFAs in NSW in 2016 and concluded that they have failed to achieve their aims.
- Other values of forests must be considered. Research in the Victorian Central Highlands shows that the value of water, carbon and tourism dwarf that of timber. Our Governments must consider all economic and social benefits from forests.
- Accreditation of logging operations has resulted in lower protection for forest species, and has not been complied with, as demonstrated by the multitude of license breaches. Commonwealth oversight of forest management must be restored.
- The number of threatened forest species has continued to rise during the RFAs, with population loss of species like koalas and gliders. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.
- Climate change was not considered as part of the RFAs, but is now the largest social, economic and environmental challenge we face. It is reckless to continue logging when we know it reduces carbon stores of forests.
- The RFAs removed public oversight of logging by excluding 'third Parties' from taking legal action on logging breaches. This has resulted in a lack of accountability and transparency in their implementation and has favoured industry over the public interest.
- The NSW taxpayer has paid millions of dollars to a multi-national corporation to buy-back non-existent timber because of over-estimated timber volumes by FCNSW. This is one of a series of subsidies that the logging industry receives.
- The logging industry is one of the most mechanised and most dangerous. The number of direct jobs in the industry has steadily declined and is now estimated as less than 400 across NSW.

Comments on the consultation process



- The NSW Government has already committed to extending the RFAs, but they must not be renewed as they have failed to protect the environment, failed to result in a thriving timber industry and are driving climate change.
- This commitment was made prior to the review that is now being conducted, so this consultation cannot be regarded as genuine.
- The review should be collating evidence to assess the performance of the RFAs with a view to making an evidence-based decision assessing whether they are an appropriate model for forest management.
- The RFAs affect two million hectares of public property in NSW, and very few people under the age of 30 are likely to have heard of RFAs. A concerted effort must be made to have genuine community consultation on the future of public native forests.
- The reviews are so late as to make them meaningless. The entire rationale of the reviews – that the community can have confidence in the RFAs because of a transparent and timely review – has been seriously undermined.
- In order to be effective, the independent reviewer must consult independent scientists (not just government agencies) and must undertake on-ground inspections of logging impacts with community groups.

### 1328 Anonymous

- Urges all Parties involved in the current renegotiation of the Regional Forestry Agreements to:
  - implement a proper and effective critique of the sustainability and efficacy of the forestry practices that underpin the current agreement
  - abandon the current regime and implement a comprehensive approach to maintaining the sustainability and biodiversity of our native forests.
- Current practices have been catastrophic from almost every perspective: whether we look at sustainability, biodiversity, environmental factors, economic viability, climate change, community needs and aesthetics.
- Logging of native forests for wood chipping is unsustainable, has had a devastating impact on habitat and biodiversity and has failed to be economically viable. It has been estimated that losses from logging native forests have cost the taxpayer nearly \$80m over the past seven years.
- Keeping our native trees (which are carbon dense) in the ground would also contribute greatly to offsetting our carbon emission targets.
- The South East wilderness is becoming a popular destination for tourists of all kinds. Eco tourism is a growth industry capable of employing many more people than currently depend on forestry for their income.
- Shorter logging cycles have exacerbated the destruction. Neither the flora nor the fauna has time to recover before the forests are harvested again. Damage to water catchment, soils, habitat and biodiversity is pervasive and unsustainable. Even wild fire preparedness is compromised by the degradation of the forest including loss of undergrowth.
- The solution is obvious. Jettison the RFAs and implement an approach based on sound environmental and economic grounds, an approach exclusively based on sustainability and biodiversity.

### 1358 Neil Bingley - NSW Apiarists Association

- Beekeeping is a sustainable industry that has extensive benefits for communities, the environment and the economy.



- The NSWAA is the peak industry body for NSW commercial apiarists. The NSW apiary industry:
  - Accounts for 40 – 45% of the national honey crop
  - Has approximately 5,500 registered beekeepers accounting for 313,636 registered hives.
  - Contributes \$36 million annually to the NSW economy
  - Contribute to \$94 million of national gross value of honey and associated bee products
  - Services the 35 agricultural industries dependent on honey bees for production - the economic value of these industries is estimated to be in a range of \$4 - \$6 billion.
- For healthy bees and for pollination to occur, bees need to access forests with a full biodiversity of flora and free from pesticide, insecticide and herbicide impacts. This access allows the honey bee to build up health and vigour before and after pollination events. Bees cannot tolerate sterile monocultures with a single native species.
- NSW Forests managed under the RFAs provides licensed apiary sites or the potential for apiary sites. The Report identified 2,509 licensed apiculture sites.
- The agencies responsible for monitoring the RFAs have missed an opportunity to engage apiarists as they are both the assessors of forest health and the observers of logging practice. There needs to be greater communication and consultation with apiarists from the agencies monitoring the RFAs.
- It is not possible for NSWAA to fully comment on a report that scans a 10-year operational period and that includes 351 pages of text, figures, tables and appendices. The report may be what is required by Government, but it is too large and complex to meet the needs of participant stakeholders. Reporting should adhere to the agreed 5-year reporting milestones.

#### 1359 Rhannon Cunningham, Humane Society International Australia

- Submission is made on behalf of the 70,000 supporters of the Humane Society International (HSI). HSI is a not-for-profit organisation concerned with the protection and conservation of wildlife and biodiversity. HSI seeks to create an ecologically sustainable and humane world for all animals and their environments.
- HSI opposes the continuation of the RFAs as they are outdated and ill equipped to preserve public native forests. The RFAs have systematically failed to successfully protect the environment and should not be rolled over without significant amendments that bring them into line with today's environmental context.
- These agreements need to be aligned with internationally agreed standards, current science, and encourage a transition toward sustainable native forest management.

#### Key issues:

- There is no data to show that the RFAs have resulted in ESFM, nor any evidence that they have fostered a stable and economically viable timber industry. Furthermore, the CAR Reserve Network remains undelivered.
- The RFAs fail to encompass modern environmental perspectives, international environmental standards, and do not make any consideration for climate change.
- Data to support conclusions on indicators addressed in review progress reports is notably absent. Examples of this are lack of data assessing forest stage growth, proportion of forests that are protected, impact of RFAs on species, or the value of non-timber based forest services. The reviews are also not conducted in a timely manner, rendering them impotent.
- The RFAs only value forests on their logging potential, and fail to account for the value of other assets such as water, carbon, ecosystem services, and tourism.

- The RFAs exacerbate threatened species and ecosystem risks. To date, the conservation status of many species has only declined since the introduction of the RFAs due to habitat destruction. This includes iconic species such as Koalas and Gliders. Logging is also directly responsible for the death of forest animals which is a significant animal welfare concern.
- The RFAs prevent public oversight - under the RFAs, third Parties are prevented from taking action in logging breaches leading to a lack of transparency and industry interests undermining public interest.
- The RFAs prevent Commonwealth oversight. Accreditation of logging operations under the Environment Protection and Biodiversity Conservation Act 1999 has resulted in lower protection for forest species.
- Recommendations:
  - Enforcement of Federal environmental legislation within the logging industry;
  - Alignment with international environmental standards, treaties and agreements;
  - Improvement and enforcement of prescriptions pertaining to threatened species;
  - Improvement and enforcement of prescriptions pertaining to Climate Change;
  - Improvement and enforcement of prescriptions pertaining to non-wood forest values such as water, carbon, ecosystem services, and tourism;
  - A more comprehensive and timely review system that allows critical performance analysis and a mechanism for incorporation of improvements. Ideally this would involve scientific analysis by an independent body, not just consultation with involved government agencies;
  - Shorter agreement durations that allow for frequent and timely adjustments, especially given the potential medium to long term impacts of climate change;
  - Substantial additions to the formal reserve system.

#### 1361 Jennifer Severn

- The most effective means we have to combat climate change is in leaving our established forests to thrive. If this were the only reason to leave them there, it would be enough. But there are so many more. Habitat for threatened species, protection of water catchments, and simply because they are beautiful, natural areas and deserve to exist in their own right.
- Destroying the forests has not led to a successful timber industry, which constantly breaches the conditions of its license. Why continue? It's beyond sense.

#### 1362 Dr Bronte Somerset

- Submitter prepared paper titled 'Questioning Application of Procedural Justice Principles within the NSW Government's Regional Forest Agreement Public Submission Process'. Full paper needs to be read.
- The paper discusses the nature of the State Government's procedure on seeking feedback on the RFAs. It reviews the feedback process and considers whether five suggested principles of procedural justice: voice, transparency, fairness, accessibility and impartiality are evident.
- The suggested principles of procedural justice were:
  - Voice: ways for a diversity of stakeholders to be included in decision-making processes and to be heard
  - Transparency: adequate and accurate information in a way that is readable for the stakeholder participants

- Fairness: enough time for stakeholders to read the information, have discussions about the information and have questions answered
- Accessibility: avenues for issues to be raised and responses from the decision-making authority to be received
- Impartiality: a decision-maker who is neutral and does not have a bias towards the outcome.
- The paper concluded:
  - People who wanted to 'have a say' would be challenged trying to evaluate the huge amount of accompanying documentation.
  - Assumptions were drawn regarding the public's awareness, access to technology, ability to read and comprehend the technical material and understand expressions used in the logging sector. This highlights the discriminatory nature of the process.
  - There is a lack of transparency in consultation and assessment process.
  - The process of the enquiry is not based on procedural justice - therefore putting at risk the public will and the future of publicly owned State forests.
- Proposes that the process is unethical, obfuscating, and not legally tenable within the axioms and spirit of procedural justice and of giving everyone a 'fair go'. Suggests that, unless the State Government sees the light about the atrocity of native forest logging, that the RFA submission process be halted until the State Government can devise an accessible and ethically responsible way to gather data on the will of public and to apply it.

#### 1363 Geoff Bell

- The current State Forests should remain as presently configured and managed, thereby continuing to provide a productive, renewable and environmentally friendly resource that benefits everyone, including those people who work in the timber industry and their families.
- No more forests should be locked up to appease a few activists with extreme ideas that don't seem to have any basis in fact.

#### 1374 Anonymous

- In principal there should be no need to log native forest, no matter their state of degradation, when tree plantations are more capable of supplying our timber needs. RFAs should be replaced with a regime that protects our endangered old-growth forests and contributes to our responsibility to help limit the extent of climate change.

#### 1388 Anonymous

- Opposes the renewal of the RFAs. Supports the establishment of the Great Koala National Park. Key issues:
  - Regulations for the removal of trees are being eroded. The community is being relied upon to regulate the forest industry. When breaches are discovered the penalties are completely inadequate for the enormity of the crime. And these are crimes against humanity.
  - Deforestation is one of the main reasons for Koalas being under threat of extinction. Australia is the leading country for fauna extinction per year in the world.
  - The NSW Government is putting the future of our species at risk by increasing the likelihood of extreme weather events and global warming. Forests protect us against these risks.

## 1407 Jo Dodds

- The submitter opposes the renewal of the RFAs, with particular concerns about the negative impacts forestry has on the attractions of the shire. The number one reason which people living in the Bega Valley note as important to their enjoyment of this region is its pristine environment, clean water and forest surrounds.
- I have witnessed the destruction of attractive gateways to our region both north and south, as huge areas of land are logged and destroyed along the major roads. The devastation of these forests runs absolutely contrary to the majority of residents and locals desire to retain and enjoy such places. As such, the RFAs should NOT be renewed.

## 1413 Anonymous

This submission is 20 pages long, with considerably more detail that is possible to include here.

- (The company) has made considerable investment to manage logs of all sizes, species and qualities to maximise the value of the available timber resource. Since 1997, this has been with the assistance of the NSW Structural Adjustment Program.
- (The company) entered into the WSA to help achieve the industry, social and economic objectives of the RFAs, with the resource calculated to last 120 years. (The company's) interest is to secure the whole legal framework which underpins resource supply, so that operations may continue to the full term of its WSA and there is a long term future for the business.

### Key issues

- There are many misleading assessments in the Report. RFA conditions are either met or not met. Anything not achieved in the required timeframe or to the required standard should be listed as Not Achieved.
- Specific agreements within the RFA have not been implemented by the NSW Government or by FONSW (examples given).
- The RFA failed to conduct the prescribed reviews within the set timeframes. That has led to the failure to identify shortcomings and to correct these in a timely or efficient manner (particularly for industry, where there was a failure to supply the committed yield of sawlogs).
- Resource assessments by FONSW have been plainly incorrect and have been adjusted negatively in some form each 5 years.
- The area for timber production has diminished by an estimated 40% since the RFA was made. The overall volume supply of timber to (the company) has been maintained, however the supply of other commitments has not been met. There has been a serious diminution of species, size and quality of supply by FONSW to our company.
- There have been various resources reviews, consultations and correspondence with FONSW has failed to assuage our concerns. The issues have been addressed to FONSW, the NSW Forest Industry Taskforce and to the NSW Government but have not been able to get a response.
- Sawlogs to (the company) are sourced from contracted and integrated operations run by FONSW. Supply to (the company) has been constrained by the FONSW giving priority to other supply commitments, including their preference for species, size and quality.
- The security of (the company) is restricted by the regulatory framework to the end of 2018, or shortly after. The Wood Supply Agreement for sawlog supply will expire in 2023. The unknown future of the IFOAs threatens future restriction on access to resources.
- If the RFA is renewed, it will not provide the planned 5-years notice of a future RFA to ensure resources security. There is less than a year to have the whole framework of legislation in place.
- The process for extending the RFA (to have occurred in the third review (2013)) has been neglected. The result is that the FONSW are now running a private commercial agenda for the industry beyond 2018.

- The future of (the company) now depends on
  - maintaining a consistent supply and flow of specified sawlogs
  - identifying a known and viable resource for timber production
  - investment in new technology
  - reliability and integrity of forest agreements and supply agreements with FQNSW
  - reliance on environmental regulation
  - legitimate business security.
- In summary, (the company) has made substantial growth in investment, product development, employment and skills development. The future now requires a much broader and reliable view of resource opportunities and investment in new processing of a new resource.
- The use of C-Plan, as the system for determining reservation requirements, was not continued as a monitoring system of the outcomes of the Assessments and FAs, and is now the most appropriate tool for any review of outcomes or reservation requirements.
- (The company) contends that existing companies with WSAs be provided with first opportunity to future resource in their region and, if that cannot happen, that local socio-economic values be a critical requirement for further development of the existing industry.
- This industry is not in any position to plan its future beyond the end of 2018: any future will require planning, financing, investment, acquisition of equipment and a schedule of implementation. (The company) is well positioned to do this – but needs a 5-year lead time.
- C-Plan is now the most appropriate tool for any review of outcomes or reservation requirements. It could have provided all the data for all sorts of reviews, provided improved and more reliable data, and ameliorated reservation requirements.

### 1433 Anonymous

- I never agreed to the RFAs being made. They have led to the systematic and continued destruction of our forest ecosystems, loss of species already on the edge of survival, and the degradation of our waterways. They have also caused separation between people in our communities and failed to acknowledge that forests are important for carbon storage.
- There is Inadequate / irrelevant data in the Report. It is essentially a compilation of data on logging regimes and associated issues and the extent to which various targets have been met. It deals solely with past events and states that it will not consider comment on alternatives to native forest logging.
- The Report frequently addresses indicators without providing any data. Consistently we have seen community groups having to do the work of government in providing data and intervention to allow endangered species and habitats to be protected.
- The Report for the RFA review fails to provide any data to support the assertions that logging is conforming to environmentally sustainable forest management. In contrast, there is lots of evidence that forest wildlife is in decline.
- The Report provides an overwhelming case for transition out of native forest logging to plantations. Plantations were not part of the first RFAs and yet perhaps 70% of the Implementation Report is about plantations, including virtually all of the positive material.
- During the 10 years of the Report period, over 4,000 non-compliances with the Environment Protection and Biodiversity Conservation Act 1999 were identified through EPA audits and investigations. However, the EPA conducted only 187 audits for approximately 5,000 to 6,000 logging operations. None of this is mentioned in the review upon which the public has been asked to comment.
- Threatened Species data missing in the report for Eden RFA area from lists in Table 67: Threatened species list – fauna (p. 295), include, Glossy Black cockatoo, Barking Owl, Olive Whistler, Yellow-Bellied Glider, Squirrel glider, Pink robin and White-footed Dunnart.

- The number of threatened forest species has continued to rise during the FFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.
- Logging kills forest animals and is therefore an important animal welfare issue.
- The fact that State Forests are exempt from the provisions of the Environment Protection and Biodiversity Conservation Act 1999 is ridiculous.
- Given that it takes 100 to 200 years for habitat hollows to form in trees, the term 'sustainable logging' is an oxymoron.
- Climate change was not adequately considered as part of the FFAs, but is now the largest social, economic and environmental challenge we face.
- The Report doesn't consider carbon loss through woodchips for paper.
- The NSW taxpayer has paid millions of dollars to a multi-national corporation to buy-back non-existent timber because of over-estimated timber volumes by Forestry Corporation.
- The predominant practice of logging for woodchips in south east NSW has been objected to and contested for decades. It creates social discord, environmental and financial loss and disrespects Aboriginal culture.

#### 1434 Barry Tomkinson, National Parks Association Milton

- The National Parks Association (NPA) Milton Electorate is a non-government, non-political community based organisation of 160 members and families in the Milton-Ulladulla area of the Shoalhaven. It is concerned with the preservation and protection of our natural environment and its enjoyment by future generations. As an organisation, the NPA tries to present a balanced and fact based commentary on key matters of interest to us and our community.
- We do not have a myopic view that all forest logging is bad, nor do we believe that all those who oppose it are ignorant idealists. We understand however that the NSW Govt. has, prior to this review, in fact already committed itself to extending the FFA's. This is most unfortunate as it casts a shadow over the value of this community consultation process.

#### Key Issues

- FFA's are not working - we seek a better model. The FFA's as they currently stand are in fact a failing model and there is no point in expecting that they will succeed in the future.
- Stakeholder management is weak - breaches of licence are too numerous to mention and it would seem to us that this situation will continue to occur unless, and until, Commonwealth oversight of forestry is restored.
- There is role for logging but the model must be workable.
- Badly managed logging is a clear threat to the future growth of tourism.
- The area has a natural advantage through its perception of being "unspoilt" but eco-tourists, particularly from abroad, are notoriously fickle and will not return or recommend regions that are not protecting the natural environment which they are increasingly coming here to enjoy.

#### Recommendations

- Milton NPA does not seek to end logging in our area but to set it up under a new business model which will be better managed as a public good and as an eco-tourism drawcard.
- The current FFA's are clearly not working as originally intended and should not be renewed. They are failing to deliver results for the loggers, for the public and for the environment.
- Commonwealth Govt. oversight of the process of forestry management should be restored to ensure best practice guidelines are adhered to, and that our international obligations under our climate change agreements are honoured.



- Alternative models of management need to be seriously considered, and in conjunction with inputs from both the logging industry but also key stakeholder groups.
- It is imperative that community support for future approaches be genuinely obtained, as the current system is breeding distrust between key stakeholder groups in the community and will continue to do so unless it is altered.

#### 1454 Anonymous

- I strongly believe that NSW RFAs are failing our public native forests.
- Australia has set the world record for forest destruction, but now it is time to turn this around. We need to expand and protect the forests we have!
- Native forests have significant ecological value. They act as a filter for water, promote biodiversity and are the home of many of our iconic animals. In addition, our forests help help to counter the effects of human induced climate change.
- They should be preserved and enjoyed as forests, rather than logged at an economic loss. Native forest logging does not provide the jobs or economic benefits that RFAs were supposed to achieve. The small number of jobs associated with logging native forests does not justify the significant ecological and heritage loss -- a loss that affects all Australians.
- The value of our public native forests extends beyond timber production. There are alternative ways to use state forests that still create jobs, for example, through tourism. In 2016, nature-based travellers made up 82.9% of visitors to NSW, with national parks and state forests the 2nd most popular class of destination in the state.
- Let people of NSW enjoy the ecological as well as economic benefits of these public assets.

#### 1464 Anonymous

The fact that both the NSW and Australian Governments have committed to extending the RFA's beyond 2019 makes a farce of this process. The RFAs must not be renewed.

- They have not been managed for ecological sustainability because the number and rate of threatened species nomination continues to increase.
- Industrial logging has resulted in smaller and smaller logs being harvested. The time between harvests is insufficient for the trees to reach a reasonable size. This also results in increased erosion and reduced water supplies.
- When the RFAs were signed, climate change was not taken into account.
- The RFAs do not provide for intergenerational equity. The forests that are seen today are a poor example of what used to exist.
- Timber should be sourced from plantations; wood chipping should cease and alternatives used for paper.
- Forests should be used as places for passive recreation and human health.
- Forests, managed as a carbon store, for human health and for wildlife habitats.
- The Draft Plan of Management for the Murrumbidgee Flora Reserves gives a good idea of sustainable management, one which caters for Aboriginal heritage, for tourism, for wildlife, for environmental protection. Our State Forests should use this as a template for managing all NSW's forests. If these Flora Reserves were extended to the State forests north of Bermagui, Gulaga and Biamanga National Parks would be connected to provide an excellent wildlife corridor connecting the two national parks.
- The number of breaches of the forestry licences shows the Environment Protection and Biodiversity Conservation Act 1999 has not been met.
- Victorian research shows that forests provide more wealth is created if managed for carbon, water and tourism.

- Logging not only removes trees and habitat. Much else is destroyed in the process. Understory and shrubs are flattened, animals are killed, soils compacted and eroded. Watching the forest north of Bermagui being logged - and decimated - several years ago was distressing.
- With increased mechanisation, fewer and fewer people are employed in logging.
- Forestry receives subsidies which would be better directed towards conservation efforts.
- A thorough scientific, independent investigation into the impact of logging native forests needs to be undertaken BEFORE RFAs are renewed.

### 1467 Chipstop Campaign Against Woodchipping

- The report shows a total disregard for the legal framework in which native forest logging is carried out.
- Most of it is either irrelevant (e.g. extensive inclusion of information about plantations) or wrong and provides resounding evidence that the only realistic approach now is to end native forest logging in a fair and orderly way.
- For the south coast of NSW (Eden and Southern), the first round of RFAs have given us almost 20 years of the most intensive native forest logging in NSW, record woodchip exports, more threatened species and a growing financial burden on NSW taxpayers.
- To use this report as a justification for renewing them indefinitely with weaker environmental controls is outrageous.

### Recommendations

- The report makes it clear that there is an urgent need for a clear and workable plan to manage the closure of the woodchipping industry.
- Some obvious measures would include, but not be limited to:
  - A remediation bond payable by the owners of the Eden woodchip mill to cover costs of restoring the chipmill site for other purposes once the chipmill closes.
  - A levy on the CFNSW per hectare logged to provide for the restoration of native forests logged between now and the closure of the native forest industry.
  - A water quality levy imposed on all logging operations undertaken in estuary catchments such as Wonboyn and river catchments.
  - A road maintenance fee to ensure that roads used by log trucks cease to be a financial burden on other road users, councils and taxpayers until logging ends.
  - A retraining fund payable by industry employers to entitle all workers currently employed in the logging industry to a retraining package to acquire new skills.
  - A fire control levy payable by the industry to the Rural Fire Service per hectare logged, in recognition of the fact that dense regrowth forests are more fire prone than mature unlogged forests.
  - Twofold Bay seabed damage prevention and remediation levy on woodchip carriers using loading facilities at the chipmill, in compensation for degradation of habitat of species such as the weedy sea dragon and green sea turtle by woodchip carriers.
- If any RFAs are renewed, WSAs should be for realistic timeframes (no more than 5 years), should not contain "take or pay" clauses and not carry unwarranted penalties for any early cessation of access to wood supply.



- Eden S68, p. 202. This reveals that there was no obligation under the Eden FFA to guarantee timber supplies from elsewhere when the Murrah Flora Reserve was created. The highly contentious clause in the other NSW FFAs: “Enhancements to the CAR Reserve System will not impede State Forest land management or delivery of wood supply”[1] does not apply in the Eden FFA Region, so cannot be used to justify spending the \$2.503 million Environment Trust (ET) grant on allegedly sourcing alternative log supplies from further afield. Growing evidence seems to suggest that the ET grant was more about enhancing the bottom line of the FONSW than serving an environmental purpose. This type of funding should not be renewed when the current grant expires at the end of 2018.
- Contributions to Tourism. The Table on p.228 gives estimates for claimed visitor numbers and financial benefits to regions. Among the facilities cited is the Bodalla rest area, which, it is claimed, attracts 8,000 visitors per year and puts \$1 million into the local community. Really? I would love to know how this figure was arrived at! Even if these amazing figures were true, there is no mention of the tens of millions of dollars from the Community Service Obligation that has helped maintain them. And what impact did it have when the adjoining area was logged?
- Regeneration. S. 46, p. 162 seems to be suggesting that only about 70% of logged forest (integrated harvesting) regenerates successfully. This is consistent with other information that logged forest, particularly on the cold climate of the escarpment has not regenerated. This makes nonsense of any claim that native forest logging is “sustainable.”

#### 1475 Peter Morris

Submitter opposes the renewal of the FFAs. The FFAs are a failed model for forest management.

I object to any revision of FFAs that does not fundamentally change the way we use our forests. I believe that we should use an ecosystem approach to managing forests and that the only materials removed from the ecosystem should be high quality sawlogs. All waste material should stay in the forest to be naturally cycled through ecological processes. I specifically and strongly reject the removal of forest materials for energy production. This would be damaging, unsustainable and directly at odds with our compelling need to produce energy without producing carbon dioxide. The greatest need that our forests can meet is that of habitat and ecology. We have a history of abusing our forests and this must be changed. Please record my strongest possible objection to any system of forest management that does not meet the conditions I have described.

#### 1502 John Jeayes

- I live at Port Macquarie, NSW and recently went to Coffs Harbour to the Pop-in information session regarding the RFS. When I went outside I talked to a couple of protestors whom I knew and to my surprise found that no-one from the demonstration was prepared to talk to the government representatives. They believed nothing they said would make any difference to the FFA result, the determination to proceed with even less environmental protections was a foregone conclusion. But I thought I should contribute to the process.
- The single tree selection method has evolved into taking every single tree apart from a couple of seed trees like Tallowood and Blackbutt so as to turn the forest coupe into a monoculture or bicultural plantation. This of course drastically alters the nature of the native forest which preservation was once the aim of ESFM. It is more akin to farming public forests than to conservation of the environment.
- Bit by bit the rules have been changed, ignored, watered down and there has been little monitoring of the logging in our State Forests while the EPA has consistently failed to prosecute and produce fines worse than a slap on the wrist when activists have dragged EPA officers to see evidence of multiple breaches.

- On the South Coast Judge Pepper in 2013 in her ruling noted that Forest Corp was a repeat offender with serial offences. <http://www.smh.com.au/environment/nsw-forestry-corporation-fined-for-damaging-environment-20130724-2qj5w.html>
- The first question I asked the Government representatives at Coffs Harbour was how are our forests going? What did the assessment of the environmental situation show you? They said there isn't one but there is a biodiversity study which was done in December.
- Steve Phillips, a respected ecologist specialising in koalas found in a study commissioned by Port Macquarie Hastings Council that the forest industry west of the Pacific Highway had cut our most of the suitable koala food trees in our forests. He produced 3 scenarios for what was previously called the strongest koala colony on the NSW North Coast and each predicted local extinction within 50 years!
- There is currently a push from government sources for increased Private Native Forest (PNF) activity. There was a conflict between the NSW Government and Coffs Harbour Council about the PNF being allowed in its area, because all core habitat can be bulldozed and offsets made. The offset can be a few trays of seedlings to be planted later!!
- There needs to be a reinstatement of NPWS field staff numbers and the use of drones and possibly occasional satellite surveillance for fires.
- Ecologists and environmentalists know a lot of the damage being done but if the RFA is renewed for 20 years with even weaker regulations and an impotent or complicit EPA it will sign a death warrant for the forest ecology and also the timber industry.

#### 1665 Anonymous

- I am OPPOSED to the renewal of the NSW RFAs because I consider them to provide very inadequate protection for our forests in this age of increasing carbon emissions, increasing numbers of threatened and endangered species, and the need for healthy, robust forests throughout the state.
- Instead of continuing to allow logging and extending these inappropriate RFAs, I am in favour of increasing protections for our forests and making good use of forested lands for eco-tourism, recreation, and other activities that will encourage people to visit forests, learn of their value, and support their protection.

#### 1779 Jane Judd – Friends of The Pilliga

- The submitter believes the RFAs should not be renewed. She lives in North West NSW and has used native forests her entire life and values them for recreation, for the water and carbon they help conserve, for the tourism opportunities they present and as places of refuge for our native species.
- The submitter draws a parallel between the RFAs and The Pilliga. The aims of the RFA and the aims of the Pilliga are similar, except that the The Pilliga allows extractive industries such as coal seam gas extraction.
- Opening The Pilliga up to extractive industries has in taken over from all other aims:
  - The public is excluded from areas where gas extraction is going ahead, and even in these fairly early stages, the public who venture into these areas are followed and photographed by company employees. Recreation is impossible.
  - Extensive tracts of natural bushland are being fragmented by additional roads, pipelines and well pads every 700 metres. There is increasing noise and light, traffic movements, weed and feral animal invasion. Conservation values are lost in this process.

- Similarly, the Brigalow RFA greatly overestimated the amount of timber which would be available for extraction over the 20-year period of the agreement. This has resulted in the “mining” of existing timber reserves and pressure to convert areas dedicated to conservation into timber extraction.
- These forests are public assets and as such should be managed for public good not the profits of large corporations. Public access should be maintained. The decline in native animals can be reversed by ensuring that these large tracts of existing native forests are used to protect them.

#### 1814 Sally Fryer

- We are only alive because of a healthy environment. FOR NATURE'S SAKE SAVE THE TREES WITHOUT TREES WE ALL DIE WITHOUT TREES THE WORLD IS A FAR LESS BEAUTIFUL PLACE STOP UNNECESSARY LAND CLEARING.

#### 1895 Anonymous

- Submitter is a trained forester and farmer and recommends the emphasis be taken away from timber production in these local forests and be focused on water and tourism as sources of value (he uses Pemberton WA as an example of where this happened successfully).
- Mountain bikes (particularly electric bikes) would be a good in these forests. This type of tourism is ideal for small economically down-trodden economies in small towns like Bemboka, Nimmitabel, Candelo, Wyndham, Cathcart and Bombala. Existing forestry roads can be upgraded and camping facilities put in place. Combining this with a rail trail network on the old Cooma Bombala line would add to the benefits to all the above villages. The Monaro country around Bombala and Cooma is spectacular off the beaten track. Bushwalking can also add to this diverse source of employment.
- Logging damages water catchments and this is supported by Melbourne Metropolitan Board of Works study in the Thomson River catchment, where regrowth following fires reduced water yield.

#### 1946 Anonymous

- Submitter opposes renewal of RFAs. They visit SE forests and note no big trees remain.
- Majority of forests goes to low value paper products, when it should be used for water catchments, habitats and carbon sequestering.
- Gives profit to a few companies, with a bad deal for all Australians.
- Wants tax dollars to be spent on staff to manage National parks.
- The need for sawlogs can be met by plantations.
- Requests halting of logging of native forests.

#### 2176 Anonymous

- NSW Government is ignoring scientific evidence to managing the State's water resources for the common good.
- Forest industry operates at a financial loss and is subsidised by government.
- Government only sees forests in terms of their timber value.
- Government is overseeing extinction of koalas in NSW.
- Wants sustainable logging industry and conservation of the State's flora and fauna.

## 2534 Denise Turner

- For the following reasons, I believe that the current RFAs in NSW should not be renewed.
- The present RFAs have been unable to meet their objectives. They have failed to provide for conservation, for ecologically sustainable use and management of forests or for an economically viable timber industry.
- Under the RFAs there has been over logging of forests resulting in loss of habitat which in turn reduces biodiversity. There has been a failure to manage forests sustainably.
- The RFAs have a general lack of accountability and transparency. There have been many license breaches where key habitats have failed to be protected. This has been due, in part, to unrealistic wood supply contracts.
- The economic viability of the timber industry is questionable. The value of forests must be considered beyond monetary value. In terms of employment created, the timber industry is a highly mechanised industry. There has been a decline in direct jobs in the industry and this pattern will probably continue.
- Climate change has not been considered as part of the RFAs.
- Plantation timber should be the basis of the forestry industry.
- We must recognise the value of our native forests beyond timber production e.g. for biodiversity, water quality and tourism (which has potential to create jobs).
- Protecting endangered species should be top priority. Our record for species extinction must not continue. It is not acceptable that koala populations are now listed as vulnerable. The Great Koala National Park proposal must be supported.

## 2546 Lisa Pfitzner, Dunns Creek Resident Action Group

- Concerned about the impact of logging on native fauna. The EPA's forestry monitoring group does a great job but is grossly understaffed. There should be EPA pre-logging surveys on all areas before any logging commences.
- Suggestions to improve the management of wildlife are:
  - FCNSW to immediately abandon the common practice of building log dumps and roads in the vicinity of yellow bellied glider feed trees.
  - FCNSW and EPA to equip themselves with drones for the purpose of positively identifying nest trees, hollow bearing trees and arboreal mammal or tree hollow dwelling bird occupied trees.
  - Avoidance and protection of trees identified by point 2, including an exclusion zone around each tree to avoid accidental damage by machinery or falling trees
  - FCNSW to equip each individual harvest team with a hydraulic crane (cherry picking machine) for the removal of the limb containing the wildlife and replacement of said limb in another suitable tree (of the same type) in an exclusion zone if avoidance of occupied tree is impossible.
  - FCNSW to self-implement the Glenbog Protocol to avoid the burying alive of wombats in each and every harvest compartment in the entire harvest area, not limited to roads and log dumps.
  - FCNSW to provide a chemical portable toilet for each and every harvest crew, in the interest of public health.
  - FCNSW to ensure that nature trails are protected, avoided and restored (cleared of fallen canopies) to lessen the great sense of loss of recreational areas experienced by the community.

- FCNSW and EPA to conduct a comprehensive post-harvest nocturnal faunal survey in each and every compartment and publish findings on their website.

### 2579 Anonymous

(The company) supports the South East Timber Association's (SETA) submission (3104) on the second and third five-yearly review.

### 2591 Phil Jones

- I am writing in support of the submission of the Nature Conservation Council (NCC). I share with them their concern regarding forests in NSW. The pressures on natural habitats including biodiversity in the wake of the passing of the recent biodiversity laws continue to increase as a result.
- There must be recognition that economic growth has a limit. When does the Authority consider it is time to draw a "line in the sand"? For the sake of future generations we need to be planning the transition from the growth economy to the steady state economy.

### 2595 Anonymous

Submission against the RFA renewal.

