



## Open Letter from Rubicon Forest Protection Group to Victorian Labor members of Parliament

9 August 2021

Why does the Andrews Government want to make it easier for VicForests to flout the long-term planning principles enshrined in the 2014 Code of Practice for Timber Production?

Do Victorians really want to see an escalation of unsustainable timber harvesting?

I write on behalf of the Rubicon Forest Protection Group Inc, a small community-based forest conservation group in the Shire of Murrindindi ([about](#)). Since Black Saturday we have watched a dramatic escalation of logging in the Toolangi, Marysville, Black Range, Big River and Rubicon State Forests. The more forest we lose from megafires, the more VicForests harvests from the remaining unlogged areas ([data](#)).

The Department of Environment, Lands, Water and Planning (DELWP) is proposing changes to the Code of Practice for Timber Production which would constitute a significant deregulation of timber harvesting in native forests in Victoria, freeing VicForests from some of the most elementary planning obligations through the removal of the long-term planning provisions of the [Code](#).

Yet the decisions that VicForests make in its long-term planning (in preparing their Timber Release Plan or TRP) have profound implications for biodiversity, scenic landscapes and preserving other uses of our forests.

While much of the forest estate is protected in National parks and other reserves, the resilience of all our forest ecosystems is under threat from global warming, including recurrent megafires. When European settlers arrived in Victoria forests and woodlands covered 90% of the State and most of the forest estate was probably old growth. It has been estimated that some 30–60 per cent of Victorian Mountain Ash forests were old-growth when Europeans first arrived; this figure is now just over one per cent. About 65 per cent of East Gippsland's wet and damp old-growth forest was lost between 1995 and winter 2020.

Today, the extreme youthfulness of Victoria's native forests destabilises entire ecosystems through its impact on habitat and on the understorey. It is more flammable and is less able to recover from bushfires. Saturation logging further fragments habitat, and reduces genetic diversity, and water yield and quality. Around half Victoria's ash forests are now under 20 years of age leaving them vulnerable to regeneration failure in a future megafire. Most of the rest is 1939 regrowth, so barely 80 years old.

In the Central Forest Management Area (which includes the Toolangi, Marysville, Black Range and Rubicon State Forests), despite the devastation caused by the 2009 Kilmore East and Murrindindi fires, logging has actually increased since Black Saturday.

The Code of Forest Practice sets out [six principles](#) which should guide long term planning for native forests logging. These deal with biodiversity, water, landscape sensitivity and cultural heritage.

In 2007 the Bracks Brumby Labor Government insisted that these principles would apply to VicForests' Timber Release Plan (the TRP) and mandated the Secretary of DELWP to ensure that they did.

In 2013 the Coalition Naphthine Government revised the Code and removed the explicit stipulation that the long-term planning principles must apply to the TRP. However, they did not

explicitly exempt VicForests from complying with these principles. Indeed, the Parliament was assured that the Bill:

provides for conditions in the allocation order to ensure that the obligation of VicForests to comply with all relevant regulatory mechanisms, includes but is not limited to the code of practice for timber production 2007 and action statements under the Flora and Fauna Guarantee Act 1988. ([Hansard](#), pp2254)

Notwithstanding this commitment, DELWP's Office of the Conservation Regulator (OCR) insists, against all logic, on applying VicForests' preferred interpretation of the 2014 Code, rejecting allegations which assume that the TRP ought to comply with the long-term planning principles. (Our submission to VicForests regarding the latest TRP variation ([here](#)) highlights a range of instances where the latest TRP fails to comply with the long-term planning principles.)

However, the industry remains wary that a judge might find that the principles do apply to the TRP. Now the Andrews Government is stepping in to remove all doubt; proposing a new Code of Forest Practice which is explicitly designed to exempt VicForests from having to abide by these principles.

This would constitute a major deregulation of timber harvesting and leave VicForests with no enforceable obligations to guide its formulation of timber release plans.

We urge members to reconsider this change.

The Bracks Brumby Government required the TRP to comply with the long-term planning principles in 2007 because they assumed that ongoing timber supply would be sufficient to both preserve biodiversity and scenic values as well as supporting the timber industry.

It is now evident that maintaining timber supply is not consistent with preserving biodiversity, water catchments, shared forest usage and scenic values. Continued unsustainable logging at the cost of sacrificing these values will leave a severely damaged legacy to future generations.

Since that time many undertakings have been made regarding transition to plantation timber sources. Fire, poor growth, drought, and the rorting of tax/investment schemes seem to have diminished this promised transition. The details of the Victorian Forest Plan have still not been published.

The Rubicon Forest Protection Group urges the Government to:

- (i) amend the Sustainable Forests (Timber) Act to restore the original sections of the Act (see [Ss 39-40 of SF\(T\)Act 2007](#)) requiring a TRP to be approved by the Secretary of DELWP, and
- (ii) transfer the long term planning clauses, now in the Code, into the Act, as matters the Secretary must consider when approving a TRP.

We would be pleased to provide further information as needed.

Yours sincerely



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Convener