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Re: 2022 Proposed Changes to the Code of Practice for Timber Production

<https://engage.vic.gov.au/2022-proposed-variation-code-practice-timber-production>

Gippsland Environment Group Inc (GEG) is shocked by the apparent deliberate attempt by the Victorian Government to change the Code (yet again) in order to make illegal logging legal.

The Office of the Conservation Regulator has manifestly failed to ensure that VicForests abides by the law. As a consequence community groups have had to instigate legal proceedings. The proposed changes will subvert current Supreme Court cases initiated by community conservation groups to enforce protection of the rare Tree Geebung, and to prevent over-logging in fire management zones adjacent to rural communities. The Code changes are a deliberate attempt to intercept these court actions. The proposed Code changes must be withdrawn.

1. Code changes to logging limits in fire management zones

State-wide prescriptions to restrict logging in Fire Management Zones (FMZ) close to regional communities were implemented in July 2012 following the 2009 Black Saturday Bushfires Royal Commission. The prescribed limits were brought in to protect communities from heightened bushfire risk.

The proposed Code changes will undo these prescriptions by combining smaller, individual zones into huge large fire zone units thus increasing the logging limit as a percentage of area. This will permit VicForests to log a massively increased area of forest close to rural townships. The destruction of more old forest around rural townships and its replacement with young flammable regrowth forests will pose an increased risk to the community of high severity bushfire. Peer-reviewed science¹ indicates up to seven-fold increase in the probability of high severity fire in younger forests up to 40 years post-logging.

East Gippsland townships and communities were severely affected by the 2019-20 bushfires. The small rural communities of Nowa Nowa, Newmerella, Wairewa, Buchan, Clifton Creek, Bruthen, Flaggy Creek, Bullumwaal, Swifts Creek, Ensay, Omeo, Benambra and larger towns such as Lakes Entrance, Bairnsdale and Orbost as

¹ <https://theconversation.com/victorias-logged-landscapes-are-at-increased-risk-of-bushfire-30611>
<https://cosmosmagazine.com/earth/climate/what-fuelled-australias-black-summer-fires/>

well as Mallacoota, which were burnt in or threatened by the bushfires, are surrounded by young regenerating forest post-clearfell logging.

In January this year GEG submitted three Breach Reports to the Office of the Conservation Regulator (Case Reference Number: **2022-0022**) regarding potential over-logging in Forest Management Zones in the East Gippsland region including in two designated Bushfire Moderation Zones and one Asset protection Zone. The proposed Code changes will now prevent any investigation into these reports despite the bushfire risk over-logging clearly poses to the East Gippsland community.

Kinglake Friends of Forests has initiated two court cases in the Victorian Supreme Court in relation to over-logging in Fire Management Zones. While the court case was underway 2700 hectares of forest was excluded from logging. The proposed Code changes to the Forest Management Zones now effectively make these two court cases redundant.

It is unconscionable that the Victorian Government proposes to push through changes to the Code that will result in an increased risk of high severity bushfires to regional townships and communities, in order to protect the government-owned company VicForests from community initiated legal action.

2. The proposed Code changes to definition of endangered Tree Geebung

Warburton Environment has recently concluded a case in the Victorian Supreme Court vs VicForest regarding its failure to protect the endangered Tree Geebung (IUCN listed critically endangered) from logging. The Tree Geebung is only found in the Central Highlands and takes up to 100 years to reach maturity. The species has experienced a dramatic decline of 80% of the population due to habitat degradation caused by logging and fire.

The proposed Code changes will alter the definition of mature Tree Geebung and leave identification of the species in the forest up to VicForests logging contractors. This will seriously weaken protection for the Tree Geebung. If the Victorian Government was serious about protecting biodiversity it would be introducing rigorous prescriptions rather than leaving the identification and protection of the threatened species to logging contractors.

3. The proposed Code changes to move the Management Standards and Prescriptions into the Code as a schedule.

The proposed Code will incorporate the Management Standards and Procedures (MSP) into the Code as a schedule which will override any other threatened species guidelines, Action Statements, or prescriptions within forest management plans:

1.2.4 Scope of the code

The Management Standards and Procedures are informed by relevant policy documents including policies relating to specific forest values such as threatened species, guidelines and strategies within forest management plans made under the Forests Act 1958 and Action Statements made under the Flora and Fauna Guarantee Act 1988. The Management Standards and Procedures replace any directions relating to timber harvesting operations contained within these documents.

The prescription in the MSP for EPBC listed Greater Glider protection is woefully inadequate and applies only in EGFMA. The state-wide protections for Greater Glider under the FFG Action Statement have not prevented the ongoing decline of the species. The Greater Glider is currently under consideration (under EPBC Act) for upgrading of threatened status from nationally Vulnerable to Endangered. Yet the MSP to be incorporated into the Code does not even refer to the inadequate state-wide (Action Statement) protections.

The Yellow-bellied Glider was recently (2 March 2022) listed under the EPBC Act as Vulnerable in south eastern Australia but it has no state-wide protections from logging in the MSP. It only has minimal protections in EGFMA and Otways FMA. The Long-nosed Potoroo was also recently EPBC listed as Vulnerable to extinction in the southern mainland of Australia but under the version of the MSP proposed to be included the Code it is only granted minimal protection in the Portland-Horsham FMA.

The Victorian Government's move to incorporate the MSP into the Code as the overriding instrument will seriously weaken protections for threatened species in Victoria and seriously fails to address their ongoing decline.

In conclusion GEG recommends that the Victorian Government

- Abandon changes to the Forest Management Zoning prescriptions and mapping as they will result in an increased risk of high severity bushfires around regional communities;
- Abandon changes in relation to the endangered Tree Geebung that will weaken protections;
- Stop changes to the Code and associated legislation that will further deregulate and weaken threatened species and forest protections. The Government must instead implement far more rigorous protections based on independent conservation science.

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