- I found the RFA information sessions a sham. My questions could not be answered and the officials were uninformed. There were no public meetings - this was a bad way to start off with.
- The RFAs have failed to meet their obligations, with no 10 and 15 year reviews as legislated. We have lost too much high conservation forests which are essential for our rivers and wildlife, which consequently both are in rapid decline.
- Australia's wildlife is unique and rare and must be protected. Many animals have died during bad logging practices and post logging burning of the logs they can't be bothered to mill or are too damaged for the industry. Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging;
- Ecosystem services disappear and the landscape is left bare. This is unacceptable.
- The native forest industry does not make a profit which tax payers, the air rivers and landscape foot the bill for.!! This is a waste of our precious forests.
- Forestry job numbers have plummeted with automation and not the choice of forests to log left.
- Forests are so important for carbon sequestration and mitigating climate change. We need forests to be kept in the ground not logged.
- The Government must legislate for No Native Forest Logging. Public native forest logging is unsustainable. The forests must be safe and secure. We need our fragile forests put into more reserves and National Parks and Implement the Great Koala Park. Our forests are for human health and wildlife to secure our future.

I trust you will take notice of the Kalang Progress Association submission

### 2713 Anonymous

Please stop suicide of humanity.

### 2753 Joel Little

- I think we can move on from unsustainable logging practices that result in local extinction, exacerbate climate change and reduce the resilience of our ecosystems. Overseas, many first world countries have moved on from such logging practices. Selective logging in well managed forests is an option. Time for a change

### 2855 Birdlife Northern NSW

- Birdlife Northern NSW is a community group comprising local people concerned with the protection of native birds and their habitat.
- They oppose the renewal of the RFA, as they have failed in their objectives to provide for conservation, for ecologically sustainable use and for a successful and thriving timber industry.
- RFAs also exempt the public native forest logging industry from complying with Commonwealth environment laws, which every other industry must comply with. Logging in habitat for federally listed threatened species can proceed with legal impunity under RFAs.
- Concerned about the habitat of the federally listed threatened species of birds; Rufous Scrub-bird, Eastern Bristlebird, Regent Honeyeater, Coxens Fig-parrot, and Black-breasted Button-quail.
- The short cycles of logging, leads to the absence of hollows in large areas of state forests and therefore nowhere for owls and other birds that need hollows for roosting and nesting. The Masked, Sooty and Powerful Owls are all listed as vulnerable in NSW. They need intact state forests with mature trees and hollows.

### 2863 Anonymous

- Cyneve Contracting Pty Ltd supports the submission presented to the NSW RFAs Forestry Branch by the South East Timber Association (SETA) (submission 3104)
- We believe SETA's submission fully ratifies our companies position on this matter and would like to take this opportunity to support all stake holders who rely on long-term stability of forests and forest industry.

### 2870 Anonymous

- Current RFAs in NSW should only be renewed if:
  - Improved monitoring is put into place, followed by prompt action.
  - Areas where forestry is non-viable without Government support are considered for transfer to National park.
  - The full value of our forests is taken into account, including biodiversity, soil conservation, soil water absorption capacity, carbon absorption, quality of water running off site into water catchment, etc.
  - Wildlife corridors of functional size are put into place linking forests and National park to allow wildlife movement.
  - The current unrealistic wood supply contracts leading to over logging in some areas are addressed.

### 2885 Anonymous

- Submitter supports the South East Timber Association's (SETA) RFA submission (submission 3104)



- The timber industry is a large employer in the local area and supports many local businesses and also schools, rural fire departments, charities etc.
- Should a reduction in jobs in the timber industry occur, I believe our young family would be forced to leave the area to seek other types of employment. I feel that our family would not be alone in this decision and the roll on effect for our community could be devastating.

#### 2895 Dr Roslyn Irwin, President, Friends of the Koala

- Friends of the Koala (FOK) strenuously opposes renewal of the RFAs as the review of the RFAs in NSW and supports the National Parks Association of NSW (NPA) Forests for All plan. Research conducted by the NPA has failed to protect the environment or to facilitate the concept of ESM. There is evidence that forest wildlife is in decline and constantly under threat.
- FOK is licensed to rescue, rehabilitate and release koalas across the Northern Rivers Region of NSW, and takes over 300 koalas a year into care, unfortunately releasing only 15% back to the wild.
- Forests are critically important habitats for koalas and other wildlife species, particularly when so much of their habitat outside forests and national parks is being removed across the State for industrial and residential development.
- FOK provides educational tours at their Koala Care Centre every day. International tourists want to learn about koalas and about their delight in visiting our National parks and their deep concern about governments that are compromising the future of our spectacular wildlife. They, like we, believe that forests are a public asset which should be managed for the public good rather than in the interests of logging.
- The submitter urges Government to consult independent scientists, not just government agencies, undertake on-ground inspections of logging impacts with community groups, and implement alternative models for forest management that protect our environment and wildlife and lead to far better outcomes in the public interest.

#### 2905 Stewart McKinnell - McKinnells Pty Ltd

- McKinnells Pty Ltd is a third generation timber company. They support the principles of the RFA, as they provide for sustainability, but they but have failed to provide for the long term stability of forests and forest industries.
- Particular concerns:
  - Land areas in National parks are not sustainably managed (refer weeds, fires etc.) but these are not subject to same scrutiny as production forests.
  - Under the RFAs, land is taken from production forestry and put into the reserve system, but there is no replacement land/resource provided to the industry.
  - Areas that look pristine, and conservation groups request that they go into the reserve system, are often previously logged areas.
- Small changes would improve the situation:
  - Consideration should be given to selective logging.
  - Consideration should be given to selective logging in some parks and reserves systems—some of the areas were previously working forests.
  - The management of parks and reserves systems needs to be reviewed in light of climate change and fire risks.
  - Fine tuning the RFA e.g. actions once achieved don't need to be maintained forever.
  - More access for the community to help them understand.

- The flora and fauna of parks and reserves need to be monitored and reported as part of the RFA process.

### 2919 Anonymous

Narrawallee development - such a shame

### 2924 Helen Coltman

- I am writing in response to consultation on the NSW RFAs (RFAs) and to state my opposition to their renewal. The RFAs have failed to meet their aims and instead during their 20 years:
- Please conserve our bush. Other countries have been greatly denuded of their native forests, e.g. the UK and Nepal, and I cherish our bush and all that grows and lives in it, it regenerates me, a wild place to walk and take in, and there are the wild flowers, birds, lizards. I love it. I would like the native bush to be available for others too wherever we happen to be living.
- I am sure you forestry people and hopefully you politicians who are responsible for looking after our forests know all the reasons why forests are so important to our human habitat.
- Please care for our forests/ bushland.

### 2931 Wendy Wilton

I fully support the South East Timber Association submission (submission 3104)

### 2969 Anonymous

- Submitter works in Eden timber industry and believes RFAs were good in their original intent, but areas have been taken out of the timber resource for National parks or reserves and were not replaced. The timber industry should be compensated for these lost areas.
- Where timber industry notes a breach, it is rectified immediately.
- RFA does not allow for regulation of National parks, which are overrun with blackberries, fire weed and African Lovegrass.
- Timber industry supports a lot of towns in the area and any loss of industry will have a big impact.

### 3097 Anonymous

- RFAs are unacceptable when there are over 1000 threatened species and 100 threatened ecological communities in NSW alone.
- RFAs cannot continue when Australia's carbon emissions are increasing with the climate crisis escalating with increases in the frequency and severity of extreme heat waves, floods, storms and wildfires. Forests are one of the most effective ways to capture and store carbon, so necessary for a safe climate.
- In summary, the consequence of the RFAs have been:
  - Populations of forest animals, including koalas, plummeting over the life of RFAs
  - Ecosystem processes in forests, like the carbon and water cycles, being disrupted, polluted and damaged
  - Loss of hollow-bearing trees, key to wildlife survival
  - Failed ecologically sustainable forest management



- Forestry job numbers steadily declining & taxpayer subsidies keeping logging financially viable
- It is a disgrace that FFAs are exempted from complying with Commonwealth environment laws and can proceed with legal impunity.
- The recent proposals to 'harvest' native forests for wood chips for 'renewable energy' biofuels is an obscenity.

### 3098 SP & HM Pope Logging Pty Ltd

This submission is a duplicate of Submission 3104 – please refer to main report.

### 3104 Stephen Pope, South East Timber Association (SETA)

- SETA supports the principles of the RFA. However, with over 80% of public land in NSW in formal parks and reserves and large areas of the remaining two million hectares of State forests being unavailable for timber supply, due to environmental requirements, the FFAs have failed to provide long-term stability of forests and forest industries.
- SETA is most concerned that the current regulatory and management framework fails to provide ecologically sustainable management in either the parks and reserves or the remaining areas of State forest. In addition, environmental charities and various activist groups continue to harness an ill-informed public to put an end to timber production in all Australian native forests, on the simple assumption that a simple change of land tenure will ensure the survival of a currently growing list of threatened species.
- SETA believes that the ongoing campaign to close down all native forest harvesting will shift more and more of the impact of Australia's forests product consumption offshore, often to countries with lower environmental protection standards. This is unacceptable.
- Key issues:
  - Currently 'conservation = do nothing' – with passive management.
  - Very little fuel management and build-up of understory and fuels.
  - The burning that is done is not well managed and some is too high an intensity.
  - Scientific research needs to be undertaken in the context of 50,000 year of aboriginal management
  - If the coordinated surveys for a broader range of key species were undertaken and reported on each five years, in line with RFA reporting, they would demonstrate the CAR reserve system is delivering the conservation outcomes that were expected at the time this land was reserved. The limited amount of work that has been done makes it clear that ESFM is not being achieved.
- Recommendations:
  - Native forest management across all tenures must be driven by active and adaptive management processes that incorporate a historical ecological perspective.
  - Parks and reserves must be subject to higher levels of biodiversity monitoring, with five-yearly reporting in line with RFA reviews.
  - A reformed conservation management framework would allow for the ongoing use of less than twenty percent of the total public native forest estate for the sustainable production of forest products, as well as providing a fair share of environmental and recreational services.

- The RFAs must not be renewed. The RFAs have failed to protect the environment, failed to result in a thriving timber industry and are driving climate change. The RFAs are therefore not a successful model for forest management. This public asset must be managed for the public good.
- The progress report for the RFA review fails to provide any data to support the assertions that logging is conforming to ESFM.
- The Great Koala National Park proposal would help protect koalas and become a huge tourist attraction.
- Research in the Victorian Central Highlands shows that the value of water, carbon and tourism dwarf that of timber. All economic and social benefits from forests should be included.
- The Government should use the end of the RFAs as the point at which it implements a just transition out of native forest logging on public land.
- EPBC accreditation of logging operations has resulted in lower protection for forest species and has not been complied with, as demonstrated by the multitude of license breaches. Commonwealth oversight of forest management must be restored.
- Data has not been provided to assess the proportion of each forest ecosystem protected or impacts on species.
- The number of threatened forest species has continued to rise during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.
- Logging kills forest animals and is therefore an important animal welfare issue.
- Climate change was not considered as part of the RFAs. We should not continue logging when we know it reduces carbon stores of forests.
- The RFAs removed public oversight of logging by excluding 'third Parties' from taking legal action on logging breaches. This has resulted in a lack of accountability and transparency in their implementation.
- The NSW taxpayer has paid millions of dollars to buy-back non-existent timber because of over-estimated timber volumes by FCNSW. This is one of a series of subsidies that the logging industry receives.
- The logging industry is one of the most mechanised and most dangerous. The number of direct jobs in the industry has steadily declined and is now estimated as under 400 across NSW.
- We have other options besides logging. We should protect public native forests and use them to increase public access for health and economic benefits.
- The forests of northern NSW are one of just 36 global Biodiversity Hotspots, there are forested areas across NSW that should be World Heritage, and there is outstanding wilderness.
- Polling conducted in the north coast electorates of Ballina and Lismore in December 2017 showed that 90% of people support protecting forests for nature, water, carbon and recreation. Under 10% supported logging for timber, woodchips and biomass burning.
- The NSW Government has already committed to extending the RFAs. This commitment was made prior to the review that is now being conducted. The review should be collating evidence to assess the performance of the RFAs with a view to making an evidence-based decision assessing whether they are an appropriate model for forest management.

- A concerted effort must be made to have genuine community consultation on the future of public native forests.
- An independent review must be undertaken in consultation with independent scientists, not just government agencies, and must undertake on-ground inspections of logging impacts with community groups.
- The consultation process must be extended to allow for fair and equitable community input.

### 3236 Bob Harris

The comments below are mostly about the conduct of the Eden Region RFA, as I have resided in the area since 1986 through to the present. Some commentary will be applicable to all the RFA regions.

- Despite continued Government commitment to the Montreal Protocols and the 'triple bottom line' of economic, social and environmental sustainability, the RFA process has been biased against environmental and social sustainability right from the start, and instead biased towards the needs of industry and the economy.
- The public was promised a CAR reserve system based on Joint ANZECC/MOFA National Forest Policy Statement Implementation Sub-Committee (JANIS) criteria. These criteria were modified and diminished in their environmental protection intent during the negotiation process, thus damaging the integrity of the CAR reserve system.
- The wood supply agreement, a promise to industry about the volume of pulp logs and sawlogs to be delivered, was signed off before RFA negotiations were completed, thus setting an economic constraint on what the CAR reserve system could offer environmentally. The reserve system is not adequate.
- The public are promised that forests will be managed on an ecologically sustainable manner by the delivery of ESFM. What a confused, obfuscatory and unverifiable piece of legislative doublespeak the delivery of ESFM has been during this RFA. It provides no reassurance at all about the maintenance of biodiversity or ecosystem health in logged forests.
- The Commonwealth of Australia has this to say about ESFM in RFA: three principles guide today's concept of ecologically sustainable forest management. They are to:
  - maintain the ecological process within forests
  - preserve their biological diversity
  - obtain for the community the full range of environmental, economic and social benefits from all forest uses within ecological limits.
- How do we know that these principles are in fact achieved? The Report states that ESFM targets were achieved during all three reporting periods and mentions the indicators but gives no real information about how the assessment was made. How can you possibly know about ecological processes or biodiversity in logged forests if you don't actually measure it? There is no reference to any baseline pre-logging data, or post logging data. There are no benchmarks and no assessment of change.
- The view of ESFM expressed in a 2016 EPA NSW document (Ecologically Sustainable Forest Management Criteria and Indicators for the NSW Forest Agreement regions) confuses the picture even further when it states that 'NSW ESFM indicators attempt to reflect the key environmental, social and economic aspects of a healthy regional forest for the benefit of its community.' So now we find that buried in a definition of ESFM are outcomes to do with social and economic matters as well. So is ESFM really about ecological sustainability only as the name would suggest, or in the Government's mind is it something more than that?
- Comments from NSWFC Managers for Southern Region have been confusing and concerning. In a meeting with members of Yuragalo Inc in May 2010 the then NSWFC manager for the Southern Region stated that logging doesn't have to be sustainable on the ground, but that you have to

assess sustainability in a whole of landscape context. Is this true? Does that mean that you can write off unsustainable logging impacts in one area against the Reserve System?

- In addition, during this RFA period there have been modifications to the IFOA that were not negotiable with the community, including one proposal that reduced the amount of pre-logging survey for threatened species. I believe there is another proposal imminent to change the current IFOA provisions for the protection of riparian buffers. There is no guarantee for logging site delivery of ESM in the IFOA provisions.
- The fate of trees retained for habitat is disturbing, particularly when those trees are retained for hollow dependant fauna, many of which are identified endangered species. Studies consistently show that the number of hollow bearing trees on logged sites is negatively associated with the number of harvesting events (this is related to logging rotation length).
- There is a stated ESM objective to maintain the canopy species mix in forests. In a large proportion of logged areas there is disproportionate regrowth of Silver Topped Ash (*Esieberi*) to the detriment of slower growing species and there is no early thinning and replanting being done to remedy this.
- The map on p274 of the Implementation Report shows an area near the township of Wyndham as 'Reserved by Prescription', but that title is misleading. A better title would be 'Logged by Prescription' as this is what happened eventually, after a long campaign to protect the Yurammie prescriptions) went ahead.
- The omission of any consideration of climate change and the role forest logging and forest conservation play in this from the current RFA was a grave error.
- The RFAs removed public oversight of logging by excluding 'third parties' from taking legal action regarding logging breaches. The third parties are the public and the forests are owned by the public. Why shouldn't the owners of the forests have recourse to the law when the rules of access to the wood resource are not followed?
- In order to be effective, the independent reviewer must consult independent scientists (not just Government agencies) and must undertake on-ground inspections of logging impacts with community groups. This will help in delivering the transparency and community access outcomes enshrined in Principle 2 of the ESM legislation.
- Over the duration of the RFAs we have heard comments from many stakeholders about economics and profitability with relation to our usage of forests. This commentary has been centred on issues like, subsidies to support logging, profitability of native forest logging and the value of taking carbon credits for not logging native forest. It is appropriate within this review process for both State and Federal Governments to make an economic assessment of what each of the current RFAs have delivered to the community compared to what the economic value of ceasing native forest logging on public lands would be. It would be good to have some clarity here.

I am of the firm opinion that this RFA has failed to deliver its outcomes, especially in those matters discussed above. Any future RFA for the Eden region will have to address these concerns in a tangible, transparent manner and will look very different to this current arrangement.

### 3284 Anonymous

As a person who accesses forested areas and has seen the changes – although as a person who has limited knowledge of the processes for management of the forests – I would like to support the challenge that is being put by the Nature Conservation Council.

Protect public native forests to ensure our wildlife, water and carbon stores are safeguarded for future generations by implementing strategies like the NSW National Park Association's Great Koala National Park proposal and Forests For All plan.

### 3291 Anonymous

- I am writing to state my opposition to the renewal of the NSW RFAs (RFAs). The reasons are obvious. The RFAs have failed to meet their aims. Instead, native animal populations and carbon and water cycles have been disrupted. Forest management has not been sustainable. Our native forests – what's left of them – are too precious to be squandered on unsustainable resource extraction. Consider climate change. Consider habitat ecology. Consider biodiversity. Consider public wellness.

### 3292 David Gallan

- Last century the RFAs in our state began. Even then, there were reports from the Auditor-General indicating that our forests were being cut down faster than they are growing. In our local community the scores log trucks that we see daily feeding the mountain of chips at the Eden mill just reaffirms what the Auditor-General stated.
- Extractive industries in this country are exploitative and don't acknowledge the true value of the products they have plundered in the past until, in some sectors, they ran out (ie. red cedar and whales.)
- The fact that the reporting regime for the RFAs were never followed tells you the responsibilities of the industry were never taken seriously and adds to the thesis that the logging just benefits a few contractors while the public bears the cost and the forests, the damage.
- In the thousands of pages of this report there are no mention of the hundreds of breaches of logging guidelines and the lack of monitoring by EPA due to chronic understaffing. There is no clear mention of the number of hardwood forest jobs. The whole report and process of review is deceptive and misleading. Those points are beyond debate. The review states in the introduction that it is supposed to be comprehensive. The next sentence indicates that the report will shape the new RFA. The state and federal governments decided last year to renew the RFAs before the review began. That is a totally unreasonable decision making process.
- We hear that the RFAs are all about jobs but jobs have been disappearing due to commercial realities of the export market, namely, we can't compete with SE Asian hybrid plantation product. Prices have fallen. Mechanical harvesters now can clear hectares of forest each day with only a crew of three. There haven't been gangs of chainsaw workers on the ground for years.
- Most of the Report is either irrelevant (e.g. extensive inclusion of information about plantations) or wrong and provides resounding evidence that the only realistic approach now is to end native forest logging in a fair and orderly way.
- For the south coast of NSW (Eden and Southern), the first round of RFAs have given us almost 20 years of the most intensive native forest logging in NSW, record woodchip exports, more threatened species and a growing financial burden on NSW taxpayers.
- Australia's carbon emissions are increasing, threatening the health of our community. We know that trees provide the most effective form of carbon capture and storage, yet the RFAs continue to allow the logging of NSW's public native forests.
- RFAs mean that the public native forest logging industry does not have to comply with the usual Commonwealth environment laws. While every other industry must comply with these laws, logging in habitat for federally listed threatened species occurs routinely because it's accredited through RFAs.
- The FCNSW seems more like a logging broker than a guardian of the forests.
- NSW is the only state where individuals cannot take FCNSW to court to account for breaches. Underfunding of the Environmental Defenders Office and only half a dozen EPA officers to patrol the whole state virtually gives a free licence for contractors to do as they please despite all the beautifully drawn maps with threatened species exclusions.

- For thirty years we have seen that the regrowth rates in the south east have been overestimated.
- RFAs were initially developed as a model to facilitate multiple uses of public native forests, including timber extraction and conservation, and to underpin a stable forestry industry. They have failed to meet these aims as the following facts attest:
  - Populations of forest animals – including koalas – have plummeted over the life of RFAs
  - Ecosystem processes in forests, like the carbon and water cycles, have been disrupted
  - Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging; ESFM has not occurred
  - Forestry job numbers have steadily declined, and subsidies keep logging financially viable
  - The NSW taxpayer has repeatedly footed the bill to buy out logging contracts.
- I am concerned that the current process is not a genuine review of the performance of RFAs and whether they have met their aims.
- The overdue Report on the second and third five-yearly reviews fails to provide adequate data for the public, NSW and Commonwealth governments to assess the performance of the RFAs. It also fails to take account of new knowledge, particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing – social, health, mental, and economic.
- Public native forest logging is unsustainable. It is time that our state forests, the property of the citizens of NSW, were managed in the best interests of the public. I support the NPA Forests For All plan.
- I recommend that the NSW and Commonwealth governments:
  - Not renew RFAs because they are a failed model for forest management;
  - Heed the accumulated evidence and use the expiry of the RFAs to trigger a just transition of workers out of the native forest logging industry; and
  - Protect public native forests to ensure our wildlife, water and carbon stores is safeguarded for future generations by implementing strategies like Great Southern Forests and NPA's Great Koala National Park and Forests For All plan.
- RFAs were a well-intended effort to reconcile logging and conservation. Given the accumulated evidence that they haven't worked, rolling over the RFAs will constitute a decision to entirely favour the logging industry over the public interest.

### 3296 Rebecca Bishop

- Submitter is concerned that the Report does not provide adequate or accurate information on the implementation of the RFAs and their impact on the environment.
- Specifically, during the 10 years of the Environment Protection Authority's review (2004-2014) period, over 4,000 non-compliances with Environment Protection and Threatened Species Legislation were identified through EPA audits and investigations. However, the EPA conducted only 187 audits for approximately 5,000 to 6,000 logging operations. Neither the non-compliances nor the 187 audits are mentioned in the Report upon which the public has been asked to comment.
- Threatened Species data is missing for the Eden RFA area from lists in Table 67: Threatened species list – fauna (p. 295) include, Glossy Black Cockatoo, Barking Owl, Olive Whistler, Yellow-Bellied Glider, Squirrel Glider, Pink Robin and White-Footed Dunnart. These omissions and inaccuracies mean that the analysis in the Report cannot be relied upon.



## NON-COMPLIANCE INCIDENCE FROM 2004-2014

	A	B	C	D	E	F	G	H	I	J	K	L
	YEAR	NUMBER OF NATIVE FOREST OPERATIONS	NUMBER OF AUDITS CONDUCTED	NON-COMPLIANCE WITH EPL CONDITIONS (a)	NON-COMPLIANCE WITH TSL CONDITIONS (b)	AUDIT ACTION PLAN REQUESTS	PENALTY INFRINGEMENT NOTICES ISSUED	WARNING LETTERS ISSUED (c)	ADVISORY LETTERS ISSUED	OFFICIAL CAUTIONS ISSUED	CORRECTIVE ACTION / REMEDIATION NOTICES	L&E COURT ACTION
2												
3	2004-05	162	12	145	29	-	3	5	-	-	20	\$30,000 plus costs
4	2005-06	575	8	340	52	-	2	7	-	-	58	
5	2006-07	967	12	225	95	-	3	9	-	-	58	
6	2007-08	592	12	311	339	-	4	12	-	-	31	
7	2008-09	Not stated	11	163	269	-	1	10	-	-	2	
8	2009-10	518	25	145	192	-	5	10	3	-	6	
9	2010-11	Not stated	28	245	385	-	12	8	4	-	6	Fined \$5,600
10	2011-12	Not stated	39	414	188	-	10	17	5	-	Not stated	
11	2012-13	Not stated	19 (d)	127	202	-	11	4	9	3	Not stated	Mogo State Forest
12	2013-14	Not stated	21 (e)	26	197	73	2	6	10	6	6	
13	TOTALS	2814	187	2141	1948	73	53	88	31	9	187	
14												

Compiled from the EPA's Annual Reports 2004 – 2014. <https://www.epa.nsw.gov.au/your-environment/native-forestry/integrated-forestry-operations-approvals/annual-reports>

### 3297 Allison Forrest, Pitt Street Uniting Church

- The Pitt Street Uniting Church is a faith community strongly committed to principles of environmental protection and ecological sustainability and justice. They support the National Parks Association of NSW submission regarding:
- RFAs resulting in significant losses of native forests, destruction of protected species and logging operating at a loss.
- A lack of accountability in forest management, with continued breaches of codes aimed at protecting native species.
- The pressure of wood supply contracts, which drives further logging of native forests, leaving protected or endangered species destroyed or damaged.
- Recommendations:
  - Stop native forest logging as it is an ecological and economically unsound practice.
  - Recognise the value of forests beyond timber production and investigate alternative ways to use state forests.
  - Establish a Great Koala National Park.

### 3298 Wayne White

- We already destroyed most of the North Coast's native forests to take cedar and other hard woods over the last two centuries; it's time we left it alone. I am OPPOSED to the renewal of the NSW RFAs because:
  - they increase carbon emissions
  - they increase numbers of threatened and endangered species
  - 90% of the people in Ballina and Lismore want to protect public native forests to support wildlife, protect water supplies, and respond to the growing need to store carbon. 70% support creating new national parks to protect koalas. Fewer than 10% are in favour of logging for timber, woodchips, and biomass burning.

- I am in favour of increasing protections for our forests and making good use of forested lands for eco-tourism, recreation, and other activities that will encourage people to visit forests, learn of their value, and support their protection. I also call your attention to the concept of Natural Capitalism, which focuses on protecting the natural environment instead of simply exploiting it.
- I am in favour of NOT renewing RFAs and working towards helping workers find new livelihoods that are not based on the exploitation of our forests.

### 3299 Dr Murray MacDonald and Catherine Griff

- The submitters note it is extremely difficult for persons who are not professionals or enthusiasts in the area of forest management to read and understand the large volume of technical and legal documents that collectively constitute the conditions under which the NSW RFAs have operated for the last 16 or more years.
- The stated aim of the Stage 1 review is to measure the performance of forest use/management activities against RFA milestones, commitments and obligations that were agreed nearly 20 years ago. No matter how well a natural resource management regime (in this case RFAs) performs in achieving milestones, commitments and obligations set nearly 20 years ago, this performance cannot, and should not, be used in any way to support/justify continuing the management regime with unchanged objectives and an unchanged mix of uses.

#### Key points regarding the review:

- The 'public consultation' process for the review completely lacks procedural justice.
- There is no indication that this Report was peer reviewed by independent experts to inspire public confidence that RFA performance reporting was comprehensive and even handed.
- It is unreasonable to expect members of the public to comment meaningfully on whether or not forest use activities that occurred up to 14 years ago complied with RFA objectives/milestones/standards.
- There is no separate non-technical summary of the Report for lay persons.
- There is nowhere in the Report that indicates in which specific areas of forest use/management the non-achievements occurred.
- The appendices of the Report contain a %break-down of wood harvested from native public forests v plantations v private forests for the Northern RFA area. There is no equivalent break-down for the South-East or Eden RFA areas. Why is separate information for wood harvesting in native public forests not provided, and in the absence of such information how can anyone make any meaningful assessment of the sustainability and economic viability/value of harvesting in public native forests?
- During the period covered by the Report (2004 – 2014) EPA audits/investigations of forest use activities revealed several thousand instances of non-compliance with legislation pertaining to environmental protection, biodiversity or threatened species protection. Why was this information not included in the Report, and without such information how is it possible to properly assess the performance of various forest uses in meeting one of the fundamental RFA objectives (ecologically sustainable forest management)?

### 3300 Cathy Merchant, Ryde Hunters Hill Flora and Fauna Preservation Society

- Concern that the Report is a limited assessment of NSW's forests and has not taken account of the many independent and academic studies currently available to government.
- It lacks scientific rigour, is based on out of date data and does not consider climate change issues. It would seem that the RFA process itself lacks the capacity to undertake a genuine review based on the best available science.



- The critical seven criteria to assess sustainability indicators are more descriptions rather than qualitative assessments, not supported by current evidence based science and conflate the different economic relations within Australia's timber supply industry.
- The 60% achievement of objectives mostly provides a description of the reporting requirements met and descriptive milestones rather than any thorough ecological assessments of the native forests. It is our serious concern that this outdated and flawed report will be used to justify the continuation of the RFAs which by all independent and objective data have failed the native forests and the forest industry in NSW.
- FFIHFFPS understands how important the timber industry employment sector is within some regional communities and recognizes the need for transition employment and training programs when native logging ceases.

### 3391 Lorraine Vass

- The timing of the Report, after the NSW government has already decided to negotiate renewal of the Regional Forest Agreements (RFAs) with the Commonwealth, conveys the message that the new RFAs will be rolled over without a proper scientific assessment.
- The present RFA processes are unacceptable in terms of proper performance review or public consultation. RFAs are a failed model for forest management.
- The expiry of the initial RFAs provides the opportunity for new management regimes that ensure resilient and diverse forests capable of delivering for human health and recreation, ecological sustainability including wildlife survival, water supplies, carbon stores and for industries which are far more viable and valuable than the failing timber industry.
- Primary concern is koalas:
  - The North East Forest Alliance (NEFA) has carried out audits on the implementation of koala protection requirements and found them wanting.
  - Koalas can be maimed or killed during logging operations.
  - From FCNSW documents acquired under freedom of information, over the decade from 2006 to 2016, intensive logging was carried out unlawfully in some 23,742 ha of high quality koala habitat in the Lower North East of NSW.
  - In her 2016 Report of the Independent Review into the Decline of Koala Populations in Key Areas of NSW, the Chief Scientist recognised that intensive logging may have negative impacts on koalas and noted that "little data is available to assess the effectiveness of [logging] prescriptions in mitigating impacts on koala populations". She also commented on the paucity of studies which have considered the direct impacts of logging on koalas, calling for more research to determine the impact of past and future intensive logging and the effectiveness of prescriptions to, "inform evidence-based regulatory settings".
  - Just how many koalas are left in our public forests? Those that are left need forests that are managed in ways that encourages their recovery. Extending the RFAs cannot achieve that goal. Indeed, the National Parks Association and several community groups have proposed a range of koala reserves on the North Coast that encompass transitioning some State forests into National park.

It is not too late to save what's left of our public forests and the koalas that call them home.

### 3392 Alison Salmons

- I am writing to register my complete opposition to the RMA. I urge officials to throw out the RFAs.

- One of mankind's biggest threats is nuclear war. Climate change and the terrible resulting stresses bring our species closer to war. So I implore the decision makers to leave the forests standing, and to keep the carbon locked up in the wood," in the interests of world peace

### 3393 Ross Garsden

- Believes the RFAs to be well intended, by setting obligations and commitments for forest management that deliver:
  - certainty of resource access and supply to industry – building investment confidence
  - ecologically sustainable forest management – ensuring forests are appropriately managed and regenerated
  - an expanded and permanent forest conservation estate – to provide for the protection of Australia's unique forest biodiversity.
- However, they have failed to balance competing economic, social and environmental demands on forests. The mechanisms to achieve sustainable forest management seem to be elusive to all Parties. No-one is winning.
- A common misconception is that a permanent forest conservation estate (National park etc.) will provide for the protection of Australia's unique forest biodiversity. However, there are no indicators or metrics that validates that the reservation status delivers any improvements in conservation outcomes.
- There is mounting evidence that the act of conserving forests in National park is leading to perverse environmental outcomes. In the absence of true government commitment, the agencies have done the best they can with ever-diminishing resources. There are two contributing factors:
  - the lack of resources for management of these reserves
  - the capacity to maintain the landscape in a manner that is safe and for human habitation e.g. the indigenous burning regimes that maintained the landscape have been lost and fuel is allowed to accumulate, causing a fire risk.
- A tenure-blind, whole-of-landscape approach to forest management is needed. All tenures have a role in biodiversity conservation and management.
- Timber production is often blamed for many things across all land tenures: vegetation thickening (due to lack of fire); weed invasion (due to lack of capacity to recognise a problem and take timely remedial action to prevent it getting worse); a species change (again due to lack of fire); forest illness such as the poorly-named bell miner associated dieback (again due to lack of fire). It is assumed these things will improve once land is placed in National park, but this is not so.
- By contracting timber production to an ever-diminishing operational footprint, we have both intensified production, beyond levels sustainable in the long term and diminished confidence on the part of industry and communities for continuing investment and long term social security.
- The RFAs are premised on the concept of sustainable forest management. If sustainable forest management is a realistic and achievable outcome, then we have a moral and ethical responsibility to pursue it with vigour. A mature government would sit the respective ministers down and say, this is the outcome we want to achieve, now it's up to you to make it work.
- The presumption that making something a National Park offers any better conservation outcome to a well-managed production forest is simply flawed. It would therefore be far preferable to see areas that had been formerly gazetted as National park returned to timber production, where it could be demonstrated that such production would not diminish the opportunity for the full suite of biodiversity to continue to occupy the landscape and prevail in the long term.

### 3400 Keith Hughes

- The second and third 5 year reviews which are being run concurrently appear designed to “tick the box” to allow continued intensive logging of native forests. That would be a travesty. All the available evidence indicates that native forests cannot be intensively logged without adversely compromising the qualities that are important in remnant native forests.
- Commercial intensive logging should complete the transition to plantations.
- Intensive logging destroys essential natural characteristics of native forests as well as the soil they grow in and the hydrological systems dependent on them. The deadly consequences for native animals – especially, but not only, hollow dependent creatures – are tragic at both individual and collective levels.
- Today, there are over 1000 threatened species and 100 threatened ecological communities in NSW alone. Australia’s carbon emissions are increasing, threatening the health of our community. We know that trees provide the most effective form of carbon capture and storage, yet the RFAs continue to allow the logging of NSW’s public native forests.
- RFAs mean that the public native forest logging industry does not have to comply with the usual environmental impact assessments under Commonwealth environment laws. While every other industry must comply with these laws, logging in habitat for federally listed threatened species occurs routinely in areas covered by RFAs.
- RFAs were initially developed as a model to facilitate multiple uses of public native forests, including timber extraction and conservation, and to underpin in a stable forestry industry. They have failed to meet these aims as the following facts attest:
  - Populations of forest animals - including koalas - have plummeted over the life of RFAs;
  - Ecosystem processes in forests, like the carbon and water cycles, have been disrupted;
  - Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging;
  - ESFM has not occurred;
  - Forestry job numbers have steadily declined, and subsidies keep logging financially viable;
  - The NSW taxpayer has repeatedly footed the bill to buy out logging contracts.
- The overdue Report on the second and third five-yearly reviews fails to provide adequate data for the public, NSW and Commonwealth governments to assess the performance of the RFAs. It also fails to take account of new knowledge, particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing – social, health, mental, and economic.
- We know from polling that the vast majority of people support protecting public native forests for wildlife, water supplies, carbon stores and recreation. And most support the creation of new national parks to protect koalas. A small but noisy and influential group support the logging of forests for timber, woodchips and biomass burning.
- I recommend that the NSW and Commonwealth governments not renew RFAs because they are a failed model for forest management.

