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EPBC Act Review Secretariat
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INDEPENDENT REVIEW OF THE EPBC ACT – DISCUSSION PAPER

Forest Industries Federation of WA (FIFWA) is the industry association for the timber industry in Western Australia. Our membership includes all the major companies and businesses that operate in the WA timber industry, including commercial plantation growers and managers, harvest and haulage operators, and timber processors in both the plantation and native timber industry sectors.

FIFWA's submission:

- Recommends an outcomes-driven EPBC Act, that would see improved Commonwealth-State harmonisation;
- Calls for the EPBC Act to provide certainty for plantations by establishing a clear right to harvest for commercial plantations;
- Calls for long-term, cross-tenure forest monitoring for conservation;
- Supports engaging Traditional Owners in environment and heritage management; and
- Uses Carnaby's Cockatoo and pine plantations as a case study to highlight the impact thoughtless application of the EPBC Act is having in WA.

Sincerely,

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About FIFWA

Forest Industries Federation of WA (FIFWA) is the industry association for the timber industry in Western Australia. Our membership includes all the major companies and businesses that operate in the WA timber industry, including commercial plantation growers and managers, harvest and haulage operators, and timber processors in both the plantation and native timber industry sectors.

The timber industry is a key driver of economic activity and jobs in Western Australia, contributing \$1.4 billion to the WA economy and creating about 6000 jobs in WA, with more than 90% of those in regional areas. The industry employs careful and comprehensive management policies to ensure WA's forests are sustainably managed. Less than 1% of the total forest area is harvested annually.

The Discussion Paper

We welcome the opportunity to provide comment on the Independent Review of the EPBC Act – Discussion Paper.

Our comments are not restricted to the scope of the questions contained in the Discussion Paper (the paper), but instead focus on the aspects of the EPBC Act which are sectorally-relevant.

Outcomes Driven EPBC Act Recommended

In broad terms, the operation of the EPBC Act appears weighted towards regulation (process-driven) rather than environmental outcomes (outcomes-driven). FIFWA submits that the EPBC Act would be improved if it focused more on outcomes rather than processes.

Commonwealth-State Harmonisation

The paper correctly notes the fact that all tiers of government in the Federation are active in regulating environmental matters within their respective jurisdictions. A consequence of this is the risk of duplication, especially between states and the Commonwealth. Where duplication of environmental regulation is avoided through a rigorous bilateral instrument like the Regional Forest Agreement (RFA) framework, balance between socio-economic and environmental outcomes can be successfully achieved. The RFA process is enabled when there is respectful acknowledgement by the Commonwealth of the capacity of state agencies to regulate environmental matters to a high degree. This is a welcome example of the Commonwealth conducting strategic assessments at a landscape scale, avoiding the need for a project-by-project assessment of sustainable timber harvesting operations.

Activists who are ideologically opposed to the sustainable harvesting of our renewable forest resources, have made repeated attempts to unwind and disparage the RFA framework. We anticipate that these activists will use this review of the EPBC Act to propagate their unfounded assertions. This should be seen for what it is and rebutted in forthright terms.

Long-term, Cross-tenure Forest Monitoring for Conservation

The Discussion Paper states: “Since the beginning of the Act, there have been some clear improvements in some areas, including substantial expansion to the network of parks and protected areas.” FIFWA asserts that creating reserves by changing land tenure from multiple-use State forest to national park (or other type of reserve) does not necessarily improve conservation outcomes.

Timber harvesting has not been a major threat factor in the extinction of any Australian mammal since European settlement¹. Detection-based conservation strategies in State forest can incentivise anti-forestry activists. Forest monitoring on State forest tenure only is poor practice, without complementary monitoring of forest in reserve systems there is no benchmark.

The landmark FORESTCHECK² study in the south west of WA is a successful example of a long-term, cross-tenure integrated biodiversity monitoring project. FORESTCHECK researchers currently monitor 67 permanent grids in 7 locations throughout the jarrah forest, covering a scientifically robust range of land tenures, vegetation complexes, landforms, and treatment history including silvicultural and fire. Comparison of biodiversity at sites where timber harvesting has occurred in the jarrah forest at a range of intensities, and at reference sites, shows that “few significant impacts were evident and most species groups were resilient to the disturbance imposed”³.

Question 16 of the Discussion Paper asks, “Should the Commonwealth’s regulatory role under the EPBC Act focus on habitat management at a landscape-scale rather than species-specific protections?”. FIFWA submits that a landscape-scale approach is preferred as management options for multiple species and threats can be applied at multiple temporal and spatial scales. This approach must be accompanied by improved research into how all land tenures are delivering conservation and biodiversity outcomes. An improved EPBC Act must see that Governments invest resources in whole-of-landscape benchmarking and monitoring of conservation and biodiversity outcomes, regardless of land tenure.

