

Submission in response to

Engage Victoria - Central Highlands state forests

prepared by Environmental Justice Australia.

Submitted to Eminent Panel for Community Engagement.

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A. Introduction and summary

1. Environmental Justice Australia (**EJA**) is a public interest environmental law practice, based in Melbourne and undertaking work across our areas of expertise throughout Australia. We provide legal advice and support to the community on public interest environmental issues, advocate for better environmental laws, and provide legal education to the community on environment matters. We act primarily for community organisations, Traditional Owners groups and NGOs on matters concerning environment and natural resources law and policy.
2. EJA welcomes the Victorian state government's commitment to "deliver the largest expansion to our public forests reserve system in our state's history" as part of the May 2023 announcement to end native forest logging in Victoria's state forests. The purpose of this submission is to respond in more detail to the Engage Victoria consultation – *Central Highlands State Forests. Help shape the future of state forests in the Central Highlands* than is allowed through the online portal, and to hold the Victorian government to its commitment to protect native forests in perpetuity in Victoria's reserve system, including in new national parks.

B. Recommendations

3. We urge the Victorian Government to enshrine in legislation an expanded national park system for the Central Highlands, incorporating all areas 1-6 assessed in the Victorian Environmental Assessment Council (**VEAC**) report '*Assessment of the values of state forests in the Central Highlands*' 2023 (the **VEAC Report**¹) that can help deliver:
 - Permanent protection of the high conservation natural values, and intrinsic and physical cultural values of the Central Highlands from logging, mining and other extractive threats
 - Material improvements in joint management of parks in helping to achieve comprehensive land justice for Traditional Owners
 - A roadmap to World Heritage assessment and listing for the outstanding universal natural and cultural values of Victoria's native forests.

Creation of new national parks

4. In its announcement in 2023 to end logging in state forests by January 1st 2024, and in subsequent statements, the Victorian state government committed to "[d]eliver the largest expansion to our public forests reserve system in our state's history"². To date, and almost one year after the announcement, no new additions to the reserve system have been gazetted and no forests have been formally protected. Whilst the move to end to logging is an important first step, this promise has yet to be reflected in law and, as such, remains a policy announcement only, which highlights the need for rapid protection of forests via appropriate tenure and management arrangements. Further, the legacy

¹ Victorian Environmental Assessment Council (VEAC) (2023) Assessment of the values of state forests in the Central Highlands. Interim report. Victorian Environmental Assessment Council, Melbourne.

² The Hon. Daniel Andrews, 'Delivering Certainty for Timber Workers' (Media Release, 23 May 2023) <<https://www.premier.vic.gov.au/delivering-certainty-timber-workers>>.

impacts of the commercial logging industry are continuing to be felt in the forests and by the threatened species that call them home³.

5. We strongly urge the state government to deliver on its promise through this consultation and formally gazette state forests of the Central Highlands in an expanded National Park system that encompasses units 1-6 of the VEAC Report. The creation of these expanded Parks would deliver much-needed protections and opportunities for restoration that do not currently exist.
6. Many threatened species inhabiting the Central Highlands forests continue to face threats in the form of inappropriate fire management regimes, salvage logging after natural disturbances, ongoing logging on private land and climate change, all of which contribute to the loss and destruction of critical habitat and habitat connectivity across the landscape. New and emerging threats, including mining, also pose continued threats to the outstanding natural and cultural values of these incredibly unique forests.
7. It is clear that existing protections have not, and will not, deliver the robust protections needed to ensure the survival of threatened species in the Central Highlands, including the critically endangered Leadbeater's Possum.
8. For decades, citizens, scientists, environmental organisations and Traditional Owners have been calling for permanent protections for Victoria's forests from ongoing threats, including extractive industries. For the Central Highlands region, these calls have included the Great Forest National Park Plan (**GFNP**), which set out a scientifically robust proposal to protect important values of the Central Highlands in new national parks, connecting existing protected areas with more sensible reserve design criteria and more meaningful ecologically informed boundaries. We recognise that other forms and categories of reserves have been proposed. Developed with input from community groups, scientists, individuals and local businesses over many years, the GFNP plan proposes the addition of 355,000 hectares of state forests to the existing system of around 170,000 hectares. We recommend the Eminent Panel familiarises itself with the park proposition through the dedicated GFNP website⁴. The website provides detail of the economic, environmental and social benefits that the GFNP plan would bring to communities of the Central Highlands and to Victorians in general.
9. The Central Highlands and the country proposed for protection under the GFNP plan and in the VEAC Report span the ancestral lands of the Wurundjeri, Taungurung, Bunurong and Gunaikurnai peoples. EJA believes that gazettal of new national park areas should deliver material improvements in resourcing and governance arrangements for joint management of parks by Traditional Owners on country. EJA also acknowledges the many sacred sites, material and intrinsic, located on and connected to these landscapes.
10. EJA supports the naming of components of the park and its constituent landscapes with Traditional Owner place names. We include further submissions on Aboriginal Traditional Owner joint management below.

