

Committee Secretary  
Senate Standing Committees on Environment and Communications  
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Australia  
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Dear Committee

Thank you for providing the opportunity for South East Forest Rescue to submit the following recommendations on the *Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012*.

**Recommendations:**

- 1. That the Bill be passed;**
- 2. That Federal Approval Powers be retained and strengthened;**
- 3. That Matters of National Environmental Significance be expanded to include Key Threatening Processes such as the Loss of Hollow-bearing and Dead Standing Trees;**
- 4. That there be an inquiry into the *accumulated impact* of industrial native forest logging on Matters of National Environmental Significance;**
- 5. That the State governments be compelled to deliver on all outstanding obligations imposed by the RFAs, or otherwise be penalised for their non-performance;**
- 6. That the committee refer to our website<sup>1</sup> for further information on the non-performance of the RFA regime.**

We also refer the committee to the South East Region Conservation Alliance submission to this inquiry.

Further to point 5 above, in response to several breach reports we were informed in 2010 that:

Under the RFA, all harvesting operations must comply with State Forest management plans and the principles of ecologically sustainable forest management. Ongoing forest management, including harvesting operations and protection of threatened species, is the responsibility of the New South Wales Government. However, as a party to the RFA the Australian Government has an ongoing role in working with the State **to ensure the provisions and intent of the RFA are met.**

As noted in previous correspondence, **this Department is not able to directly investigate claims of non-compliance with an RFA.** However, the Department is able to refer matters to the Department of Agriculture, Fisheries and Forestry if there is sufficient evidence to prove both non-compliance with the RFA and likelihood of, or actual, significant impact to the threatened species. The Department has reviewed the information that you have provided regarding forestry activities in Nadgee,

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<sup>1</sup> < <http://lisaandtony.com.au/South%20East%20Forest%20Rescue%20home.htm>>.

Mumbulla, Bodalla and South Brooman State Forest's in relation to potential impacts upon the Southern Brown Bandicoot, Smoky Mouse, Long-footed potoroo, Swift Parrot and the Tiger Quoll. In this instance, it is unlikely that the forestry activities (or alleged failure to conduct surveys prior to forestry) would have had or will have a significant impact on the Smoky Mouse or Long-footed potoroo as these species are not known to occur in South Brooman, Mumbulla or Bodalla State Forests. It is also unlikely that there has or will be a significant impact on the Swift Parrot given the availability of other suitable food resources within the vicinity, Unfortunately, despite the presence of a Tiger Quoll on your neighbour's property, the presence of a single Quoll is unlikely to constitute a significant impact on the species.

With respect to the Southern Brown Bandicoot, the logging activities are unlikely to reduce the area of suitable habitat for the species in the long term given that the understorey of these areas is likely to regenerate to an extent that there will be sufficient habitat and protection for the Southern Brown Bandicoot.

On the basis of the information above, the Department does not believe that there is sufficient evidence of significant impact to warrant referral of this matter to the Department of Agriculture, Fisheries and Forestry for investigation.

If you have not already done so, you may wish to bring your broader concerns to the attention of the Department of Agriculture, Fisheries and Forestry (DAFF) as the Australian Government agency responsible for forestry matters or continue to raise your concerns with the NSW Government as they are the legally responsible managers for state forests in NSW.<sup>2</sup>

This indicates the magnitude of the problem we face. The state regulators are forced to operate on a shoestring budget<sup>3</sup>, therefore it transpires that usually our breach reports are initially investigated by Forests NSW — the offending agency. So invariably the state regulators are told that the logging operations at issue comply. Then when warranted we also when send our breach reports to the Federal regulator, they invariably defer investigations to the state regulator, with the usual result that no NES matters are determined to have been impacted. Kafka could not have described the situation better.

We attest that the current Federal/State bilateral arrangement has not functioned in an effective manner. The recalcitrance of the responsible State agencies is seemingly implacable. As a result, the environment and all species dependant on the environment, are suffering under the current arrangement.

Yours sincerely

Tony Whan



For 18 January 2013.

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<sup>2</sup> Pers comm. Jan Klaver, Director, EPBC Act Compliance Section, 2 September 2010.

<sup>3</sup> Analysis of compliance and auditing information shows that less than 4% of all native forest operations conducted in NSW are actually audited by the EPA.