

## RFA Articles

### [Article 1]

## Victorian RFAs

Regional Forest Agreements (RFAs) are twenty-year-long agreements between the Victorian and Commonwealth Governments.

RFAs allow for the logging of public native forests, and logging that occurs under these agreements does not require approval under federal environmental laws.

The [Environment Protection and Biodiversity Conservation Act 1999 \(EPBC Act\)](#) is the main piece of federal environmental legislation. It applies to ‘matters of national environmental significance.’ However, the [Regional Forest Agreements Act 2002](#) provides that RFAs are exempt from the *EPBC Act*.

There are five Regional Forest Agreements in Victoria, which start expiring from March, 2018:

1. East Gippsland (signed 3 February 1997)
2. Central Highlands (signed 27 March 1998)
3. North East (signed 9 August 1999)
4. West Victoria (signed 31 March 2000)
5. Gippsland (signed 31 March 2000)

None of the Victorian RFAs have met their objectives, which, in summary, are to:

- identify a reserve system and provide for conservation of forest in it;
- provide for ecologically sustainable forest management; and
- provide for long-term industry stability.

One part of the solution is to end the special treatment this industry enjoys under the RFAs. Why should such a controversial industry have its own, special agreements? Ending the special treatment should be done by, at the very least:

- discontinuing the industry’s exemption from national environment laws; and
- accounting for other forest-dependent industries—such as conservation recreation, tourism, agriculture, water and carbon—in any arrangement or agreements going forward.

Right now, there is a woefully overdue, legally mandated, five-yearly review of Victoria’s five RFAs underway. Submissions close on 29 January 2018. Have your say here.

The five Victorian RFAs must be allowed to expire, and not be extended or rolled over.

- Read about some of the reasons RFAs are out of date and not fit for purpose, and how they have failed environmentally, socially and economically.

Our National Forest Campaigner, Warrick Jordan, was interviewed about RFAs across the country. Learn more about why they exist, and how they've failed.

The *One Stop Chop* report was written by lawyers from the nation's Environmental Defenders Offices. It examines the operation of the RFA process over the past 15 years, drawing on data from court cases and other sources such as annual reports, RFA reviews and audits. It assesses whether the RFA regime delivers environmental protection standards equivalent to those likely to be achieved if the *EPBC Act* applied directly to forestry operations in RFA areas. Download the report.

## [Article 2]

### **Problems with the five Victorian RFAs**

All five of Victoria's RFAs are out of date and not fit for purpose, and have failed environmentally, socially and economically.

Here are some of the reasons why:

#### **Failed objectives**

RFAs have failed to deliver on both conservation and industry objectives; that is: safeguarding biodiversity for future generations, and creating timber and pulp industry stability and security. For example, key forest-dependant threatened wildlife have *declined* over the twenty-year life of the agreements, and the logging industry continues to be plagued by resource uncertainty, mill closures and job losses.

#### **Out of date**

Environmental conditions and community expectations have fundamentally changed since the late 1990s when RFAs were introduced.

The impacts of climate change, wildfire and the worsening predicament of threatened species are unaccounted for in RFAs.

#### **Wildfire**

RFAs do not take into account the cumulative environmental and wood and fibre resource availability impacts of successive large and intense wildfires that have occurred, nor do they account for the impacts of projected future fire events.

On top of this, [clearfell logging makes forests more fire prone](#).

#### **Climate change**

RFAs make no mention of climate change, the emissions generated by logging intact forests and post-logging burns, nor the critical role protected forests play in safely storing carbon.

## **Unreviewed**

The RFAs are legally required to be reviewed every five years. This has not happened properly. For example, the 2009-2014 review of Victorian RFAs is only happening now. Previous reviews have not considered relevant peer-reviewed science<sup>1</sup> or up-to-date government research and advice<sup>2</sup> concerning forest conservation values, threats to these values, and necessary protections to ensure these values are not destroyed.

Right now, [Friends of Leadbeater's Possum have a court case](#) underway, testing the lawfulness of logging that's already occurred and logging that's planned under the RFAs, given the five-yearly reviews have not been conducted properly.

## **Recommendations ignored**

Recommendations relating to improved threatened species outcomes, from the previous RFA five-yearly review in 2009, have still not been complied with.