³ See, for example, Department of Climate Change, Energy, the Environment and Water, *National Recovery Plan for Leadbeater's possum (Gymnobelideus leadbeateri)* (March 2024) 32, 34, 46.

⁴ <https://www.greatforestnationalpark.com.au/park/>

11. Political and policy discussions regarding native forest logging at both state and federal levels suggest threats to care and recovery of the forests estate from this source remain.⁵ We also hold concern that pressures for critical mineral extraction could pose a new threat to forest ecosystems. Alternative uses of the forest estate under statutory protections, such as economic returns for their ecosystem services and rebuilding of those services and benefits, including under the authority or management of Traditional Owners, will achieve enduring economic, cultural and ecological benefits for all communities.

Public support, social and economic benefits

12. National Parks are supported by a vast majority of Victorians. A 2014 survey⁶ by Victorian National Parks Association demonstrates that 89% of Victorians support having a comprehensive network of National Parks and other conservation reserves across the landscape, 96% of Victorians acknowledge the importance of having National Parks protecting nature and 81% of respondents support increasing funds for nature protection.
13. National Parks deliver important economic benefits to Victoria. Parks Victoria's *Valuing Parks* report⁷ states that visitors spend approximately \$1.4 billion on parks per year, the equivalent of around 14,000 jobs. The report finds that parks provide other critical economic ecosystem services including water purification and supply, honey production, flood mitigation, climate regulation, coastal protection and crop pollination. They also provide other societal benefits, including indigenous cultural connections, biodiversity conservation, recreation and health benefits, landscape and neighbourhood amenity and scientific and educational benefits.
14. The Central Highlands forests are located only one hour to the east of Melbourne, an international city with a vastly growing population. The current recreational and outdoor opportunities afforded by existing parks infrastructure in the Central Highlands is limited, with destinations concentrated around a few sites, including the Black Spur, Mount Donna Buang and Lake Mountain. An expanded parks system in the Central Highlands, coupled with increased resourcing and better visitor facilities will help disperse visitors throughout the region.
15. In fact, a cost-benefit analysis of land use options for the native forests of the Central Highlands undertaken by the Blueprint Institute in 2023 concluded that "the tall wet forests within the Central Highlands provide a unique tourism opportunity for Victoria" and "[i]ncreased tourism revenue would be of enormous economic and social benefit to the surrounding regions". The analysis also included an estimation of the costs associated with creating and maintaining infrastructure for a new national park and determined that it would generate millions of dollars in profit each year.⁸ It presented a cost-benefit analysis of conserving wet forests in the Central Highlands of Victoria and

⁵ <https://www.peterwalsh.org.au/media/foi-documents-expose-state-labors-18-month-stealth-war-to-end-native-timber/>

⁶ <https://vnpa.org.au/wp-content/uploads/2016/05/Exploring-Victorias-National-Parks.pdf>

⁷ <https://www.parks.vic.gov.au/-/media/project/pv/main/parks/documents/about-us/valuing-victorias-parks/valuing-victorias-parks.pdf?rev=1b802c3d0c53413187751011331cd177>

⁸ Blueprint 11.

concluded that an immediate end to native forest logging, as opposed to 2030 exit, would deliver an economic benefit of approximately \$59 million.

