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RE: Review of Code of Practice for Timber Production

Gippsland Environment Group is greatly alarmed about the proposed changes to the Code of Practice for Timber Production 2014 (the Code) recently released by the Department of Environment, Land, Water and Planning (the Department).

While a review of the out of date and weak Code is welcome, the direction in which it is going—notwithstanding inclusion of Large Brown Tree Frog and Large Old Tree protections—is very concerning and the process is wholly inadequate.

The proposed revisions to the Code go much further than the minor variations and updates the Department has advised they were intending, and include wholesale deletion of key provisions.

There has been none of the promised public consultation to develop a common understanding about the all the reforms that are seemingly being proposed. The Department's reassurances that they are not intending to reduce legal protections ring hollow, as there has been no information provided about or consultation on their alternative proposals.

We request that process to amend the Code be abandoned and the process started afresh in a manner which aligns with the recommendations of the Independent Review of Timber Harvesting Regulation and the Department's response to that review, as well as with the Minister's intent, for effective regulation of logging in publicly owned state forests.

At a minimum Code changes should be delayed until proper discussion and consultation has occurred, particularly as the Department proposes to 'scientifically review' the Code as a second part of the proposed process.

A better process would involve broad consultation on all proposed changes, not just some. A formal discussion paper setting out various options would be beneficial, so that everyone is clear on objectives for the changes, and how any system of intersecting rules could operate in the future. A major policy shift such as is proposed by the Department—especially as it is being mis-characterised by the Department as simply an administrative change—deserves nothing less.

The Department purports to be strengthening the protection of forests and wildlife, "... to ensure that environmental, cultural and economic values of State forests are protected and enhanced for future generations". However, the proposed changes to the Code take forest management in the opposite direction and are contrary to the stated objectives of the

independent review you commissioned last year into the capabilities of the Department as regulator of logging.

The proposed changes remove all landscape based threatened species and ecosystem protections on public land, including long-standing iconic Victorian environment protections such as requirements to: reserve minimum areas of old growth forest across regions; protect high quality habitat across the landscape for keystone threatened species such as Powerful, Sooty and Masked owls and Leadbeater's Possum; and protect Victorian ecosystems that are endangered.

The proposed changes appear designed to remove from the Code each and every requirement upon the Department to conserve habitat for threatened species and high conservation value ecosystems on public land, leaving only the small protections that VicForests applies to individual species or features detected in logging coupes. It is only the Department that is empowered to, and must (under the current Code) maintain the broader habitat and ecosystem protections at the landscape scale via its control of forest management zones, which VicForests has no power to manage.

These habitat and ecosystem rules are critical to the legally effective protection of forest wildlife and habitats and the integrity of our zoning/ informal reserve system. Yet in total, the proposed revision deletes from the Code more than 400 specific environment protection rules that currently apply to conserve Victoria's threatened fauna habitat, ecosystems, and historic and recreation sites across the landscape.

It is alarming that in the midst of a global extinction crisis, where more Victorian species are at risk of extinction and less old growth forests remain than at any point in recorded history, the government would proceed with these changes.

At a minimum the following proposed changes should be abandoned and if the Department persists in proposing that these alterations be made, detailed and credible information must be provided as to how these and other protections will be improved and will remain legally enforceable:

(a) revocation of Section 2.1 of the Code, and particularly the complete deletion of Mandatory Action 2.1.1.1 requiring Long-term Forest Management to meet specific biodiversity standards. This provision is fundamental to landscape scale protection of threatened species and ecosystems and if changed at all it must be strengthened in any new Code;

(b) Removal of all "Fixed Zoning" and "Fixed FMZ Rules" that currently sit in the Planning Standards at parts 2.1, 3.1, 3.2, 3.3, 4.1, 4.2, 4.4, 4.6, 5.1.2-5.1.3, 6.2-6.3, 7.1.1 and Tables 3, 8 & 10. Again, these aspects of the Planning Standards are fundamental to effective threatened species, ecosystem, historic and recreation site protection at the landscape scale. Any changes to such rules ought to strengthen these protections, which are currently in place with the intent to protect:

- important and iconic waterways, water supply catchments and wetlands
- linear corridor systems for Leadbeater's possum and old forests
- high quality habitat for rare and endangered fauna, including large forest owls and Brush-tailed phascogales

- minimum areas of old-growth across the landscape
- areas for rare flora like the Tall Astelia Lily
- rare and endangered ecological vegetation classes (EVCs)
- important and popular historic and recreation sites including the Ada Tree Loop, Big River picnic ground and the Mt Torbreck trail.

(c) Changes to habitat tree retention that permit habitat trees to be counted in aggregation across the net coupe area rather than retained at the minimum level in every hectare actually logged. This change is likely to lead to larger expanses of clearfell without retained trees. Habitat tree retention must be strengthened to require higher densities of retained trees. The 2.5 giant tree protection will provide little practical conservation value given the very rare incidence of these trees across the landscape—and it is of even less value given the Government has chosen not to buffer these trees even minimally—meaning many will be lost to wind throw, clear-fell burns and consequent removal as “hazards” once inevitably damaged.

(d) Downgrading of protection zones. The Department is well and truly putting the fox in charge of the henhouse with proposals to downgrade detection-based protections for many species from Special Protection Zones (SPZs) to ‘exclusion areas’ that VicForests propose, design and implement without involvement or approval from the environment Department. Exclusion areas are not secure protection zones. It is unacceptable that, at a minimum, the environment Department not have oversight of the design of protection zones, nor be required to sign off on them.

(e) Under the proposed changes, the situation for the Greater Glider will become even more serious than it already is. The Greater Glider has relatively stronger protections in East Gippsland than in the Central Highlands or Gippsland. The species was added to Victoria’s threatened species list more than two years ago. It is still without the legally mandated action statement to protect Greater gliders in all Victorian forests. Yet, in this context, the Department is diluting the existing rules for Greater Gliders in East Gippsland by altering detail in the detection-based protection rule. It is doing this on top of removing the requirement for a 100 hectare SPZ to be put in place when a particular density is found, with an ‘exclusion area’, designed and implemented by VicForests, proposed to only be required, as per point (d) above. Currently, protections for Greater Gliders are supposed to be put in place where there are ‘more than 10 individuals per spotlight kilometre or more than 2 individuals per hectare or more than 15 individuals per hour of spotlighting.’ This is already a very high threshold and there are many hundreds of instances where known populations of Greater Gliders that do not meet these high thresholds are killed by logging operations. Nevertheless, the Department is proposing to narrow the scope and is now saying that all detections must be in the coupe, and must be recorded within 100 minutes.

To remove already inadequate protections such as the above is a shocking step backwards at a time when our species, threatened ecosystems and old growth forests need better protection. The FFG action statement for Greater gliders must be finalized immediately.

Gippsland Environment Group Inc urge DELWP to abandon and reset the Code review process so that logging in publicly owned native forests is better regulated, and so that changes to the Code—including proposed deletions, amendments, and inclusions—are consulted on in full, especially ahead of any proposed ‘scientific review’ of logging rules.

In conclusion we reiterate that the Department's continued reliance on the RFAs exemption under the EPBC Act is an abysmal failure of environmental policy and is a key driver of species and ecosystem extermination. Nothing less than the complete withdrawal of VicForests from publicly owned native forests is required.

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