### 3401 Anonymous

- Submitter is concerned about the carbon implications of logging in native forest. The community should only accept activities and devices for which carbon emissions can be repaid in a very short time.
- There is evidence that mature tree stock is most effective in carbon absorption (the opposite of what is generally claimed). He notes overall loss of biomass in harvested forests as they take so long to grow back to a mature stage.

### 3402 NSW Bush Carers

- Because of the loss of forests since white settlement and the fact that old growth forests can never be replaced, government should halt logging in NSW Forests. Trees with hollows should, in particular, be preserved as they can never be replaced. Our Australian birds and animals are entirely unique and the potential value of tourism cannot be underestimated.

### 3403 Pauline Nolan

This submission was 20 pages in length and detailed. Please refer to full submission.

- The request for submissions through an advertisement just prior to Christmas meant only a few people would respond. Community consultation has not been adequate or timely, and Government has already made up its mind to extend the FFAs.
- The report took the submitter half of summer to read and respond to. It also required extensive reading of background papers to make sense. I think this report was written to conceal core facts from the public.

#### Key points:

- The Report failed to prove ecological sustainability of the continued logging of native forests. EFSM was not adequately measured. Governments have neglected the precautionary principle.
- The data sets have been manipulated so that certain interests can continue to cause malicious damage. Many of the statements are subjective opinion.
- The majority of milestones have not been met. Government has displayed a lack of good governance.
- Drier and hotter conditions mean less regeneration – this has long term implications for EFSM.
- The ‘charcoal burning plan’ proposal was made without community consultation.
- Government intended to supply timber for Mogo well before informing the public.
- Pulp for woodchips should come from plantations only.
- The EFSM report of 2014 has not been published.

#### Comments on indicators:

- 1.2.c – Representative species - This was a spectacular failure.
- 1.3.a – The continued logging of ecosystems will continue to assist the species crash.
- 1.3.b – While it is good to have a Plantback – this does not ensure the mix of species.
- 2.1.a – The Department is out of touch – hotter and drier conditions mean less regeneration.
- 2.1.b – Age class – No data – Report is ignoring that plantations could be used to cease native forest logging.
- 2.1.d – Gives examples but no data.
- 2.1.e – The decline in proportion of both softwood and hardwood successfully established is a most worrying trend and indicates a major rethink of policy
- 3.1.b – This is statewide and does not indicate information about management practices in State Forests.
- 4.1.a – Climate change could result in increased rain and therefore more pollution.
- 4.1.c – The use of heavy machinery and roading in logging causes soil disturbance. A soil disturbance from roading is omitted.
- 4.1.f – the FFA has omitted the measuring of aquatic biodiversity. Little work done on water quality.
- 5.1.a – Emissions data incomplete – emissions for harvest and hauling have been omitted.
- Criterion 6 – All WSA across the state are being used as a subsidy for wood chipping operations in Southern and Eden.

- 6.1.a – Softwood is more viable than hardwood.
- 6.1.b – pleased that cattle numbers are down in State forests.
- 6.1.c – Bio-banking or trading off one area for another elsewhere does not take into account the unique diversity that exists at each site and will lead to further loss of diversity.
- 6.1.d – There is no data to accompany the statement.
- 6.2.a – This does not show a proper breakdown of native forest management costs nor a regional assessment.
- 6.4.a – Why is information about RFA areas not available in this report? The token amount of employment available is an insult.
- 6.5.a – Australia-wide data fails to meet the requirements that these reviews directly address.

### 3420 Martin Fallding

- Submitter opposes the extension of RFAs, without additional review and some significant changes, due to significant changes since the RFAs came into effect.
- In many areas native forest logging is uneconomic and state owned forests have more productive economic uses such as catchment protection, nature conservation and tourism. An updated review of timber resources available should be undertaken, and the costs and benefits of continuing native forest logging calculated.
- The conservation requirements of threatened species such as the Koala and Greater Glider were not considered adequately in the processes leading to the current regional forest agreements. The benefits of additional protected areas must form part of the review of the RFAs.
- Situations exist where the public interest requires that national park extensions should occur to improve park management boundaries and conservation security, and to promote more effective tourism and recreation and the associated socioeconomic benefits.
- To address some of these issues locally, the submitter supports an extension to Barrington Tops National Park to consolidate the national park boundaries by including an isolated area of state forest in the Upper Paterson and Allyn River area.

### 3438 Chris Maltby

- Given the manifest flaws in the report from the 2nd and 3rd five-yearly review of the NSW RFAs, and the unlikelihood that these can be addressed readily, I would recommend that you do not place much reliance on the report in your report.
- I would strongly recommend that your report should give substantial weight to the seismic shifts in the forest industry and the environment in which it now finds itself. An impartial analysis of this policy and economic landscape will be vital to making informed and rational decisions about the future of the RFAs and forestry in general in NSW.
- I strongly believe that this analysis can only result in the conclusion that the RFAs not be renewed and that industrial logging of the remaining native forest should cease.

#### Introduction:

- Notes that Forestry NSW annually makes substantial financial losses from its operations in native forests. The scale of these losses is very difficult to determine from the published annual reports (perhaps deliberately), but have been assessed to be around \$80m over the seven years to 2016. The native forest operations are cross-subsidised by the more profitable plantation forestry, mostly softwood.

- Since the inception of these RFAs from 1999 the climate has changed dramatically for forests and forest industries both metaphorically and literally. RFAs were introduced as a political solution to the strident protest against the annual renewal of quotas for the export of native forest woodchips. There was a stable market for the chips and for paper made from them, and the agreements could (in theory) ensure supply of the raw material at an acceptable price. There was little public concern about greenhouse gas emissions, little awareness of the greenhouse emissions associated with clearing forested land, and no associated financial incentives to preserve carbon sinks in old growth forests or forests which had been selectively logged prior to extensive mechanisation and allowed to regenerate. All of these factors have changed over the twenty-year period of the RFAs.
- There is a rapidly declining market for paper sourced from forests not certified as genuinely sustainable. Awareness and concern about carbon emissions and global temperature increases is at the forefront of public debate. There are a variety of financial incentives for the abatement of carbon emissions, and these are likely to increase in the short to medium term.
- The protection of threatened species and biodiversity was then the principle environmental concern and this concern has intensified as a result of global temperature increases as well as ongoing clear-fell forestry operations, many of them poorly managed.

#### Inadequacy of report data:

- The Report does not include any comment on alternatives to native forest logging as ways to achieve either the objectives of the RFAs or any change in policy affecting those objectives.
- The Report frequently addresses indicators without providing any data. For example, no spatial data is provided to assess the change in forest growth stage over the life of the RFAs, no data is provided to assess the proportion of each forest ecosystem protected or impacts on species and no data is provided on the value of forest-based services.
- There is no data to support the assertions that logging is conforming to environmentally sustainable forest management. It ignores the plentiful evidence that forest wildlife is in decline, or the loss of carbon stores and water supplies. As at the inception of the RFAs, the majority of people still support protecting forests, but this is another omission.

The Report provides an overwhelming case for transition out of native forest logging to plantations. Plantations were not part of the first RFAs because of their original political purpose, and yet perhaps 70% of the Implementation Report is about plantations, including virtually all of the positive material.

#### Threatened species:

- During the reporting period, over 4,000 non-compliances with Environment Protection and Threatened Species Legislation were reported. This is likely to be a significant underestimate due to the limited capacity of the EPA to conduct audits or other compliance reviews. Indeed, the EPA has conducted only 187 audits for approximately 5,000 to 6,000 logging operations.
- The report's treatment of threatened species is sloppy. For example, those missing for the Eden RFA area from lists in Table 67: Threatened species list – fauna (p. 295), include the Glossy Black Cockatoo, Barking Owl, Olive Whistler, Yellow-Bellied Glider, Squirrel Glider, Pink Robin and White-Footed Dunnart. It's hard to have much confidence in any findings relating to species loss or protection.
- The number of threatened forest species has continued to rise during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the huge impact industrial logging has on key habitat features like hollow-bearing trees. It is inevitable that logging kills forest animals and is therefore an important animal welfare issue.
- The State forests are exempt from the provisions of the Environment Protection and Biodiversity Conservation Act. Given that it takes 100 to 200 years for habitat hollows to form in trees, the term 'sustainable logging' has contradictory connotations.

## Climate change and carbon loss:

- Climate change was not adequately considered as part of the RFAs, but is now the largest social, economic and environmental challenge we face. It is reckless to continue logging when we know it reduces carbon stores of forests.
- Carbon sequestration is considered in Criterion 5 Maintenance of forest contribution to global carbon cycles where they initially give national data then combined native forest and plantation data for NSW showing 4.2 megatonnes sequestered in the year ended 30 June 2014 - FCdata. The EPA's following statement is almost fraudulent in its treatment of the issue: "Sustainably managed forests play an important role in mitigating climate change by taking carbon out of the atmosphere and storing it as wood. Forests also produce timber, a natural and renewable resource that itself stores carbon for the life of wood products. Taking into account the energy required to transform raw materials into building products, timber has a smaller carbon footprint than concrete and steel, other popular building materials."
- The statement makes no mention at all of massive carbon release through industrial clearfell logging; nor are comparison with alternative building products relevant when over 90% of the Eden and Southern forest log output is in the form of woodchips, which is definitely not a building material.
- To make matters worse, it has even been proposed that surplus woodchips could be burned to generate "renewable" energy. Despite the loss of sequestered carbon, and the other emissions associated with logging, transport etc, this would amount to an even lower economic value for this timber than for paper making.
- In the short to medium term, ending logging in the forests of the southern forest region would result in between 1.2 and 1.5 million tonnes of avoided emissions per year. According to the Australia Institute, at a conservative price for carbon of \$10 per tonne, there is the potential for these public forests of South East NSW to earn about \$20 million per annum as compared to the substantial financial losses presently be incurred by the present native forest logging operations.

## Finance

- In addition to the ongoing financial losses mentioned above, I understand that FONSW has paid millions of dollars to a multi-national corporation to buy-back non-existent timber because it managed to over-estimate timber volumes. These are public funds that should be put to a better purpose. This is one of a series of subsidies that the logging industry receives.
- Less than 10% of logs are milled for sawlogs. More than 90% of native trees logged in these regions goes to the chipmill and are exported to Asia at a substantial loss to taxpayers, and at the expense of the environment and iconic species. This can only be seen as wilful mismanagement of the timber resource - which is still touted as "sawlog driven" by FONSW and its backers.
- Further, besides the value from carbon abatement, the native forest areas are an asset that can be used to generate economic activity and revenue for the NSW and Federal governments from tourism and related services. The protection and restoration of riparian flows due to a cessation or reduction in clear-fell logging are also a significant ecological and financial benefit for downstream rural and community uses.
- The value of carbon, water and tourism from forests is already much greater than timber, and that protected areas are important for the economy. The Government must assess these trade-offs as part of a genuine review.

## Social impacts

- The industrial scale logging for woodchips in South East NSW is a long-term contested practice which disrespects Aboriginal culture and continues to incite social discord and it's associate financial and other costs. As a measure to disperse the political costs associated with this kind of logging, the RFAs are a manifest failure.



- In relation to the contribution of native forest logging to employment, when combined, Agriculture, Forestry and Fishing is still only the 9th largest employer in the South East region. Forestry jobs are a small and shrinking proportion of that total. Only some 30 to 40 people are employed at the Eden chipmill and fewer than 100 in total forestry operations. It is not difficult to imagine that the boost to tourism, agriculture etc would generate employment at this level or more.
- The logging industry has become one of the most mechanised and remains the most dangerous for workers. The number of direct jobs in the industry has steadily declined and is estimated as fewer than 400 across all of NSW. It would be a better deal for the taxpayer to provide each logging worker with as much retraining and meet whatever relocation expenses they may have than to continue to subsidise this industry at the rate it presently does. Existing mature plantations can fully provide our domestic and export timber needs.

### 3475 Caldera Environment Centre (OEC)

- OEC supports the National Parks Association of NSW submission (submission 5396), including their Forests for All plan.
- Forests management under the current system has had little regard for ecosystems and fauna. The focus on removal of timber at any cost has resulted in breaches to the codes to protect the environment. Breaches include the removal of valuable habitat trees, riparian damage and erosion causing pollution of waterways. Breaches have only been made public because of investigation by committed environmentalists. Notified breaches have resulted in minimal if any consequence.
- A change from logging of forest trees to conservation of forest will result in benefits to reduce the impacts of climate change, conserving water and carbon and providing social and environmental benefits.

### 3589 Anonymous

- I work as a volunteer in Bushcare (approx 40 hours/month) and am strongly demotivated by the image of my personal contribution being destroyed '000s of times over by the rape of natural forests. Why do I bother!

### 3745 Professor Don White

- Submitter is concerned about scientifically based conservation and economic assessments of the effectiveness of the RFAs. He supports the National Parks Association of NSW submission (submission 5396). Additional information is as follows.
  - The absence of information on the climate implications of logging.
  - The absence of information on water yield in regrowth areas.
  - The impact of logging on threatened species, such as the Greater glider, koala and hollow-dependent wildlife.
- The new RFA should consider the following (although the submitter still lacks confidence in government to achieve a fair process):
  - A genuine consultation process that is inclusive, with established criteria to benchmark and monitor the effectiveness of the RFA.
  - A formal negotiation process with balanced representation of interest groups, as was conducted in the 1990s.
  - A fair, transparent, effective, inclusive and adequately funded process.



- Additionally, Government should commit to:
  - Undertake the required studies to update and complete the data.
  - Undertake a scientifically credible analysis of the impact of the RFA on non-timber forest values.
  - Deliver a copy of the Natural Resources Commission report on current timber volumes and identify the forests to be logged over the next 20 years.
  - Provide public access to all data.
  - Provide credible scientific information on the potential impacts of climate change on forests and the connected environmental values.
  - A socioeconomic assessment of all land-use options over the next 20 years and beyond.
  - Independent analysis of the potential to reduce GHG emissions associated with logging and of the carbon sequestration potential from allowing forests to recover their natural carbon stocks.
  - An adequate budget to cover the above (~\$20 M?).
  - Making no pre-emptive decisions (i.e. establishing no new wood contracts before the end of the process).
  - Make no commitments to outcomes prior to the scientific analysis above being completed.
  - Restore Commonwealth oversight of forest management.
  - Provide spatial data to assess the change in forest growth stage over the life of the RFAs, the proportion of each forest ecosystem protected, impacts on species and on the value of forest-based services.

#### 3941 Heather Barnes

- I totally oppose renewing RFAs as they are proven to be a dismal failure. They were a well-intended effort to reconcile logging and conservation but it is obvious that it hasn't worked.
- Australia's reputation overseas is undergoing a dismal transformation as the reality of the way we treat our wildlife and our country is revealed for the ugly truth it is.
- Logging in habitat for federally listed threatened species occurs routinely in areas covered by RFAs. We are already seeing extinctions in Australia of an unprecedented and alarming rate.
- I am extremely indignant that my tax dollars are going to prop up an unviable industry that destroys native habitat as well.
- RFA have failed to meet their objectives. Populations of forest animals have plummeted over the life of RFAs; ecosystem processes have been disrupted; hollow trees have been seriously reduced in number. ESFM has not occurred.
- Less than 10% of people support the logging of forests for timber, woodchips and biomass burning.
- Use the expiry of the RFAs to trigger a transition of workers out of the native forest logging industry, and give them jobs they can be proud of over the long term.
- Ensure our wildlife, water and carbon stores is safeguarded for future generations by implementing strategies like NPA's Great Koala National Park and Forests For All plan.

#### 4010 Anonymous

- I am writing in response to consultation on the RFAs and to state my opposition to their renewal. The RFAs are a failed model for forest management. I am concerned that the current process is not a genuine review and do not support of Koalas losing more habitat.

- Ross Gittens said 'We're exploiting the environment in ways that are literally unsustainable, and must stop doing so before the damage becomes irreparable' and "since it's hard to be sure when damage to the environment has reached the point of no return, there's a great temptation to say doing a bit more won't hurt. I'll be right, and the future can look after itself. Business people think that; politicians even more so."
- Under successive governments for the nearly 20 years of the RFAs managers of the National parks and reserves have been progressively starved of human and financial resources to fully discharge their responsibilities. Management of the "production forests" - many areas of which are worthy of National park status - has failed on economic as well as environmental grounds.
- In spite of all the evidence pointing to unsustainable management of the native forests, all the economic losses, all the environmental damage, all the alternative approaches that have been raised, the Parties have decided that the RFAs should be rolled over indefinitely, without an open and independent reassessment of the consequences of the last 20 years.
- Our governments have imposed a framework of forest and forestry policies that are essentially static, too rigid to respond to change despite avowals of support for adaptation as new knowledge emerges or circumstance alters.
- In the three NSW RFA areas both the CAR reserve system and ESFM as practiced in native forests have been shown to be inadequate for protecting species and ecological communities.
- Under the RFA regime the ecological integrity of the forests has been changed for the worse; multi-aged, multi-species forests have given way to large tracts where species diversity is severely reduced, and single tree species are now dominant over large areas. In higher areas in the SE trees are not regrowing: with no canopy the young seedlings are killed by frost. Dense regrowth forests on the boundaries of townships are a fire hazard. Waterways are silted up. Some bird and animal species are close to extinction; without birds and animals, remnant forest is unhealthy. Weeds like lantana, and bell miner dieback and feral animals are major problems.
- The soils experts say that full recovery is virtually impossible after three successive loggings, and many areas of NSW forest have had that number or more - actually or nearly clear-felled, with understorey scraped away.
- The forest based industries have been far from stable, markets have undergone major change domestically and internationally, mechanisation has decimated the labour force, mills have closed. New technology will force further change. In the face of this, FONSW has pressed ahead - over-logging, over-committing supplies, giving wood supply primacy over other forest values. And successive Governments have generally backed this approach, enforced cost savings, and cut funding for the environment agencies, EPA and OEH and the Parks Service particularly, making it impossible for them to develop and maintain their environmental protection roles in regard to forests available for logging or the forests in reserve categories.
- The native forest sector of the forestry industry in NSW is unprofitable despite subsidies and concessions that are unavailable to other industries. It is fundamentally uncompetitive in domestic and global commodity markets, and will remain so.
- The native forestry sector cannot compete with plantations for almost all domestic wood construction materials; and in the global woodchip market native forest chips have been in long term decline for many years.
- Plantations require only about one-tenth the area to produce the same volume of wood as can be got from native forests. Native forest logging therefore has higher costs. The environmental cost from loss of habitat is also much higher.

- DPI is now floating proposals that the northern forests could supply three wood-fired power stations to generate electricity - which would increase logging because it could take logs from trees that were too red or too hard for the woodchippers. It is total stupidity.
- The Report meets technical legal requirements on reporting on actions over the period to meet specified criteria. It contains much useful (and some inaccurate) information that could be helpful for future management regimes. But it is an inadequate base from which to have taken the decision to roll the RFAs over indefinitely, and with even weaker environmental protections than are afforded by present management. It is particularly lacking the necessary data and analysis of declining productivity and increasing costs in native forest logging.
- Enough information has been provided to successive governments by ecologists, economists and conservation organisations over the years to demonstrate that the RFAs have failed to achieve their stated goals, they have been unable to achieve ecological sustainability. It is time now for a total realignment of policy.
- The RFA regime should now be ended, transition measures put in place, and new management arrangements developed to start the task of rehabilitation reflecting the full range of values of the forests.

#### 4555 Frank Dennis

- Submitter is a resident of Port Macquarie since 1975 and a frequent visitor to and observer of the forests. He has no confidence in the capacity of the FCNSW (FC) to honour the commitments and undertakings they are making through the RFA processes to protect the natural environment and the inherent values of complex forest ecosystems.
- He is asking for the RFA process to be halted and to be subjected to an independent public enquiry. If we had third party rights of appeal, this would be guaranteed!

#### Key issues:

- The impact of increased residential and rural development on the diminishing forest habitat.
- Intensifying forest logging with clear felling of larger areas, unlawful cutting of mature trees, filter strips along creeks not respected and soil conservation measures ignored or only partially and often badly implemented.
- Many National parks are in the outer highland escarpment areas and have been severely degraded by repeated cycles of logging and have simplified and degraded forest structures.
- The State forests generally occupy the coastal plain and midland hills areas with richer soil types. These have been reduced both in terms of tree size and floristic complexity over many years of repeated cutting with a legacy of many even aged trees and reduced tree species; these look more like plantations than the rich diverse forests they once were.
- Reducing floristic complexity reduces habitat for plants and animals, particularly those on the threatened and endangered lists.
- The local industry representatives have seized on the fact of the current degraded status of forests to suggest logging them even more heavily as “thinning” and removing “forest waste and residue”. They claim their “improvements” in logging practices are likely to enhance habitat and plant and animal survival.
- The EPA regulator has failed to adequately investigate breaches of important regulations and conditions and there has been a significant fall off in the number of successful prosecutions over recent years to nil.

- Many of the important issues you would hope we could comment on, not least of which would be an examination of the RFA process itself and whether it should continue, is not open for comment. This is despite there being a growing body of evidence of failure by expert scientists and prestigious environmental organisations showing that the RFA process is seriously flawed and not able to provide the protection our forests need.
- The forest operations are funded by a large public subsidy.

#### 4568 Caire Bettington

- I am **OPPOSED** to the renewal of the RFAs. RFAs are not a good model for forest management, rather they have proved to be a model for forest destruction.
- This is in an era where we have so few forests left, and Climate Change is real! We need to store carbon in forests, not release more by cutting forests down and burning them. Trees are a really effective way to store carbon, but only if they are left to grow!
- There are over 1000 threatened species and 100 threatened ecological communities in NSW alone!!
- Why should RFAs allow the public native forest logging industry to be exempt from complying with the usual environmental impact assessments under Commonwealth environment laws? This is utterly outrageous.
- RFAs have failed miserably, the facts prove it:
  - Taxpayers heavily subsidise logging industry operations
  - The animals and plants that depend on our forests are facing an extinction crisis.
  - Koala numbers are declining catastrophically all over Australia.
  - We are losing hollow-bearing trees too at the rate of knots – they only form in 100-150-year-old trees, but so very many of our beautiful unique birds and animals depend on the hollows for breeding nests.
- Our forests provide “environmental services” to all human populations which although they are “unpriced” in the “market”, are actually priceless and we cannot do without them.
- Absolutely no consideration has been given to ESD or Ecologically Sustainable Development in the operation of RFAs.
- The process of reviewing RFAs is in my opinion a fake process.
- RFAs are taking us down the road to the utter destruction of our last remaining forests. What are we? A third world country? Where the forests are destroyed for financial gain of the few.
- Scientific knowledge has advanced so much in the span of years of the RFAs that they can no longer be justified as a management tool.
- Polling shows that the people support protection for forests, therefore the government should do the will of the people and protect the forests.
- We need to create at least two new National Parks to protect the habitat of Koalas and Leadbeater’s Possums: one for Koalas in Northern NSW to be named “The Great Koala NP”; and one in the Central Highlands of Victoria – “The Great Forest National Park” – not only to protect the State Faunal Symbol, Leadbeater’s Possum (or “Fairy Possum”), but to protect other Gliders, Possums, birds, creatures and plants that are Critically Endangered or Endangered.
- Think of the benefits of forests: clean water and oxygen as mentioned before; habitat for endangered species, also as mentioned before; health and well-being of people from activities such as forest walking, camping, other forms of non-destructive recreation – opportunities to be quiet, silent and to relax, listen to nature, watch nature. These are so important. And there is **MONEY** to be made from forests – nature-based tourism!
- I absolutely insist that the NSW and other State governments, and the Commonwealth government **NOT** renew the RFAs!!

## 4623 Anonymous

- Submitter opposes the renewal of the NSW Regional Forest Agreements (RFAs). The National Forest Policy Statement (NFPS), which is the basis of the RFA, has failed in all its goals, objectives and implementation.
- The NFPS has failed to:
  - Implement Ecologically Sustainable Forest Management (ESFM).
  - Develop an internationally competitive wood production and wood products industry.
- None of the principles of Ecologically Sustainable Forest Management (ESFM) - have been adhered to under the NFPS, as follows:
  - Principle 1, maintain or increase the full suite of forest values for present and future generations across the NSW native forest estate has failed.
    - The only value of the forest is in how much timber can be extracted.
    - Few trees are allowed to reach an age older than 20 years.
    - Compartments are logged each 10 to 12 years, with adjacent compartments being logged within a 6-year period of each other. This breaches Integrated Forestry Operations Approval (IFOA) for Eden Region PART 3, where logging operations are meant to be dispersed over time.
  - Principle 2, to ensure public participation, access to information, accountability and transparency in the delivery of ESFM has failed. Intimidation and threats of violence against members of the public who challenge logging operations in their local area, continue to occur.
  - Principle 3, to ensure legislation, policies, institutional framework, codes, standards and practices related to forest management require and provide incentives for ecologically sustainable management of the native forest estate has failed:
    - State laws prohibiting citizens from taking legal action against FONSW has allowed FONSW to ignore the IFOA and TSL prescriptions.
    - Breaches of IFOA and the TSL prescriptions repeatedly occur which is tantamount to illegal logging in State forests.
    - Responsibility for holding FONSW to account, including prosecuting for breaches, can only be conducted by the Environment Protection Agency NSW (EPANSW).
    - The submitter provided evidence of observing and reporting breaches that were not subsequently effectively prosecuted.
  - Principle 5, apply best available knowledge and adaptive management processes is not occurring. State forests are being clear felled and burnt despite recent research showing that habitat loss and fragmentation and increased feral predator activities in cleared forests is contributing to species decline and climate change.
- An internationally competitive wood production and wood products industry has not been developed, as follows:
- FONSW native forest division has consistently posted million dollar losses over the last decade. Public money is being wasted propping up an industry that cannot survive without Government intervention.

### Conclusion:

- The RFAs have proven to be a failure and have not delivered economically, or environmentally.

- The current system of monitoring and oversight of logging operations is inadequate.
- The 5 yearly reviews are not being undertaken when they are required.
- FONSW does not adhere to the IFOA and TSL prescriptions.
- Native forests are not being maintained appropriately for future generations.
- Native forests are only being treated as wood production forests – nothing else.
- The RFAs have not stopped logging operations having a detrimental effect on forest ecosystems.
- The RFAs have not stopped native flora and fauna declines or becoming extinct in some areas.
- The RFAs have not stopped logging operations contributing to climate change.
- The RFAs have not stopped logging operations increasing the severity and frequency of bush fires.
- The RFAs have not stopped the industry from requiring Government assistance and public money to survive.
- The RFAs should not be renewed.

#### 4651 Anonymous

- Submitter strongly opposes extending the RFAs and supports the National Parks Association of NSW submission and their Forests for All Plan.  
  
The RFAs have failed to protect the environment, failed to result in a thriving timber industry and are driving climate change. The progress report for the RFA review fails to provide any data to support the assertions that logging is conforming to ESFM.
- Research in the Victorian Central Highlands shows that the value of water, carbon and tourism dwarf that of timber. Our Governments must consider all economic and social benefits from forests.
- The traditional owners of our land were here for 80,000 years, lived on the land, ate from the land, sheltered on the land etc. but were still able to preserve it. Why? Because they had respect for this beautiful land, they believed they belonged to the land, they never thought we own the land we can do what we want!!! How much damage has already been done to our beautiful land in just over 200 years since European settlement? I think we need to stop and think seriously about the future and what we decide now will have enormous effects on our future generations.

#### 4656 Jim Shields, Local Environmental Solutions

- The submitter has prepared a paper titled 'Environmental Impacts of the Sustainable Forest Management with regard to biodiversity, soils, water and carbon balance (Green House Gas emissions)'. Please refer to full report for details.
- The executive summary is: 'This review of the Regional Forest Agreement proposes a system of forest management for all Crown lands termed Sustainable Forest Management. A systematic review of the available literature was conducted as new research carried out to prepare this submission. Green house gas emissions, fire, biodiversity, soil and water impacts were assessed to compare and contrast the impacts of the proposed Sustainable Forest Management system, the most intensive harvest/maximum utilization option and the maximum reservation/passive management option. It is concluded that the Sustainable Forest Management system provides a better outcome than maximum utilization or increased reservation/passive management...'

#### 4717 Anonymous

- The name and location of (the company) have been removed to protect its identify.



- There is a high level of support for RFAs within (the company) and the NSW timber industry for the protection it has delivered. The RFAs have provided certainty of access to hardwood poles from regrowth native forest and plantation approved for sustainable timber harvesting along coastal NSW.
- (The company) supports a coordinated scientific and evidence-based approach to forest management including monitoring, evaluating and reporting as provided for in the RFAs.
- However, failure to implement and release 5 yearly reports on time or well past due date with “achieved in part” claimed status for many RFA reporting obligations demonstrates a chronic lack of commitment to the RFAs by the Governments’ agencies. The culpable neglect is indefensible and undermines the long-term management of our forest resources to achieve best outcomes for biodiversity protection and production. Such a poor score card cannot be allowed to continue. If the Government cannot take a lead role then it cannot expect stakeholders to hold to the RFAs either. This must be vastly improved in the RFA renewal including greater communication and coordination between tiers of Government and agencies.
- NSW EPA and DPI have provided separate opportunity for submission to the RFAs that highlights the lack of coordination between agencies. This transmits to confusion among stakeholders burdened with duplicity of submissions. It appears that group responsibility by agencies means no individual accountability for separate agencies. It may be better to appoint a lead agency to carry commitments to timelines in the RFA going forward.
- (The company) hold concerns that the default protection mechanism for individual species is to declare priority conservation status over land tenure where public access and activity is severely limited or prohibited altogether without scientific justification. For example:
  - koala numbers are claimed to be in decline when we have more land area within National park and reserves than ever before.
  - there is evidence that koala densities are higher in productive forests
  - an active and adaptive approach to forest management at a landscape scale across all tenures may deliver better outcomes for koalas than reservation of more land from disturbance
  - more holistic approaches based on the evidence of monitoring is called for.
- Timber allocations from Crown lands have reduced significantly within the RFA period in both quantum and quality with no accounting of the socioeconomic impacts of these reductions. The longevity of a stable timber industry can only be secured if the land available for harvesting is guaranteed in time and space.

#### 4725 Jim Morrison

- The submitter supports the submission of the National Parks Association of NSW.
- The report is overly long winded, complicated, and difficult to read, understand and believe. Process not genuine as outcome pre-determined. There is inadequate data.
- Key concern is about Bell Miner Associated Dieback (BMAD). The Report fails to take account of new knowledge on BMAD, for example on and particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing.
- The only reference to BMAD ignores mentioning the primary cause of BMAD is logging disturbance and attempts to perpetuate the misleading claims that reduced fire frequency is a possible cause. The recently released BMAD Causal Review (Silver and Carnegie 2017) supports what independent forest ecologists have long indicated; that ‘canopy disturbance’, i.e. logging is the primary causal factor in the development of BMAD.
- It is generally agreed that the scale and intensity of BMAD outbreaks have increased considerably over the life of the previous RFAs. There is no mention of this in the Report.

- BMAD has rightly been declared a Key Threatening Process by the NSW Scientific Committee and logging disturbance is a primary causal factor.
- The RFA review document makes reference to the BMAD Working Group (BMADWG). The BMADWG did make a number of significant achievements in its 15 years of operation however it has not received any State Government support or met or been consulted for the past five-years.
- The BMAD adaptive management trials undertaken by Forest Corp at Mt Lindsay and Donaldson State forests (and supported by the BMADWG) have failed to demonstrate any ability of Forest Corp to improve forest health following logging disturbance.
- The NSWFC trials did provide some estimate of the cost to restore forests where logging has initiated the advanced development of BMAD to be around \$2500 per hectare. The cost to restore the tens of thousands of hectares in the Upper North East Forest estate alone is enormous and will ultimately be far greater than the net value of timber taken from these forest compartments. Logging operations in forests at risk of developing BMAD are thus neither ecologically or economically sustainable.

#### 4727 Chris Yates

- I am concerned about the renewal of existing NSW RFAs. From my research as an Environmental Scientist, there is plenty of data to suggest that native species have declined significantly under RFAs in NSW and other States. RFAs were developed to balance the need for conservation of native forest habitat with sustainable timber extraction. They have clearly failed to meet these aims. Ecosystem processes in forests, like the carbon and water cycles, have been disrupted. Forestry job numbers have steadily declined, and subsidies are paid to unviable logging companies. The NSW taxpayer should not foot the bill to buy out logging contracts.
- I am concerned that the current process is not a genuine, independent review. The overdue Report on the second and third five-yearly reviews fails to provide adequate data to the public and government agencies. It also fails to take account of new knowledge.
- I recommend that the NSW and Commonwealth governments:
  - Not renew RFAs. They are a failed model for forest management;
  - Plan for a just transition of workers out of the native forest logging industry
  - Ensure our wildlife, water and carbon stores is safeguarded for future generations by implementing strategies like NPA's Great Koala National Park and Forests For All plan.

#### 4738 Anonymous

- Submitter has resided and worked in the Northern Rivers area for 25 years and her comments include personal observations as a NSW Wildlife Information, Rescue and Education Service Inc. (WIRES) volunteer over that time. She is opposed to the renewal of the RFAs and calls on Government to take leadership in the area.
- Submitter has observed diminishing numbers of species in the area since the RFAs were introduced, especially gliders, phascogales, quolls and many bird species. Key points:
  - Loss of wildlife corridors due to roads and other development.
  - Excessive clearing along creeks and waterways was a significant contributor to the damage caused by March 2017 flood.
  - Several severe heat events have caused the death of thousands of flying foxes.
  - Rescued and rehabilitated animals have been taken back for release, only to find that their habitat had been destroyed in the meantime, often due to tree removal, resulting in the necessity to euthanase the animal.



- There is a severe lack of nesting habitat for animals requiring tree hollows. It can take hundreds of years for good nesting hollows to form and such hollows are only found in very old and large trees.
- Wildlife is an indicator of the failing health of the overall ecosystem and our native forests. Wildlife volunteers are under ever greater pressure and are all exhausted.
- Ecologically sustainable forest management must come first:
  - 'Certainty of resources access and supply to industry' is the first priority stated in RFAs and by implication, prioritised above ecological sustainability.
  - There is no real monitoring or regulation occurring in private forests.
  - Most transgressions of the regulations are discovered by ordinary and caring citizens who observe illegalities and take it upon themselves to report them.
  - Personally observed large koala trees being felled causing the death of at least one koala, with her joey now in care of Friends of the Koala. The EPA investigated and has said that the activity is occurring within their approved Management Plan.
- Native forests should be off limits. Timber is clearly a highly useful and potentially renewable material. However, the concept of renewal implies that the overall timber and indeed general biomass is not reduced. Instead of relying on native forests as though they are infinite resource, it would have been a far greater achievement had the RFA led to:
  - sustainably managed plantations
  - more frugal use of the timber we do have e.g. use of laminated timber
  - recycling timber
  - Use of alternate building products, such as hemp masonry. It only takes one ¼ acre crop of hemp to build an average sized house.
- Riparian Zones should be significantly extended. As severe weather events continue to increase with the impact of climate change, we need to work a lot harder to protect riparian zones from major flood events. The current setback requirements are not sufficient.
- A Flawed Consultation Process – submitter attended the consultation held in Lismore in February 2018. At that meeting we were shown a list of non-negotiables which included:
  - The current RFAs to continue for 20 years;
  - The existing boundaries will remain the same;
  - The goals of the National Forest Policy Statement will remain the same
  - The existing core objectives of resource certainty and ESM will remain the same.

