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The Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change

By email

Dear Lily,

Review of the 2014 Code of Practice for Timber Production

The Rubicon Forest Protection Group is deeply concerned about the possible implications of your announcement on Monday (27/7) of an immediate review of the *2014 Code of Practice for Timber Production*.

We note that your announcement appears to distinguish the immediate review you have initiated from the "comprehensive review" required under Victoria's various RFAs, and that it seems to be aimed solely at delivering a "clear, accurate and enforceable" Code and guaranteeing existing timber supply commitments.

This suggests that the immediate review will be focussed on curtailing legal action by conservation groups and that making the Code "clear, accurate and enforceable" will entail weakening key provisions. This will certainly be the case if the review adopts some of the proposals put forward by DELWP as part of last year's abandoned Stage 1 review of the Code.

One of the worst elements of these proposals was the excision of Code Clause 2.1.1.1 – the main clause governing long-term planning of timber harvesting as is entailed in developing Timber Release Plans (TRPs). This Clause sets out some of the fundamental elements required for safeguarding the key non-timber values native forests bestow, including protection of biodiversity, water and sensitive landscapes. Deleting this clause would fundamentally undermine the principles of the Code. Without this clause the Code would almost certainly contravene the commitment to ecological sustainability in the National Forests Policy, in Victoria's RFAs and in the Commonwealth EPBC Act.

The clause, inserted by the Bracks Labor Government in 2007, was an important advance on previous Codes. Although it was retained in the 2014 Code, the reference in its preamble to its application to TRPs was deleted. But since the TRP is, without doubt, a long-term planning instrument, the 2014 change to the preamble is irrelevant, despite both VicForests and DELWP claiming otherwise in the past.

Given that your announcement implicitly criticises the failings of the previous Liberal-National Government in formulating the 2014 Code we urge that instead of excising Clause 2.1.1.1, the 2007 version of the preamble be restored. Moreover, deletion of this clause may help pave the way for a future Liberal-National Government to continue logging native forests indefinitely, with dire ecological sustainability consequences. And we would expect that other key planning

clauses that are central to ecological sustainability be retained as is, especially Clauses 2.2.2.2 and 2.2.2.3, but also 2.2.2.8 and 2.2.2.9, which were all kept under the 2019 proposals.

We are also concerned that any changes will not be subject to the public consultation requirements promised for the “comprehensive review” by current RFAs, and a Regulatory Impact Statement will be avoided by an exemption under either s.8 or s.9 of the *Subordinate Legislation Act 1994*.

I hope that this is not the case and the review now initiated will entail proper public consultation, including a Regulatory Impact Statement, and be an integral part of the “comprehensive review” that under the current RFAs might otherwise have been delayed until December 2023.

We would greatly appreciate the opportunity to meet with you to discuss our concerns.

Victoria’s native forest ecosystems are seriously degraded from over-logging and bushfire while facing new threats from climate change. A simple measure of this degradation in the Rubicon State Forests is the shockingly skewed age profile. Before the arrival of Europeans our forests were almost entirely old-growth but now half the Rubicon forest is under 40 years old, almost no old-growth is left and there are few intact areas of 1939 regrowth left to become old-growth in the future.

The RFBG understands the arguments for native forest logging where it is ecologically sustainable but this is no longer the case and the situation facing our forests is now so dire that the environmental legacy of the Andrews Labor Government and the future of Victoria’s forest biodiversity is at stake.

Yours sincerely,



Ken Deacon
Convenor
Rubicon Forest Protection Group

Cc: The Hon Dan Andrews, Premier of Victoria