



**Rubicon Forest Protection Group Inc**  
**Rubicon Forest**  
**Victoria**

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Dear Mr Greaves,  
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**Re Current Audit of Biodiversity 2037**

I refer to the audit of [Biodiversity 2037](#) currently being undertaken by your Office (as referred to your [Annual Plan 20/21](#)).

I hope it might not be too late to offer a submission from the Rubicon Forest Protection Group Inc. to the audit team who are working on this.

The Rubicon Forest Protection Group (RFPG) brings together forest conservation volunteers from the Central Highlands and beyond who are committed to protecting the values of the Rubicon State Forest (RSF) and the native forests of Victoria more generally. Our [website](#) provides more detail about our group.

In relation to the Biodiversity 2037 audit, our group offers for examination the following propositions:

1. There are stark contradictions between the Victorian Government's forest conservation obligations (mandated in the [Sustainable Forests \(Timber\) Act 2004](#) and the [Code of Practice for Timber Production](#)) and its timber supply commitments (in particular those arising from the [Forests \(Wood Pulp Agreement\) Act 1996](#)). The extent of timber harvesting required to meet VicForests' supply contracts is simply incompatible with maintaining the biodiversity of Victoria's native forests as the SF(T)Act and the Code require.
2. The ecological integrity of the native forests of the Central Highlands is being degraded. Year by year these forests are drier, younger, are losing understory, and are infested with weeds and pests. Forest biodiversity is being degraded by bushfires and logging. The resilience of these forest ecosystems, in the face of a warming climate and wider, hotter and more frequent bushfires, is being actively undermined by unsustainable logging. Ecological collapse looms large along this trajectory<sup>1</sup>.
3. The Code includes a range of provisions governing the operations of VicForests which are designed to ensure ecological sustainability (including the preservation of biodiversity). VicForests breaches these provisions with impunity. The conservation regulator routinely fails to detect and prosecute breaches of the code. Unfortunately, owing to its timber supply commitments, VicForests is *obliged* to breach code provisions. The conservation regulator is *obliged* to turn a blind eye to such breaches. Government ministers are *obliged* to okay the draft timber release plan (TRP) proposed by VicForests. The VicForests board is *obliged* to

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1. An ecosystem risk assessment, applied to the mountain ash forest ecosystem of the Central Highlands of Victoria ([Burns et al, 2014](#)), found that this ecosystem was 'critically endangered'. All 39 scenarios modelled indicated a  $\geq 92\%$  chance of ecosystem collapse by 2067. Logging has been intensified since then.

authorise a TRP which rubber stamps the harvest areas that VicForests management needs to fulfil its supply contracts.

4. Continued native forest logging runs directly counter to all three of the slogans of Biodiversity 2037: explore nature; connect with nature; and protect nature.
  - a. Explore nature; Connect with nature. The Rubicon State Forest has huge untapped potential for nature tourism. It is the site of a 350m year old Caldera; it includes the much beloved Cathedral National Park; to the North the Snobs Creek Hatchery; to the South iconic Lake Mountain. However, the tourist potential of the RSF is being trashed by saturation logging (see [Figure 2, RFPG 2019](#)) and swarms of log trucks threaten the lives of tourists. Protections written into the Code are ignored and breach reports in relation to such protections white-washed.
  - b. Protect nature. The RFPG is committed to protecting the values of the RSF. This includes carefully reviewing the periodic draft revisions of the TRP and urging VicForests to remain within the spirit and letter of the Code. However, VicForests has in recent times made two changes to its procedures which make this kind of community input more difficult: first, by delaying the release of coupe schedules so that timber harvesting exclusion zones are put in place at the time the schedule is released community members are unable to inspect the high priority coupes before they are logged; and second by removing the net harvest area from the TRP.
5. The Environment Department has rich expertise in the assessment of ecosystems and biodiversity. The recently released [Bushfire Emergency: Biodiversity Response and Recovery report](#) provides a detailed account of the different elements of biodiversity and how they have been impacted by the 2019-20 fires. However, there has been no such assessment of the short, medium and long term impacts at local, meso and macro scales in relation to logging. This is despite the findings of the VAGO reports of [2013](#) and [2018](#).
  - a. The IUCN has declared the mountain ash ecosystems of the Central Highlands to be 'endangered'. In fact, the alpine ash forests have also been highly impacted by bushfires and are also likely to justify listing as 'endangered' under the Flora and Fauna Guarantee Act.
  - b. We urge your auditors to explore why these two precious ecosystems are not being protected under the F&FGA.