#### 4744 Andrew Hurford, Hurford Hardwood

- This submission is focussed on the impacts of the implementation of the RFA on the Hurford Hardwood operations based in the Upper North East RFA Region of NSW. As members of Timber NSW we fully endorse the submission put by Timber NSW and particularly with regard to the broad impacts across NSW.
- On the whole, Hurfords believe the RFAs provide the best overall structure to provide a platform for managing the health and productivity of NSW forests, while also providing some stability for Industry to invest and grow.

- In an effort to bring develop products of the highest quality and value, Hurfords trialed many processes and products but investment was constrained by a lack of resource security and scale. However, following the RFA, the Company fully committed to the manufacture of high quality kiln dried hardwood and to market and distribute those products across Australia and beyond. At the core of this was the security of resource that the RFA provided for to develop the business without the constant concern about the future availability of resource.
- This strategy has seen the Company completely reshape over the ensuing 18 years into an outward looking market driven company employing more than 300 people across five greenmills, three drymills, and distribution centres in Sydney, Melbourne, Brisbane, Adelaide & Perth. They also operate distribution centres in New Zealand, the US& Europe.
- Hurfords sources their timber partly from State forests and partly from their own plantation tree farms. They own 4,000 hectares of forested land including 1,000 hectares of plantation. We plant more than 25,000 new seedlings each year. While these will never provide for all of our resource needs they will provide the Company with further growth and security into the future.
- Issues with the RFA:
  - Confidential arrangements were made with the largest processor on the North Coast to 'lock in' very high levels of preferred species exclusively to that company. These arrangements were not known to other competitor companies until a FOI application brought them out into the open years later. The reasons have never been explained and would seem to be in contravention of Clause 99 of the North East RFA regarding competition principles and greater transparency.
  - The impacts of the Carr Government's decision to significantly reduce the available productive forest area while making only minor adjustments to overall supply volumes & coupled with the extremely favourable contracted supply arrangements to that dominant company continue to ricochet through the industry today.
  - These arrangements led to the need for FCNSW to compensate the dominant company for their inability to supply the species & volumes committed under their contract. FCNSW however in an effort to minimise the full cost of compensation they would otherwise have to pay, locked in even more favourable species and log specification supply arrangements with that company alone.
- This has had an extremely negative impact on all other High Quality Log Supply Agreement holders in the North East region. The impact is that while the common agreement holders still receive the gross volume of sawlogs as per their agreements, the specie mix received is less favourable. Often less of the highly marketable industry preferred species are received with greater harvest & haulage costs incurred than would otherwise be the case had the High Quality Supply Agreement Holders been on one common agreement.
- This results in higher costs for products of lower market value being delivered to Hurfords & other agreement holders. This is in contravention of clause 74 – Changes to the total area of State forest –not to affect wood supply, not just in terms of volume as specified in the agreement, but also just as importantly in terms of species & quality.
- Clearly this obligation has not been met – the overall RFA volumes have not been met & even the lesser bar of totals of all agreement volumes could not be met – that is why Boral's Wood Supply Agreement volume had to be reduced and compensation paid yet the report states (page 54) 'This commitment was achieved during Period 1, Period 2 and Period 3'. This should be changed to 'commitment not met'.
- This has incurred significant additional haulage cost transporting logs from longer distances & a poorer species mix than would have been the case had the RFA been fully honoured. This places Hurfords at a significant competitive disadvantage to Boral. We request that the report more accurately address this issue.

Private Property Timber Supplementation Programme (part of milestone Attachment 12, 19 see page 111 of EPA report)

- Hurfords object to this programme on the grounds that it does not supplement the supply of timber at all. It simply robs Peter (the private property supply resource) to pay Paul (the High Quality Agreement volumes.) It really has the perverse effect of removing available sawlogs from processors such as Hurfords who are active in the Private Property Log Supply market & uses that volume to prop up commitments already made under the RFA & LTWSA. Hurfords request that any further activity in this area by FONSW cease & FONSW focus on managing its own estate to greater health & productivity.

Hardwood Plantation Supplementation Programme

- Hurfords are strongly supportive of this programme as it is the only means currently available to potentially increase future sustainable volumes of timber.
- While the report records this milestone as partly met we wish to point out that the report does not list the breakup of the 9,660 hectares established under this programme by area planted by species. It is Hurfords understanding that the majority of species established under this programme – certainly in Hurfords supply area in the Upper North East are E Dunnii (Dunn's White Gum) & E Grandis (Flooded Gum) Both of these species are unsuitable for high value solid wood products.
- E Dunnii & E Grandis are planted all over the world predominately for woodchips to supply the Pulp & Paper Industry. These species are of the lowest durability, strength & hardness. They will yield little or no volume of sawlogs suitable for the High Quality timber producers on the North Coast.
- Hurfords request that the EPA report document the specie mix by area established in the post RFA plantations. Further that a complete inventory of Plantation Specie by supply zone be completed to better inform industry of the species mix & areas established.
- We request that a review be conducted to ascertain what areas of unsuitable species could be harvested for woodchips now & replanted with durable species more suited to the original purpose – Supplementation of High Quality Sawlog Supply. As this milestone purpose has not been met Hurfords request that the Government now fund a programme to complete this critical RFA commitment.

4754 Ku-ring-gai Bat Conservation Society Inc. (KBCS)

- KBCS opposes the renewal of the RFAs, as they have failed to achieve their stated aims, in particular sustainability. Key points:
  - Logging has been subsidised from the public purse, including the costs incurred by councils to maintain roads.
  - RFAs were based on inaccurate estimates of wood volumes and the northern forests are now being cut at a faster rate than they can regenerate (Auditor General report 2009).
  - The RFA reports have not met their reporting timelines.
  - Jobs in native forest logging are reducing and there are more jobs in the plantation industry.
  - Native forest logging results in the loss of tree hollows, which are necessary for the survival of many species.
  - More frequent cutting regimes has led to a reduction in nectar and pollen, necessary for threatened species such as the grey-headed flying fox and swift parrot.
  - Logging decreases carbon and increases the carbon in the atmosphere.
  - Production forests should be transitioned to recreational areas.

- Submitter has identified a number of issues that have led him to question the integrity of the report.
- The reviews are 9 and 4 years late and the NSW Government hasn't considered them important enough to get them done in the timeframes required by the RFAs.
- 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?
- The 3<sup>rd</sup> five-yearly review is to be used to determine the process for extending RFAs but the decision has been made to extend them before the report was prepared.
- There is no information about the protection of Aboriginal sites on the ground. The Denis Byrne predicative model for Aboriginal sites used by NSW Forestry is out of date and doesn't take in the last 20-30 years of archaeological research.
- The Scoping Agreement for this review states "The Review will be conducted in a manner that is open and transparent" – but this is not so. The Report does not mention that, over the 10 years of the review, only 187 EPA audits were carried out of the 5,000 – 6,000 native forest operations. There is no mention of the 4,089 breaches of Environment Protection and Threatened Species Licence conditions over that period. There is no mention of the three cases in the Land and Environment Court where NSW Forestry was fined for serious breaches of their legislative requirements.
- Many of the audits were initiated by EPA after notification from environmentalist, but the EPA have often said they don't have the staff to follow up on these notifications. The report claims audit and compliance activity '...has been fully implemented', but this is not so.
- The occurrences of breaches of licence conditions by NSW Forests haven't reduced over the 10-year timeframe of the review and there seems to be no process to remedy the identified failures.
- The NSW Government response to this recommendation 10 from the 1st five-yearly review directs us to [www.epa.nsw.gov.au/forestagreements/monitoring.htm](http://www.epa.nsw.gov.au/forestagreements/monitoring.htm) - but this page doesn't exist!
- The RFAs assumes the provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 are complied with, but how can such an assumption be supported? NSW EPA has the sole power to prosecute breaches, but they are significantly underfunded and understaffed to do that job properly. NSW is the only state in Australia where citizens are unable to take legal action against NSW Forestry for their illegal actions. There are estimated to be thousands of breaches of Environment Protection and Threatened Species legislation by NSW Forestry that are not investigated each year.

Submitter has attached two papers:

- 'Questioning application of procedural justice principles within the NSW Government's Regional Forest Agreement public submission process', which discusses the nature of the State Government's procedure on seeking feedback on the RFAs. It claims the five principles of procedural justice: voice, transparency, fairness, accessibility and impartiality have not been met and that the Report was written in a way that is incomprehensible to the average person.
- 'Money Doesn't Grow on Trees' published by the Australia Institute in 2016. This investigates the costs of logging native forests, which the submitter believes should be included in the Report and be part of the renewal considerations.

#### 4768 Maria Purnell

- I want to add my voice to the opposition to renewal of the NSW RFAs (RFAs).
- It is extraordinary shortsightedness that a native icon is being destroyed by allowing public native forest logging to be exempt even from Commonwealth environment laws. Australia is extinguishing native species at an extraordinary rate. RFA's have allowed the population of animals including koalas to massively decline while not even making the logging industry sustainable. Our economy is more complex than just clear and sell. Tourism, health and preservation of the natural environment and our unique flora and fauna have a claim on government responsibility.
- It appears the Berejiklian and Turnbull governments are already committed to their extension against the overwhelming public support, shown by polling in the seats of Ballina and Lismore, for protecting native forests.
- Proposals like the Great Koala National Park will help protect koalas, as well as bringing jobs to local communities in forest management, restoration and nature-based tourism.

#### 4799 Dale Harriman, National President, National Timber Councils Association (NTCA)

- The NTCA represents councils which host the forest industry from four states, New South Wales, South Australia, Tasmania and Victoria, with informal connections to councils across the remainder of Australia.
- The objective to provide long term stability of forest and forest industries is still not being met. In a carbon sensitive world, the forest industry is well situated to prosper and contribute to local, state and national economies, however, if long term security of supply cannot be guaranteed, both industry and communities are placed at risk. As a result, both the Commonwealth and New South Wales Governments need to provide policies to support the economic viability and health and wellbeing of small towns.
- Security of supply is paramount not only to the forest industries but also for the economic viability of many NSW rural communities. When reading the progress against milestones and commitments it was disappointing to see that the supply arrangements for some regions were only partly met. From 2003-04 to 2012-13 hardwood log supplies have been reduced to accommodate new national parks and conservation reserves. This has resulted in a reduction of a resource available which makes it difficult for timber industries to continue to value add let alone consider accessing new markets with new products.
- Agree there needs to be a balance regarding economic, environmental and social outcomes, but also believe that the forestry and timber industry encompasses all these outcomes, it is not an either/or situation. The forest and timber industry is heavily regulated and scrutinised. All legislation that regulates forestry industry promotes the ecologically, sustainable management of Australian forests.
- Concerned that five-yearly reviews are not occurring in a timely manner, so that milestones can be addressed appropriately in the following period. We recommend that timelines for the five-yearly review should ultimately be set at the beginning of each five-year period.

#### 4781 Lexie Hurford

- Founded after World War II, Hurfords is dependent on the continued supply of a critical mass of the high quality sawlogs of species for which they have encouraged and developed markets.
- Family financial investment in this and ongoing investments in private native forestry is considerable and its outcome is dependent on continued critical mass of supply of sawlogs from the public estate.

- As a result of their ongoing significant investment in research and development, Hurfords produce timber products sought after by developers of large public projects (e.g. museums or gallery building or renovation projects, such as the floor in the Royal Exhibition Building, Melbourne (the only 19th century Great Hall to survive largely intact).
- Today Hurford Forests manage over 4,000ha of native hardwood forests. Hurford Forests was Australian Forest Growers' NSW Tree Farmer of the Year 2010.
- There are many regional towns that would be decimated by the further loss of the local timber industry.
- Today there are complaints from residents on the coastal fringe (e.g. Byron Bay and its hinterland) regarding the impact of tourist numbers, but the potential for tourism in inland communities has not been realised:
  - In the past, State forests promoted 'forest drives' through pamphlet distribution etc. After the signing of the RFA, National park showed no interest developing broader tourism in the area. Tourism NSW representatives were told that NP were unable to afford to maintain these forest roads and therefore they intended to close them.
  - In 1998 there was wide distribution of a "letter" regarding jobs and the timber industry, and that those lost would be readily replaced by jobs in tourism. But there was no reason why those activities could not have been further developed and jobs created without the curtailment of the timber industry.

#### 4786 Lisa Stone, South East Forest Rescue

- The RFAs have not been properly implemented, review timeframes have not been met and key components have not been conducted.
- The conditions on logging under legislative regimes, on which the RFAs rely to deliver 'ecologically sustainable management', are inadequate, frequently breached and very poorly enforced. Third party appeal rights have been removed in NSW and there is no avenue for the community to enforce the law directly, despite the transparent failure of the NSW Government to enforce it properly itself.
- The RFAs did not consider the critical issues of climate change or water and are therefore inadequate instruments to determine forest management.
- The RFAs are inadequate to protect forest species and forest habitats. The conservation targets of almost all nationally-listed fauna species and many nationally-listed flora species were not achieved through the RFAs, and substantial additional conservation action is still required to meet minimum benchmarks.
- Using the NSW government's own conservation analysis and data produced during the CRA, it is evident that only one of the twenty nationally-listed forest fauna species met their conservation targets after the RFAs, and many nationally-listed flora species have fallen dramatically short of their targets. The number of threatened and endangered species has risen since the RFAs were signed and many threatened and endangered flora and fauna species are at extreme risk from current logging activities.
- Current logging legislated regimes do not adequately protect Australia's native flora and fauna. The threat of native forest logging must be considered a matter of national significance.
- In the south east of NSW, covered by the Eden and Southern RFAs, the annual net areas logged have rapidly increased and yields have fallen. The FRAMES industry modelling system used to derive these volumes substantially over-estimated available timber volumes. Consequently, after the twenty-year period of the RFAs, there will be a dramatic short-fall in timber.



- Private lands were not assessed as part of the RFAs, but they are being logged with very weak regulation at an alarming rate under state and federal exemptions. Current prescriptions and legislation to protect native forests on private land are extremely inadequate.
- Catchment planning agencies have almost unanimously concluded that forests are more valuable left standing in catchments than sold as woodchips or timber.
- The consensus of public opinion is the requirement to leave the land in a better state than it was found, and to eliminate all native forest logging immediately. There should be no exemptions for particular activities or areas.
- Given that the financial losses of the FONS NSW native forest sector, a judicial inquiry should be instigated into the nature, extent and effect of any unlawful appropriation, or inappropriate logging or workplace practice including any practice or conduct relating to, but not limited to:
  - the Forestry Act, the Integrated Forestry Operations Approvals, the Regional Forest Agreements and other laws relating to forestry;
  - fraud, corruption, collusion, anti-competitive behaviour, coercion, violence, false and misleading statements;
  - the nature, extent and effect of any unlawful or otherwise inappropriate practice or conduct relating to:
    - failure to disclose or properly account for practices and financial transactions;
    - inappropriate management, use or operation of industry funds for redundancy or any inappropriate use of funds.
- There are significant economic, environmental and social benefits to support ending native forest logging and to ensure a swift transition of logging activities into the existing plantation estate.
- The RFAs have not been found to be durable, the obligations and commitments that they contain are not ensuring effective conservation, and suffer chronic under-performance in the achievement of critical action milestones.
- Clearly, cl 8 of the RFAs has been triggered. This is giving effect to ending the RFAs as the mode of native forest management and the end to native forest logging as a whole.
- In light of these findings, South East Forest Rescue calls for:
  - indigenous ownership of all public native forest
  - complete transfer of wood product reliance to the plantation timber industry and salvage recycled hardwood timber
  - a single authority for national native forest stewardship modelled on the New Zealand example and
  - an immediate nation-wide program of catchment remediation and native habitat re-afforestation.

#### 4812 Graham Holland, Lane Cove Bushland and Conservation Society (LCB&CS)

- The review process is flawed with the NSW Government already committed to extending the RFAs. The review should be collating evidence to assess the performance of the RFAs with a view to making an evidence-based decision assessing whether they are an appropriate model for forest management.
- The RFAs were designed to facilitate multiple uses of public native forests: conservation (via the establishment of a Comprehensive, Adequate and Representative, (CAR), reserve network of forest ecosystems); timber extraction and recreation.

- The concept of ESFM, which incorporates the principles of Ecologically Sustainable Development, was to underpin logging to ensure that logging did not result in negative impacts on forest ecosystems. The report has failed to provide data that this is being achieved.
- Logging is no longer sustainable – threatening other values (such as water, carbon and tourism), threatening endangered species, and is uneconomic and supported by subsidies. Government should use the end of the RFAs as the point at which it implements a just transition out of native forest logging on public land.

#### 4818 Oisín Sweeney, Jervis Bay Regional Alliance (JBRA)

- Submitter does not support the extension of the RFAs. Please read full submission for all detail.
- Believes that the body of evidence shows RFAs are a failed model for forest management, despite being an effort to reconcile conservation and timber extraction. Instead we urge the Commonwealth and NSW Governments to:
  - Avoid signing new RFAs that risk locking taxpayers into further subsidising an environmentally damaging industry;
  - Restore effective Commonwealth oversight to public native forest management, including an assessment of the degree to which the RFAs have met their aims and to which the States have discharged their responsibilities under the EPBC accreditation;
  - Take seriously and act to reverse the large and increasing threats to forest wildlife that has seen declines in many species over the life of the RFAs;
  - Recognise the importance of restoring biodiverse forests for climate change mitigation and;
  - Seriously consider alternative options to logging forests (including conservation, carbon storage, water supplies, tourism and restoration) to fund a just transition away from logging public native forests.
- Key issues:
  - The combining of the 10 and 15-year reviews, and the extreme delay in conducting the reviews, the RFAs have failed to provide transparency for the public. The reviews make a compelling case for change, because the paucity of data presented not only fails to demonstrate that the RFAs have worked, but strongly suggests that no data have been collected. This is a breach of the social contract that the RFAs were based on.
  - The NSW and Australian Governments have committed to extending RFAs prior to the outcomes of this review, which strongly suggests this is a box ticking exercise. The NSW Forest Industry Roadmap, which the Government has said is guiding the review process, was not subject to public consultation and states that there will be no reduction in wood supply or erosion of environmental protection. This essentially commits to 'business as usual', and therefore reinforces the impression that the consultation is meaningless.
  - ESFM is the mechanism by which logging would occur while maintaining environmental assets. However, there have been declines in a wide range of forest specialist species, in part due to logging. It is becoming ever-clearer that future generations are going to inherit a country with diminished environmental and economic assets and an increasingly hostile climate.
  - The recent review of Wood Supply Agreements (WSAs) highlighted how the timber industry on the south coast of NSW will have to transition to processing 'super-small' logs, and how pulp logs (for woodchipping) make up 86% of the WSAs in the Eden region.



- The JBRA has an expert in Australian orchids, and his opinion is that the logging assessment process completely fails to consider the protection of orchids in particular, and flora more broadly. A credible environmental assessment and full recognition of what endangered (and common) flora (particularly orchids) may be within the planned logging area is a pre-requisite prior to any logging.
- The Forest Industry Roadmap suggests that logging forests can help mitigate climate change. Independent research in southern NSW suggests that this is misguided. Instead, managing forests for conservation can have much greater carbon mitigation benefits as carbon stocks are recovered.
- The economics of the native forest logging industry are tenuous, and timber buy-backs have occurred throughout the life of the RFAs as a result of over-estimated wood supplies. Despite the poor economic performance, numerous subsidies are provided to the logging industry. It appears highly likely that logging is not the economically optimal use of forests in southern NSW, and we urge the Government to invest taxpayer money in industry transition away from native forest logging towards plantations and alternative fibres, rather than subsidising the ongoing decline in environmental values.
- The JBRA presented two interlinked reserve proposals that are directly affected (i.e. hindered) by RFAs. Full details are in the submission. The major benefits are to increase connectivity and protect threatened species. The proposals are:
  - To add Currumbene, Nowra and Tomerong State forests to Jervis Bay National Park, and the northern part of Yerrilyong State forest be added to Jerrawangala National Park
  - To reserve all of the remaining Vacant Crown Land between Morton National Park, Colymea State Conservation Area, Parma Creek Nature Reserve and Jerrawangala National Park situated on the western side of the Princes Highway, south west of Nowra.

#### 4833 New England Greens Armidale Tamworth (NEGAT)

- NEGAT opposes the renewal of the RFA. NEGAT urges the State Government to use the expiry of the RFAs to trigger a just transition of workers out of the native forest logging industry, provide increased public access to forests for recreation and tourism with the requisite increase in funding to enable appropriate maintenance and development. They insist that the benefits provided by our native forests, which include clean water supplies and management of CO<sub>2</sub>, are protected and passed on to future generations.
- Concerns that the current process is not a genuine review of the performance of RFAs and whether they have met their aims as government has already committed to their extension.
- The overdue progress report on the second and third five-yearly reviews fails to provide adequate data for the public, NSW and Australian Governments to assess the performance of the RFAs.
- The Report fails to take account of new knowledge, particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing – social, health, mental, and economic. Trees provide the most effective form of carbon capture and storage- a reason to protect our native forests.
- Public native forest logging industry is not required to comply with the usual environmental impact assessments under Commonwealth environment laws. While every other industry must comply with these laws, logging in habitat for federally listed threatened species occurs routinely in areas covered by RFAs.

#### Key issues:

- Populations of forest animals - including koalas - have plummeted over the life of RFAs;
- Ecosystem processes in forests, like the carbon and water cycles, have been disrupted;

- Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging;
- Ecologically Sustainable Forest Management has not occurred;
- Forestry job numbers have steadily declined, and subsidies keep logging financially viable;
- The NSW taxpayer has repeatedly footed the bill to buy out logging contracts.

#### 4846 Anonymous

- The net harvest area available within State forest has been gradually eroded within the RFA period by EPA compliance overlays, IFOA requirements etc. Of the 124,00 ha available in the Eden area in 1996, only 74,000ha is now available.
- At Eden there was a departure between actual versus predicted sawlog yields that was not effectively quantified and not brought to account in a timely manner. A general lack of resource has resulted in shorter harvesting rotations, shorter return interval to previously harvested areas and increased pressure on a dwindling land base.
- There has been no real quantitative or qualitative study or analysis of how the reserve system created by the CAR system has performed relative to the goals for which they were created e.g. Tantawanglo was largely put into National Park in 1997 to protect a small koala population that now appears to have disappeared. The RFA should facilitate studies across all tenures to allow sensible management of fauna and flora across the landscape regardless of boundaries.
- The RFA put in place a reserve system that has been insufficiently resourced with respect to fire management (manpower, heavy machinery and roads). A general lack of ability to carry out controlled burning and wildfire mitigation has often lead to disastrous consequences for some wildlife (e.g. koalas killed in the 2006 Pillaga fires which burnt 80,000 ha of NP). Active management of working forests usually results in superior biodiversity outcomes compared to the “lock it up and leave” or “forest museum” approach.
- State and Australian Governments have failed to prepare and release their reports in a timely manner. I understand the volume of work required to meet the milestones is unrealistic.
- Despite the RFA having an obligation to take socioeconomic impacts into account, there has been a progressive reduction in timber availability and quality through a progressively expanding reserve system which has had a huge negative impact on regional communities.

#### 4879 Christine Mason

- Protests about forestry logging that takes place for wood chipping.
- These magnificent hardwood trees will never regenerate in our lifetime only poor mono-species forests will spring up in their place. Plantations could supply our domestic wood needs quite easily that way we can save these hardwood giants.
- The whole process not only destroys fauna and flora habitats but also causes soil erosion and water runoff causing mud slides, further denigrating the land by not only making it inhabitable but also ruining the beauty of the landscape.
- Ultimately, it simply demonstrates this country's successive governments' total disregard for Aboriginal culture in tearing down hardwood forests, putting profit before any sensitive regard for the environment on every occasion.

#### 4886 Anonymous

Bega Valley Greens (BVG) membership comprises professionals from a wide range of spheres including local government, scientists, small business, teachers, academics and journalists.

## The consultation process

- Dividing the consultation process into two stages run by two different government departments has caused confusion and will inevitably reduce the community input.
- The consultation process has been seriously flawed. The timing offered to respond was ludicrously narrow - especially commencing at the start of the summer holiday period.
- Advertisement of face to face consultations was very limited, ignoring local newspapers and obvious social media channels.
- The documentation accompanying the review is excessively lengthy and technical for any layperson to absorb. Any serious consultation process would have offered an executive summary document with key facts. The questionnaire supposedly guiding the submissions blatantly assumed a rolling over of the RFAs. It is intimidating and off-putting to any interested party who may have a deep knowledge of forestry.
- The Report has multiple omissions of threatened species, especially birds. Moreover, BVG have been alerted to over 4000 cases of non-compliance with threatened species legislation in EPA audits and investigations.
- Our proximity to the Great Southern Forests means that we have witnessed for many years the exact outcomes of logging native forests. The pretty forest images decorating EPA's reports and website of course never reflect the shocking aftermath of clear-fell logging.
- Recovery of native forests takes many decades and a significant proportion (around 30%) simply never recover to their climax state. Old growth mountain ash forest takes fifty or sixty years. The re-growth and ground litter is dryer and warmer so far more susceptible to fire. The burning off undertaken in state forests is an outdated and discredited technique.
- Woodchipping is the principal driver of forest destruction on the south coast of NSW – in Eden over 90% of wood is chipped while in the southern region it varies between 65% to 80%.
- As the legal framework for record levels of native forest woodchipping, RFAs have failed to protect the environment and ensure secure habitat for forest dwelling species.
- Logging under RFAs should no longer be exempt from the Environment Protection and Biodiversity Conservation Act 1999 nor immune from prosecution by members of the public.
- NSW native forests cannot endure another RFA along the same lines as the last. Forests need extensive time to recover and a clear plan to manage the closure of the woodchipping industry. The industry must not walk away from the environmental destruction it has caused or its obligations to workers and local communities.
- A new strategy must include measures to ensure a fair and orderly remediation of the environmental damage and the obligations to the remaining but fast diminishing workforce. They would include but not be limited to:
  - Bonds and levies to ensure the remediation of land, forest, waterways, estuaries and Twofold Bay;
  - Payment of Local Government rates on State Forests;
  - Retraining levies to underwrite the re-skilling of workers;
  - Fire control levy payable by the industry to the Rural Fire Service, recognising that dense regrowth is more fire prone than mature unlogged forests.
- Any new WSA should be for realistic timeframes (5 years or less); and should not contain 'take or pay' clauses or penalties for any loss of access to timber supplies.
- The first RFAs date from the era of the chainsaw. Within a few short years, it became the era of the mechanical harvester. Now, it is predicted robots will take on the dangerous and often remote work of logging native forests. The National Forest Policy Statement of 1992, being over a quarter of a century old, clearly demands entire overhaul.

- Within the RFA regions:
  - conservation reserves now cover 4.3 million hectares or 83% of all public native forest land.
  - 17% of public RFA land remains available for selective timber harvesting, so the industry is now a remnant of what it used to be.
- Today's timber industry is a strong supporter of the RFAs and their stated principles. The framework provides security for the industry as well as important exemptions from Commonwealth (dual) consent requirements. Long termism and evidenced-based decision making are valued concepts that underpin the RFAs and have assisted (in part) to shield the industry from political opportunism and ad-hoc decision making.
- Claims that the RFAs have failed the environment and are supporting broad scale forest destruction are common but not underpinned by science or truth. The Government's monitoring, evaluation and reporting (MER) framework is important as, without this, there is limited data to demonstrate the forests are being run sustainably. It is therefore disappointing that there are major shortcomings with the report.
- The reports are well overdue and no explanation is provided for this. If the MER operated properly, five-yearly reports should be a relatively straight-forward collation exercise. The delays suggest the agencies do not have an adequate system in place to collect data. The delays devalue the process and leads to loss of stakeholder support. It has exposed Government to criticism that might not otherwise have occurred. Advice received that the NSW DPI has been appointed to manage the RFA process going forward should be the catalyst for more timely performance.
- The second complaint relates to the number of unmet obligations and the way the Governments have rated their own performance. The terms 'achieved outside the reporting period' and 'achieved in part' are an oxymoron. The terms should have been 'met' or 'unmet' and the unmet targets qualified. The EPA is a regulator and demands very high standards of compliance, so this Report was odd of character. Why were so many of the targets unmet, given the power and resources vested in the State and Australian Governments? Governments have a moral obligation and duty of care to meet their targets.
- The third complaint concerns major deficiencies in the MER of regional sustainability indicators. In the absence of legislation, the 44 sustainability indicators provide important accountability for socioeconomic performance and ecologically sustainable forest management across all land tenures. Regional level monitoring data for all tenures is required to properly report the sustainability indicators. Using state or national level data is generally inappropriate as is the use of data that is out of date or limited to a single tenure. Timber NSW review of responses to the indicators revealed that 80% (n =35) of sustainability indicators were inadequately reported upon for one or more reasons. In far too many cases it was apparent that the responses were data deficient, incomplete, overly generic, tenure limited and or out of date.
- This poor performance may be sheeted back to a failure of ESFM plans which have not been properly implemented. In the case of State forests there is requirement to have 'Regional ESFM Plans' while for areas dedicated under the NPW Act there is a requirement to have 'management plans'. In relation to 'Regional ESFM Plans' we found that the FCNSW has replaced all of its Regional ESFM plans with a state-wide ESFM plan. In the case of ESFM plans for areas dedicated under the NPW Act we note that after 15 years and billions of dollars of investment in park management the NPWS still hasn't been able to meet this most basic of requirements.
- In summary, major deficiencies in the monitoring of regional sustainability indicators may be attributed to under-resourcing and poor implementation of tenure-based ESFM plans. The development of a holistic tenure-neutral approach to forest landscape monitoring is an important first step to overhauling the ESFM planning framework.

**Table 1 – Government commitments that have not been fully met which directly impact on the NSW native timber industry**

RFA clause or Attachment reference	Commitment	Claimed Status		
		North East RFA	Southern RFA	Eden RFA
NE – 108.11 S – 106.10	NSW to maintain contracted supply for High Quality Large Sawlogs.	Achieved in part	Achieved in part	
E – Att 5, 2 (g)	NSW to publish a description of the FRAMES system referred to in clause 46(f).			Achieved in part
NE – Att 12, 22, 5th dot point S – Att 8, 6, (e)	Additional FRAMES plot inventory measurements to be undertaken.	Achieved in part	Achieved in part	
NE – Att 12, 22, 6th dot point S – Att 8, 6, (f)	Annually monitor FRAMES performance through comparison of actual versus predicted volumes.	Achieved in part	Achieved in part	Achieved in part
E – Att 11, 5 NE – Att 12, 24 S – Att 8, 7	NSW will establish and implement an ongoing FRAMES development program.	Achieved in part	Achieved in part	Achieved in part
NE – Att 12, 15, 2nd dot point S – Att 8, 8, 1st dot point E – Att 11, 1	NSW to commission an independent review of the enhanced FRAMES system applying to North East/Southern Region. Parties to commission and publish a review of the systems and processes, and the review of sustainable yield for the Eden region.	Achieved	Achieved	Not achieved
E – Att 11, 2 NE – Att 12, 23 S – Att 8, 8, 3rd dot point	NSW to undertake independent audits of Sustainable Yield and the Sustainable Wood Supply Strategy.	Achieved in part	Achieved in part	Achieved in part
NE – Att 12, 19, 2nd dot point	The hardwood plantation supplementation program Establish plantations across LNE and UNE to supplement supplies of HQL and Veneer logs.	Achieved in part		

- Not fully meeting these commitments has impacted on sustainable timber management in Eden RFA region and North East RFA region. Many years ago at Eden there was a departure between actual and predicted sawlog yields. Had the Parties brought this matter to account in a timely manner, remedies could have been applied to ensure the future availability of the region's high quality sawlog resource was not compromised.
- The fifth and final complaint concerns the failure to admit that under the RFAs there has been a progressive reduction in timber availability and quality. The specific commitments to which this complaint relates are detailed in Table 2. Our review of the implementation report revealed that false claims have been made which are based on selective use of the evidence and denial of the impacts of enhancing the CRA reserve system.



**Table 2 - Key unmet HFA commitments that have been reported as being 'achieved'.**

RFA clause or Attachment reference	Commitment	Status			
			North East RFA	Southern RFA	Eden RFA
NE – 74 E – 69 S – 73	Changes to the area of State Forest allowable for harvesting will not lead to net deterioration in the capacity to supply wood to the UNE and LNE Regions as specified in this Agreement.	Reported situation	Achieved	Achieved	Achieved
		Real situation	Not Met	Uncertain	Not Met
NE – 69 S – 68	Enhancements to the CAR Reserve System will not impede State forest land management or delivery of the wood supply.	Reported situation	Achieved	Achieved	
		Real situation	Not Met	Not Met	
E – 72	The NSW Eden RFA establishes the sustainability strategy for timber supplies.	Reported situation			Achieved
		Real situation			Not Met
NE – 78	NSW to implement the Long-term Timber Supply Strategy and Sustainable Yield Systems and Processes.	Reported situation	Achieved		
		Real situation	Not Met		
NE – 88 E – 77 S – 84	NSW will work to improve the productive capacity of State forests.	Reported situation	Achieved	Achieved	Achieved
		Real situation	Not Met	Not Met	Met

- Evidence that supports our claim is contained within the government's own reports. The most important of these reports is referenced in Annexure C.

**Annexure C - Reference sources for data that supports the claim of false reporting in Table 2**

RFA clause or Attachment reference	References *
E – 69 E – 72	<ul style="list-style-type: none"> <li>• Forests NSW, 2012. Performance Audit Report Yield Forecasts – Eden Regional Forest Agreement.</li> <li>• Forests NSW, 2012 Performance Audit Report FRAMES Net Harvest Area Modifiers</li> <li>• Forestry Corporation of NSW, 2015. North Coast Resource Assessment – 2015</li> <li>• Forestry Corporation of NSW, 2017. Post-2018 Yield Forecasts – Eden Regional Forest Agreement Area.</li> <li>• NSW Government 2018 - NSW Regional Forest Agreements Implementation Report 2004–2014. Appendix K Timber Production in NSW RFA Regions</li> </ul>
NE – 74 NE – 69 NE – 78	<ul style="list-style-type: none"> <li>• Implementation Report - Appendix K Timber Production in NSW RFA Regions</li> <li>• Forests NSW, 2010. Forests NSW yield estimates for native forest regions.</li> <li>• Forests NSW, 2012 Performance Audit Report FRAMES Net Harvest Area Modifiers</li> <li>• Forestry Corporation of NSW, 2015. North Coast Resource Assessment – 2015</li> <li>• Forestry Corporation of NSW, 2016. FRAMES Actual vs Predicted Harvest Reconciliation – F2010/11 to F2014/15.</li> <li>• NSW Government, 2014, Project 2023 - North Coast Resources Review June 2014</li> <li>• NSW Government 2018 - NSW Regional Forest Agreements Implementation Report 2004–2014. Appendix K Timber Production in NSW RFA Regions and table 2 on page 50.</li> </ul>

\* Note: many of the reports detailed in table 2 are available on the Forestry Corporation website <http://www.forestrycorporation.com.au/about/pubs/corporate/auditor-generals-performance-audit-of-native-forest-and-hardwood-plantation-operations>

- Much of our criticism of the RFA implementation report may be sheeted back to the performance of the NSW EPA. As such the role of the NSW EPA (as reviewer of our submission) is conflicted and there will be heavy reliance on the independent reviewer to objectively assess and respond to the listed concerns.