Timber harvesting is a temporary disturbance, far greater risks to biodiversity loss are the permanent removal of habitat through land clearing, the drying climate and additional pressures from invasive species and wildfires. By renewing the WA Regional Forest Agreement in 2019, the Federal Government essentially recognised that WA’s forests are being managed according to ecologically sustainable forest management practices, and the State’s comprehensive, adequate and representative (CAR) reserve system within the south west region is sufficient. Further expansion to the network of parks and protected areas is unnecessary.

Engaging Traditional Owners in Environment & Heritage Management

FIFWA appreciated the Indigenous Involvement resource included in the Discussion Paper, and is supportive of the relevant provisions in the EPBC Act as outlined. Western Australia’s Djarlma Plan for the state’s Forestry Industry is a pertinent case study in engaging traditional owners (the Noongar community) in setting out a plan to foster ecologically sustainable development while

¹ Woinarski, J. C., Burbidge, A. A., & Harrison, P. L. (2015). Ongoing unraveling of a continental fauna: decline and extinction of Australian mammals since European settlement. *Proceedings of the National Academy of Sciences*, 112(15), 4531-4540.

² <https://www.dpaw.wa.gov.au/about-us/science-and-research/landscape-conservation-research/183-forestcheck>

³ Abbott, I., & Williams, M. R. (2011). Silvicultural impacts in jarrah forest of Western Australia: synthesis, evaluation, and policy implications of the Forestcheck monitoring project of 2001–2006. *Australian Forestry*, 74(4), 350-360.

delivering social and environmental benefits.

The Djarlma Plan aims at engaging communities and integrating traditional knowledge and scientific evidence to achieve new thinking and better outcomes for the WA forestry industry.

Carnaby's Cockatoo & Pine Plantations

The EPBC Act has threatened to undermine business confidence in WA's plantation forestry sector in recent years with the prospect of harvesting and plantation estate expansion being disrupted due to foraging by the listed Carnaby's Cockatoo. In this scenario, which we flagged in a June 2018 submission to the independent review of the interaction between the EPBC Act and the agriculture sector, pine plantations established decades ago to supply WA's housing market have become a preferred food source for these cockatoos⁴. Carnaby's Cockatoo use pine plantations as a forage and roosting site, but not a nesting site⁵.

With well over \$1 billion invested in plantation timber processing capacity and thousands of jobs depending on the industry, thoughtless application of the EPBC Act carries devastating and perverse consequences.

This outcome contrasts starkly with the Australian Government's 2018 forest industry plan, *Growing a Better Australia – A billion trees for jobs and growth*. This plan supports plantation establishment across Australia. This lack of certainty with respect to restrictions in the EPBC in the future creates another barrier for those considering the potential Commonwealth concessional loans to support plantation development, to participate in the carbon market and indeed to achieving the multiple objectives of plantation development such as meeting the predicted increased demand for wood, supporting the forest products industry and climate change mitigation. As mentioned earlier in the submission, there needs to be alignment and consistency between Government policies and programs, and the regulatory framework.

Carnaby's Cockatoo is an example of where in developing conservation advice, the EPBC Act should apply a greater emphasis on social equity and economic considerations, consistent with the principles of ecologically sustainable development. Such an approach could for example, recognise the value in encouraging the expansion of existing pine forage resources (through both establishing new plantations and by allowing multiple rotations) for the cockatoo, which would serve the best interests of population recovery in the long term, and recognise the uncertainty and disincentive for establishing new pine plantations the Act currently creates. Currently the uncertainty created by the EPBC Act could lead to the outcome of not replanting the pine forage resource which would be detrimental to Carnaby's Cockatoo and contrary to the objectives of the Act.

The plantation sector faces unique challenges under the EPBC Act due to the length of time between planting and harvest, unlike other annual crops. The right to harvest commercial tree crops established for the sole purpose of harvesting should be a fundamental principle of the Act.

⁴ Stock, W. D., Finn, H., Parker, J., & Dods, K. (2013). Pine as fast food: foraging ecology of an endangered cockatoo in a forestry landscape. *PloS one*, 8(4), e61145. <https://doi.org/10.1371/journal.pone.0061145>

⁵ EPA (2019). Carnaby's cockatoo in environmental impact assessment in the Perth and Peel Region. Advice of the Environmental Protection Authority under Section 16(j) of the *Environmental Protection Act 1986*. EPA technical report.

Conclusion

The EPBC Act needs to be outcomes-driven; provide certainty for plantations (by establishing a clear right to harvest for commercial plantations) and align with other Commonwealth objectives.

We value this opportunity to provide feedback on the Independent Review of the EPBC Act – Discussion Paper, and look forward to staying involved throughout the review process.

Should you have any questions regarding this submission please do not hesitate to contact FIFWA Deputy Executive Officer Matt Granger on 0407 448 648 or via email m.granger@fifwa.asn.au.