16. In comparison to residents of Sydney, Melburnians have much less opportunity to visit national parks on their doorstep. A GFNP comparison⁹ shows that Sydney has approximately 1.1 million hectares of national park in close proximity, whereas Melbourne has only approximately 170,000 hectares. The GFNP plan would bring this figure up to around 500,000 hectares, providing greater opportunities for Melburnians to get into nature on the fringe of the city.
17. Studies have also been undertaken into the economic value of tourism, stored carbon and water yield which can flow from increased protection of nature-based areas such as the forests of the Central Highlands. A report released in 2017 by the Nous Group indicated that the protection and enhancement of the environmental assets of the Central Highlands would present many opportunities within the region, including the establishment of 750 new full-time jobs.¹⁰

High Conservation Values

18. The high conservation values of the forests of the Central Highlands are well known. The Comprehensive Regional Assessment¹¹ for the Central Highlands, published in 1997, states “[t]he region is of significant interest because of the diversity and pattern in its vegetation and faunal communities”.
19. In 2023, the Victorian Environmental Assessment Council (**VEAC**) published a report *Assessment of the values of state forests in the Central Highlands*¹² building on its previous publication, *Conservation values of state forests*¹³ from 2017. Both of these reports substantiate the environmental significance of forests of the Central Highlands.
20. In the 2017 report, VEAC confirms:
 - “[t]he largest blocks of land that make the highest relative contribution to forest biodiversity conservation (in red) are in the Central Highlands....”, and
 - “[s]tate forests in the Central Highlands, South Gippsland and East Gippsland almost completely comprise land in the highest category to forest biodiversity conservation.”.

The 2023 VEAC report confirms:

- “[t]he tall wet forests of the Central Highlands have very high values for nature conservation”, and

⁹ https://www.greatforestnationalpark.com.au/wp-content/uploads/2022/10/sydney_melbourne_parks_around_the_cities_-_comparison.pdf

¹⁰ Nous Group, *Great Forest National Park: economic contribution of park establishment, park management, and visitor expenditure* (Report, 3 February 2017)

¹¹ https://www.agriculture.gov.au/sites/default/files/sitecollectiondocuments/rfa/regions/vic-central-highlands/regional-assessment/tables/vic_cent_summ_june97.pdf

¹² Victorian Environmental Assessment Council (VEAC) (2023) *Assessment of the values of state forests in the Central Highlands*. Interim report. Victorian Environmental Assessment Council, Melbourne.

¹³ <https://www.veac.vic.gov.au/investigations-assessments/previous-assessments/investigation/conservation-values-of-state-forests-assessment-report>

- “[t]he forests of the Central Highlands RFA area have significant natural values”, many of which are “outstanding” and “commensurate with a national park”.