#### 4921 Ian Donovan, President, National Parks Association of NSW, Hunter Branch

- This submission reviews the implementation and proposed extension of RFAs with specific reference to the Lower North East RFA subregion. Concerns:
  - Focus should be forward looking – on future management of RFAs.
  - RFAs should be adaptive – allowing for adaptations as a result of changes in circumstances and new knowledge (continuation of current RFAs would block these).
  - Propose new conservation reserves be declared where high conservation values are identified since the original surveys were undertaken.
- Recommendations:
  - RFAs should not be extended without a comprehensive assessment of conservation requirements for additional threatened species listed under Commonwealth and State legislation since the initial commencement of RFAs. Secure tenure is essential for long-term protection of these species.
  - RFAs should not be extended unless they specifically facilitate tenure change from State forest to national park or other conservation reserves, based on contemporary assessment of conservation, tourism and other socioeconomic values. This is important where the economic and social benefits of conservation and tourism far exceed that attainable by retaining native forestry, which increasingly is characterised by high management costs, marginal returns, and few employment opportunities.
  - RFAs should not be extended unless they support transitioning of informal reserves to formal reserves, preferably as national park or nature reserve.

#### 4930 Steve Dobbyns, Jamax Forest Solutions

- Supports RFAs and believes they have provided some certainty to industry and rural communities. The surety has also led to the industry having the capacity to invest in research and development. Report contains some major shortcomings.
  - Government has failed in its role to adequately monitor, evaluate and report (MER) on the RFA. This means the industry cannot adequately defend its practices and prove that forest resources are being sustainably managed. The reports were years late. Disappointed that EPA, which places such high standards on those it regulates, does not apply these to themselves.
  - Where the report says 'achieved in part, or not on time', the report should have said these things were NOT met, as this masks the failures.
  - It was disappointing the Improvement part of MERI (monitor, evaluate, report and IMPROVE) was left out, as this is an important part of continual improvement.
  - There is lots of monitoring of what is happening in the State forests but very little monitoring of what is happening in the reserves (National parks) system, once land is transferred over to these.
  - There was no work undertaken to baseline the forest values that existed in the original conservation reserves before the RFAs (and therefore it is difficult to gauge the changes that have occurred since).

EDO NSW (Environmental Defenders Offices [EDO] and Lawyers for Forests) has engaged extensively on forestry management issues over the life of the Regional Forest Agreements (RFAs) and receives many calls from individuals and community organisations who are concerned about the implementation of RFAs and the protection of NSW forests. A number of reports on NSW Forests, prepared by EDO, were attached to the submission.

- In particularly, the submission referenced Hawke (2009) Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999, 'Chapter 10: RFAs', recommendations 38 and 39:
  - That RFAs be subject to rigorous independent performance auditing (including assessment against outcomes to protect biodiversity and continuously improve EFSM), reporting, and sanctions for serious non-compliance;
  - That the Environment Protection and Biodiversity Conservation Act 1999 be amended to enable the full protections of that Act to apply where RFA reviews are not completed on time, where reviews indicate serious non-performance, or provide inadequate information to judge if there is serious non-performance issues.
  - The Australian Government work with the States to improve the independence of compliance monitoring, and develop processes to make publicly available information about the number and nature of complaints about RFA operations and the results of any investigations.

Key issues:

- RFA reviews have not occurred in the required timeframes. Recommendations to the independent reviewer:
  - That any RFA renewal process be suspended until the independent reviewer's report is published and fully considered.
  - That the completion of any future independent RFA review processes, in a specified timeframe, be a binding statutory duty on the relevant Commonwealth and State ministers.
  - Consider whether future performance reviews of the NSW RFAs (including for the period 2014-2019, and for any future RFAs) be undertaken jointly by the NSW Audit Office and the Australian National Audit Office, with expert assistance and stakeholder consultation.
- Poor community consultation. Recommendations to the independent reviewer:
  - That the independent reviewer's findings be considered prior to any decisions on the drafting of any new RFAs.
  - That drafts of the proposed new RFAs are publicly consulted on.
- Lack of third party civil enforcement, and a culture of non-compliance. Recommendations to the independent reviewer:
  - That the Forestry Act 2012 (NSW) be amended to remove s. 69ZA.
  - That the Forestry Act 2012 and any successor legislation restore clear community rights for third party civil enforcement in line with other NSW environmental laws, including planning, mining, water, local government, biodiversity, and pollution laws.
- Limited data on environmental indicators. Recommendations to the independent reviewer:
  - That the adequacy of the 'Results of monitoring sustainability indicators' in the Progress Report (and other relevant sections) should be assessed against the key matters at paragraph 10.25 of the Hawke Review (2009).



- That more proactive and detailed ecological and threatened species information be regularly reported for NSW and Australian forests.
- Need for transparent forestry governance and operational requirements.
  - That the substantive comments and recommendations of the Hawke Review of the Environment Protection and Biodiversity Conservation Act 1999, Chapter 10 (RFAs), be considered and applied by the independent reviewer and governments.
  - That the NSW Audit Office conducts a review of the governance, performance and operations of the FONSW under its statutory role as a State Owned FONSW; and a performance review of its RFA obligations.<sup>12</sup>

The submission was accompanied by attachment (a report 'One Stop Chop – how RFAs streamline forest destruction'). The report in the attachment is 80 pages long and it is not possible to fully summarise its content here. Please refer to full submission.

- The report was prepared by the EDO in Tasmania, Victoria and NSW, and edited by Lawyers for Forests, with special thanks to Environment East Gippsland, MyEnvironment and the South East Region Conservation Alliance. It was made possible by support from the Fouress Foundation.
- The report seeks to address whether the RFA regime delivers equivalent environment protection standards to those likely to be achieved if the Environment Protection and Biodiversity Conservation Act 1999 applied directly to forestry operations in RFA areas. The report focuses primarily on biodiversity, particularly those threatened species which are matters of national environmental significance.
- The report notes the RFA regime accredits State forest management processes under the Environment Protection and Biodiversity Conservation Act 1999. It examines the risks and benefits of this accreditation (delegation of responsibilities to the State government) and whether it has compromised nationally significant environmental assets.
- The report draws on data from relevant court cases and information from annual reports, five-yearly RFA reviews, and State Government audits and reports.
- The report comprises:
  - an examination of the history of RFAs, the legal context in which they operate and recommendations from recent reviews of the RFA regime under the Environment Protection and Biodiversity Conservation Act 1999
  - an overview of the forest management regimes in each of the RFA States
  - an assessment of environment outcomes under these forest management regimes, particularly in relation to matters of national environmental significance
  - a review of compliance standards in each of the RFA States
  - a review of enforcement activities in each of the RFA States
  - a commentary regarding the extent to which the RFA regime has reduced conflict in respect of forestry activities.
  - A summary of relevant cases addressing forestry issues for each of the RFA States.
- The report found that protection of forests' biodiversity and threatened species would be of a higher standard if regulated by the Environment Protection and Biodiversity Conservation Act 1999, for the following reasons:
  - Inadequacy of state threatened species protections accredited by RFAs
  - Insufficient provision for adaptive management and dealing with site specific or new information
  - Inadequate reviews
  - Limited third party participation rights.

- The overall finding is that RFAs have never delivered the benefits claimed for them, for a mix of political, economic, cultural and legal reasons. From a legal perspective, the main reason the RFAs have failed is that the States do not take the regulatory and legal actions required to adequately protect matters of national significance. This failing cannot be addressed by differently wording the RFA and strengthening States' obligations: rather, the failure is fundamental to the concept of the RFAs and of devolving control of matters of national environmental significance from the Commonwealth to the States.

#### 4939 Scott Daines, South East Forest Rescue

##### Key issues:

- The lateness of the review (which scarcely rates a mention in the Report)
- The roll over the RFAs based on 5 year reviews is again totally outrageous and unbelievable, especially considering review performance to date.
- The ESFM criteria monitoring is a complete joke. It is easy to say that Forestry NSW practices ESFM and world's best practice but it is even easier to prove this is not the case. I can take you to any logged compartment and show you multiple breaches of the EPL or TSL.
- If you truly believe Forestry NSW practices ESFM you would remove section 69za from the Forestry Act which removes 3rd party rights to enforce breaches and let Forestry NSW stand on their own two feet.
- The government has wilfully understaffed and underfunded the forestry compliance section of the EPA to enable Forestry NSW to do what they like on the ground.
- Based on these reviews the RFAs are a failed experiment and need to be torn up immediately. There are no recommendations that can fix these broken agreements.

#### 4950 Anonymous

- Humans have used forests for survival and protection since the beginning of time and wood is one of our most environmentally friendly products we can use to build a sustainable future. It can be grown sustainably, it sequesters carbon, it is easy to re-cycle, and it is bio-degradable. Whether it is paper or the timber used in our houses and furniture Australians will continue to use wood daily in some form and we will continue to need production forests.
- The National Forest Policy Statement (NFPS) aims to balance the supposedly competing aims of forest conservation with the production of renewable wood products for domestic and export consumption.
- However:
  - Not enough effort or resources have been directed to integrating conservation and production and measuring and monitoring the results.
  - In NSW there is silo management structures for the conservation and production forests on public lands.
  - Private landowners do not have any easy access to market information or technical assistance to assist them with forest planning especially for harvesting or improving their forest for conservation outcomes.
  - Australia is the 7th most forested country in the world with more forest per person than every other major country except Canada and Russia. Yet it is a net importer of forest products and is living off forest products from other countries that have less forest area per capita than Australia does. We need to utilise more and value add more of our forest products so that we do not rely on the limited resources of other countries' forests.

- Public funds to manage the forests in New South Wales is declining, particularly within the National Park Service and the flow on impacts will be detrimental to the long term health of the state's forests.
- Monitoring under the Regional Forest Agreements was meant to cover all forest tenures to ensure the CAR system was effective. He is unaware of any consistent monitoring of our conservation forest areas.
- The submitter supports a landscape approach to forest and biodiversity management as it would cover all tenures and forest types. Options to improve the management across all tenures are to establish either:
  - an independent Forest Practices Authority (similar to the authority which has operated successfully in Tasmania for the last 30 years) or
  - an independent forest practices offices registered through a professional body like the Institute of Foresters of Australia.
- The Tasmanian Forest Practices Authority is an independent statutory body that administers the Tasmanian forest practices system on both public and private land. Its primary responsibility is regulating the management of forest and threatened non-forest vegetation.
- The system is based on a co-regulatory approach, combining self-management by the industry and independent monitoring and enforcement by the Forest Practices Authority. Forest Practices Officers are trained and authorised by the Forest Practices Authority and employed within the industry to plan, supervise and monitor forest practices. Forest Practices Authority staff provide advice on regulatory and technical matters, including requirements for the protection of natural and cultural values. The Forest Practices Authority also monitors forest practices to ensure that standards are being met. Corrective action is taken where required, which can include completion of remedial works, fines or prosecution.
- The FPA has a statutory responsibility to report annually to parliament on the forest practices system and the operations and performance of the FPA.
- A Forest Practices Authority or group of professionals could cover all forest managers both public and private so that all managers work to the one set of rules and definitions. Funding could be a combination of public and private sources based on forest management operations. An appropriately skilled (i.e. skills in geology, hydrology, culture, ecosystems and threatened species etc) and independent authority can remove itself from any government or industry conflicts of interest and as such bring confidence to both the government and stakeholders that best practice is being undertaken.

#### 5026 Cathy Cowley, Friends of Ku-ring-gai Environment Inc. (FOKE)

- Friends of Ku-ring-gai Environment (FOKE) has for over 20 years defended and promoted the natural heritage of the Ku-ring-gai, famed for its original and remnant Blue Gum High Forest and Sydney Turpentine Ironbark Forest.
- These 20 year RFAs have legitimised exploitative industrial logging of our public native forests that have been extremely environmentally destructive. Forests play a critical role in ensuring a safe climate. They are more important than ever with the onset of the climate change emergency. Forests sequester and store atmospheric carbon and promote rainfall. Forests play a critical role in protecting endangered wildlife.
- It is deeply disappointment that both the NSW Liberal and National Parties have indicated that they support the logging of native forests to burn for both the Australian and international wood biomass 'renewable' energy trade.
- RFAs cost taxpayers billions of dollars in subsidies. FOKE understands that from 2009-2015, just in NSW, these subsidies cost the taxpayers \$79 million.

- FOKE calls on the NSW and Commonwealth Governments not to renew these environmentally disastrous RFAs.

#### 5034 Anonymous

- The Report provides an overwhelming case for transition out of native forest logging to plantations. Plantations were not part of the first RFAs and yet perhaps 70% of the Implementation Report is about plantations, including virtually all of the positive material.
- During the 10 years of the review period, over 4,000 non-compliances with Environment Protection and Threatened Species Legislation were identified through EPA audits and investigations. However, the EPA conducted only 187 audits for approximately 5,000 to 6,000 logging operations. None of this is mentioned in the Report.
- Threatened Species missing for Eden RFA from lists in Table 67 include, Glossy Black Cockatoo, Barking Owl, Olive Whistler, Yellow-bellied Glider, Squirrel Glider, Pink Robin and White-footed Dunnart. Thus content of the report is untrustworthy.
- The number of threatened forest species has continued to rise during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.
- Logging kills forest animals and is therefore an important animal welfare issue.
- The State Forests are exempt from the provisions of the Environment Protection and Biodiversity Conservation Act 1999. Given that it takes 100 to 200 years for habitat hollows to form in trees, the term 'sustainable logging' is contradictory.
- Climate change was not adequately considered as part of the RFAs, but is now the largest social, economic and environmental challenge we face.
- The EPA's following quote doesn't even mention carbon loss through woodchips for paper when over 90% of the Eden and Southern logs go to woodchips.
- In the short to medium term, ending logging in the forests of the southern forest region would result in between 1.2 and 1.5 million tonnes of avoided emissions per year.
- The NSW taxpayer has paid millions of dollars to a multi-national corporation to buy-back non-existent timber because of over-estimated timber volumes by Forestry Corporation.
- We know that the value of carbon, water and tourism from forests is much greater than timber, and that protected areas are important for the economy.
- Logging for woodchips in south east NSW is a long-term contested practice, creates social discord, environmental and financial loss and disrespects Aboriginal culture.
- Combined, Agriculture, Forestry and Fishing is only the 9th employer in the region and forestry jobs are a small proportion of that total. Between 30 and 40 people are employed at the Eden chipmill and fewer than 100 in total forestry operations.
- Less than 10% of logs are milled for sawlogs. More than 90% of native trees logged in these regions goes to the chipmill and are exported to Asia at a loss to taxpayers of \$79 million over the past 7 years and at the expense of the environment and iconic species.

#### 5095 Lachlan Reilly

- A resident of Tilba on the NSW far south coast. He feels that the present state of our forests indicate that logging practices are not environmentally or economically sustainable. It would be better to keep forests intact as financially prosperous Carbon stores.

- He has visited several sites on the south coast of NSW that have been logged within the last 5 years and also those that have been logged within the last 20 years. These visits have shown me that far too many trees are being cut, exposing the forest floor to sunlight, resulting in the germination and spread of weeds. In many cases, these weeds become highly problematic on the adjacent farmland.
- Additionally, the health of the forests is poor with few old, established trees being left for habitat and the regrowth of forests has become very limited in terms of diversity. The quotas to which logging companies are committing our native forests are too high.
- As a local land owner on the far South Coast of NSW, I take my responsibility to maintain the health of the land I own and I expect the government to take a similar approach to managing our forests. This could be achieved by granting fewer logging contracts, better regeneration of logged sites through the introduction of more diversity and would be more profitable if forests were to be conserved as a carbon store.

#### 5116 Anonymous

- The current RFAs in NSW must not be renewed as they have failed. Their purpose, which was to protect the environment, to conserve and ensure a thriving forest industry with ecologically sustainable outcomes, has not been achieved.
- Climate change has not been addressed. The effects of climate change must be considered and mitigation action included in the RFAs. The total value of our forests, their survival, the species they support, the conservation of carbon, the management of water and the potential effects of climate change are all inextricably linked.
- The three current RFAs have resulted in significant loss of native forests, loss and depletion of threatened forest species without providing financial viability for the timber industry.
- The current timber industry operates at an economic loss. Unrealistic wood contracts have compounded this failure. Additionally, regulations and reviews have poorly administered to the detriment of forest health.
- The number of threatened forest species has risen during the life of the current RFAs. Logging is known as a key threat to forest species. With our deplorable rate of species loss, the current RFAs must be viewed as in need of a complete review and overhaul.
- The 10 and 15 year reviews of the current RFAs have never been undertaken. Thus there has been inadequate assessment of their operation. To simply renew them after 20 years is irresponsible. The circumstances of the timber industry has changed in this time as have the effects of the logging that has been undertaken on the natural condition of the forests...along with the increasing effects of climate change. Additionally, knowledge about the value of native forests and the biodiversity that they support and the contribution that they make beyond the simple fact of growing trees has increased considerably.

#### 5177 Carol Zouroudis, Mountain Districts Association

- Mountain Districts Association (MDA), a not-for-profit incorporated association representing the rural communities in the hinterland of the NSW Central Coast. We are committed to protecting our unique natural environment and wildlife, farming lands, mineral resources and water.
- This submission expresses our opposition, in the strongest possible terms, to the renewal of the NSW RFAs.
- MDA is concerned that the current process of review of the RFAs is an attempt by the State Government to seek electoral support from the logging industry, and is not a genuine review of the performance of RFAs, or whether they have met their aims. If the review was genuine the Parties would not have already committed to the extension of logging.

- The Report fails to take account of new knowledge, particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing (social, health, and economic). Climate change was not considered as part of the original RFA's, but is now the largest social, economic and environmental challenge we face. It is irresponsible to continue logging when we know it reduces the carbon storage capacity of forests.
- MDA firmly believes that the RFAs must not be renewed. This belief based on information contained in the 2016 NPA review, which concluded the RFAs have failed to achieve their aims by failing to protect the environment, failing to result in a thriving timber industry, and being responsible for driving climate change.
- Native forests are a public asset which must be managed for the public good, now and into the future.
- The MDA supports the NPA "Forests for All" plan.
- The Government should use the expiration of the RFAs as the point at which it implements a just transition out of native forest logging on public land.

### 5325 Anonymous

The name and location of (the company) have been removed to protect its identify.

- (The company) has progressively upgraded and modernised its facilities and equipment to utilise all log sizes, species and qualities of timber available in order to maintain viability and maximise the value of the available timber resource.
- (The company) is a significant contribution to the local economy and has consistently traded at a small profit over the last 10 years
- (The company) has developed its operation into a substantial business and can legitimately claim to have achieved the industry development goals set in the RFA, including targets for employment, regional benefit and community value. It could have achieved much more if the whole of the committed resource had been made available.
- The RFAs have not been reviewed within the set timeframes. That has led to the failure to identify shortcomings and to correct these in a timely or efficient manner. Also the review does not take into account the period from 2014 to 2018; a period when significant changes to forest management, particularly for sawlog production, have occurred, prior to consideration of renewal.
- Prescribed reviews of the RFAs have been delayed and are not providing the 5 years notice required for (the company) to plan its longer-term future.
- The security of (the company) is restricted by the regulatory framework to the end of 2018 - 31 December 2018 (the expiry of IFOAs), and 4 March 2019 (the expiry of NSW Forest Agreements). The Wood Supply Agreement for sawlog supply will expire in 2023.
- (The company) wants the whole legal framework that underpins resource supply to be maintained so that operations may continue for the full term of its WSA.
- Changes to the IFOA, increased implementation of conditions, and restriction and reservation of areas available for sawlog harvesting have not been recognised as diminishing the capacity to supply the volumes of sawlogs from the region
- Specific issues:
  - (The company) entered into a WSA to secure supply of resource. FCNSW assessed the resource as being sustainable in the long term (120 years).
  - The volume of sawlogs supplied to (the company), under the WSA has been maintained but conditions of supply have been erratic in terms of species, size and quality, with priority on greater utilisation of younger regrowth and plantations.

- The sawlog resource of Blackbutt and other preferred species to (the company) and to most other mills in the area have been severely reduced during the period of the RFA. The reasons include:
  - Resource assessments by FCNSW were incorrect and have been adjusted negatively every 5 years.
  - Harvesting of regrowth forests has been predominantly for Blackbutt sawlogs to the WSA supply commitments of another (larger) company.
  - Regrowth and plantation resource has been harvested well before its scheduled time to meet the needs of this other company.
  - The new WSA for the other company is a clear breach of the Competition Principles Agreement of the RFA and potentially a breach of section 45 of the Competition and Consumer (Competition Policy Reform) Act 2017.
- Various consultations and correspondence with FCNSW have failed to assuage these concerns.
- The issues have been addressed to FCNSW, the NSW Forest Industry Taskforce and to the NSW Government but have not been able to get a response. The most critical review in 2012 by the Natural Resources Commission was conducted confidentially, only the outcomes and recommendations of the NSW Government were released, but implementation by FCNSW differed substantially from those recommendations
- Since the creation of FCNSW, the State of NSW is no longer a party to WSAs and contracts. (The company) believes any extension of current or creation of new WSAs must have the State of NSW as a party to the Agreement.
- The future of (the company) now depends on:
  - maintaining a consistent supply and flow of specified sawlogs
  - identifying a known and viable resource for timber production
  - investment in new technology
  - reliability and integrity of forest agreements and supply agreements with FCNSW
  - reliance on environmental regulation.
- (The company) contends that existing companies with WSAs be provided first opportunity to future resource in their regions, and if that cannot be achieved, that local socio economic values be a critical requirement for further development.
- Additional issues:
  - There are many misleading assessments in the Report. Conditions are either 'met' or 'not met'.
  - C-Plan is now the most appropriate tool for any review of outcomes or reservation requirements. It could have provided all the data for all sorts of reviews, provided improved and more reliable data, and ameliorated reservation requirements.
  - The IFOA requires FCNSW to prepare specific harvesting plans for each logging compartment to be approved by the EPA prior to the conduct of operations. The EPA then conducts a particularly severe auditing system that is heavily focused on
    - tree retention requirements
    - koala habitat protection
    - road and snig track drainage and road crossings
    - exclusion zone requirements for
      - rainforest
      - rocky outcrops
      - riparian protection
      - threatened species
      - threatened ecological communities
      - forest structure and health (BA retention, bell miner dieback)



- There have been numerous assessments, planning and collection of substantive records on environmental values, species habitat and protections within productive State Forests. Similar information does not exist to a great extent within reserved forests excepting as broad mapping projects and some targeted species surveys.
- Small groups protesting a range of issues (including aboriginal heritage, water quality and koala habitat) are able to have operations halted, restricted or rescheduled (usually with Ministerial advice) through media and political pressure despite the commitments of the NSW Forests Agreements signed by the responsible Ministers.

### 5338 Anonymous

- I strongly believe that the forests on the south coast are a major attraction and asset and should be kept the way they are. It is not worth the destruction of our unique environment to get a bit of short term cash!
- These sacred forests should be protected and conserved for an indefinite period as they are priceless for planetary health and as places for wildlife and humans to go and live in nature.

### 5386 Keith Davidson, Boral Timber

- Boral Timber is a major stakeholder in the NSW forestry and makes comment on the latest review of the two RFA regions: North East (NE), and Southern Regions (S) of NSW. The comments relate to activities that occurred between 2004 and 2014.
- Boral Timber is part of Boral, the ASX100 building products and construction materials company. Boral Timber conducts all of its manufacturing operations in NSW where it has been part of the hardwood industry for over 100 years. In NSW, Boral Timber employs more than 300 people across nine sites, nearly all of them in rural areas. In addition, Boral Timber is a 50% owner of Highland Pine Products which at its Oberon site employs over 200 people. Additionally, Boral Timber and Highland Pine Products provide employment for around 1,500 people as contractors and suppliers.
- Boral Timber has a long history of large capital investment projects in its hardwood business with more than \$85 million invested over the past 10 years. These include the constant improvement in the drying, scanning and processing equipment at Boral's Kyogle flooring plant. This plant is now the largest hardwood flooring plant in the Southern Hemisphere. In addition, Boral has constructed an engineered flooring plant producing a range of engineered flooring solutions.
- Boral is pleased the majority of commitments and milestones set out in the various RFA agreements have been achieved albeit not always within the agreed timeframe. These results demonstrate that the RFA is providing a workable framework by which a quantitate measure of deliverables can deliver a sustainable forest management. With the majority of the Milestones and Commitments being of an environmental nature, a 99% achievement rate should provide comfort that environmental outcomes within the RFA areas are being met.
- One of the three guiding principles of the RFA agreements is "to provide long-term stability for the forests and forest based industries". Unfortunately, the RFA process has not met this objective. As a direct result of the RFAs and public land use decisions since the early 1990s, over 13.6 million hectares have been added to Australia's forest conservation reserve system. The area of native forests in conservation reserves has almost trebled since 1990, from 6 per cent to 16 per cent of all native forests. As a result, industry development has been constrained by resource reductions that were not in accordance with the RFAs, which has undermined the certainty to industry that the RFAs are intended to provide. Consequently, since 1996, the number of hardwood sawmills in Australia has fallen from more than 800 to around 200.



- The RFAs state that ‘The Parties intend that this agreement will enhance opportunities for further growth and development of forest-based industries in the (RFA Regions)’. The review states this milestone has been partially completed. However, there is no data or evidence that the industry has expanded and developed during the review period.
- Boral are concerned that the focus on environmental outcomes are given a higher priority than the socio-economic impacts. Considering the agreement is designed to cater for both the review efforts in assessing socio-economic impacts has been minimal.
- Delays in completing the reviews has reduced public and industry confidence in the RFA processes and fails to give the opportunity for corrective actions to be implemented in a timely way. Future RFAs need to address the root cause behind the review delays and ensure future reviews are structured in a way that can be completed and released to the public in a way that meets agreed timelines
- It is clear that the RFA process had a bias to ensure commitments were achieved on the production forest estate.
- There appears to be an underlying view that reservation of areas will always provide the best biodiversity outcomes. As a result, there has been minimal monitoring undertaken to see if these very large areas of reservation have achieved the desired results. Boral Timber would encourage improvements to the consistency of monitoring diversity across the landscape including performance monitoring across different land tenures of the RFAs. This would include the reviewing of the CAR system and its outcomes. Boral Timber believes the RFA policy and its determined outcomes should provide a coordinated framework across all land tenures to collectively manage the forest estate towards meeting the three guiding principles of the RFAs.
- Boral Timber welcomes the Parties’ commitment to the continuation of the state’s RFAs. The recent reviews have highlighted that on a granular level the RFA’s have delivered on the milestones and commitments.
- It is clear the RFAs have failed in meeting one of the three main objectives ‘to provide long-term stability for the forests and forest based industries’. During the term of the RFA’s Boral has seen a reduction in High Quality log supply of 36% over the various WSA held by Boral Timber.
- The majority of these reductions have been as direct result of the State Government’s decisions to reserve more Forests and there has been no systematic monitoring of biodiversity on a landscape level and therefore no way of knowing whether these reservations have been successful.
- Future RFAs need to ensure that regular reviews not only cover all land tenures but can be completed within the desired timeframes.

### 5390 Anonymous

- The RFAs must not be renewed. The RFAs have failed to protect the environment, failed to result in a thriving timber industry and are driving climate change. The RFAs are therefore a failed model for forest management.
- Supports the NPA of NSW’s Forests for All plan, to protect forests to facilitate increased human access for health and wellbeing, recreation and education.
- The Great Koala National Park proposal would help protect koalas and become a huge tourist attraction (local groups should also reference their own national park proposals).
- The Report fails to provide any data to support the assertions that logging is conforming to ESFM. In contrast, there is lots of evidence that forest wildlife is in decline, logging reduces carbon stores and water supplies.
- Other values of forests must be considered. Research in the Victorian Central Highlands shows that the value of water, carbon and tourism dwarf that of timber.
- The Government should use the end of the RFAs as the point at which it implements a just transition out of native forest logging on public land.

- EPBC accreditation of logging operations has resulted in lower protection for forest species, and has not been complied with, as demonstrated by the multitude of license breaches. Commonwealth oversight of forest management must be restored.
- The Report frequently addresses indicators without providing any data. For example, no spatial data is provided to assess the change in forest growth stage over the life of the RFAs, no data is provided to assess the proportion of each forest ecosystem protected or impacts on species and no data is provided on the value of forest-based services.
- The number of threatened forest species has continued to rise during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.
- Climate change was not considered as part of the RFAs, but is now the largest social, economic and environmental challenge we face.
- The RFAs removed public oversight of logging by excluding 'third parties' from taking legal action on logging breaches.
- The NSW taxpayer has paid millions of dollars to multi-national corporations to buy-back non-existent timber because of over-estimated timber volumes by Forestry Corporation. This is one of a series of subsidies that the logging industry receives.
- The logging industry is one of the most mechanised and most dangerous. The number of direct jobs in the industry has steadily declined and is now estimated as under 400 across NSW.
- There are many forested areas in the three RFA regions that should be protected in the reserve network. For example, the forests of northern NSW are one of just 36 global Biodiversity Hotspots, there are forested areas across NSW that should be World Heritage, and there are outstanding wilderness additions.
- The reviews are so late as to make them meaningless. The entire rationale of the reviews – that the community can have confidence in the RFAs because of a transparent and timely review – has been seriously undermined.
- In order to be effective, the independent reviewer must consult independent scientists (not just government agencies) and must undertake on-ground inspections of logging impacts with community groups

### 5392 Paula Flack, President, Nambucca Valley Conservation Association

- The Nambucca Valley Conservation Association Inc. (NVCA) is a voluntary community group which has operated on the NSW mid north coast for over 30 years and which maintains a long-standing and strong interest in forest management, in particular in public native forests in the north east region of NSW.
- NVCA believes the North Coast NSW RFA has failed. We base this opinion on our direct witnessing of environmentally and economically unsustainable logging practices within our region in public native forests by FSCNSW and also on the indisputable evidence of threatened species decline. We are painfully aware that the same unsustainable practices of increased industrial scale logging and clearfelling have been implemented across the other two (Southern and Eden) RFAs with similar unacceptable outcomes.
- Despite NVCA's and other organisation's requests to the NSW Government that the illegal intensive and clear fell logging of north coast public native forests cease, the practice continues and looks to be legitimised in the proposed RFA rollover. This disgraceful logging practice flies in the face of true ESM that was promised in the RFA and must cease.

- The NVCA is receiving increasing communications from members of the public and neighbouring and downstream property owners alarmed at the increased intensification of logging and destruction of forest values, to the point where walking groups, bird watchers, and visitors in general avoid their public forests due to the unsightly damage and destruction. They also point out that forests areas are not recovering like they did 30+ years ago, most say that they observe mainly weeds growing with little or no sign of healthy mixed species regrowth in the clear felled and “trashed” areas.

#### Our Key Concerns

- NSW Government failure to undertake timely reviews of the RFAs
- It is unacceptable that the second and third 5 yearly reviews were not undertaken when required under the RFAs and are now being belatedly done as a last-minute exercise before the expiration of the RFAs. Failure to review performance has meant a ‘business as usual’ approach to logging practices and failure to make any adjustments in response to review outcomes or changing circumstances eg new threatened species listings and climate change.
- We note however, that despite the lack of second and third period reviews, intensive industrial scale logging and clear felling increased substantially and are being undertaken illegally under the term “Single Tree Selection”.
- No consideration has been afforded newly listed threatened species nor has there been consideration of the Government’s own declaration that koala numbers on the north coast have declined by 50%.
- Climate change was not considered when the RFAs were established, but is now the largest social, economic and environmental challenge we face, timely reviews should have informed changes to practice in response to climate change.
- The NSW Government has already made a commitment to extending the RFAs, prior to this review process being concluded. The NVCA therefore does not consider this consultation process as genuine.
- The outcomes of this consultation process are clearly predetermined.
- Many community volunteers invested years of their time in the CRA and RFA process 20 years ago in good faith. We are angered by the arrogant and dismissive process now adopted by the State Government for this RFA review and renewal process.
- It is inappropriate for a NSW Government corporation to undertake an ‘in house’ self-assessment of the RFAs with input only from FC and the timber industry. The RFAs clearly have not resolved the ‘forest wars’ and this flawed and dubious review and renewal process has opened fresh wounds which will not heal under the current Government’s openly pro-logging, anti-conservation, anti-consultation modus operandum.
- The consultation period is inadequate given the significance of the issue and size of the review report (368 pages). Insufficient time makes reading and understanding it difficult, let alone responding to it or investigating the claims, statements and information contained therein. If the Government was genuine about this process it would have afforded much more time for the community to respond.
- In order to be effective, the independent RFA reviewer must:
  - consult independent scientists and not just government agencies;
  - undertake on-ground inspections of logging impacts including areas of concern raised by community groups and
  - consider all formal complaints from the community of non-compliance by FCNSW lodged with FCNSW and/or the EPA.
- The RFAs were preceded by Comprehensive Regional Assessments (CRAs) which involved detailed ecological investigations which in turn led to the establishment of threatened species requirements in terms of area of habitat needed to be protected to ensure their survival into the future.

- The RFAs have failed to protect the threatened species that exist in production forests, despite the threatened species critical dependence on them.
- During the life of the RFAs logging intensities have increased substantially (without consultation) and breaches of the logging rules (IFOA) by FCNSW impacting directly upon threatened species are prolific. Infringement notices and penalties for breaches, on the rare occasions they are applied, but are so insignificantly small they present no disincentive at all.
- ESFM was to underpin logging to ensure that it did not result in negative impacts on forest ecosystems. FCNSW claim they are only logging 1% of the available public native forests per annum, this means that over a 100-year period, all of the available forest would have been logged. Given that tree hollows do not generally start developing until trees are over 100 years old, by its own confession, FCNSW management practices will never allow public native forests to grow old enough to develop hollows and replace old growth hollow bearing trees that are either logged or senesce and die. It is not ESFM in any shape or form.
- The number of listed threatened forest species has continued to rise during the term of the RFAs, with iconic species like koalas and gliders now either absent or experiencing population crashes in many parts of NSW. Logging is identified as a key threat to many forest species, often because of the impact logging has on key habitat features like hollow-bearing trees.
- Bell Miner Associated Dieback is a serious problem in native forests and is directly related to logging. Over 100,000ha of forests in NSW are already affected by Bell Miner Associated
- The review does not consider the facts that logging cycles are shorter, timber yields are declining and size of poles are reducing as younger and younger trees are taken in an effort to meet the absurdly overcommitted WSAs. There are no job futures in native forestry under this short-sighted management. In fact, the ongoing subsidisation of the native forest timber industry
- The review places much greater focus upon climate change in terms of its potential impacts on maintenance of productive capacity of forest ecosystems (p 157) with tokenistic consideration of the maintenance of forest contribution to global carbon cycles.
- We are suspicious of the use of NSW Landscapes (Mitchell Landscapes) as the surrogate for regional ecosystems. Mitchells Landscapes, which being an old state-wide system determined over predominantly non-forested landscapes, are much coarser on the coast than the coastal forest type data. The original RFA on the north coast used forest type maps complemented by extensive on ground floristic plot analysis. OEH has much more accurate and informative coastal veg mapping data to hand – why was it not used?
- The RFA review frequently includes plantations in its tables, comments and figures. Plantations are not subject to the RFA and therefore should not be included.
- The Report frequently addresses indicators without providing any data. For example, no spatial data is provided to assess the change in forest growth stage over the life of the RFAs, no data is provided to assess the proportion of each forest ecosystem protected or impacts on species and no data is provided on the value of forest-based services.
- The NVCA shares the same detailed concerns and opinions contained in the North East Forest Alliance's submission to the RFA Review and RFA Renewal.
- We strongly oppose the renewal or evergreening of the RFAs. They have failed to protect the environment, failed to result in a thriving timber industry and are driving climate change. The RFAs are a failed model for forest management.

