



# Submission by Rubicon Forest Protection Group to 2022 Code Review consultation

## Contents

1. *Breach of Government promises* ..... 1
2. *Bureaucrats should not be determining what is a breach of the Precautionary Principle*..... 1
3. *Proposed changes to Bushfire Moderation Zone rules*..... 1

### 1. Breach of Government promises

The Government's 2018 election platform promises that it will pursue environmental justice, recognising that

*communities need appropriate access to the legal system to pursue environmental justice, Labor will [ . . . ] review relevant legislation and dispute, court and other processes with a view to strengthening environmental justice and outcomes.*

The proposals in this Code review, as with the 2021 Review, run directly counter to this election promise. Similarly, the fact that the revisions are occurring ahead of the recommendations of the *Major Event Review* is contrary to the Government's 2019 announcement that the review would *identify regulatory reforms informed by the 2019-20 bushfires*. The fact that the comprehensive Code review is to be delayed until 2023 following a previous promise by Minister D'Ambrosio to hold it in 2020 is yet another breach of trust with the Victorian community.

### 2. Bureaucrats should not be determining what is a breach of the Precautionary Principle

The impact of the revisions to the CF&L Act that will allow Departmental bureaucrats to make determinations about what constitutes compliance with Clause 2.2.2.2 of the Code is opposed.

At the very least any such determinations should be accompanied by "a statement of compliance" stating, with relevant evidence, how the determination meets the requirements of Section 4B of the Flora and Fauna Guarantee Act.

### 3. Proposed changes to Bushfire Moderation Zone rules.

The proposed change to the Bushfire Moderation Zone rules will permit VicForests to make certain areas close to communities more fire prone. Instead of requiring logging in areas designated as *bushfire moderation zones* to be dispersed and spread over time, the change will allow intensive logging to occur in areas near communities. The *Code of Practice for Timber Production* currently precludes this because the fire susceptibility of dense forest regeneration inhibits fuel reduction burning for at least 20 years. But even if fuel reduction burning can still be carried out, the best protection for nearby communities is to leave such forest areas unlogged so they can eventually become old-growth with the attendant fire-resistance that entails. This would bring these areas

in line with those areas closest to communities, designated as *Asset Protection Zones*, where logging – apart from thinning and single tree selection - is banned.

The proposed changes are a bureaucratic trick designed to allow intensive logging in those bushfire moderation zones with high commercial value without regard for the heightened fire risk. Community safety is to be subordinated to logging.

The documentation suggests that the change is merely ratifying agreed policy, but this is not so. The policy allowing such aggregations was never agreed, presumably because of ambivalence within Government about its wisdom. Like the bushfire management zones themselves, it was never subject to public consultation nor adopted in or supported by the *2012 Code of Practice for Bushfire Management on Public Land*.

Crucially, by hampering the ability to perform fuel reduction burns it runs directly counter to a key recommendation of the *2009 Victorian Bushfires Royal Commission*, that the Government commit to a *program of prescribed burning based on an annual rolling target of 5 per cent minimum of public land*. That recommendation, like the other recommendations of the VBRC, was accepted without qualification despite such a target, which equates to 390,000 hectares annually, being extremely difficult to achieve.

Despite the difficulties, the ensuing 6 years saw the area of public land subject to fuel reduction treatment (planned burning or mechanical fuel reduction) rise from a long-term average of around 100,000 hectares per year to 193,000 hectares or 2.5 per cent of public land. Then in 2016, having engineered several Government reports suggesting it do so, the Government replaced the area target with a statewide ‘risk reduction’ target derived from computer simulation modelling and arbitrarily set at 30 per cent.

In the five years since, the area of public land subject to fuel reduction has dropped to just 106,000 hectares per year. While weather conditions doubtless played a role, this is barely above the pre-2009 long-term average.

Because the proposed aggregation of bushfire management zones will allow intensified logging close to various communities the Government is directly contravening its own ‘risk reduction’ mantra. Communities close to forests already face a higher bushfire risk than most, but this is especially so in the Central Highlands, where the Black Saturday fires and intensified logging since have already made the broader landscape much more fire-susceptible. The fact that the risk reduction target is statewide effectively hides this problem.

While DELWP does publish regional risk reduction levels it does not publish LGA-level fire-risk levels means that the heightened risk for particular local communities is concealed. Certainly, the computed fire risk level for the Shire of Murrindindi will be considerably higher than the level for DELWP’s Hume Region and is likely to be close to 90 per cent.

It is reprehensible that the Government should expect Victorians to accept this risk-increasing change barely two years on from the catastrophic Black Summer fires and before the joint Commonwealth-State *Major Event Review* into these fires.

The only purpose of incorporating the proposed Bushfire Management Units into the Code is to subvert the aim of Bushfire Moderation Zones. It is extremely reckless policy.

The safest way of removing any uncertainty about logging in Bushfire Moderation Zones would be to treat them in the same way as Asset Protection Zones where logging is effectively banned.

An alternative approach - and one which would still allow some very limited clearfell or seed tree retention logging in Bushfire Moderation Zones as the Code clearly intends - would be to stipulate that there can be no area of 500 hectares or more of SMZ or GMZ within any contiguous Bushfire Moderation Zone where more than 5 per cent of that area has been logged using clearfell, retention harvesting or seed tree retention in any five year period.

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