21. High conservation values that warrant national park protection include:

- Forest giants. These forests are home to the tallest flowering plants on earth, the Mountain Ash (*Eucalyptus regnans*), including some of the last remnants of old growth of the species on the planet. Towering 90 metres above the ground, mountain ash can grow up to 400 years old. Few places on earth provide the opportunity to walk amongst these giants only an hour from a major international city.
- Special species habitat. The forests provide habitat to almost 400 species of threatened plant and animal species, including Victoria’s faunal emblem, the endemic and critically endangered Leadbeater’s Possum (*Gymnobelideus leadbeateri*), the endangered Southern Greater Glider (*Petauroides volans*), the endangered Tree Geebung (*Persoonia arborea*) amongst dozens of threatened forest dependent species. The protection of all hollow bearing trees – critical habitat for so many species – across the landscape is important, especially given the extremely high rates of loss from fire and logging across the Central Highlands in recent years¹⁴. The loss of hollow-bearing trees has been listed as a Potentially Threatening Process under the Flora and Fauna Guarantee Act 1988 (Vic) almost since its inception¹⁵ and, given the severity and scale of recent fires, all unburnt forests now play a key role in giving species a lifeline to the future. Their protection is a priority.
- Carbon banks. The forests of the Central Highlands are amongst the most carbon dense on the planet¹⁶. Protecting these carbon stores and allowing younger forests to grow old and restore their carbon carrying capacities are critical responses to Australia’s climate change commitments under domestic and international law.¹⁷ Older forests, with more complex species composition and structure, are more resilient to fire, pests and disease, and therefore are better at retaining and sequestering carbon.¹⁸
- Water supply catchments. Historical forest catchment protection from logging and clearing has ensured Melbourne enjoys some of the best water quality in the world. With a growing population and the impacts of climate change, ensuring all water catchments, including upper catchments, are protected from any intentional forms of degradation will be paramount for future water supply.

¹⁴ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0041864>

¹⁵ DELWP, *Flora and Fauna Guarantee Act 1988 – Potentially Threatening Processes List* (May 2023).

¹⁶ <https://www.pnas.org/doi/full/10.1073/pnas.0901970106>

¹⁷ For example, *Climate Change Act 2019* (Vic), s 17; UNEP – Convention on Biological Diversity, Decision Adopted by the Conference of the Parties to the Convention on Biological Diversity: Hunming-Montreal Global Biodiversity Framework, 15th mtg – Part II, Agenda item 9A, CBD/COP/DEC/15/4 (19 December 2022) Annex < <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>>.

¹⁸ See Victorian Forest Alliance, *Victoria’s Forest Carbon: An Opportunity for Action on Climate Change* (Report, October 2022).

22. The Leadbeater's Possum is endemic to Victoria and found exclusively in the Central Highlands. The long overdue National Recovery Plan¹⁹ for the species was recently released by the Federal Government. Key concerns were raised for the species with statements and actions clearly confirming the need for formal reserve expansion in the Central Highlands to ensure the survival of the species:

- “[a]ll sites at which the species has recently been recorded are important and merit protection; as do all areas at which there is a reasonable likelihood of its occurrence as indicated by occupancy and population viability analysis (PVA) modelling”
- “[g]iven the current Critically Endangered status of Leadbeater’s possum, and its predicted severe ongoing decline, including significant risks of extinction, all current and prospective suitable habitat is critical for its survival, and necessary for its recovery”
- “[h]abitat critical to the survival of the species should not be destroyed or modified and be appropriately managed to support long-term recovery of the species.”
- “By the end of the second year...The reserve system is expanded consistent with distribution and population viability models, and land-use planning, to a level that provides confidence that long-term risks of extinction are acceptably low (Action 2.2 and Action 2.3)”.

Action 2.5 of the plan, with a priority of Urgent, confirms the need for park expansion:

- “Expand the dedicated reserve system with the aim of providing maximum protection of habitat critical, and responding to a dynamic environment and climate, incorporating sufficient areas of current and future suitable habitat to ensure that it is adequate to maintain and enhance the long- term population viability of Leadbeater’s possum.”
- “Accordingly, there is need for substantial enhancement of the existing dedicated reserve system, to recognise its primary role in providing for the long-term persistence of the species. Implementation of a substantial expansion of the current reserve system, informed by Action 2.6 and Action 2.7, should seek to encompass all areas of high likelihood of occurrence of the species (currently and in the future). It should also include areas of current and projected old-growth forests; and such expansion should increase the connectivity of the reserve system, as well as protecting a range of other values.”

Pursuant to s 269(2) of the *Environment Protection and Biodiversity Conservation Act 1998* (Cth) (**EPBC Act**), the Federal and Victorian Governments are responsible for the joint implementation of the National Recovery Plan.