## Evidence

Much of the evidence upon which the above propositions are based can be found in various submissions and reports prepared by our group over the last few years. In particular, we draw your attention to:

1. **RFPG's current submission to VicForests regarding the current draft revision of the TRP ([here](#))<sup>2</sup>.** In this submission we list a range of Code provisions which are currently being breached and which will be breached if the proposed TRP goes ahead. One of the more egregious breaches identified in the submission concerns unlawful logging in 'bushfire management zones'. In two attachments to the submission we provide new information regarding the impact of logging, first, on Snobs Creek and the Snobs Creek Hatchery and second, on water loss from the Thomson Dam catchment.

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2. [http://rubiconforest.org/sites/default/files/544\\_TRPChangeSubmission\\_RFPG\\_200909\\_0.pdf](http://rubiconforest.org/sites/default/files/544_TRPChangeSubmission_RFPG_200909_0.pdf)

2. **RFPG's submission to the Parliamentary Inquiry into Ecosystem Decline in Victoria** ([here](#))<sup>3</sup>. Some of the key issues canvassed in this submission include:
  - a. The almost complete lack of research into the extent to which saturation logging leads to drastic ecosystem simplification, contrary to the precautionary principle and other Code of Forest Practice provisions. (For example, the loss of tree ferns in the zone between rainforest streamside buffers and clearfelled areas, leads to a drier more impoverished understorey and exposes the adjoining rainforest, and the forest more broadly to a much greater risk of loss in fire.)
  - b. The failure, in public policy formation, to assign realistic values to unlogged native forests as carbon sinks and to ensure protections for water supply.
  - c. The need to list the Mountain Ash and Alpine Ash ecological communities under the Flora and Fauna Guarantee Act 1988 based on the extensive, long-term scientific research available, and the consequent need for the preparation of Action Statements/Recovery Plans to ensure their future survival, their biodiversity and ecological function.
3. **RFPG Research Paper: 'Fire and logging as a biodiversity threat with serious and potentially irreversible ecological consequences for the Rubicon State Forest'** (Nick Legge, 8 Aug 2019) ([here](#))<sup>4</sup>. A key feature of this paper are the graphics showing the extent of fire damage from the 2009 fires plus the on-going saturation logging in the Rubicon State Forest. The extent of fire damage and logging and the consequent skewed age class profile (see below) demonstrate the magnitude of the threat posed by ongoing logging to the ecosystem integrity of the Rubicon State Forest.
4. **RFPG Research Paper: 'Skewed age class distribution as a biodiversity threat and breach of precautionary principle: Rubicon State Forest as a case study'** (Nick Legge, 30 June 2019) ([here](#))<sup>5</sup>. This paper explores the application of the precautionary principle to the highly skewed age class profile of mountain ash in the Rubicon State Forest. The paper argues that for forests comprising eucalypt species with lifespans measured in centuries and which take over a century to form high quality arboreal animal habitat, a heavy preponderance of very young age classes, is unequivocally at odds with Code principle #1 that biological diversity and the ecological characteristics of native flora and fauna within forests shall be maintained.
  - a. [Chart 7](#) shows that once the coupes on the current TRP are all logged, only 16% of the remaining ash forest will be 'intact forest' older than 80 years – a far cry from an ecologically appropriate distribution for trees whose life span is measured in centuries. Even more alarmingly, the data show that as a result of both the 2009 fires and the extensive logging that has occurred since, almost half (44%) the area of ash forest is now under 20 years of age. The paper argues that such a skewed age class profile is ecologically unsustainable, especially since forest of this age is still reproductively immature.
  - b. The paper calls for full independent analysis of the ecological integrity of the entire area, including a comprehensive biodiversity assessment. This remains an urgent need.
5. **Submission by Rubicon Forest Protection Group to the Independent Review of Timber Harvesting Regulation (7 Oct 2018)** ([here](#))<sup>6</sup>. The main focus of this paper is on the integrity