#### 5394 Paula Flack (personal submission)

- Rejects the RFA review and the renewal of the RFAs. The review is too little too late and fails to address the patent failings of the RFA to meet its objectives.

- NSW forests are not being managed on an ecologically sustainable basis. Threatened species habitat is being logged at an unprecedented rate. Bell Miner Associated Die Back is proliferating due to logging and lantana invasion of denuded forest areas. Koalas have declined by 50% on the north coast. Logging cycles are getting shorter, logging roads and log dumps are getting bigger, logs are getting smaller, yields are declining, threatened species targets have not been met and hollow bearing trees are still being logged. There absolutely nothing sustainable about FCNSW's industrial scale logging in our public native forests.
- If left alone our public native forests will continue to store and sequester increasing amounts of CO<sub>2</sub>, downstream water users will receive greater water volumes over time, forest ecosystems will have a chance to recover and grow old and tourism opportunities flourish.
- Tourists do not want to face fully loaded logging trucks on narrow rural roads, nor will they visit devastated forests. Tourists want to see koalas in the wild, have nature experiences and feel good about seeing and experiencing healthy protected forests.
- 87% of NSW timber supply comes from plantations. We know that the public plantation sector of FCNSW is extremely profitable unlike native forestry which makes an annual loss and employs very few workers directly. It is time to stop subsidising public native forest logging and transition the remaining native forest timber industry into plantations.
- Public native forest logging should cease and alternative sustainable uses like the Great Koala National Park proposal should be implemented. This would result in the generation of many more jobs and would provide truly sustainable economic benefits for the region.

#### 5395 Ashley Love, Bellingen Environment Centre (BEC)

Please note – this submission was 13 pages long and very detailed. There is room in this report for a concise summary only – please refer to full submission for full details.

- The Bellingen Environment Centre (BEC) has for over thirty years acted to protect the environment of the Bellingen Valley and surrounds.
- The Report is the most convoluted, unprofessional and dishonest document that has come before the Bellingen Environment Centre during those thirty years.
- No explanation is given as to why the reviews are up to eight years late. This has denied us the opportunity to assess the information that should have been provided 8 years ago.
- The RFA review document makes hundreds of assertions that various commitments have been met, without providing any evidence or references to that effect.
- The BEC believes the NSW RFAs second and third five-yearly reviews report should be withdrawn and re written by a team of experts independent of government. It will be difficult, to say the least, for an independent scientist to grapple with the sheer volume of errors and omissions, inaccuracies and outright lies included in this document. Further general recommendations are included at the end of this submission.

#### World Heritage.

- The listing of qualifying areas of the forests of north-east NSW on the World Heritage list was an iconic conservation goal for north coast environmentalists and heavily influenced their participation in the RFA process.
- Clauses 27-32 of the North East RFA deal with the commitments to World Heritage but these are not tied to time lines. The following claims are untrue:
  - 'This ongoing commitment was achieved during Period 1, Period 2 and Period 3'.
  - 'There have been no World Heritage nominations within the three NSW RFA regions over the three five-year periods.' This claim is offensive given repeated attempts by community groups to have governments recognise and implement their obligations over decades.

- The NSW CPA process made no attempt to specifically identify World Heritage values. As an alternative in 1998 the Commonwealth established a 'World Heritage Expert Panel' to identify outstanding universal values in forested areas as part of its RFA process. They confirmed the "eucalypt theme" as a qualifying value for north east NSW.

#### Forest ecosystems

- The Report page 48 attempts to provide an explanation for reporting against NSW (Mitchell's) Landscapes instead of Forest Ecosystems. It was never envisaged the Mitchell's Landscape would be used for RFAs, because the Forest Ecosystems provided far better levels of data and mapping.
- For the North East RFA (and probably for the other regions), technical working groups (TWG), comprising the best available scientists and stakeholder representatives, addressed the implementation of National Forest Policy Statement requirements through Forest ecosystems: definition, delineation and interpretation of conservation requirements from NFPS and JANIS. The TWG minutes recorded the conservation status achieved for each forest ecosystem and for old-growth for each forest ecosystem. The minutes also recorded priority forest ecosystems on private forested lands.
- This process assembled and analysed some of the best forest botanical databases and forest ecosystem classifications ever put together in Australia (and possibly the world). In the NE they included over 5,000 veg survey plots.
- In contrast, the Mitchell's Landscape layer was developed 20 years ago as a coarse-level interim environmental layer to report whole-of state conservation progress for only some conservation programs. Mitchell's Landscapes were determined over predominantly non-forested landscapes, using only abiotic data - not one forest veg survey plot or piece of biological information was used in their construction.
- There was no process of informing or consultation with key stakeholders before the EPA decided to convert reporting from Forest Ecosystems to Mitchell's Landscapes for the second and third five-yearly review documents.
- The submission questions whether the Report uses the Mitchell Landscapes out of ignorance or malicious intent to mislead the public.

#### Threatened species recovery plans

- Clause 62 of the RFA states that "The Parties agree that the management prescriptions or actions identified in jointly prepared and agreed Recovery Plans or Threat Abatement Plans will be implemented as a matter of priority, including through the Integrated Forestry Operations Approval on State forest". Yet neither the IFOA nor the Threatened Species Licence have any reference to recovery plans, no mechanism to take them into account and do not abide by them.
- The first assessor's Report said - Recommendation 8 'In future reviews the Parties should provide more information about development of various threatened species recovery plans to allow an assessment of the adequacy of progress in the management of threatened species as it relates to Milestone 23'. Far from providing more information, the review provides less. It has Tables 66 and 67 in Appendix I. With a short statement about whether there is a recovery plan or conservation advice in place. There is no information as to the adequacy of those plans.

#### 5396 Alix Goodwin, National Parks Association of NSW and the Nature Conservation Council of NSW (combined submission)

Note – this submission was 34 pages long and fully referenced. Please refer to full submission for more detail.

- NPA NSW has 16 branches and over 20,000 members and supporters. It was formed in 1957 to promote the concept of a network of national parks in NSW. This goal was achieved with the passing of the National Parks and Wildlife Act 1974 and the establishment of NPWS.



- Overarching recommendation - That the NSW and Commonwealth Governments terminate the current review and renewal processes, replacing it with the following process:
  - (1) An independent scientific review of the performance of RFA (10 and 15-year reviews) against their stated objectives with a decision on whether to renew RFAs. This should include a credible scientific analysis of the impact of the current RFAs on non-timber forest values.
  - (2) The preparation and public release of a full socioeconomic assessment of all land-use options over the next 20 years and beyond with:
    - (a) any RFA renewal option to include information on the intended purposes for which state forests would be logged over the next 20 years
    - (b) all options to be founded on credible science on the potential impacts of climate change on forests and the connected environmental values
    - (c) all options to include an independent analysis of the potential to reduce Green House Gas emissions associated with logging and of the carbon sequestration potential from allowing forests to recover their natural carbon stocks
  - (3) Subject to the outcome of (1) and (2), a formal negotiation process on the renewal of RFAs with balanced representation of all interest groups moderated by a credible independent party as was the case for the CRA that preceded the current RFAs in the late 1990s and including a commitment to undertaking the required studies to update and complete the data collected in the CRA.
  - (4) Elements (1) to (3) to be carried out sequentially and not concurrently.
  - (5) Consultation processes that genuinely and effectively engage stakeholders and the community in the independent review of RFAs, assessment of options for the future use of state forests, and their renewal (if any), with criteria for benchmarking and monitoring the consultation process to be set up in advance and reported on publicly.
  - (6) Free and timely sharing of all data and appropriate data and analytical support.
  - (7) A commitment that no pre-emptive decisions (e.g. no new Wood Supply Contracts) will be taken before the end of the process.

#### Recommendations in relation to 10 and 15-year performance review

- (1) That the independent reviewer seek and be provided with detailed government and independent scientific data and information against each sustainability indicator for each NSW RFA region.
- (2) That the independent reviewer meet with recognised independent scientists with expertise in forests to discuss and determine the availability, validity and reliability of information and data presented for each sustainability indicator in the Report to ensure accuracy in the findings and conclusions of the performance review.
- (3) That the independent reviewer visit state forests in NSW to see first-hand how logging is managed and its impacts. The independent reviewer should be accompanied by recognised independent scientists and environmental organisations with knowledge of the impact of logging on biodiversity, forest ecosystems and ecological services.

#### Section 1: Introductory remarks

- Disappointed that the Commonwealth and NSW Governments have committed to extending the RFAs without conducting a scientifically-based review as to their effectiveness and without equal consideration of alternative options for public forest use and management.
- Concerned that extension of RFAs will lead to further destruction of forests and forest species and the loss of a highly effective form of carbon sequestration in an era of climate change. Particular concern is over the proposal to burn forest biomass in wood-fired power stations.

- Strongly believe the Report is not fit for purpose because it provides little information that permits a reader to accurately assess the functioning of the RFAs either globally or at the individual agreement level. 'Evidence' presented on many of the sustainability indicators contains no data whatsoever, and elements of reports which provide pertinent evidence are overlooked (e.g. NSW State of Environment 2015 and the Independent Review of Bell-Miner Associated Dieback). We have made more detailed comment on the indicators in Table 1 of this submission (see below in this summary).
- With over 1,000 threatened species and 100 threatened ecological communities in NSW and the increasing effects of climate change, it is incumbent on the NSW and Commonwealth Governments to conduct a transparent and independent scientific appraisal of the effectiveness of RFAs.
- This Report contains no discussion as to the success and failures of the RFAs in meeting their key aims: conservation of forest ecosystems and biodiversity; creation of a stable timber industry; implementing ESM and resolving social conflict over forests. We fear that the Parties risk repeating the mistakes of the past, creating liabilities for citizens and future Governments.
- While the initial RFA process resulted in some good conservation outcomes, and can be interpreted as a genuine attempt to reconcile timber extraction and conservation, we have no confidence that this RFA process is founded in similar intent. Any future RFA looks set to entrench conflict and division over logging and conservation.
- Urge the independent reviewer to
  - objectively evaluate the performance of the RFAs by accessing independent scientific advice and evidence.
  - visit forests throughout the three RFA regions with local environmental organisations.
- There are many independent scientists who have produced research on forests throughout the life of the RFAs and who can provide impartial advice to the reviewer.

#### Questions to be answered to inform decisions on future forest management

- The submission identified a number of questions that need to be answered to inform future forest management decisions (not within the scope of this review). Please refer to full submission for details.

#### Section 2. Key elements to be considered by the independent reviewer

- We believe there is extensive evidence that the RFAs have failed to result in ESM, failed to result in an economically sound timber industry, and the CAR reserve network of forest ecosystems has not been delivered—contrary to assertions in the 10 and 15-year reports. Our position has been established following a detailed review of the NSW RFAs against their higher level aims conducted by NPA in 2016 (Sweeney 2016). A full copy of the review can be accessed at [www.npansw.org.au](http://www.npansw.org.au) and a copy is also attached to our submission.

#### ESM (see also Section 3)

- The number of threatened forest species has continued to rise during the RFAs, with iconic species like koalas and gliders now either absent or experiencing population declines in many parts of NSW. Logging is identified as a key threat to many forest species, because logging drives Key Threatening Processes including the loss of hollow-bearing trees and bell-miner associated dieback.
- Logging kills forest animals and clear-fell logging eliminates arboreal animals. Logging is therefore an important animal welfare issue, as well as an ecological one. Welfare is not adequately considered in the RFAs.



- There are many forested areas in the three RFA regions that should be protected in the reserve network. For example, the forests of northern NSW are one of just 36 global Biodiversity Hotspots, there are forested areas throughout NSW that should be World Heritage and there are many habitat links that should be protected to ensure connectivity for forest wildlife in the face of climate change.
- In 2009, eight years after the RFA was signed, the NSW Auditor General identified that native forests managed by FONSW on the north coast are being cut faster than they are growing back. It is difficult to understand how that finding be reconciled with ESFM.
- It is not credible for the NSW Government to 'reaffirm' that it is committed to the principles of ESFM in the absence of any evidence to demonstrate this commitment.

#### Legal failings of the RFAs

- The RFAs removed public oversight of logging by excluding 'third parties' from taking legal action on logging breaches. This has resulted in a lack of transparency.
- FONSW has committed scores of breaches of license conditions, and regulation by the EPA has been inadequate and ineffective.
- The accreditation of logging under the Environment Protection and Biodiversity Conservation Act 1999 has reduced protections for threatened species. Effective Commonwealth oversight of public native forest management must be restored.

#### Other options for forests

- There are alternative options for forest management other than logging. NPA has developed a plan (Forests for All) to protect public native forests and use them to increase public access for health and economic benefits. We have also proposed the establishment of the Great Koala National Park in the Coffs Harbour hinterland.

#### Economic failings of logging

- Over the life of the RFAs approximately \$12.9 million has been paid by the NSW Government, the majority to a multi-national corporation, to purchase non-existent timber as a result of over-estimated timber volumes at the outset of the RFAs and industry renegotiated WSAs beyond the life of the RFAs and prior to any public consultation.
- Buy-backs are just one of a series of subsidies that the logging industry receives. There are also hidden infrastructure damage and rates exemptions paid for by Local Government ratepayers.
- Between 2009 and 2012 the FONSW lost \$85 million in native forest logging operations and the NSW Auditor General identified it as having lost \$14.4 million in 2007-8 alone.

#### Minimum standards for renewed RFAs

- Do not support the 20-year rolling renewal of NSW RFAs as we believe that NSW should transition out of public native forest logging given our assessment that they have failed to achieve their stated aims.
- As the Commonwealth and NSW governments have both committed to the extension of and commenced renegotiation of NSW RFAs we make the following recommendations:
  - (1) That logging under RFAs be subject of the Commonwealth.
  - (2) That independent Comprehensive Regional Assessments be undertaken prior to the finalisation and approval of NSW RFAs by the NSW and Commonwealth governments, as undertaken for the current RFAs.

- (3) That the extended RFAs include clauses that allow for their immediate termination following a five-year review or when significant information arises/circumstances change warranting their termination (e.g. the impacts of climate change, effects on biodiversity, continuing failure of FONS of NSW to comply with requirements etc.). Amendments may also be required to the compensation provisions of the Commonwealth RFAs Acts 2002 to limit the financial risks to the state resulting from these clauses.
- (4) That the extended RFAs provide that WSAs can only be entered into by or on behalf of NSW government for five-year periods aligned with the proposed five-yearly reviews. Such a provision will minimise the financial compensation risks to the Crown should (1) the NSW and/or Commonwealth government deem it necessary to terminate the agreements outside the five-year review cycle; (2) the NSW government be unable to meet the WSAs due to the impacts of climate change (e.g. fires or other event resulting in the loss of supply); or other reasons.
- (5) That third-party rights be restored in the interests of transparency.
- (6) That the draft RFAs are subject to public consultation prior to any recommendation to the NSW and Commonwealth governments on their approval and signing.

### Section 3: Failings of the RFAs to achieve their aims

The information is drawn from two NPA documents: RFAs in NSW: have they achieved their aims (2016) and Forests For All (2017). A full reference list has been omitted for brevity.

- The RFAs were designed to provide for multiple use of native forests including nature conservation, timber extraction and recreation. The RFAs have failed to meet their goals either wholly or in part. The process of RFA development was flawed and subsequent governance in regards to changes to the RFAs and timely reporting has not been to a sufficient standard.
- Rather than perpetuate the RFAs, efforts should begin immediately to ensure a just transition of those employed in logging to other industries and to capitalise on the potential for native forests to provide opportunities for growing coastal populations, provide valuable ecosystem services, underpin efforts to tackle climate change and reverse the declines in iconic wildlife species.

#### Aim 1: a Comprehensive, Adequate and Representative (CAR) reserve system

- The CAR reserve system was key to efforts to ensure that the RFA process provided adequate protection for forest ecosystems and threatened species.
- In the North East RFA region of NSW (the only region for which adequate data could be obtained by NPA) a CAR reserve system has not been achieved. This failure is a key reason as to why there is continued social unrest over native forest logging. Current reserves in the region are biased towards steep or infertile land and do not protect those ecosystems most vulnerable to clearing or which are already most compromised. The lack of a strategic methodology to determine reserve placement during the RFAs has resulted in a fragmented reserve system which is unable to meet the habitat needs of many forest species.

#### Aim 2: provide for the ecologically sustainable management and use of forested areas

- There is an inherent contradiction between managing forests under the principles of ESM and maximising wood production and profits, because efforts to protect the environment add costs and reduce timber yields. Arguably, this has led to multiple documented license breaches.
- Provision of water supplies of adequate quantity and quality is one of the key functions of forested catchments. In light of the impacts of logging on water quantity, water quality and fire regimes and of climate change predictions of increasing temperatures, more frequent droughts and decreased rainfall in south eastern Australia, ensuring forested catchments are protected should be a priority for government.

Aim 3: provide for the long-term stability of forests and forest industries

- The accreditation public native forest logging under the Environment Protection and Biodiversity Conservation Act 1999 via the RFA process was designed to provide long-term security for forest industries. Yet the value of Australia's native timber stocks declined by 30% to \$2 billion between 2005 and 2015, and hardwood sawn-wood production declined by 44% over a similar period. In contrast plantation stocks increased in value to \$10 billion and softwood sawn-wood production increased by 10%.
- The production of forest biomass from native forests for power through burning is an emerging market for the logging industry. However, biomass has resulted in perverse outcomes in Europe as it is now driving deforestation in Europe, Russia and North America.
- FCNSW has not met its reporting requirements with respect to the extent and growth stage of forest ecosystems. For this reason, it is not possible to accurately assess the stability of these elements of the public forest estate.

Aim 4: have regard to studies and projects carried out in regards to:

(i) Environmental values, including old-growth, wilderness, endangered species, National Estate values and World Heritage values

- The RFA model has not facilitated the adoption and implementation of research on environmental values. Two RFA regions are now incorporated in global biodiversity hotspots.
- There have been several incidences of logging of old-growth forests in NSW since the RFAs.
- Although protected wilderness doubled between 1997 and 2007, the prevention of wilderness declaration under the IFOAs has hindered wilderness reservation since the RFA signing. There are still outstanding areas of wilderness throughout coastal NSW.
- The RFAs have failed to attain reservation targets for threatened species and weakened protection for threatened species as compared to the Environment Protection and Biodiversity Conservation Act 1999. The concept of the 'extinction debt' means that the full impacts of logging on native species may not be seen until it is too late to prevent extinction. For this reason, evidence of declines should be acted upon immediately. The direct impact of logging on native fauna is evident via research that used counts of dead animals by logging crews to determine distributions.
- There are World Heritage values in the North East RFA region and the Southern and Eden RFA regions of NSW that should be considered for nomination. Very few World Heritage assessments and nominations have been completed during the RFAs.

(ii) Indigenous heritage values

- The RFA process failed to facilitate Aboriginal involvement to any more than a marginal degree and only addressed cultural significance, not economic needs or legal rights.
- The 20-year nature of the RFAs has effectively suspended native title claims for their duration.
  - Mumbulla mountain, on the south coast of NSW is an example of where well-documented Indigenous values failed to prevent logging operations from being conducted.
  - The Bundian Way, an ancient Aboriginal pathway, may meet world heritage criteria 'Complex persistence of a hunting-and-gathering society on a single continent'.

(iii) Economic values of forested areas and forest industries

- Both Forestry Tasmania and FCNSW of NSW sustained substantial losses in native forest logging operations between 2009 and 2012 (\$64 million and \$85 million respectively). Projections from the Eden and Southern RFA regions predict a loss of between \$40 and \$70 million between 2014 and 2033. Current valuations of forested areas only consider timber and do not include ecosystem services or nature. Control of erosion and water flows by protected areas in Australia

was estimated to be worth \$1.5 and \$2.4 billion respectively in 2012. New research shows that the values of water and carbon substantially outweigh those of timber and that logging reduces these values. Carbon credits could deliver an estimated \$222 million for the Eden and Southern RFA regions between 2014 and 2022.

(iv) Social values (including community needs)

- Although recreation activities are permitted in state forests the infrastructure is often of poor quality. Research suggests that there are significant health benefits, and therefore potentially savings to the state through contact with nature – both in physical exercise and mental health benefits.
- For children, outdoor learning and contact with nature can benefit a range of skills, such as reasoning, but can also improve concentration, calmness, empathy and self-esteem.
- Regional jobs provided by logging are now very few. Options to increase employment opportunities exist via appropriate development of the plantation industry and growing regional tourism.

(v) Principles of EFSM

- Disruption of the carbon cycle in logged forests (see case study) clearly contravenes the principles of EFSM.
- While it is difficult to demonstrate a reduction in biological diversity due to logging, the number of forest-dependent species assessed as threatened is increasing and some species have experienced rapid declines. Logging is a key threatening process and past logging may continue to influence species decline for some time. This makes the precautionary principle imperative, yet this is not being adhered to in current management.
- Desiccation of forests due to logging makes logged areas more susceptible to fire while also diminishing the capacity of forests to provide water for human use.
- Logging is not an optimal use of forests because it jeopardises natural values which are the primary drivers of tourism—the most important industry for regional Australia and a key strategic concern of the NSW government—and the cost of lost carbon storage and water are likely to outweigh the value of timber. I.

Section 4: The 10 and 15-year reviews

- The joint statement from the NSW and Australian Government's states that "the RFA review will provide a full appraisal of the RFAs"  
([https://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0019/750430/overview-extending-regional-forest-agreements.pdf](https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0019/750430/overview-extending-regional-forest-agreements.pdf))
- It is our view that the Report does not provide a full appraisal. The reviews do not ask the key questions that must be addressed: have the RFAs been a successful model for forest management, and therefore should they be renewed?
- It is apparent that the current review is not intended to critique the RFAs but rather is a necessary requirement to facilitate their extension.
- The 10-year review is between 5 and 8 years late. Given this, it is difficult to see how this review can function to meet the aim of giving the community confidence in the RFAs.
- We are strongly of the view that the reviews should include much more widespread consultation in the form of briefings and community sessions.

## Functioning of the agreements

- Endangered species protections - We do not believe that the Commonwealth Government has adequately promoted endangered species protections via the RFAs. There are two species that highlight this assertion: koalas and greater gliders. The Threatened Species Scientific Committee recommended that a recovery plan be made for recovery of the greater glider, but this has not happened.
- World Heritage (p.10) - There have been no World Heritage nominations within the three NSW RFA regions within the three five-year periods. We do not believe that World Heritage discussions should take place independently of the RFA process because the RFAs have a significant bearing on World Heritage—including degrading areas that are of World Heritage significance.
- Five-yearly review - The reviews have not been timely, and therefore logging under the RFAs has not been consistent with the RFAs. In our view, this should be grounds to terminate the RFAs.

## ESFM (ESFM)

Principle 1: Maintain or increase the suite of forest values for present and future generations.

- The number of forest species listed as threatened has increased over the life of the RFAs, logging reduces water supplies from forests and logging has resulted in the reduction of timber volumes in forests (references supplied).

Principle 2: Ensure public participation, access to information, accountability and transparency in the delivery of ESFM

- Crucial datasets are not available to the public to assess the implementation of ESFM. For example, there is no publicly available spatial dataset showing the location, time, spatial area and volume harvested from individual logging operations over the life of the RFAs and there is no publicly available spatial dataset to show the change in forest age-structure over the life of the RFAs—a key measure of biodiversity values, carbon stores and water provision.
- The lack of timely reviews, and the lack of data contained within those reviews, has contributed to a lack of public accountability.
- The lack of third-party rights to hold FONSW to account has meant that breaches of licenses (and therefore of ESFM) have been numerous, and the EPA has been either unable or unwilling to act on behalf of the public.

Principle 3: Ensure legislation, policies, institutional framework etc. provide incentives for ESFM

- Instead of incentivising ESFM, the institutional framework encourages the contravention of ESFM. This is because the public cannot hold FONSW to account.
- The failure of Government to recognise the growing body of high-quality, peer-reviewed literature on the impacts of logging on carbon stores means that ESFM cannot be achieved.

Principle 4: Apply precautionary principles for prevention of environmental degradation

- No long-term study has been conducted by FONSW on the impacts of logging on koalas. FONSW use the lack of data to claim no evidence of logging impacts on koalas which is a perversion of the precautionary principle.

Principle 5: Apply best available knowledge and adaptive management

- There are literally hundreds of scientific papers that have highlighted serious problems with logging and which have not resulted in change to practices.

We have made comment on the individual indicators in Table 1 below.

Criterion	Section	Indicator	Comments
1. Conservation of biological diversity	1.1. Ecosystem diversity	1.1.a. Cover	Partially satisfactory. Missing from the evidence on this indicator is an assessment of condition. We know that logging results in serious weed infestations, which in turn contributes to problems like bell-miner associated dieback.
		1.1.b. Growth stage	Unsatisfactory: Growth stage is an important predictor of many forest attributes such as the volume of carbon stored in forests, biodiversity value and water provision. No data is presented to allow the public to assess what the change in growth stage in production forests has been throughout the life of the FFAs, and therefore to what degree logging has conformed to ESNM. It is hard to believe that in the near 20-years of the FFAs FCNSW has not developed a spatial layer available to the public that details the location, method and frequency of individual logging events.
		1.1.c. Protected areas	Unsatisfactory: Informal reserves and areas protected by prescription make up 9% of Eden, 20% of NE and 8% of Southern FFA regions. It is difficult for the public to have confidence in the integrity of these informal reserves due to the repeated breaches by Forestry Corporation. Missing is a table showing each Forest Ecosystem, the percentage reserved in each reserve type and the percentage still outstanding. No data is presented as to the success of prescriptions in protecting forest values, and informal reserves are not a genuine protected area category.
		1.1.d. Fragmentation	Unsatisfactory: A lack of data. The report highlights that native vegetation condition is declining throughout NSW, which in itself is a measure of how the FFAs have failed. While the 2015 State of Environment is cited, the Report fails to address Table 13.1 in 2015 State of Environment Report that shows logging to be, by a long way, the largest driver of canopy cover loss in NSW on an annual basis. Greater glider conservation advice (Australian Government Department of Environment 2016) highlights that logging is fragmenting habitat. The report cites land clearing as a Key Threatening Process (KTP), but fails to recognise the loss of hollow-bearing trees as a KTP that is driven by logging and drives fragmentation. No data presented as to the contribution of logging to fragmentation.
	1.2. Species diversity	1.2.a. Forest-dwelling species	Unsatisfactory: This indicator cites non-ecological data almost exclusively from NPWSs WildCount program. This gives us no information on the success of the FFAs to protect threatened species, as logging does not occur on NPWSland. The

Criterion	Section	Indicator	Comments
			only conclusion that a reader can judge from this indicator is the FONSW is doing no work to increase knowledge of habitat, disturbance and life history info, and is not collecting any data to track changes in species over time.
		1.2.b. Forest-dwelling species at risk	Unsatisfactory: No effort is made to assess the change in conservation status of forest species or ecosystems over the life of the FFAs, and therefore there is inadequate information to allow an assessment of the performance of the FFAs. Threatened species sightings enable no assessment of trends as no measure of effort is given. Environmental ecosystem accounts in the Victoria Central Highlands region, show that species have moved into higher threat categories. This is also the case in NSW where koalas have become threatened over the life of the FFAs, as have greater gliders and yellow-bellied gliders. All of these species are threatened by logging operations. <a href="http://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis">http://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis</a>
		1.2.c. Representative species monitored.	Unsatisfactory: We are told that there are many monitoring efforts underway by FC (Table 21), but there is no data to allow the reader to assess population trends of the monitored species and therefore to assess whether the FFAs have been effective in their protection. Monitoring requires information on change over time. It would appear that little effort is being made to effectively monitor species in State forests. The koala habitat mapping and threatened ecological community (TEC) mapping although useful are not monitoring, they provide a snapshot. Monitoring conducted on NPWS land by NPWS gives no direct information as to the success of the FFAs in protecting forest species as logging does not occur on NPWS land. We highlight the fact that FONSW has failed to undertake any long-term monitoring of koalas and the impact of logging on them. Because of this, the NSW Chief Scientist stated that "little data is available to assess the effectiveness of these prescriptions in mitigating impacts on koala populations". The apparent lack of monitoring by FONSW means that it is not possible for the public to assess the effectiveness of the FFAs in protecting forest species and therefore the



Criterion	Section	Indicator	Comments
			precautionary principle should prevail and logging cease in threatened species habitat.
	1.3 Genetic diversity	1.3.a. Forest species at risk of isolation	Unsatisfactory: Logging increases the degree of isolation of forest patches for many forest-dependent species by reducing key habitat features. The greater glider is one example (Australian Government Department of Environment 2016). There is no data provided as to the success of prescriptions in permitting the dispersal of species through production forest.
		1.3.b. Genetic resource conservation	Unsatisfactory: No data is presented. We are concerned that a single species, blackbutt, is favoured over other species which may decrease the genetic diversity in production forests over time.
2. Maintenance of productive capacity		2.1.a. Available forests and area harvested	Unsatisfactory: Repeated failures to meet Wood Supply Agreement (WSAs) means that the NSW taxpayer has spent approximately \$12 million buying-back non-existent timber (Fugh 2016a). No data is provided to demonstrate how the Forest Industry Roadmap goal of maintaining wood supply without eroding environmental values can be met. No reference is made to the review of WSAs that showed widespread dissatisfaction of smaller millers at preferential treatment of Boral; referenced the need for millers in southern NSW to develop equipment to process 'super-small' log sizes and cited over-harvesting of the more accessible coastal forests (NSW Department of Primary Industries 2017b). We note that Table 24 indicates that the harvestable area has increased slightly over the life of the FFAs, in contradiction of the oft-expressed view that reservations have reduced harvestable area.
		2.1.b. Plantations	Unsatisfactory: Although reference is made to the ABARES data, this section would benefit from some discussion as to the trends in plantations over time and the interaction between the plantation and native sectors.
		2.1.c. Removal of wood products	Unsatisfactory: A key element of this indicator is 'the level determined to be sustainable'. The data provided gives no information as to this level. In contrast, there is extensive evidence that logging is impacting on a range of different species; on carbon stores and water; and that the size of trees in production forests is getting smaller over time (particularly in southern NSW).
		2.1.d. Removal of non-	Unsatisfactory: A key element of this indicator is 'the level determined to be



Criterion	Section	Indicator	Comments
		wood products	sustainable'. The data provided gives no information as to this level, and therefore no assessment can be made as to whether the figures in Table 35 reflect sustainable use.
		2.1.e. Area harvested and proportion regenerated	Partially satisfactory: Data is provided as to the regeneration of forests. However, the average proportion regenerated is 79.5% and in some years considerably less. It is not clear from the data what areas are failing to regenerate. Using the figure of 2%, or 23,807ha, of the estate harvested in a single year (cited under indicator 2.1a) this indicator suggests that approximately 0.4% or 95 hectares, of native forest is lost every year through a failure to regenerate. Over the 20-life of the PFAs this would equate to 1,900 hectares effectively cleared. No interpretation of how this is consistent with ESNM is given.
3. Ecosystem health and vitality		3.1.a. Scale and impact of agents and processes affecting forest health	Unsatisfactory: Figure 3 in the 2017 independent review into bell-miner associated dieback (BMAD) identifies activities that increase light to the under or mid-storey as pushing healthy forests towards a BMAD affected forest. The report stated (page 20) that "the single greatest factor in increasing understorey density was the increase in light availability to the forest floor, with increasing biomass removal resulting in greater light availability and increased lantern invasion success". This led to a recommendation (page 76) of "For any activity (definition includes logging) that disturbs susceptible vegetation communities disturbance of the canopy should be minimised where possible" (Silver and Carnegie 2017). In short, logging should not take place in susceptible forests. By referencing low intensity fire and ignoring canopy removal, the 10 and 15 year reviews appear to be cherry-picking. Failing to recognise the influence of logging on BMAD does not just have a poor environmental outcome, it has economic implications too: BMAD can kill forests and therefore reduce timber stocks. The report fails to make any analysis of soil impacts of logging.
		3.1.b.	Partially satisfactory. It would be useful to have a breakdown of how much State Forest has been burnt, including proportions, and what impact this has had on timber stocks.
4. Conservation and maintenance		4.1.a. Area managed for protective functions	Unsatisfactory: This indicator requires graphic information on the locations of open and closed catchments and an explanation as to why the areas protected change over time, and whether locations also change over time. No data is provided as to

Criterion	Section	Indicator	Comments
of soil and water			the compliance of FONSW under the EPL and the success of the EPL in protecting soils and water. As a result this indicator is largely meaningless.
		4.1.b. Management of the risk of soil erosion	Unsatisfactory: No data is provided to allow the public to assess the degree to which soil erosion has been avoided. In contrast, audits frequently reveal exposed soils on steep slopes which suggests erosion is likely to be widespread.
		4.1.c. Management of the risk of soil physical properties	Unsatisfactory: No data is presented. The statement that "the extraction of logs is to be carried out in a manner and by methods that do not result in significant soil disturbance" and that this mitigates damage must be evaluated. A cursory visit to log dumps and harvest areas strongly suggests that this is not being adhered to.
		4.1.d. Management of the risks of water quantity	Unsatisfactory: Although it is clear that patterns of water yields broadly similar to those described for the mountain ash forests of the Victorian Central Highlands (the Kuczera curve) do not uniformly occur in NSW, it is also clear from the literature cited that logging does have significant impacts on water supplies. The EPA has not performed consistently well as a regulator and it is therefore difficult to have confidence that water catchments are being well-managed. Spatial information on the spatial and temporal occurrence of logging operations would help in this regard, as would better presentation of the FONSW data that is cited (e.g. changes in stream flow over time; changes in sediment loads etc).
5. Maintenance of forest contribution to global carbon cycles		5.1.a. Contribution of forest ecosystems and forest industries to greenhouse gas balance	Unsatisfactory: Unfortunately, the report has chosen to represent the industry viewpoint on forest carbon cycles without citing the research of independent scientists that presents alternative findings (see case study). We urge the regulator to take an evidence-based approach to carbon stocks.
6. Maintenance and enhancement of multiple benefits		6.1.a. Value and volume of wood and wood products	Unsatisfactory: It would be more useful to separate public and private native forest volumes. This would allow the public to better assess harvests over time on public property. Explanation as to the decline in harvest over time in native hardwood is not offered. This is important information as one of the aims of the FFAs was to ensure a sustainable industry. Taken with evidence of job declines, this suggests that the FFAs have not maintained the timber industry, and therefore have failed economically.
		6.1.b. Non-wood forest	Partially satisfactory: Because the indicator includes data outside FFA regions it is

Criterion	Section	Indicator	Comments
		products	not possible to assess patterns in state forests.
		6.1.c. Value of forest-based services	Unsatisfactory: Well-developed markets exist for water, carbon and tourism. The discussion of biobanking is irrelevant to analysis of performance under the indicator. The field of ecosystem service valuation has advanced immeasurably since the FFAs were signed, yet there is no discussion of this. Ecosystem accounts have been developed for the Victorian Central Highlands (Keith et al. 2016), along with information on trade-offs between timber, water and carbon (Keith et al. 2016). A similar assessment for NSW FFA regions is imperative prior to rolling over FFAs so that the public can base a decision on forest management in full knowledge of the trade-offs. Table 36 contains no data as to the visitation rate to State Forests, and therefore it is not possible to assess the performance of FONSW in providing for visitation.
		6.1.d. Consumption	Unsatisfactory: No data presented. No discussion as to what the drivers of declining consumption of hardwoods are, nor implications for FFAs.
		6.1.e. Degree of recycling	Partially satisfactory: Although some data are presented there is no discussion of targets.
	1.2. Investment in the forest sector	6.2.a. Investment in forest management	Partially satisfactory: No data is given on Community Services Obligation spending.
		6.2.b. R&D	Satisfactory.
	6.3. Recreation and tourism	6.3.a. Public recreation	Satisfactory: Although 99% of State Forests are available for recreation (Table 40) only 0.002% of the forest estate is managed primarily for recreation (Table 41). This clearly highlights the primacy of timber extraction over other forest uses.
		6.3.b. Range and use of recreation/tourism	Partially satisfactory: No measure of user satisfaction is presented. This is important as logging recreation areas frequently causes conflict. The number of most facilities has steadily declined over time (Table 43) which clearly highlights that the focus of forest management is not on recreation.
	6.4. Cultural, social, spiritual needs	6.4.a. Area to which Aboriginal people have use and rights	Unknown: 1,370 hectares, or 0.0007% of the State Forest estate managed for Aboriginal cultural heritage seems very low.