23. We acknowledge the joint statements in the recovery plan from Traditional Owner groups:

¹⁹ Department of Climate Change, Energy, the Environment and Water, *National Recovery Plan for Leadbeater’s possum (Gymnobelideus leadbeateri)* (March 2024) 26.

- “Wurundjeri, Taungurung and Gunaikurnai welcome a Recovery Plan for the Leadbeater’s possum, and the Threatened Species Strategy generally as taking a necessary step toward halting the decline in biodiversity”²⁰
 - “The Wurundjeri, Taungurung and Gunaikurnai wish to acknowledge the current status and challenges confronting the Leadbeater’s possum as representing the greater crisis in which our Wurundjeri, Taungurung and Gunaikurnai landscapes and biodiversity find themselves as we all place pressures on biodiversity through our daily actions.”²¹
24. The National Recovery Plan also makes it clear that logging (timber harvesting) was one of the key threats to the species and that impacts last decades. With the risk of logging being reintroduced into Victoria’s forests in the future remaining, formal protections of all known and modelled sites are critical. The plan confirms “[t]he main threat to this species has been decline in the extent, quality and connectivity of suitable habitat, particularly the loss of hollow-bearing trees, due mostly to timber harvesting, which has occurred over many decades.”
 25. The plan confirms that the Leadbeater’s possum has substantial community profile and interest and is the focus of community conservation action. The Plan states that “[l]ong term collaborative effort by the community in working towards the successful recovery of an iconic critically endangered species could have significant positive social benefit and serve as a model to engage communities more broadly in threatened species conservation.”²²
 26. Justification for a large expansion in the formal reserve system in the Central Highlands in relation to the Leadbeater’s Possum is found in the fact that the current reserve system comprises less than 50 per cent of the modelled habitat range of the species²³.
 27. Similar statements as to the inadequacy of current measures are made in the Conservation Advices for the Greater Glider and Yellow-bellied Glider, both of which are listed under the EPBC Act and facing a very high or high risk of extinction in the wild. In July 2022, after the 2019/20 bushfires, Greater Gliders were uplisted from vulnerable to endangered.²⁴
 28. The Conservation Advice for the Greater Glider confirms that “[s]topping decline and supporting recovery is complex, due to a need to fully identify all the threats, the requirement for a high level of planning to abate the threats, a high level of support by key stakeholders, a high level of prioritisation and a highly adaptive management process. Existing mechanisms are not adequate to address these needs.”

²⁰ Department of Climate Change, Energy, the Environment and Water, *National Recovery Plan for Leadbeater’s possum (Gymnobelideus leadbeateri)* (March 2024) 79.

²¹ Ibid.

²² Department of Climate Change, Energy, the Environment and Water, *National Recovery Plan for Leadbeater’s possum (Gymnobelideus leadbeateri)* (March 2024) 77.

²³ Lindenmayer, D.B., Taylor, C.; Fenner School of Environment and Society, ANU. *The Identification of High Conservation Values of the Central Highlands*, 2022.

²⁴ Department of Climate Change, Energy, the Environment and Water, *Conservation Advice for Petauroides volans* (Conservation Advice 254, 2022).

