

From: RFPG

Sent: Sunday, September 13, 2020 8:32 PM

To: vfs.trp@vicforests.com.au

Subject: Addendum to RFPG Submission

Dear people,

Please find [here](#) RFPG's substantive submission to the TRP changes proposed by VicForests in August, previously sent to the Board and to VicForests CEO, Ms Dawson.

We now wish to add several more points to our 9 September submission as follows

Acheron Way coupes:

Our main submission did not refer to the impact that the 16 unlogged coupes in this area along the east and west sides of the Acheron Way near Granton Rd and along Fisher Creek Road and Dom Dom Rd will have on the proposed walk from Melbourne to Marysville being developed with the support of Murrindindi Shire Council. The currently proposed route utilises Dom Dom Road and the Hermitage Walk, both of which are directly affected by the proposed logging, and it could also involve an alternative route via Fisher Creek Road. With the route from the Acheron Way to Marysville already badly affected by logging and the 2009 fire, logging of any of these 16 coupes (17 counting the Dom Dom Rd/Fisher Creek roadline coupe) could be the death knell for this proposal.

Snobs Creek catchment coupes:

In addition to the points made in our main submission we are also opposed to the logging of Curious George (288-503-0009) and proposed new coupe 288-503-0005. These coupes run alongside Snobs Creek Road and it is obvious that VicForests will endeavour to access them from this road. Their proximity to Snobs Creek Falls and the shocking (and unlawful) logging along Snobs Creek Roads in Shackle, Snob 13 and Snobs 14 that took place in the face of RFPG protests, require that these coupes be removed from the TRP just for tourism reasons. But when their biodiversity is also considered, including a few old growth patches near Snobs Creek Road, plus the biodiversity losses from the vastly excessive logging on the Royston Range nearby for which VicForests has yet to be held accountable, it is clear that if the law is to be followed these coupes must be removed.

The fact that 85% and 80% respectively of these coupes is proposed to be logged, and that the south east corner of the proposed new coupe is outside the Allocation Order area is testimony to how little attention is paid to Code compliance in formulating the TRP.

Clause [2.1.1.1](#)

I am not sure that we responded to your letter of 18 May 2018 in which you argued that Code clause [2.1.1.1](#) was not relevant to our TRP concerns. Although we disagreed with your view at the time, the recent Federal Court case (VicForests v. Friends of Leadbeaters Possum) has allowed us to consider the arguments that VicForests has advanced for taking this position. Paras. 100-112 of VicForests' submission of 7 August 2019 address this matter, but the arguments are so full of holes as to be transparent nonsense. Fortunately for VicForests, Her Honour did not consider these arguments since it was in fact not pleaded and so the only purpose the submission served was to expose how totally lacking merit the arguments indeed are.

Para 106 pretends that because the TRP is specifically dealt with in a different part of the SF(T) Act, other parts of the Act don't apply to it. That's a joke surely!

Para. 109 cites the definition of ‘timber harvesting operations’ in the Code (which admittedly doesn’t mention planning) but conveniently ignores VicForests obligation in the Act (s. 46) to comply with ‘with any relevant Code of Practice relating to timber harvesting’. S. 46 makes no mention of ‘timber harvesting operations’, as defined in the Code and the Act so is obviously intended to be far broader and certainly encompass all planning stages. And if that wasn’t clear enough, s. 37(3)(b) of the Act says the same thing. Another joke!

And notwithstanding the huge sums VicForests doubtless paid to its lawyers to have these matters set before the Court, they still can’t get their facts straight. Para. 110 pretends that the reference to ‘planning’ in Cl 1.2.2 refers only to coupe plans, but ignores Table 1 of the Code which cites FIVE examples where the Code expects VicForests to comply with the provisions of Cl. [2.1.1.1](#)

Finally, while I realise that 2nd reading Speeches do not make the law, it is generally instructive to consider what they do say. On 8 May 2013 in his 2nd reading speech on the amendments that gave VicForests sole responsibility for TRP development, then Minister, Peter Walsh, stated that TRPs ‘will remain a key planning, auditing and consultation tool for VicForests’.

I urge you and the Board not to continue to ignore, as in the past, the numerous examples of the current and proposed TRP failing to comply with Cl. [2.1.1.1](#). As we have said earlier, should VicForests fail to properly take Cl. [2.1.1.1](#) into account, the Board must be prepared to face immediate and serious consequences.

Consistent with the Government’s commitment to transparency in decision-making about forests, we look forward in due course to a detailed defence of the new TRP, and a full response to the arguments in our submission.

Yours sincerely
Rubicon Forest Protection Group



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