

***Isoodon obesulus obesulus* (southern brown bandicoot (south-eastern)) Listing Eligibility and Conservation Actions**

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The southern brown bandicoot is currently listed by both the Commonwealth and NSW as ‘endangered.’

To remove this listing is a very serious step to take and could expose the species to an uncertain future.

One of the two remaining populations of the Southern Brown Bandicoot in NSW is in the native forests of the far south coast. Much of this area is State Forest and available for or subject to intensive logging for woodchips.

These forests, which include Southern Brown Bandicoot habitat are logged under Regional Forest Agreements, which are supposed to provide the same protection as would have been available under the Environment Protection and Biodiversity Conservation (EPBC) Act, had it applied.

The consultation document dismisses the threat from intensive logging for woodchips as ‘minor.’¹ It is not minor and will almost certainly become worse under proposed NSW legislative changes, reflecting larger machinery designed to log more intensively..

1. Threats from native forest woodchipping

Protection for wildlife under Integrated Forestry Operations Approvals (IFOAs) is grossly inadequate and will soon be worse, once the current ‘remake’ is concluded.

a. General: Fourteen Years of Forest Failure

The State Government is currently rewriting rules for native forest logging because it admits the present rules have failed.

In the Discussion Paper: “Remake of the Coastal Integrated Forestry Operations Approval”, it admits it has no idea whether the current rules have

¹ Extract from Consultation Document on Listing Eligibility and Conservation Actions, p.4:

Timber harvesting	minor	minor	impacts vary depending upon forest management regime, and age of regrowth
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protected wildlife and acknowledges that its rules have not even been enforceable; this includes measures for the Southern Brown Bandicoot. Few, if any surveys were ever done after logging to see whether birds and animals survived, because nobody in the NSW government wanted to know. After admitting to 14 years of abject failure, the government now expects us to believe that it can do a better job, while saving money and getting the same amount of wood out of the forests.

Those objectives simply are irreconcilable and cannot be delivered, especially on the far south coast where we already have the most intensive woodchip logging in the state.

We have seen time and time again that threatened species prescriptions are either useless or are flouted with impunity by State logging agencies. Since the commencement of the RFAs there have been hundreds of well documented instances of threatened species rules being breached either by the Forestry Corporation of NSW or by logging contractors engaged by it or by South East Fibre Exports.²

b. Admissions of IFOA Failure: Quotes

IFOAs have been a failure but without the Commonwealth listing would be even worse.

The following are quotes from a NSW Discussion Paper on the IFOA Remake.

- “monitoring and enforcing compliance with the coastal IFOAs has shown they do not achieve their original purpose. The IFOAs are difficult to understand and implement and the lack of clarity and enforceability of IFOA conditions makes regulation difficult.” (p.5)
- “ the structure of the current coastal IFOAs is neither efficient nor effective.”(p.11)
- “The existing IFOAs include many conditions that are unenforceable in practice..” (p.13)
- “procedure-based, administrative conditions with little or no impact on environmental outcomes” (p.15)
- “The current requirements are unenforceable” (Silvicultural practices, including thinning) (p.18)
- *On regeneration*, “The current requirements are unenforceable” (p18)
- *On forest products operations*, “the EPA has had no regulatory focus on forest products operations over the past five years” (p.18)
- “The TSL component of the current coastal IFOAs is difficult to interpret, implement and enforce. Each TSL is over 100 pages long, is not integrated with the conditions of the EPL and the FL and in many cases, licence conditions focus on process not outcomes” (p.20)
- “These conditions give the impression that the species are ‘protected’ under the licence. However, the species protection zones are only triggered if a nest, den or roost is actually located.” (p.21)
- “highly inefficient.” (p.22)
- “...ambiguous language that makes them difficult to enforce.” (p.29)

² http://www.edovic.org.au/downloads/files/law_reform/One%20Stop%20Chop.pdf

- “The NSW Government recognises that the monitoring required under the current coastal IFOAs does not adequately allow for the evaluation of the effectiveness of IFOA and licence conditions in achieving their intended outcomes.” (p.38)

c. Specific Concerns

Following the remake, protection for the Southern Brown Bandicoot and other species will be weakened.