Criterion	Section	Indicator	Comments
		6.4.b. Registered places	Unknown.
		6.4.c. Protection of values	Unknown.
		6.4.d. Importance of forests to people	Unsatisfactory: This statement conflates a perception of sustainable management with actual sustainable management. Although we concur with the importance of forests for carbon storage we would again point out that logging forests reduces carbon stores and is therefore driving climate change. Polling conducted in late 2017 in the north coast NSW electorates of Ballina and Lismore found almost 90% of people supported protecting forests for wildlife, carbon stores, water provision and recreation. Under 10% supported logging for timber and woodchips and just 2% supported burning forests for power generation. The results of this polling can be provided upon request.
	6.5. Employment and community needs	6.5.a. Direct and indirect employment	Unsatisfactory: This statement fails to disentangle the native and plantation sectors. The 2011 census figures show that forestry and logging and associated services (excluding log processing and product manufacture) directly employ 2,131 people in NSW (NSW Department of Industry 2016). This was a fall from the 2,522 recorded in the previous census (NSW Department of Industry and Investment 2010). The employment figure of 2,131 accounts for 0.02% of all primary industries employment in NSW. In regional NSW (NSW less Sydney, Newcastle, Wollongong and the Central Coast) primary industries provide 11.3% of total employment which means forestry and logging and associated services provide 0.2% of regional employment. Note that these figures aggregate native forest logging and plantation forestry: native forest logging is now estimated to employ approximately 600 people throughout NSW (Campbell and Mckean 2015), or 0.006% of all primary

Criterion	Section	Indicator	Comments
			industries employment. FONSOW has seen a steady decline in staff numbers from 803 in 2011 (Sweeney 2016) to 463 in 2016 <sup>30</sup> . The Australian reported a 62% decline in forestry and logging jobs between the 2011 and 2016 censuses.
		6.5.b. Wage rates and injuries	Unknown.
		6.5.c. Resilience of forest communities	Unsatisfactory: As the text states, this indicator does not give much information as to the resilience of communities. It is interesting that the communities where forestry is a significant employer (>10%) are all plantation-based. This again highlights the importance of disaggregating the native and plantation sectors so that the public can better understand the job contributions and trade-offs.
		6.5.d. Resilience of Indigenous communities	Unknown: Total employment of Aboriginal people is extremely low, and forestry accounts for a small proportion of Aboriginal employment. This suggests economic opportunities for the Aboriginal community are minimal.
7. Legal, institutional and economic framework		7.1.a. Extent to which legal framework supports conservation and sustainable management	Instead of incentivising ESNM, the institutional framework encourages the contravention of ESNM. There is no transparency or public participation in the legal system in regards logging: citizens cannot challenge logging breaches due to the removal of 'third party' rights, and the EPA often inexplicably fails to act on what look like egregious breaches of environmental licenses. The accreditation of NSW law under the Commonwealth Environment Protection and Biodiversity Conservation Act has reduced protections for threatened species (Feehely et al. 2013). We note that FONSOW as a State-owned corporation has a responsibility to be a model litigant and we question whether this responsibility is being met.
		7.1.b. Extent to which institutional framework	Our view is that logging has been poorly regulated during the life of the FFAs and therefore the institutional framework does not support ESNM. The 2015

<sup>30</sup>See response to question 77 in: <https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryOther/Transcript/10303/GPSC%205%20-%20ASQ%20-%20Primary%20Industries%2c%20Land%20and%20Water.pdf>



Criterion	Section	Indicator	Comments
		supports conservation and sustainable management	recommendations pertaining to forestry arising from the Legislative Council inquiry into the performance of the EPA have not been implemented. We are deeply concerned that the failings of logging are not being recognised through Forest Learning. For example, the module on Australia's amazing mountain ash fails to cite research showing how the combination of logging and fire has pushed the ecosystem to the brink of collapse (Burns et al. 2015), and does not recognise that only a small percentage of wood harvested from mountain ash forests ends up as long-lived products (Keith et al. 2014). Forest Learning is an online resource designed to serve school teachers and educators, children, and the public with information on Australian forests and forest-based products, and provision and access to forestry teaching resources.
		7.1.c. Extent to which economic framework supports sustainable management of forests	Unsatisfactory: There is no recognition in this indicator of the range and level of Government subsidies received by the industry (e.g. the Community Services obligation and rate-free access to timber). The biobanking reference is not relevant to this indicator.
		7.1.d. Capacity to measure and monitor changes	Unsatisfactory: Citing the five-yearly reviews as a mechanism for reporting on ESNM is extraordinary considering how late the reviews are. Many of the programs referred to are not monitoring programs, because they have not been set up to be repeatable. No data is presented, and the NSW Chief Scientist has previously noted that there was inadequate data to determine whether logging prescriptions were effective in protecting koalas.
		7.1.e. Capacity to conduct and apply research	Unsatisfactory: The evidence on species declines, key threatening processes and carbon cycles of forests does not bear out the assertion that 'a scientific understanding of the characteristics and functions of forest ecosystems underpins their sustainable management in NSW'.

- Submitter was the NSW Nature Conservation Council's representative for the North Coast of NSW on the ESM (ESM) Committee during the CRA Process in the late 1990's. She was and is a member of the Nambucca Valley Conservation Association and is currently Vice President of the North East Forest Alliance (NEFA).
- Believed there would be rules to ensure selective logging in non-reserved areas preserved a canopy, retained a mixture of age classes of trees (and a mix of species natural to the forest ecosystem type of the site) and that protected threatened, forest dependent native fauna and flora where they were found by pre-logging surveys.
- All the above promises have been broken during in the 18 years since they were made. Not surprisingly, those groups and I, no longer support logging in public native forests nor renewal of the RFAs.
- Refer to:
  - the submission of Dailan Pugh for the NEFA (support in total).
  - the Background papers on the NEFA website [www.nefa.org.au](http://www.nefa.org.au)
  - "Your Forests" a 17-minute mini documentary outlining the history and context of the issue and why RFAs should not be renewed <https://www.youtube.com/watch?v=AN-SRUJG2E&t=7s> or access via homepage of the North East Forest Alliance website: [www.nefa.org.au](http://www.nefa.org.au)
- The clearfell style of logging that is currently being carried across huge swathes of the public native forest estate leaves them looking and functioning like a plantation. is wrong and has already had dire consequences for public native forests, their dependent fauna and flora, their water generating capacities and their carbon uptake and storage capacities.
- The North East RFA has failed for the following reasons:
  - Language games hide the truth that public native forests are being destroyed.
  - It should never have been exempted from the Environment Protection and Biodiversity Conservation Act 1999, which every other business likely to impact the environment must comply with.
  - Has not met its objectives or those of the National Forest Policy Statement 1992 as required.
  - Has not delivered a CAR reserve system for the region.
  - Has not delivered ESM of the public native forest estate open to logging.
  - Has not met the ESM Criteria, Indicators or Targets committed to under the Montreal Process.
  - Has not brought about a competitive timber industry – FCNSW Hardwood Division is competing unfairly and operating under a failed business model at the taxpayers' expense.
  - Has not protected threatened, forest dependent fauna from ongoing decline.
  - Has not protected soils and waters from pollution and degradation.
  - Has failed to contribute the carbon uptake and storage capacity.
  - Has lost nature based tourism industry opportunities and jobs through the intense logging of the public native forests.
  - Has not sustained employment in the hardwood timber industry.
  - Has not been adequately enforced bringing dire consequence.

The submission contained a number of examples of the above, including photographs.

Note - the submission was 33 pages long. Please refer to full submission for full details.

- NCEC was formed in 1977 and the North East Forest Alliance in 1989. They have engaged in legal action for some 30 years to force governments to consider environmental issues in forestry decisions.
- The delays the Report mean that issues have not been acted upon in a timely manner. The whole process has failed to collect the most basic information on which to inform decision making. It is a very poor review that takes such assertions on face value, and insufficient time has been provided for the reviewer to check all the undocumented assertions.
- They believe this failure of accountability renders the actions taken under the RFA illegal. It also demonstrates the blatant disregard for the regulatory framework held by the government authorities. They only implement the sections of the licences and agreements that suit them. This is an abuse of process and denies us procedural fairness.
- Over the last decade, several community groups, many including professional ecologists, have undertaken independent audits of forestry activities. Some of these audit reports can be found at <http://www.nefa.org.au/audits>. They demonstrate that logging is breaching the licence conditions all the time. There are thousands of breaches documented.
- The potential long-term impact of these breaches is that the forests become uninhabitable for the dozens of species that depend on tree-hollows for nesting and breeding. By removing these niche habitat components, a pseudo-plantation forest is being created.
- Breach reports have been submitted for dozens of public forests including: Barrington, Boambee, Brothers, Bulga, Cherry Tree, Clouds Creek, Double Duke, Ellis, Gibberagee, Gibraltar Range, Girard, Gladstone, Glenugie, Grange, Kerewong, Koreelah, Lansdowne, Lorne, Marengo, Moogem, Mt Mitchell, Myall River, Newry, Nymboida, Orara, Pine Creek, Richmond Range, Royal Camp, Styx, Sugarloaf, Tabbimobile, Tamban, Tucker's Knob, Wallingat, Wang Wauk, Wedding Bells, Wild Cattle Creek, Yabbara and for private forests in Bulga, Hewittville and Whian Whian.
- The view of those who have participated in these audits is that their efforts have led to no on-ground results. The only outcome seems to be 'Official Cautions', this despite the fact that many offences have occurred multiple times in multiple locations. Many of these, and others from Southern NSW were documented in a report prepared by the Environmental Defenders Office – If A Tree Falls- Compliance Failures in the Public Forests of NSW.
- The most glaring omission from the Review and the original RFA has always been climate change. Climate change is affecting weather patterns including rainfall and temperature. Shouldn't ESFM be attempting to assess and predict what impact this might have on:
  - The growth rate of different tree species
  - The abundance of insects as a food source or as a pest (lest we forget the impact of the Pine-bark beetle in Northern America)
  - Pollination processes
  - The habitat niches of specific species
  - Erosion potential (we already see an increase in frequency of intense rainfall events)
  - The adequacy of existing erosion assessments and erosion mitigation measures
  - Carbon sequestration potential of various tree species
  - Hydrological patterns
  - Bushfire risk.



- Threatened species - ESFM requires logging activities to maintain or increase the biological diversity of forests. There is no way the reviewer can determine whether this has been done when there has been no assessment of the current state of forest-dependent threatened species and how they have been impacted by logging over the last 20 years.
- Recommendation 8 from the first assessor's report said...'In future reviews the Parties should provide more information about development of various threatened species recovery plans to allow an assessment of the adequacy of progress in the management of threatened species as it relates to Milestone 23'. Far from providing more information, the Report provides less.
- During the life of this RFA, the Greater Glider has moved from Common to Vulnerable, with the listing of the Loss of Tree-Hollows as a Key Threatening Process. Yet nothing has been done by either FCNSW or EPA to increase protection for the Greater Glider. In fact, the Report doesn't list it in Table 67.
- For the CRA, technical working groups (TWG) of the best available scientists and stakeholder representatives addressed the implementation of National Forest Policy Statement requirements, including for Forest ecosystems: definition, delineation and interpretation of conservation requirements from NFPS and JANIS
- The TWG recorded the conservation status achieved for each forest ecosystem and for old-growth for each forest ecosystem. The mapping process was done at the sufficiently fine scale to be able to identify the various types of understorey under dominant tree species.
- In the Report, Forest Ecosystems have been replaced by Mitchell Landscapes. A fine highly descriptive mapping output has been replaced by a much inferior product that was not designed for forest assessment, identification or reporting. There are NO equivalent communities or ecosystems that can be readily determined from the Mitchell Landscapes.
- Skilled botanists and ecologists are dismayed that all the excellent work in developing the Forest Ecosystem classification and fine-scale mapping has been discarded.
- Mitchell landscapes were determined over predominantly non-forested landscapes, using only abiotic data, with no forest vegetation survey plots or biological information. Forest Ecosystems get several mentions in the ESFM Principles- BECAUSE THEY ARE THE LOGICAL SCALE FOR THOSE PRINCIPLES TO BE APPLIED!
- The (mis)use of Mitchell Landscapes provides sufficient justification to reject the Report and demand that the required reporting against Forest Ecosystems is completed. It is part of the dumbing down process to hide the impacts of logging.
- ESFM Principle 1: Maintain or increase the full suite of forest values for present and future generations across the NSW native forest estate. The principle of intergenerational equity (meeting the needs of the present generation, and the ability of the future generations to meet their own needs is not compromised) is embodied in this principle. Intergenerational equity requires that the condition of the forest does not deteriorate over time and that species don't disappear or decline in abundance. There is no evidence to show that species are being maintained and considerable evidence to suggest that they are not.
- Significant resources have been spent on encouraging private landholders to log their land and there is minimal regulation and oversight of private property logging. The Private Native Forestry Code of Practice does not require pre-logging surveys, and there are few threatened species records on private land.
- The FRAMES system for estimating timber yield is a strategic tool, intended to provide a very general estimate of the harvestable timber products at the broad regional scale, and provides limited feedback on the consequences of that harvest. FRAMES needs to be replaced with a professional-designed, properly audited system. Twenty years after the initial RFA, the FCNSW still does not have a tool to adequately track the effect of timber harvesting on the forest, and on the future yields at a useful scale. It would be irresponsible

to renew timber contracts in such a knowledge vacuum, where there is little transparency and logging impacts have not been assessed.

- Clauses 27-32 NSW RFA for North East NSW deals with commitments to World Heritage. It is recognised that these commitments are not tied to time lines, though the wording identifies some urgency "to actively investigate, and jointly participate in the further World Heritage assessment of the relevant Australia-wide themes specified in Section 3.4.2 (Table 17) of the World Heritage Expert Panel report, including any potential contribution from the Upper North East and Lower North East regions". The Report claims repeatedly made that: "This ongoing commitment was achieved during Period 1, Period 2 and Period 3". This claim is untrue and offensive given repeated attempts by community groups to have governments recognise and implement their obligations over decades. It is 20 years since it was meant to be completed and they have still made no attempt to assess the key themes of eucalypts, passive marginal swells, Aboriginal ceremonial sites, Rufous Scrub-birds or velvet worms.
- In Table 33, how did FONSW came up with the figure that harvest and haulage emissions generated 0.0 emissions? It would seem to contradict the information provided in the FONSW Sustainability Data Report 2016-17 which tells a very different story. The 'Fuel, Energy & Fleet' tab takes you to a website where diesel fuel usage averages at about 1.8M litres. The multiplier for conversion to carbon dioxide emissions is 2.7 which suggests that for diesel fuel alone 4.9M Tonne of CO<sub>2</sub> would have been emitted.
- Two of the recommendations of the review of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 carried out by Dr Allan Hawke, should be considered by this review:
  - that RFAs be subject to rigorous independent performance auditing (including assessment against outcomes to protect biodiversity and continuously improve ESM), reporting, and sanctions for serious non-compliance;
  - that the Environment Protection and Biodiversity Conservation Act 1999 be amended to enable the full protections of that Act to apply where RFA reviews are not completed on time, where reviews indicate serious non-performance, or provide inadequate information to judge if there is serious non-performance issues
- We support the points made in the submissions from the North East Forest Alliance, Bellingen Environment Centre, Nambucca Valley Conservation Association and the NSW National Parks Association.

#### 5405 Murison McCrae, Natives Rule

This submission included a number of videos posted on Youtube as evidence. Please refer to the submission for these links.

- Our primary concern is that ESM cannot have been demonstrated to have been achieved in the NSW RFA 2004-2014, regardless of claims of the Report.
- Due to time and capacity constraints our submission must be limited and succinct although we have copious amounts of evidence that the NSW RFA has failed to achieve its aims. For this reason, we are supplying primarily visual evidence and testaments of those involved in implementing the NSW RFA.
- Our input to the independent assessor therefore is based on our own field experience. Frequently we monitored adherence to what we consider an inadequate RFA regulatory system, the NSW IFOA, supposedly capable of delivering an ESM outcome.
- Evidence provided (refer to submission for links and appendices):

- Citizen Scientist report into the Mismanagement of NSW Forests under the NSW RFA (Appendix 1)
- Citizen Scientist Audit of Logging Operations Mid North Coast NSW (Appendix 2)
- Power Point Presentation on the impact of systematic clear felling and conversion of NSW North Coast native forest.
- Aerial footage of the scale of clear felling and intensive almost clear felling under Heavy Single Tree Selection across a landscape scale with the simultaneous clear felling of historic plantations producing what is effectively an ecological desert out of the public native forest estate.  
<https://www.youtube.com/watch?v=wN0keoJ98g0>
- Nativesrule summary of NSW RFA management as at 2011  
<https://www.youtube.com/watch?v=mybeo-uaYs&feature=youtu.be>
- Ecologist talking about impact in Lansdowne State Forests  
[https://www.youtube.com/watch?v=zjHGESz\\_Dwo](https://www.youtube.com/watch?v=zjHGESz_Dwo)
- Google Earth Imagery with associated ground images and explanation of the process of 'sterilisation' occurring in NSW public forests with conversion of mixed species native forest ecosystems into 'pseudo' Blackbutt plantations across the entire Lower North East RFA Area from 2004-20014 (and continuing).
  - Burrawan Forest <https://www.youtube.com/watch?v=9uLhtY8o1zA>
  - Kerewong Forest 2016 <https://www.youtube.com/watch?v=Y0q8jTHu7a8>
  - Queens Lake Forest <https://www.youtube.com/watch?v=SSR9hOR9IA>
  - Comboyne Upsalls Creek <https://www.youtube.com/watch?v=Nr4yIEc3xPI>

#### General comments:

- The complex format of the Report is restrictive and not conducive to obtaining feedback from the community.
- It's an absurd to expect the public to make sense of a report when 'the community' don't have the databases, records, field notes, mapping and statistics on which the report is based.
- Much of what NSWFC does is now concealed under 'commercial in confidence', so aspects of this report might be based on flawed statistics.
- From our measuring, mapping and recording we determined that far from achieving ESFM, NSWFC RFA management actively works against ESFM. The breaching of the IFOA is so frequent, so systematic, that NSW RFAs can only be regarded a failed exercise that should cease immediately. (Video evidence provided)
- Common sense and a rudimentary understanding of ecological principles compel observers to conclude that NSW RFA industrialised logging is endangering native forests in terms of ecological processes and endangering the existence of lifeforms dependent on them. Clear felling and 'almost' clear felling, i.e. removal of over 80% of basal wood from adjacent forest compartments across an entire forest region will obviously threaten mammals (marsupials), reptiles, amphibians, insects, birds. National Parks bordering state forest buffers dependent on a genetic replenishment from healthy populations within forests will be threatened. Across tenure a decline in species populations will render species vulnerable to extinction. This RFA intensive unsustainable logging is not only endangering state forest ecology. It is endangering the viability of forested lands regionally which in turn is impacting other industries i.e. fisheries.

- An example: If you deliberately 'maximise soil disturbance', a directive in multiple harvest plans, in order to promote the generation of one species, Blackbutt, at the expense of others, not only will biodiversity suffer. There is massive ongoing soil erosion – again at landscape scale - with consequent impact on hydrology. Over hundreds of thousands of hectares, it is only to be expected that there will be impact on the downstream water supply, in this case that of the Mid North Coast of NSW. However, interference with regional hydrology, especially when this interference is applied across the entire NSW east coast will translate to atmospheric interference (See the document 'Clearing our Rainfall Away' by Dailan Pugh which will be referred to in other submissions).

2.3 Ecologically Sustainable Forest Management (ESFM) The NSW RFA has not upheld its commitment to:

- Maintain or increase the full suite of forest values for present and future generations across the NSW native forest estate Evidence (video link provided)
- Ensure public participation, access to information, accountability and transparency in the delivery of ESFM.
- Ensure legislation, policies, institutional framework, codes, standards and practices related to forest management require and provide incentives for ecologically sustainable management of the native forest estate.
- Apply precautionary principles for prevention of environmental degradation
- Apply best available knowledge and adaptive management processes

2.8 Competition Principles – we ran out of time to address this but have testimonials from operators of the lack of competition. These matters will eventually find their way to the NSW ICAC.

3.2 Flora and Fauna and Ecological Communities – overwhelmingly negative evidence about the impact on Flora and Fauna you will find in others' submissions. We have had to witness animals fleeing for their lives as adjacent compartments of hundreds of hectares are cut simultaneously or one after another in such a short time frame that there is simply no habitat left.

4 Public Reporting – the claim of Worlds' Best Practice Forest Management, constantly made by Forests Corporation NSW and not refuted by the EPA means the people of NSW are simply being lied to. Current federal and state policy to renew RFAs based on the assertion of sustainability is flawed and this will be publically exposed. Hopefully that can occur before the RFA is renewed.

### 3.5 Improvements to the NSW Forest Management System

- That so called improvements in relation to silvicultural practices, involving an arbitrary determination of logging intensity and scale, are outside the boundaries of the IFOA.
- The failure to achieve intended silviculture results is admitted in the review report. Weeds, bare ground and so on are mentioned.
- The failure of Single Tree Selection in its light and moderate forms is described as frequently not capable of achieving regeneration in accordance with Forests Corp harvest objectives.
- The Heavy Single Tree Selection (STS) method, whereby Forests Corp NSW removes in excess of 40% basal wood and often as much as 80 and up to almost 90% is described by the EPA as 'not consistent with the definition and intent of STS in the Integrated Forestry Operation Approvals (IFOAs) as well as FONS' own silvicultural guidelines.'

Re: 'Intensive harvesting is outside the authorisation of the IFOAs

- The EPA has previously indicated its view that "regeneration harvesting", as practised by FONS, is not consistent with the definition and intent of STS in the Integrated Forestry Operation Approvals (IFOAs) as well as FONS' own silvicultural guidelines.

- As this practice was adopted and used increasingly throughout the review period (and beyond) without legal consequences, despite it having been acknowledged by the EPA as a breach of regulation) we cannot understand how this report could begin to assert 'improvement in the forest management system' as a result of the RFA. Forest management under the NSW RFA is not improving forest management but destroying the resource.
- Below is an excerpt from an ABC Background Briefing Programme looking at what has happened in NSW forests during the review period. Nativesrule has evidence of the illegality that resulted from the pressure to 'get the wood' and if requested will supply this to the independent auditor.

[www.abc.net.au/radionational/programs/backgroundbriefing/from-axes-to-ipads-logging-native-forests/6628110](http://www.abc.net.au/radionational/programs/backgroundbriefing/from-axes-to-ipads-logging-native-forests/6628110)

## 5. Results of monitoring sustainability indicators

- Conservation of biological diversity- How could one possibly claim this has been achieved when a process of deliberate sterilisation is taking place across hundreds of thousands of hectares. Also, how can this possibly be claimed when breaches into sensitive and no go zones are routine.
- Maintenance of ecosystem health and vitality - As above and with reference to the massive soil disturbance accompanying heavy logging by massive industrial harvesters which overseas research now demonstrates can so impact intertwined subterranean root systems within a forest that it can lead to forest ecosystem collapse – tree death and lack of regeneration.
- Conservation and maintenance of soil and water resources - As above and with reference specifically to harvest plans which throughout the review period stipulated 'maximise soil disturbance' in order to achieve Blackbutt regeneration at the expense of forest soils and the impact this has had on east coast hydrology, beginning in the most remote drainage lines.
- Maintenance of forest contribution to global carbon cycles - How could one possibly claim this is occurring when vast tracts of forest are being systematically degraded and soil is being deliberately disturbed to manipulate species composition?

Citizens in the environmental field have had to leave their employment to report this tragedy and undertake monitoring where the EPA will not. We hope you will appreciate our efforts in (again) attempting to redress the wrongs now being done to NSW

Forests, a critical carbon sink, a critical biodiversity reservoir, being knowingly trashed for the greed of corporations and the self-interest of public servants unwilling to tell the truth.

We believe that when you have considered all the evidence from all the community groups and scientists you will also be appalled at the impact of the NSW RFA and the absolute danger it presents to the ecological integrity and even the existence of native forests in NSW. We hope that you will see fit to extend your interest to examining the impact RFAs generally are having across Australia. They must not be renewed.

## 5406 Anonymous

(Submission includes notes by submitter to a meeting of NSW NPA State Council Meeting 3 March 2018. These notes have not been reproduced here.)

- I have been meeting over the last few days in Sydney with the National Trust & NPA (refer quotes below 'Forest Wars' from The Australian 1- Mar-18 ).

- FYI attached - and below - are references published this week relating to RFAs (NPA's Strategy 2018-22 was formally adopted 3-Mar-18).
- ABCradio news said that VicForests had been given 2 weeks to show why their logging isn't in breach of the RFA requirements.
- Federal Court ruled that a Regional Forest Agreement is not completely exempt from the national laws to protect endangered species, the Environmental Protection and Biodiversity (EPBC) Act.

### 5407 Dailan Pugh, North East Forest Alliance (NEFA)

This submission is 262 pages long, extensively referenced and with detailed case studies. It is not possible to fully summarise these case studies here. It focuses on the NE RFA and strongly opposes the extension of the RFA. Please refer to the full submission.

Some of the key points are:

#### CAR system

- Government compliance with the reporting requirements and commitments of the RFAs is a joke and indicates the contempt that the government has for the RFAs.
- A crucial reporting requirement for the RFAs should be extent to which the national reserve system has satisfied the nationally agreed criteria for the establishment of the CAR reserve system for forests (JANIS). The Mitchell Landscapes used for reporting having nothing to do with biodiversity and the JANIS targets. The original forest ecosystem mapping should be used, as this is still the best data available and is of a higher resolution and accuracy the Mitchell Landscapes.
- The required management plans for informal reserves on State Forests have not been prepared.
- NSWFC is allowed to road through old growth forest and rainforest, with no oversight or accountability.
- Special prescription (FMZ 3B) areas are being logged with no consideration of the values they contribute to the reserve system and are being treated as part of the logging area, and are often subjected to unlawful logging intensities.
- The Governments have not met their commitments to assess, identify and include qualifying areas on the World Heritage List as part of the Gondwana Rainforests of Australia.
- Reporting should be undertaken using the RFA boundaries, to enable comparisons to be undertaken.

#### Ecologically Sustainable Forest Management (ESFM)

- ESFM is treated as an irrelevant consideration in NSW. It is included as a 'non-licence' requirement in logging rules and NSWFC flouts its requirements and the EPA and Ministers refuse to take action to retrain their most outrageous breaches.
- Threatened species recovery plans are not taken into account when determining logging prescriptions.
- There has never been any attempt to monitor the effectiveness of logging prescriptions in mitigating impacts on threatened species and yet species-specific prescriptions are regularly reduced or removed with no consideration of the consequences.

- FCONSW is required to look for threatened species before they log, but they are not willing or competent to do so. Even though there are prescriptions for threatened species on private land, there is no requirement to look, so these are rarely implemented.
- EPA is supposed to audit logging but they have only audited a token number. Where breaches are found, they require meaningless action plans.
- NEFA undertakes its own audits, but EPA often fail to investigate breaches identified.
- For decades logging has induced the spread of lantana and bell miner associated dieback (BMAD) through tens of thousands of NSW forests. NSWFC refuses to honour their commitment to map BMAD before logging and increase logging activity where this occurs.
- Fisheries NSW fail to enforce requirements for threatened fish.

#### Sawlog supply

- The RFA gifted 269,000 cubic meters per annum of large high quality sawlogs to sawmillers in Wood Supply Agreements (WSA) until 2018, despite this being recognised as unsustainable at the time and concerns that volumes were over-estimated. It was soon realised estimates were wrong and this was reduced down to 223,077 cubic meters. WSA are now down to 146,487 cubic meters (46% of what was committed in the RFA) although yields are declining and sawmillers pessimistic about future supplies.
- The government is poised to commit current volumes in new WSA based on discredited yield assessments. NSWFC is still trying to find buyers for smaller logs and they still refuse to undertake the annual comparisons between modelled and actual yields.
- There are two logging regimes allowed under the IFOA – a light selective regime called Single Tree Selection (STS) and an intensive regime called Australian Group Selection (AGS). Since 2007, NSWFC has been reorting STS to use it as an intensive regime (essentially clearfelling). The EPA identify this is not consistent with the definition and intent of STS, but have refused to do anything about it and are actively condoning its use.

#### 5408 Anonymous

- Version of Proforma letter 1. Submitter opposes renewal of the RFAs.
- Says that a table of images (not provided) for Spring 2017 in Gladstone State forest Kalang, NSW and traditional Gumbaynggirr tribal lands depicted areas of high ecological value and deep sociocultural connections impacted by severe soil damage as a result of logging and clearfelling.

#### 5409 Maija Dravnieks

Hemp instead of tree products and logging, stop urban sprawl.

#### 5410 Graeme Carrad

- Opposes the renewal of the RFAs as they are a failed model for forest management.
- The logging industry does not have to comply with the usual Commonwealth environment laws. While every other industry must comply with these laws, logging in habitat for federally listed threatened species occurs routinely.
- RFAs were initially developed as a model to facilitate multiple uses of public native forests, including timber extraction and conservation, and to underpin a stable forestry industry. They have failed to meet these aims as follows:



- Populations of forest animals - including koalas - have plummeted over the life of RFAs;
- Ecosystem processes in forests, like the carbon and water cycles, have been disrupted;
- Hollow-bearing trees, key to the survival of wildlife, have been reduced by logging;
- Ecologically Sustainable Forest Management has not occurred;
- Forestry job numbers have steadily declined, and subsidies keep logging financially viable;
- The NSW taxpayer has repeatedly footed the bill to buy out logging contracts.
- The submitter is concerned that the current process is not a genuine review of the performance of RFAs as the State and Federal governments have already committed to their extension.
- The overdue progress report on the second and third five-yearly reviews fails to provide adequate data to assess the performance of the RFAs.
- The report fails to take account of new knowledge, particularly on climate change and its increasing threat to ecological systems, biodiversity and human wellbeing (social, health, mental, and economic).
- The submitter has observed that the forests to the west of the Taree/Port Macquarie area have become treed monocultures of blackbutt. The weed lantana now forms an impregnable understorey making the forests less diverse and unattractive for animals as well as bushwalkers.
- In light of these comments, the submitter recommends that the NSW and Australian Governments:
  - Oppose renewal of RFAs because they are a failed model for forest management;
  - Heed the accumulated evidence and use the expiry of the RFAs to trigger a just transition of workers out of the native forest logging industry; and
  - Protect public native forests to ensure our wildlife, water and carbon stores is safeguarded for future generations by implementing strategies like NPA's Great Koala National Park and Forests For All plan.

#### 5411 Alistair Doole

- "This submission is based on my experience as a resident of the Bega Valley. I am not a member of any environmental group.
- I am dismayed that the RFA review process has taken so much longer to be completed than the committed time frame agreed to.
- I am dismayed when I have heard radio reports over the years of Forestry or contractors being caught out in their compliance with the agreement, for instance with logging in restricted areas such as rocky outcrops or logging identifiable habitat trees.
- I am dismayed that the impact of climate change was inadequately considered in the RFA. As the vast bulk of the logging ends up as disposable paper products this is a net LOSS of carbon storage.
- Mechanization of the industry is such that actual jobs in native forestry and processing are now comparatively few, while the value of these ecosystems to the carbon cycle, water cycle and as wild life habitat greatly increases when removed from logging. Commercial benefits come from the recreation and tourism industries that value these forests.



- Tax payer dollars should not be subsidizing an industry that creates so many negative impacts on the remnant ecosystems that need all their resilience and diversity possible to buffer against extremes of climate change.

#### 5412 Janet Howe

- I have lived in this area for forty years. As a family we have enjoyed walking, camping, swimming and watching wildlife in these beautiful forests. I want to protect the forests for their beauty, for the carbon that they store, to protect the diversity of our wildlife and to protect our climate.
- Where is the economic sense in ripping apart this valuable asset to line the pockets of foreigners?

#### 5413 Lisa Brown

- The extension of the NSW RFA in its present format would be a grave error of judgement.
- There is no economic benefit to SENSW as it operates; very few individuals are directly employed, the costs to roads and infrastructure, deterioration of water quality due to erosion after clearing, impact on climate change, interrupted carbon sequestration, and the actual income from the timber products result in total costs that far outweigh perceived benefits. Other unquantifiable losses include flora and fauna species diversity, and undermining of Aboriginal cultural links.

#### 5414 Tom Hughes

- I have lived in the Bega Valley for 10 years. I was attracted by the stunning native forest and incredible biodiversity of this corner of South East Australia. I continue to be dismayed that our state and federal governments see fit to spend taxpayer funds supporting an entirely unsustainable industry.
- My work has me traveling throughout the valley and I have observed first hand logging coups that quite simply result in absolute destruction as a result of modern logging practices. I have also met and talked with people who are long term residents of the valley and they too are dismayed with the way in which forests are no longer managed but rather taken with no concern for future use

#### 5415 Anonymous

- The way I see it, to continue to log our native forests is akin to chipping away at the quality of life of future generations. The small financial gain and the ever decreasing jobs that logging provides is not worth the damage done.
- I think it would be a great dis-service to the Australian people to not embrace this opportunity to start using our native forests for recreational and educational purposes.