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3. [http://rubiconforest.org/sites/default/files/531\\_RFPG\\_200707\\_Submission2ParliamentEcosystemInquiry.pdf](http://rubiconforest.org/sites/default/files/531_RFPG_200707_Submission2ParliamentEcosystemInquiry.pdf)

4. [http://www.rubiconforest.org/sites/default/files/NJL\\_190828\\_Fire%26LoggingBiodiversityThreatCerbereanRanges.pdf](http://www.rubiconforest.org/sites/default/files/NJL_190828_Fire%26LoggingBiodiversityThreatCerbereanRanges.pdf)

5. [http://www.rubiconforest.org/sites/default/files/NJL\\_190828\\_Fire%26LoggingBiodiversityThreatCerbereanRanges.pdf](http://www.rubiconforest.org/sites/default/files/NJL_190828_Fire%26LoggingBiodiversityThreatCerbereanRanges.pdf)

6. [http://www.rubiconforest.org/sites/default/files/RFPG\\_SubmissionReviewTimberHarvestingRegulation\\_181007.pdf](http://www.rubiconforest.org/sites/default/files/RFPG_SubmissionReviewTimberHarvestingRegulation_181007.pdf)

of the compliance and enforcement regime of DELWP in relation to VicForests. The submission assembles evidence from RFPG experience of the general sloppiness in DELWP's performance in compliance monitoring and enforcement including: failure to acknowledge breach reports; unjustified secrecy regarding assessments; lack of transparency in relation to breach reports and investigations; astonishingly slow breach report investigations. The submission cites evidence suggesting that DELWP interpretation of its regulatory mandate is prejudiced in favour of lenience in relation to evaluating VicForests' performance: failure to analyse and assess breaches in the context of the full regulatory framework established by the Code and the Act, relying instead on a narrow reading of specific clauses; arrogation to itself a judgement that minor breaches are not breaches; and the occasional failure to properly assess compliance with specific relevant mandatory clauses. The submission concludes that regulatory capture is the only plausible explanation for these failures. We recognise that there has been a restructure of DELWP's regulatory organogram since this report was written but we suggest that the basic failings have not been redressed.

6. **RFPG research video: '100 years of logging in the Rubicon State Forest' (Nick Legge, October 2018) ([here](#))**<sup>7</sup>. This [video](#) uses photographs old and new, landsat images and graphics based on VicForests harvesting data, to show the scale of destruction wrought by the intensified logging in the Rubicon State Forest since the 2009 fires (beyond [Unsustainable!](#)).
7. **RFPG submission to Third Five Year Review of the Regional Forest Agreements (29 Jan 2018) ([here](#))**<sup>8</sup>. In this submission RFPG highlights (i) the failure to abide by the principles and practices of ecologically sustainable forest management as required by the RFA; (ii) the failure to adopt sustainable harvest levels by FMA as required by the RFA; (iii) the failure to comply with the Code of Practice for Timber Production 2014 (the Code) as required by the RFA, and (iv) the failure to fully implement a system of forest reserves that meets the JANIS criteria as required by the RFA.

In an [associated submission \(25 Jan 2018\), Ann Jelinek](#)<sup>9</sup> criticises the ad hoc approach adopted by the Victorian Government to the creation of reserves. While Special Protection Zones are important, the dependence on specific sightings for creating such zones is not consistent with the JANIS criteria for the establishment of reserves which are *comprehensive, adequate, representative* and *replicated*. Jelinek notes that in 2015, the IUCN listed Victoria's mountain ash ecosystem as 'endangered' due to the danger of collapse, with logging as the major threat.

Yours sincerely,



Ken Deacon (Convenor)

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7. <http://www.rubiconforest.org/100years>

8. <http://www.rubiconforest.org/content/commonwealth-and-victoria-flout-principles-rfas-rfp-submission-third-five-year-review>

9. [http://www.rubiconforest.org/sites/default/files/290\\_AJ\\_RFA-submission\\_180125.pdf](http://www.rubiconforest.org/sites/default/files/290_AJ_RFA-submission_180125.pdf)