- It is a serious concern for all species, including the southern brown bandicoot that the aim is merely “not eroding” ecological protection, rather than improving it.
- The overriding concern is to cut costs for FCNSW, but there has apparently been no assessment of costs the new system of IFOAs would require, and just what they would cover. FCNSW’s claim that it currently spends \$7 million on environmental protection is not a large cost.
- There are doubts about whether “landscape” approach “with multi-scale protections” will actually work to improve protections for the bandicoots or other species. The “landscape” approach has been problematic elsewhere and is often merely a way to water down protection and avoid direct responsibility for damage done by logging.

2. RFA areas exempt from the EPBC Act

RFA Regions are exempt from the principal Commonwealth law to protect the environment, the Environment Protection and Biodiversity Conservation (EPBC) Act. This is based on the assumption that protections under the RFAs are at least equivalent³ to the EPBC Act.

There has never been any mechanism to ensure that the protections under IFOAs are equivalent to protections under the EPBC Act.

This RFA exemption⁴ has meant that since the establishment of the RFAs, the Commonwealth’s principal environmental law has not applied in State Forests

³ Question on Notice by Senator Lee Rhiannon, Budget Estimates 2012.

Division/Agency: CCD Climate Change Division

Topic: Wood Pellets and Regional Forest Agreements

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Senator RHIANNON asked:

(7) On what basis has the Government decided to continue to exempt Regional Forest Agreement areas from the EPBC Act, in the absence of any evidence from the Hawke review, RFA reviews or independent scientific research that there is no concern about threatened species?

Answer:

7. This is a decision of the Parliament. Section 38 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides an exemption from Part 3 of the EPBC Act provided forestry operations are in accordance with 20 year Regional Forest Agreement where a Comprehensive Adequate Representative reserve system and ecologically sustainable forest management have been implemented to give an equivalent level of protection to threatened species and ecological communities as could be expected to be achieved if Part 3 of the EPBC Act did apply.

⁴ Part 3 of the EPBC Act exempts “forestry operations undertaken in accordance with a

where Australia's most intensive logging for woodchips⁵ has been carried out. Moreover, in NSW (and other States), nobody actually monitors logging and its impacts to ensure that RFAs do provide equivalent protection.

In Victoria, for example, there is no 'action statement' in place to protect Southern Brown Bandicoots in State Forests.⁶

As far as NSW is concerned, the Commonwealth⁷ has shown no interest in finding out whether protection is equivalent and adequate or not. The report "One Stop Chop: How Regional Forest Agreements Streamline Environmental Destruction" documents how this has occurred nationally.⁸

If the Commonwealth were to de-list the Southern Brown Bandicoot, it cannot be assumed that ANY mechanism would survive to protect these endangered animals in south east forests which are woodchipped.

There would be no standard to hold the IFOAs to account and it would serve as a pretext for NSW to remove its protections altogether.

3. Conclusions

Exemption of RFA areas from the EPBC Act has not served Australia's threatened species in forests well.

- Removal of 'endangered' status for the Southern Brown Bandicoot will put the species at risk, especially for those dependant on habitat in State Forests.
- The threat posed to the southern brown bandicoot is not 'minor' and will become worse if federal delisting occurs since NSW protections will almost certainly be watered down as a consequence.
- The RFA exemption from the EPBC Act should cease. State Ministers have shown they are prepared to arbitrarily override prescriptions when they clash with the perceived interests of loggers.
- 'Equivalent protection' required as a basis for the RFA exemption is illusory. No effort has ever been made to ascertain whether State Government prescriptions under Regional Forest Agreements are adequate for the needs of threatened species and research is never conducted to test whether they work or not.

Regional Forest Agreement (RFA), unless the operation is being undertaken in a property on the World Heritage List, in a Ramsar wetland, or is incidental to another action whose primary purpose does not relate to forestry."

⁵ Approximately 95% of all timber taken from logging native forest in south eastern NSW is to supply wood to the South East Fibre Exports (SEFE) woodchip mill at Eden, owned by the Japanese paper giant, Nippon Paper.

⁶ <http://www.edotas.org.au/wp-content/uploads/2013/10/One-Stop-Chop-Final-report.pdf> p.24

⁷ At a meeting in Sydney between the NSW Environment Protection Authority and forest conservationists on 25th February 2013, EPA officers said: "We are not hearing a lot of concern from the Commonwealth on that." They also stated that it was a matter for RFA reviews, which did not, in fact, deal with it.

⁸ http://www.edovic.org.au/downloads/files/law_reform/One%20Stop%20Chop.pdf