SUBMISSION TO THE SENATE ENVIRONMENT AND COMMUNICATIONS COMMITTEE INQUIRY INTO THE EFFECTIVENESS OF THREATENED SPECIES AND ECOLOGICAL COMMUNITIES' PROTECTION IN AUSTRALIA

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This submission relates to the exemption of Regional Forest Agreement (RFA) areas from the Commonwealth Environment Protection Biodiversity Conservation (EPBC) Act. This has meant that for more than 10 years, since the establishment of the RFAs, the Commonwealth's principal environmental law has not applied in State Forests where intensive logging for woodchips has been carried out.
The exemption is based on the assumption that RFAs provide "equivalent protection"[1] to the EPBC Act.

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1. Tiger Quoll *Dasyurus maculatus maculatus* (southeastern mainland population) Spot-tailed Quoll, Spotted-tailed Quoll, Tiger Quoll (southeastern mainland population)

The tiger quoll is listed federally as *endangered,* but in NSW it is only listed as *vulnerabl*e. Protection offered under the NSW State system, therefore, cannot be equivalent.
Further, although it has been federally listed as endangered since 14-May-2004 http://www.environment.gov.au/cgi-bin/sprat/public/publicthreatenedlist.pl?wanted=fauna#mammals_endangered

[1] Question on Notice by Senator Lee Rhiannon, Budget Estimates 2012.
Division/Agency: CCD Climate Change Division
Topic: Wood Pellets and Regional Forest Agreements
Proof Hansard Page: Written
Senator RHIANNON asked:

7. On what basis has the Government decided to continue to exempt Regional Forest Agreement areas from the EPBC Act, in the absence of any evidence from the Hawke review, RFA reviews or independent scientific research that there is no concern about threatened species?
Answer:
7. This is a decision of the Parliament. Section 38 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides an exemption from Part 3 of the EPBC Act provided forestry operations are in accordance with 20 year Regional Forest Agreement where a Comprehensive Adequate Representative reserve system and ecologically sustainable forest management have been implemented to give an equivalent level of protection to threatened species and ecological communities as could be expected to be achieved if Part 3 of the EPBC Act did apply.

, there is still no recovery plan. It is - according to the federal Department website, "in preparation."
http://www.environment.gov.au/biodiversity/threatened/pubs/fauna-plans-being-prepared.pdf

How can we even begin to assess whether the State offers the same level of protection under the Integrated Forestry Operations Approvals (RFA logging rules) when there is no federal recovery plan?
The example of the quoll is clear evidence that - even if both Commonwealth and State systems were working properly that RFAs do not provide the same level of protection as the EPBC Act, especially since Forests NSW has been logging intensively in Badja State Forest over many years. Badja forest was once the stronghold of the quoll in south east NSW.
Forests NSW also continues to log South Brooman State Forest for woodchips; it is another important quoll habitat.

2. The Koala *Phascolarctos cinereus*
The federal listing of the koala as a vulnerable species in April 2012 will do nothing for NSW far south coast koalas living in State Forests.
Virtually all far south coast koalas are in State Forests and thus do not benefit directly from the Commonwealth listing because of the EPBC Act exemption for RFA areas.
All State Forests are covered by Regional Forest Agreements (RFAs) and the current law falsely assumes that these provide sufficient protection for threatened species.
We have seen time and time again that threatened species prescriptions are either useless or are flouted with impunity by State logging agencies.
Since the commencement of the RFAs there have been hundreds of instances of well documented threatened species rules being breached either by Forests NSW or by logging contractors engaged by Forests NSW.

3. Biodiversity Fund project: Corridors and Core Habitat for the Koalas of the NSW Far South Coast.
This Biodiversity Fund project, intended to protect the koala, could actually harm koalas in Tanja State Forest, near Bega.

- Corridors and Core Habitat for the Koalas of the NSW Far South Coast is a project granted $1.9M under the Biodiversity Fund. However, it could actually pose a bigger threat to the recently discovered population of koalas in Tanja State Forest[2] near Bega than “normal” logging before the project.

[2] **Background to the Tanja logging.** The proposed logging is primarily for woodchips which are unlikely to be sold due to depressed market conditions. Eighty one percent of trees will go directly to the Eden chipmill and over 90% of the wood taken will ultimately end up there, via sawmills.
The future of the chipmill is in doubt and many local residents expect that it will close in the coming months.
Forests NSW will make a loss on the Tanja logging (and most other native forest logging) and South East Fibre Exports (owner of the Eden chipmill, owned by Japan’s biggest paper manufacturer, Nippon Paper will not be able to sell the woodchips produced from the trees.