#### 5416 Margaret Strong

- The logging of our native forests for wood chips cannot be considered sustainable when habitat for endangered species will be lost forever.
- The predicted income from export of wood chips actually results in a loss so that it costs Australian taxpayers millions of dollars to clear fell forests for this purpose.
- Relatively few jobs have been created from past logging and processing of wood chips.

- The value of our native forests as carbon recyclers has been ignored or under rated since the start of the wood chip export industry. Surely this has contributed to an increase in carbon emissions at a time when we need the trees for carbon offsets.

#### 5418 Ann Sharp

- The RFAs should not be renewed for the following reasons:
  - The RFAs have not delivered ecologically sustainable management of forests
  - The timber yield of native forests has been over-estimated
  - Substantial public subsidies have been paid to multi-national corporations
  - Logging practices have resulted in a dramatic decline in wildlife
  - The RFAs have failed to protect wildlife including threatened species
  - Logging practices have greatly reduced biodiversity in native forests
  - Logging practices have damaged riparian areas and catchments
  - The RFAs have not provided adequate protection for the environment
  - The RFAs have compromised the benefits of forests for public recreation
  - The RFAs do not recognise the value of forests as a carbon sink.
  - The RFAs have not applied ESD principles to forest management.

#### 5419 Kim Taysom

Most of my colleagues have decided to boycott this process on the basis that key policy decisions, primarily the automatic RFA rollover, have been made without community consultation. I am of the view, that even when faced with arrogance and unethical behaviour, it is better that dialogue

- Many residents of the Far South Coast (Eden Management Area) had hoped that the 2019 RFA expiry would be a catalyst for a comprehensive review of logging based forest management and whether its continuation constitutes the best use of our native forests. There have been significant changes in economic and environmental circumstances since the RFAs were signed almost 20 years ago, which require detailed analysis.
- Biodiversity in NSW is under increasing pressure as evidenced by the growing list of threatened and vulnerable species. 142 species of plants and animals are listed as threatened in our region.
- The hardwood industry has become largely unprofitable with the predominant woodchip sector impacted by market forces. Employment in the sector has declined to the point of insignificance in terms of a rapidly growing regional economy based on tourism, service industries and the retirement demographic.
- Increasing recognition of the importance of carbon stored in native forests and the emergence of carbon credit funding mechanisms, are likely to offer environmentally responsible revenue alternatives.
- Climate change, not on the radar when the RFAs were signed, has emerged as a major threat to native forest ecosystems. Predicted hotter and drier conditions will alter fire regimes and ecological processes. The resilience of our native forests will be enhanced if we can avoid the fragmentation and disturbance caused by logging.
- The 2004-14 Review of the operation of the native forest timber industry, under the RFAs should have provided historical context to facilitate an evaluation of industry performance in both financial and environmental terms. Unfortunately, this has not been the case.
- The failure to deliver this Review in any reasonable time frame has detracted from its value. Delays of this magnitude, which indicate problems in terms of process, intent and policy priorities, have had a negative impact on public confidence.
- Secondly, the Report is on many levels inadequate:

- It is a largely uncoordinated mass of material, which I understand has been cobbled together from the output of 7-8 different government agencies. There is no linking narrative which provides perspective on the subject areas covered. Its 384-page length rendered it unapproachable for many members of our community.
- There is much that has been left out. For instance, the unpalatable decline of the NSW hardwood timber industry in terms of financial performance and employment levels is hard to detect amongst the deluge of information.
- There are no regional employment figures specifically for the hardwood timber industry. Where employment figures appear in the Review, they are generally bundled together with the larger softwood industry, making the rapid decline in hardwood employment hard to discern.
- Between 2009-12, FONSW lost \$85 million in native forestry in NSW. A small financial improvement in more recent times has been achieved through drastic labour force cuts rather than through market improvement
- FFA legislation which permits government to log, essentially exempts the hardwood industry from complying with Environment Protection and Biodiversity Conservation Act 1999. This places an extraordinary level of trust and stewardship responsibility in both the hands of FONSW and the EPA.
- Current logging rotations of 5-15 years are in stark contrast to the NSW Scientific Committee's assessment that a safe rotation period for species conservation is 150-220 years. Catchment management, soil stability, wildfire regimes and landscape aesthetics are also affected.
- The auditing mechanisms of the FFAs are not credible, lack the necessary comprehensiveness, are underfunded and understaffed, systematically abused, lack objective independence, are overly reliant on self-auditing processes, have not been utilised or been weak in the enforcement of non-compliance and have not resulted in demonstrably improved practices.
- There is widespread community perception of political and resource allocation constraints which result in remarkably few prosecutions relative to the number of breaches detected.
- Such concerns are not confined to public native forestry, but extend to the regulation of Private Native Forestry (PNF). The number of PNF audits in relation to the scale of the logging and the almost total lack of prosecutions, reinforce the perception of a large gap between promised protections and what is actually happening on the ground.
- The Report does not indicate how many PNF inspectors there are across NSW, and whether allocated resources are in any way commensurate with legislative requirements.
- In order to assess the environmental impacts of logging it is necessary to collect data before and after the event. There is a perception that inadequate resources are directed to this task and that there is a general reluctance to engage. The Report provides no detail of the resources allocated to ESFM surveys and data collection.

#### Recommendations

- That the rollover of the FFAs should be subject to a properly constituted enquiry into the economic and environmental sustainability of the native forest timber industry and whether it constitutes the best use of our native forests for the next 20 years.

- Such an enquiry should be based on the intellectual rigour of independent scientific and economic inputs rather than on the connivance of Government.

#### Consultation Process

- The exclusion of the rollover of the RFAs from the so called consultative process constitutes a breach of ethics and public interest principles.
- The 384-page length of the Review was intimidatory and rendered the process inaccessible to many.
- The lack of a linking paper/narrative diminished the Review's accessibility
- The two-stage public submission format was overly complex and caused much confusion.
- The release of the Review just before Christmas ensured that the bulk of the response period fell during the school holidays.
- The degree of Government agency engagement with the community was totally inadequate, with the only visit to RFA regions occurring a week or so before submissions were due.
- Community representatives were expected to travel to Sydney, at their own expense, to meet officials.

#### 5421 Richard Cooke

- I want to make it very clear that I'm fully aware that the State and Federal Governments have decided the RFAs will be renewed. This decision works in complete contradiction to the so-called community consultation process.
- If the government and DPI were in any way genuine about consulting with its constituency that decision would be made after genuine consultation was made with all stakeholders (especially those speaking for the flora and fauna).
- I would like to list a number of critical factors that are based on real science, research and a genuine call for a sustainable alternative to managing our native forests. I also speak as a landholder directly adjacent to a logging compartment in the Bodalla State forest:
  - Over the last few decades there has been a consistent drop in bio-diversity of flora and fauna in compartments logged repetitively. (see appendix 1)
  - There is a noticeable loss of moisture and soil quality leading to a significant drying out (increased flammability to fire) See appendix 2
  - There is considerable more soil erosion, sediment build up in local creeks, gullies, and estuaries leading to significant loss of water quality, turbidity also resulting in depletion of aquatic species of plants, fish and invertebrate.
  - One of the very worst outcomes has been the widespread introduction of exotic weeds into these compartments due to ground disturbance and forest canopy loss. This also facilitates the movement and dominance of feral animals such as rabbits, foxes, wild cats and dogs leading to local extinctions of native animals in these compartments
  - Even the few habitat trees which are left behind become unsustainable to support native animal populations as they need dense adjoining forest to provide lasting habitat to sustain fauna populations. Eg. The Yellow Bellied Glider needs a network of large trees to safely fly between without becoming prey to feral animals on the forest floor.

- Logging has a hugely damaging effect on the aesthetic value and usability of these forests for tourism. Our local Scenic Drive in Narooma was turned into a complete devastating mess which clearly demonstrates Forest Corps complete disregard for the communities intrinsic value of these forests that so often adjoin public and natural areas used by our community.
- Woodchipping in South East NSW
  - The predominant logging for woodchips in south east NSW is a long-term contested practice, creates social discord, environmental and financial loss and disrespects Aboriginal culture.
  - Combined, Agriculture, Forestry and Fishing is only the 9th employer in the region and forestry jobs are a small proportion of that total. Between 30 and 40 people are employed at the Eden chipmill and fewer than 100 in total forestry operations.
  - Less than 10% of logs are milled for sawlogs. More than 90% of native trees logged in these regions goes to the chipmill and are exported to Asia at a loss to taxpayers of \$79 million over the past 7 years and at the expense of the environment and iconic species.
  - The logging industry is one of the most mechanised and most dangerous. The number of direct jobs in the industry has steadily declined and is now estimated as under 400 across NSW.
  - Existing mature plantations provide our domestic and export timber needs.
- Climate change and carbon loss (the alternative)
  - Climate change was not adequately considered as part of the RFAs, but is now the largest social, economic and environmental challenge we face..
  - The EPA doesn't even mention carbon loss through woodchips for paper when over 90% of the Eden and Southern logs go to woodchips.
  - In the short to medium term, ending logging in the forests of the southern forest region would result in between 1.2 and 1.5 million tonnes of avoided emissions per year.
- Cost to taxpayers, the economy and the environment
  - The NSW taxpayer has paid millions of dollars to a multi-national corporation to buy-back non-existent timber because of over-estimated timber volumes.
  - We know that the value of carbon, water and tourism from forests is much greater than timber, and that protected areas are important for the economy.
- Inadequate reporting information
  - The Report for the period July 2004 – June 2014 is a compilation of data on logging regimes and associated issues from the past and states that it will not consider comment on alternatives to native forest logging.
  - The Report frequently addresses indicators without providing any data.
- Breaches to RFA agreements
  - The Report provides an overwhelming case for transition out of native forest logging to plantations. Plantations were not part of the first RFAs and yet perhaps 70% of the Implementation Report is about plantations, including virtually all of the positive material.
  - During the 10 years of the Environment Protection Authority's review (2004-2014) period, over 4,000 non-compliances with Environment Protection and Threatened Species Legislation were identified through EPA audits and investigations.
  - However, the EPA conducted only 187 audits for approximately 5,000 to 6,000 logging operations. None of this is mentioned in the review upon which the public has been asked to comment.

- Threatened species
  - Threatened Species data for Eden RFA area is missing from lists in Table 67.
  - The number of threatened forest species has continued to rise during the RFAs is therefore an important animal welfare issue.
  - The State Forests are exempt from the provisions of the Environment Protection and Biodiversity Conservation Act 1999. Given that it takes 100 to 200 years for habitat hollows to form in trees, the term 'sustainable logging' has contradictory connotations.

#### 5422 Marg McLean

- It is outrageous and self-evident that the management of our public forests under the RFA process has failed so badly.
- The mooted ESM clearly was not unattainable since no substantive evidence has been presented in the Report to even tilt at ESM realisation; this is also indicated by the apparent inability to provide timely reviews. And furthermore, the blatantly inflated timber resources estimates of 20 years ago have precipitated the untenable situation that now exists through the industrialisation of logging. The RFAs should not be renewed.
- It is clear that this model of Forest Management does not work; there should clearly be no extension of the Agreements.
- The conservation of our forests for sustaining water production, storing carbon, moderating and maintaining life support systems and biodiversity in our times of our warming globe is an imperative. It would be criminal to proceed with "business as usual", the time to turn around is now. There is no merit whatsoever in continuing to log the native forests on public land. It is time for a just transition out of native forest logging.

#### 5423 Stephanie Knox

- The RFAs have failed to meet their aims and have resulted in the loss of habitat and decline in native species within NSW native forests. Submitter is opposed to their renewal.
- Guaranteeing "certainty of resource access and supply to industry" compromises the objectives of sustainability and protection as current forest industry activities in NSW are running down and using up the existing forest "resources". It is obvious to anyone who travels through the state forest areas of NSW that NSW forests are being depleted and degraded by forestry activities. Scientific reports and surveys also indicate that populations of native animals that depend on forests have declined severely over the life of the RFAs.
- Logging also of necessity destroys habitat and changes soil and water systems. Native forests are a finite resource and current logging practices are reducing that resource, our forests are disappearing. Therefore, guaranteeing certainty of supply to industry from a shrinking resource means that the pressure on forests will only increase in the future, accelerating the decline of native species in forest communities.
- It seems therefore that delivering "certainty of resource access and supply to industry" as a major objective of the RFAs is incompatible with the objectives of protection of the native forest and ensuring species survival into the future. As such the RFAs do not work as their objectives are internally inconsistent.
- The expiry of the RFAs over the next few years presents an opportunity to provide permanent protection of the remaining NSW native forests and wind down forestry activities within them.

- Public native forest logging is unsustainable. It is time that our state forests, owned by the people of NSW, were managed in the best interests of the public. I recommend that the NSW and Commonwealth governments:
  - Not renew RFAs because they are a failed model for forest management;
  - Heed the accumulated evidence and use the expiry of the RFAs to trigger a just transition of workers out of the native forest logging industry; and
  - Protect public native forests to ensure our wildlife, water and carbon stores are safeguarded for future generations by implementing strategies like the NSW National Park Association's Great Koala National Park proposal and Forests for All plan.

#### 5424 Anonymous

- After considerable reading and much discussion, I am not able to do better than endorse the following comments from the South East Conservation Alliance, (SECA) and excerpts from the report authored by the Environmental Defenders Offices, (EDO), published by Lawyers for Forests.
- Supports the Environment Defenders Offices (EDO) submission 5938 - Attachment B.
- SECA: The woodchip situation
  - The predominant logging for woodchips in south east NSW is a long-term contested practice, creates social discord, environmental and financial loss and disrespects Aboriginal culture.
  - Combined, Agriculture, Forestry and Fishing is only the 9th employer in the region and forestry jobs are a small proportion of that total. Between 30 and 40 people are employed at the Eden chipmill and fewer than 100 in total forestry operations.
  - Less than 10% of logs are milled for sawlogs. More than 90% of native trees logged in these regions goes to the chipmill and are exported to Asia at a loss to taxpayers of \$79 million over the past 7 years and at the expense of the environment and iconic species.
  - ~~â€~~ The logging industry is one of the most mechanised and most dangerous. The number of direct jobs in the industry has steadily declined and is now estimated as under 400 across NSW.
  - Existing mature plantations provide our domestic and export timber needs.

#### 5425 Anonymous

- I disagree with the practices and so called outcomes of this RFA. RFAs have not delivered.
- Under the state forest management processes,
  - Insufficient provision for responding to site specific incidents
  - there has been a lack of serious and consistent monitoring. The EPA carried out only 187 audits from over 5,000 logging operations, and very limited enforcement when 4,000 non-compliant activities occurred.
  - Failure to protect threatened species, and many were not even listed in this EPA Report
  - Inadequate reviews throughout the term of the RFA.
- There was an unsound base when RFAs were introduced. No thorough unbiased and comprehensive scientific research done on the biodiversity of any of the proposed RFA areas.
- Environmental officers doing species counts, etc. have too little time allocated to produce a comprehensive survey before a new compartment is logged

- New information on management, species, processes and suchlike has not been integrated into the management or compliance practices.
- There is a lack of data showing
  - the impacts of logging on species
  - any changes in forest growth
  - the proportion of each ecosystem protected
  - the value of forest based services
- The lack of scrutiny overall, leaving the public dissatisfied with the damage done when logging, the destruction of habitat for ground living flora and fauna as well as canopy dwellers.
- I am a volunteer who has to contend with rescuing native animals and birds when their habitat is destroyed in the compartments resulting in too much competition for food and homes/shelter
- Stewardship of forests is the future, not logging for wood chips, pulp or biofuel
- More people would be employed and it would be a far more viable outcome for all, including our precious native flora and fauna, plus our old habitat trees.



**APPENDIX – Copy of Scoping Agreement (signatures  
not included)**

**New South Wales Regional Forest Agreements – Eden,  
North East and Southern**

**Scoping Agreement for the review of progress  
with implementation of the  
New South Wales Regional Forest Agreements**

**The Commonwealth of Australia  
and  
The State of New South Wales**

**Second and Third Five-Yearly Reviews  
September 2016**

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## **Preamble**

### **1. Purpose**

The purpose of this Scoping Agreement is to set out the arrangements agreed by the Australian Government and New South Wales Government (the Parties) for undertaking the combined second and third five-yearly review to assess the progress with performance against the milestones and commitments/obligations of the New South Wales Regional Forest Agreements – Eden, North East and Southern Regions (NSW RFAs).

The review will use data from the Australian and New South Wales government departments/agencies and will be reported in the *Report on Progress with Implementation of the New South Wales Regional Forest Agreements: 2004 – 09 and 2009 – 14*.

The first five-yearly review of the NSW RFAs covered the five-year period from the signing of each of the RFAs i.e. 1999-2004 for Eden Region, 2000-2005 for North East Region and 2001-2006 for Southern Region.

In undertaking the combined second and third five-yearly review, the Parties have agreed to use common review periods for the three NSW RFAs. The periods covered by the review will be the two five year periods of 2004-2009 and 2009-2014. This will allow regional and state-wide information to be utilised by a common reporting period, but does bring forward the review date for the North East and Southern RFA Regions, which would not otherwise be due until 2015 and 2016 respectively.

The Parties agree that this Scoping Agreement will be consistent with the NSW RFAs, the 1992 National Forest Policy Statement (NFPS), and other relevant agreements and policies.

This review will occur in accordance with:

- clauses 40, 41, 42 and 43 of the North East New South Wales RFA region (equivalent to clauses 38, 39, 40 and 41 of the Eden and Southern RFA regions); and
- relevant actions undertaken by the Parties in response to the Independent Reviewer's recommendations which are based on the joint government response to the first five-yearly review.

The Parties recognise that this Scoping Agreement cannot impose on a Party any obligation that is inconsistent with a law of the State of New South Wales or the Commonwealth of Australia where that law is binding on that Party.

The provisions of this Scoping Agreement are not intended to give rise to legally enforceable rights or obligations between the Parties.

### **2. Background**

The New South Wales RFAs were developed as several in a series of RFAs between the Commonwealth of Australia and the governments of New South Wales, Tasmania, Victoria and Western Australia. While all the RFAs have their own unique elements, they have all been drawn up under the NFPS and all have requirements for five-yearly reviews.

The State of New South Wales and the Commonwealth of Australia entered into the three New South Wales RFAs on varying dates - 26 August 1999 (Eden Region), 31 March 2000 (North East Region) and 27 April 2001 (Southern Region).

The duration of each of the NSW RFAs is 20 years, from 1999 to 2019 for Eden Region, 2000 to 2020 for the North East Region and 2001 to 2021 for the Southern Region (Table 1).

<b>Table 1: New South Wales Regional Forest Agreement Terms</b>		
	<b>Date of making</b>	<b>Date of expiry</b>
Eden	26 August 1999	26 August 2019
North East New South Wales	31 March 2000	31 March 2020
Southern New South Wales	27 April 2001	27 April 2021

The NSW RFAs establish the framework for the management of forests within the three NSW RFA regions. The Parties are committed to ensuring these RFAs are durable and deliver on the milestones and commitments/obligations contained within to ensure forest management, forest industry and conservation outcomes.

Clause 6 of the NSW RFAs establishes the third five-yearly review as the point when both Parties consider the process for extension of the RFAs. The Parties hold a shared intent for an ongoing role for NSW RFAs, and will consider this within the process for conducting the third five-yearly review.

### **3. The requirement for a five-yearly review**

Clauses 40, 41, 42 and 43 of the North East RFA (equivalent to clauses 38, 39, 40 and 41 of the Eden and Southern RFAs) state:

40. *Within each five-year period, a review of the performance of the Agreement will be undertaken. The purpose of the five-yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:*
  - (a) *The extent to which milestones and obligations have been met, including management of the National Estate;*
  - (b) *The results of monitoring of sustainability indicators; and*
  - (c) *Invited public comment on the performance of the Agreement.*
41. *While the review process will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the review as per clause 8.*
42. *The outcomes of the review will be made public. The mechanism for the review will be determined by both Parties before the end of the five-year period and the review will be completed within three months.*
43. *The Commonwealth will table in the Commonwealth Parliament the signed Regional Forest Agreement and, when completed, the annual reports detailing achievement of the milestones for the first four years of the Agreement and the first five-yearly review on performance against milestones and commitments.*

#### **4. Additional undertakings for this five-yearly review**

The Parties have agreed the review will report on progress against agreed actions within the 'Joint Australian and New South Wales Government Response to the Final Report on Progress with Implementation of the NSW Regional Forest Agreements: Report of Independent Assessor, February 2014'.

#### **5 Principles for conduct of the review**

The New South Wales RFAs are 20-year agreements that require performance reporting every five years. The review will cover the combined second and third five-yearly periods from 2004 to 2014, using data reported by the Australian and New South Wales government departments/agencies.

The Parties agree that they are jointly responsible for the review and will ensure effective coordination within and between the Parties.

The review will:

- be conducted in accordance with clauses 40, 41, 42 and 43 of the North East RFA (equivalent to clauses 38, 39, 40 and 41 of the Eden and Southern RFAs) and the process outlined in clause 8 of this Scoping Agreement
- satisfy the requirement to undertake a review of the performance of the NSW RFAs for the second and third five-yearly periods
- simultaneously consider the three NSW RFAs and have a single report on progress with implementation of the New South Wales RFAs prepared
- address the results of monitoring of sustainability indicators through a specific chapter in the Progress with Implementation report
- be conducted in a manner that is open and transparent
- align with other NSW state and national forest reporting processes and requirements where possible
- not open up the NSW RFAs to re-negotiation
- invite public comment on the report on Progress with Implementation of the New South Wales RFAs with respect to the milestones and commitments/obligations and, invite public comment relevant to the shared intent for an ongoing role for RFAs in NSW
- have regard to recommendations based on the past implementation of the NSW RFAs
- consider suggestions/recommendations on the future implementation of the NSW RFAs in their current or any future format
- provide outcomes which will be made publicly available.

#### **6 Items for review**

The Parties agree that:

- (a) The combined second and third five-yearly review will assess and report on progress made against the implementation of the milestones and commitments/obligations listed in Attachment 4 of the Eden RFA and Attachment 5 of the other RFAs, as well as specified commitments (Attachment 1):
  - In instances where milestones and commitments/obligations have been completed and reported against in the first five-yearly report, they need not be reported on again—rather, reference should be made to the previous review report.

- The review will indicate where a milestone or commitment/obligation has been overtaken by events, or is no longer relevant.
- (b) the second and third five-yearly review will assess and report on progress made by the Parties in addressing the responses to the recommendations from the first five-yearly review.

## **7. Governance**

The Parties agree that the development, implementation and finalisation of the combined second and third five-yearly reviews will be supported by a Joint Working Group and a Joint Working Group Support Team.

### **(a) Joint Working Group**

The Joint Working Group (JWG) will comprise two nominees of the New South Wales Government and two nominees of the Australian Government. It will be co-chaired by a representative of the Australian Government Department of Agriculture and Water Resources and a representative of the NSW Environment Protection Authority (which will provide secretariat duties).

The JWG is responsible for:

- allocating resources to undertake the combined second and third five-yearly reviews, including collating submissions, providing funding to the Independent Reviewer and the publishing of the Independent Reviewer's report;
- inviting public comment on the Report of Progress with Implementation of the NSW RFAs with respect to the milestones of the New South Wales RFAs; and
- facilitating the publication and tabling of the joint government response to the Independent Reviewer's report of the combined second and third five-yearly reviews.

### **(b) Joint Working Group Support Team**

A Joint Working Group Support Team will comprise officers from both the New South Wales and Australian Governments, as appointed by each party. Its membership will be dynamic so as to respond to the focus, priorities and workloads of the JWG.

The Joint Working Group Support Team will be responsible to the JWG and its duties will include:

- day to day implementation of this Scoping Agreement;
- preparing and publishing a Report on Progress with Implementation of the New South Wales RFAs, with New South Wales taking the lead role;
- supporting the Independent Reviewer in their review of public submissions and the Report on Progress with Implementation of the New South Wales RFAs, in accordance with Attachment 2 of this Scoping Agreement; and
- preparing and publishing the Joint Government Response to the report by the Independent Reviewer.

Support for the Independent Reviewer includes providing relevant documents, collating and supplying public submissions and facilitating any meetings with the Parties. Support will not include secretariat services or drafting reports.

**(c) Ministerial**

The Parties to the Scoping Agreement are represented by the responsible Ministers:

***New South Wales:***

- The Hon. Mark Speakman SC MP
- Minister for the Environment
- Minister for Heritage
- Assistant Minister for Planning

***Commonwealth:***

- Senator the Hon. Anne Ruston MP,
- Assistant Minister for Agriculture and Water Resources

**The Ministers shall approve the:**

- appointment of the Independent Reviewer
- joint government response to the report by the Independent Reviewer of the combined second and third five-yearly review.

**8. Process for conducting the Review**

- The combined second and third five-yearly reviews will be conducted in accordance with the following process:

**(a) Preparation** (completed in late 2016)

- Report on Progress with Implementation of the NSW RFAs is prepared by the JWG.
- The Independent Reviewer is appointed by the Ministers.

**(b) Public consultation** – March 2017 (duration - at least 8 weeks)

- Public comments are sought on the Report of Progress with Implementation of the New South Wales RFAs and the proposed extension of the NSW RFAs
- Written public submissions are collated and provided to the Independent Reviewer.

**(c) Review** (indicative duration - 3 months)

- The Independent Reviewer reviews the Report of Progress with Implementation of the New South Wales RFAs and considers public submissions and any additional information provided by the Parties in relation to issues raised in public submissions.
- The Independent Reviewer delivers a report which includes findings, recommendations and a synthesis of public comments. As far as practical, the Independent Reviewer's report will group public comments into themes.

**(d) Joint government response** (indicative duration - 3 months)

- The Independent Reviewer's report is tabled in the Australian Parliament at a timing that is agreed by the Ministers.<sup>31</sup>
- The Parties jointly respond to the Independent Reviewer's report. The Joint Australian and New South Wales Government Response is made publicly available following tabling in the Australian Parliament at a timing that is agreed by the Ministers.

**9. Reporting protocols**

- The JWG shall report to responsible Ministers:
  - on an 'as needs' basis through the co-Chairs.
  - for their information in regards to the Report on Progress with Implementation of the New South Wales RFAs and the Independent Reviewer's report, and for their agreement on a formal Joint Australian and New South Wales Government Response, before these documents are made publicly available.

**10 Communication protocols**

The Parties agree that, prior to either Party making a separate public statement about the combined second and third five-yearly review, they will advise the other Party.

**11 Financial issues**

- The Parties are responsible for all their own costs incurred in the implementation of this Scoping Agreement.
- The Parties will share the agreed costs of the combined second and third five-yearly review evenly, including:
  - i. advertising public notices in relevant media for the combined second and third five-yearly review, to call for submissions on the Report on Progress with Implementation of the New South Wales RFAs and the proposal for an ongoing role for the NSW RFAs;
  - ii. the Independent Reviewer's agreed fee, including their associated travel costs to attend any meetings with the Parties (as required); and
  - iii. the preparation, publication and distribution of reports generated by the combined second and third five-yearly review.

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<sup>31</sup> The date will be within the 15 parliamentary sitting days of its delivery to the Australian Government minister which is a statutory requirement under Section 10, *Regional Forest Agreements Act 2002*



## 12. Signing page

IN WITNESS WHEREOF this Agreement has been signed for and on behalf of the Parties on

the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2016

**Signed** for and on behalf of the  
**Commonwealth of Australia** by  
Senator the Hon. Anne Ruston  
Assistant Minister for Agriculture and  
Water Resources

\_\_\_\_\_  
Signature of witness

← \_\_\_\_\_ ←  
Signature of representative

\_\_\_\_\_  
Name of witness (print)

\_\_\_\_\_  
Name of representative (print)

**Signed** for and on behalf of the  
**New South Wales Government** by  
the Hon. Mark Speakman SC MP  
Minister for the Environment  
Minister for Heritage  
Assistant Minister for Planning

\_\_\_\_\_  
Signature of witness

← \_\_\_\_\_ ←  
Signature of representative

\_\_\_\_\_  
Name of witness (print)

\_\_\_\_\_  
Name of representative (print)

**Items for the Review**

Milestones and obligations/commitments contained in the following clauses and attachments of the North East New South Wales RFA are, or have been regarded as ongoing items, to be subject to the combined second and third five-yearly review (Table 2). The equivalent clauses and attachments and RFA region specific clauses from the Eden and Southern RFAs will also be subject to the combined second and third five-yearly review.

Only those milestones or obligations/commitments that are ongoing or not yet completed as indicated in the table below will be reported on in this combined second and third five-yearly review as well as those obligations/commitments which are considered critical to the success of the NSW RFAs.

Where a milestone or commitment/obligation has already been achieved, the relevant review report will be referenced in the progress with implementation report to provide for reporting integrity for all RFA clauses. Where a milestone or commitment/obligation has been overtaken by events, or is no longer relevant, this is also indicated.

**Table 2**

<b>Relevant part of agreement and associated attachments</b>	<b>Milestone, and commitment/obligation<sup>32</sup> Clause(s)</b>
PART 1	
Duration of Agreement	6
PART 2	
(Relationship to Previous Forest Agreements)	17 (E)
Relationship to Statutory Obligations	19, 21, 26 - 37
Milestones	39
Five-yearly review	40 - 43
Ecologically Sustainable Forest Management	44, 46 - 48
Monitoring, Reporting and Consultative Mechanisms	49 - 51
Accreditation	52
sustainability indicators	53
Private Land (Attachment 2 <sup>33</sup> )	54 - 59
Threatened Flora and Fauna (Attachment 3 <sup>34</sup> )	60 - 64
The CAR Reserve System (Attachment 1)	65 – 72
Industry and Regional Development (Attachment 11 <sup>35</sup> )	73, 74, 76 – 91 72 (E), 75 (E)
Indigenous Heritage (Attachment 10 <sup>36</sup> )	92
Other Forest Uses	95, 97, 98 84 (E)
Competition Principles	99
Research (Attachment 7 <sup>37</sup> )	100 – 104
Data	105, 106
PART 3	
Forest Management	108 – 109
Compensation	110

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<sup>32</sup> These are the milestones under the North East RFA. Equivalent and region specific milestones from the Eden and Southern RFAs are also subject to review.

<sup>33</sup> Attachment 12, Eden RFA

<sup>34</sup> Attachment 2, Eden RFA

<sup>35</sup> Attachment 10, Eden RFA– Proposed Employment and Industry Development Initiatives and Attachment 11, Southern RFA – Employment, Industry Development and Conservation Management

<sup>36</sup> Attachment 9, Eden RFA

<sup>37</sup> Attachment 6, Eden RFA

Relevant part of agreement and associated attachments	Milestone, and commitment/obligation <sup>38</sup> Attachments
CAR reserve system	1
Private land conservation <sup>39</sup>	2
Threatened Flora and Fauna <sup>40</sup>	3
Public reporting and consultative mechanisms <sup>41</sup>	6
Research priorities <sup>42</sup>	7
Improvements to New South Wales' forest management systems <sup>43</sup>	8
Managing lands of significance to Indigenous people <sup>44</sup>	10
Employment and Industry Development Initiatives by the NSW Government for the Upper North East and Lower North East Regions <sup>45</sup>	11
Long-term Timber Supply Strategy and Sustainable Yield Systems and Processes <sup>46</sup>	12
Sustainable Yield Systems and Processes	11 (Eden)

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<sup>38</sup> These are the milestones under the North East RFA. Equivalent and region specific milestones from the Eden and Southern RFAs are also subject to review.

<sup>39</sup> Attachment 12, Eden RFA

<sup>40</sup> Attachment 2, Eden RFA

<sup>41</sup> Attachment 5, Eden RFA

<sup>42</sup> Attachment 6, Eden RFA

<sup>43</sup> Attachment 7, Eden RFA

<sup>44</sup> Attachment 9, Eden RFA

<sup>45</sup> Attachment 10, Eden RFA– Proposed Employment and Industry Development Initiatives and Attachment 11, Southern RFA – Employment, Industry Development and Conservation Management

<sup>46</sup> North East RFA only

## Terms of Reference for the Independent Reviewer

### Background

The Australian and New South Wales Governments (the Parties) signed the three New South Wales RFAs on 26 August 1999 (Eden), 31 March 2000 (North East) and 27 April 2001 (Southern).

- The New South Wales RFAs establish the framework for the management of forests within the New South Wales RFA regions. The duration of each of the New South Wales RFAs is 20 years from its date of signing.
- An important element of New South Wales RFAs is their requirement to review the performance of each of the New South Wales RFAs. An RFA review is an assessment or evaluation of progress made against the milestones and commitments/obligations specified in each of the New South Wales RFAs.

Clause 40 of the North East RFA (Clause 38 of the Eden and Southern RFAs) requires that:

*'Within each five-year period, a review of the performance of the Agreement will be undertaken. The purpose of the five-yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:*

*(a) The extent to which milestones and obligations have been met ... ..'*

The review is to be conducted by a person or body jointly appointed by the Parties.

The review will:

- invite and take account of public comments on the Report on Progress with Implementation of the New South Wales RFAs: 2004 – 09 and 2009 – 14
- use and take account of the results of monitoring of sustainability indicators including trends
- be completed within three months of its commencement
- develop a report detailing the review process and its findings.

The Parties may extend the review period to ensure a rigorous and robust process.

### Terms of Reference

The role of the Independent Reviewer will be to review the *Report on Progress with Implementation of the New South Wales RFAs: 2004 – 09 and 2009 – 14*, associated written public comments, and additional information provided by the Parties as relevant to the review and provide a report to the Joint Working Group. The review will cover the following five-yearly periods, using data compiled from the resources of the Parties:

Second five-yearly period – 2004-2009; and

Third five-yearly period – 2009-2014.

The Independent Reviewer is required to:

1. Receive written submissions from the public on the *Report on Progress with Implementation of the New South Wales RFAs: 2004 – 09 and 2009 – 14* with respect to the milestones and commitments/obligations of each of the RFAs and, receive public comments relevant to, and within the scope of, the shared intent for an ongoing role for the NSW RFAs
2. Review written public submissions and undertake further targeted consultation with organisations or individuals as required, to clarify any issues raised in the written submissions, and

3. Provide a written report to the Joint Working Group, which:
  - provides comment on the *Report on Progress with Implementation of the New South Wales RFAs: 2004 – 09 and 2009 – 14*, and any specific recommendations on implementation of the New South Wales RFAs, considering the written public submissions received
  - describes the key issues identified in the written public submissions
  - notes the policy framework as established by the National Forest Policy Statement,
  - lists the names of the individuals and organisations who made written public submissions.
4. Deliver all written submissions and information used by the Independent Reviewer to the Joint Working Group with the report.

### **Timing**

The Independent Reviewer must submit their report to the Joint Working Group within three months of the closure of the public comment period.

### **General**

The Terms of Reference for the Independent Reviewer should be read in conjunction with the Scoping Agreement.