For example, one key recommendation in the 2010 [Independent review on progress with implementation of the Victorian RFAs](#) was to develop and review Recovery Plans for species listed under both *EPBC* and *Flora and Fauna Guarantee Act*, but many have still not been reviewed or developed, including for the Leadbeater's Possum, Large Brown Tree Frog and Long-footed Potoroo.

Another was that the West RFA be rescinded before its expiry in 2020. Because it still exists, divisive, non-commercial logging in fragmented and rare forests in Western Victoria is enabled and underway.

## **Enabling non-commercial logging**

RFAs are enabling non-commercial logging in areas where the industry has been reformed and major sawlog production stopped. While re-expansion of logging in Western Victoria is the most prominent example, [native forest logging jobs cost \\$5million each](#), and [logging in East Gippsland is also non-commercial](#).

---

<sup>1</sup> Examples include 'How to Make a common species rare' 2011, Lindenmayer et al.; 'Evaluation of PVA Models of Arboreal Marsupials: Coupling Models with Long-term Monitoring Data' 2006, Lindenmayer et al., 'Assessing reserve effectiveness: Application to a threatened species in a dynamic fire prone forest landscape', 2016, Todd et al; 'Forest Pattern and Ecological Process: A major synthesis of 25 years of intensive research about the montane ash forests of Victoria.' 2009, Lindemayer et al.; 'Fire severity and landscape context effects on arboreal marsupials', 2013, Lindemayer et al; 'Interacting Factors Driving a Major Loss of Large Trees with Cavities in a Forest Ecosystem' 2012, Lindemayer et al, 'Principles and practices for biodiversity conservation and restoration forestry: a 30 year case study on the Victorian montane ash forests and the critically endangered Leadbeater's Possum', 2013, Lindemayer et al.

<sup>2</sup> Examples include the 2013 ARI report 'A new strategic approach to biodiversity: Research Component' authored by Dr Lindy Lumsden and others, and Conservation Advices for Federally-listed species such as [Leadbeater's Possum](#), [Greater Glider](#), [Large Brown Tree Frog](#) and [Long-footed Potoroo](#).

### **Low-value, woodchip-driven industry**

The majority of wood logged from Victoria's native forests is pulped for low-grade woodchip products such as paper. About 20% is used in low-grade, sawn timber products such as pallets and battens, and less than 10% is utilised in high-value, sawn timber products such as furniture and appearance-grade construction timbers.

### **Threatened species in decline**

RFAs have removed the protection of the *EPBC Act* for threatened species in Victoria's forests, leaving only the state regulatory regime— which is outdated, lacks adequate mandatory rules to protect wildlife in logging areas, and is failing to protect threatened species from further decline.

For example, the Leadbeater's Possum has been up-listed to critically endangered, and the Greater Glider added to the *EPBC Act* and the *Flora and Fauna Guarantee Act* as vulnerable to extinction. While the RFAs have been in effect in East Gippsland, populations of the Greater Glider have declined by 50% in that region.

For all other industries, both State and Commonwealth environmental regulations apply.

### **Special treatment**

Every other industry—including the plantation sector, which competes directly with native forest logging and makes up the majority of the industry in Victoria (with 8 out of 10 jobs in the forestry sector generated by plantations)—is subject to national environment law. That means these industries must apply for assessment and approval under the *Environment Protection and Biodiversity Conservation Act (EPBC Act)*. The exemption for native forest logging is unjustifiable, especially when logging is formally recognised as a key threatening process to wildlife and ecological communities protected under the *EPBC Act*. This special treatment for the native forest logging industry must come to an end.

### **Other industries and values**

RFAs do not recognise, include or account for non-wood forest values (such as water, ecosystem services, recreation and tourism) that are contributing [significant sums to the State's economy](#), and could contribute further.

### **Lack of community consultation and social license**

The Victorian community has not been meaningfully consulted about public forest management, yet the logging industry continues to directly influence government forest policy.

There is a glaring need for the government to properly and meaningfully engage with people and communities about the future management of public forests—including whether there is any social license for continued native forest logging.

### **Social impacts and considerations limited**

Consideration of the social impacts of logging has been confined to logging industry employees and

their dependants. This ignores the social impacts of continued clearfelling on rural communities dependant on other forest uses; people dependent on forest health for drinking and rural water use; as well as communities concerned with nature protection in public forests, including for health, well-being and outdoor recreation.