- The project provides for a 6 year moratorium on some (but not all) known koala habitat in Bermagui, Murrah and Mumbulla State Forests. This may or may not work to protect those koalas (although it is fragmented, will not allow for expansion of populations and, of course, it is temporary) but any result will be at the expense of koalas and other species in other forests in the Eden Region.
- To compensate for logs forgone from the moratorium areas during the 6 years of its duration, Forests NSW intends to obtain replacement pulp logs and saw logs by logging more intensively elsewhere in the Eden Region.
- There will be approximately 10,000 m3 of extra sawlogs and 100,000 tonnes of extra pulp logs to be sourced from elsewhere in the Eden Region[3]. In the present market, the Eden woodchip mill is likely to fall short of its normal export sales by approximately 400,000 tonnes this year, so there is no need to find these pulp logs from elsewhere.
- Eden logging is already the most intensive in NSW. It is the only region where trees are felled solely for the purpose of woodchipping. To intensify it on a pretext that is not even supported by market realities is not justified.
- One of the first areas affected by intensified logging was to be Tanja State Forest where a new population of koalas has been discovered. Between the draft Harvest Plan[4] (before the Biodiversity Fund grant announcement) and the final approved Harvest Plan (after the Biodiversity Fund announcement), the estimated yield of pulp logs increased by more than 20 percent.
- The situation of the Tanja koalas highlights the futility of national measures to save the koala (following its recent listing as 'threatened') when the Commonwealth's principal law to protect threatened species, the Environment Protection and Biodiversity Conservation (EPBC) Act exempts forests covered by Regional Forest Agreements.
- Worse still, Forests NSW response to more koalas having been found as a result of the Biodiversity Fund surveys is to push for the removal of the exemption (moratorium) areas.

4. The Yellow-bellied Gliders *Petaurus australis* of the Bago Plateau

In NSW, State Ministers have demonstrated their contempt for the welfare of forest animals by suspending the normal protection offered by the State's own threatened species listing in order to facilitate logging in endangered animal habitat.

The Yellow-bellied Gliders of the Bago Plateau were listed as an endangered population in 2009 http://www.environment.nsw.gov.au/threatenedspecies/

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3 http://www.parliament.nsw.gov.au/prod/lc/qalc.nsf/18101dc36b638302ca257146007ee41a/44ad6475e4d09988ca257a61002db3e3?OpenDocument

4 The Forests NSW "Harvest Plan", the official approval document for the logging is available at: http://chipstop.savetheforests.org.au/HP_ED_2102_2104_11_pub%20Tanja.pdf
For more background information:
http://chipstop.savetheforests.org.au/let_tanja_forest_live.htm

On 7 November 2011, the NSW Minister for the Environment, Robyn Parker amended the regulations to "authorise" loggers to do "harm to the Endangered Yellow-bellied Glider of the Bago Plateau" these endangered animals and to destroy their habitat for woodchips.
http://www.chipstop.savetheforests.org.au/2011IFOAamend2Sth.pdf

6. Swift Parrot *Lathamus discolor*

Logging of Bermagui State Forest[5] in 2009 provided a perfect example of how Australia's laws intended to protect wildlife are not working.
When logging resumed there on 10 September 2009 about 1,000 of the highly endangered Swift Parrots were sighted feeding during their winter migration. No meaningful measures were applied to protect them from the logging of their feed trees.
Forests NSW said in its Harvest Plan that it would keep 5 trees per hectare for the parrots, but, in practice, this meant nothing extra for them.
The 5 trees to be saved were the same 5 trees that were saved for every other purpose, such as 'recruitment,' (i.e.; logging next time around) habitat and so on. They just added another label onto the same trees.
These parrots are federally listed as endangered, and yet our Governments were prepared to do nothing to save them from extinction.

6. Conclusion

Exemption of RFA areas from the EPBC Act has not served Australia's threatened species in forests well.

- The RFA exemption from the EPBC Act should cease. State Ministers have shown they are prepared to arbitrarily override prescriptions when they clash with the perceived interests of loggers.
- The Hawke Review recommended that it should be reconsidered, but that recommendation was dismissed peremptorily by both the then federal Minister and Shadow Minister for the Environment.
- No effort has ever been made to ascertain whether State Government prescriptions under Regional Forest Agreements are adequate for the needs of threatened species and research is never conducted to test whether they work or not. In the event that the exemption is not ended, the Commonwealth should require this monitoring and research post logging as a condition of the exemption.
- The Biodiversity Fund project**:** Corridors and Core Habitat for the Koalas of the NSW Far South Coast should have conditions imposed on it to require that:
  1. no increased intensity of logging to provide for logs forgone by the 6 year suspension of logging in koala habitat in Bermagui, Murrah and Mumbulla State Forests; and
  2. Tanja State Forest be added to the koala habitat moratorium areas.

[5] http://www.woodchippingsux.net.au/bermi%20HP%202001.pdf

The effectiveness of threatened species and ecological communities' protection in Australia

Terms of Reference

On 31 October 2012 the Senate referred the following matter to the Environment and Communications References Committee for inquiry and report:

The effectiveness of threatened species and ecological communities' protection in Australia, including:

(a) management of key threats to listed species and ecological communities;
(b) development and implementation of recovery plans;
(c) management of critical habitat across all land tenures;
(d) regulatory and funding arrangements at all levels of government;
(e) timeliness and risk management within the listings processes;
(f) the historical record of state and territory governments on these matters; and
(g) any other related matter.

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