29. The Conservation Advice for the Yellow-bellied Glider concludes that there is a need to re-assess and revise prescriptions and establish new prescriptions where necessary to manage the impacts of timber harvesting and planned burns on the species.²⁵
30. In recent court proceedings, the Supreme Court of Victoria found that the precautionary principle was engaged in relation to Greater Gliders²⁶ and Yellow-bellied Gliders²⁷ on the basis that timber harvesting operations in Victoria posed a threat of serious and irreversible damage to both species."²⁸
31. The forests of the Central Highlands were recently the subject of a lengthy court case brought by Friends of Leadbeater's Possum (**FLbP**) against state-owned logging agency, VicForests. EJA represented FLbP in these proceedings. The Federal Court found that VicForests had not complied and was unlikely to comply with both state and federal laws designed to protect threatened species. Instead of removing bulldozers from the forests, VicForests appealed to the full bench of the Federal Court and won on a single technical ground - that logging was exempt from federal environmental law. The full bench of the Federal Court found in favour of Friends of Leadbeater's Possums on more than 20 other grounds and set in stone a ground-breaking precedent on the precautionary principle and protection of listed species. The court outcome provides clear evidence that historical management continues to harm species. Now that VicForests' operations have ended, the state government can deliver for these species and protect their habitat in an expanded national park reserve system.
32. During the course of proceedings between FLbP and VicForests, Justice Mortimer found that "[t]he Leadbeater's Possum is critically endangered – that is, it is facing an extremely high risk of extinction in the wild in the immediate future. In that context, the conservation of every individual of the species matters."²⁹ The conservation and protection of every single Leadbeater's Possum colony, without doubt, matters.
33. Consequently, all Leadbeater's possum sites, known and modelled, across all units of the VEAC study, should be included in an expanded reserve system.
34. The significance of native species to First Nations peoples, including the Greater Glider specifically, was emphasised by Wurundjeri Traditional Owner, Stacie Nicho Piper in the Conservation Advice for the species. Ms Piper stated that "[a]ll native animals on Country are our totems, spirit protectors, including the greater glider. They hold significant roles in the balance of country and our spiritual connections/values. When they are affected, country is affected, we as people are affected."³⁰
35. Endangered native flora species are also at risk of extinction due to threats that could be appropriately mitigated through the creation of a National Park and the protections and ongoing management it would deliver.

²⁵ Department of Climate Change, Energy, the Environment and Water, *Conservation Advice for Petauroides volans* (Conservation Advice 254, 2022) 18.

²⁶ *Environment East Gippsland Inc v VicForests (No 4)* [2022] VSC 668 [176]-[204].

²⁷ *Environment East Gippsland Inc v VicForests (No 4)* [2022] VSC 668 [236]-[245].

²⁸ *Environment East Gippsland Inc v VicForests (No 6)* [2023] VSC 60; *VicForests v Environment East Gippsland Inc* [2023] VSCA 159.

²⁹ *Friends of Leadbeater's Possum Inc v VicForests (No 4)* [2020] FCA 704 [1262].

³⁰ Department of Climate Change, Energy, the Environment and Water, *Conservation Advice for Petauroides volans* (Conservation Advice 254, 2022) 5.

36. The conservation of threatened flora species is equally important. The Tree Geebung (*Personia arborea*), for example, is endemic to the Central Highlands of Victoria and is listed as endangered under the *Flora and Fauna Guarantee Act 1988* (Vic). The slow-growing native species can live to be hundreds of years old and is threatened predominantly by fire and forestry operations.
37. In recent court proceedings, the Supreme Court of Victoria found that the precautionary principle was engaged in relation to the Tree Geebung and granted final injunctions and orders which, in effect, prevented VicForests from carrying out timber harvesting operations in any Wet Forest coupe in the Central Highlands unless, prior to commencing, it carried out proper surveys for Tree Geebung specimens and imposed buffers around “specified Tree Geebungs”.³¹
38. The creation of new national parks in the Central Highlands is entirely consistent with the Victorian Biodiversity Strategy which states:³²
- “Permanently protected habitats on public and private land and waters – in national parks, conservation reserves and Indigenous protected areas, and under covenants – form the backbone of biodiversity conservation. To maintain and improve biodiversity, the extent and condition of these permanently protected areas need to be enhanced.”
39. The IUCN Red Listed Ecosystem assessment lists the Mountain ash ecosystem as Critically Endangered³³. Protection of all old trees, protection of all unburned forests and restoration of previously degraded forests are key immediate management priorities for these forests³⁴. All can be resourced and prioritised through conservation management planning in a new national park.
40. The 2023 VEAC report breaks down the Central Highlands into 6 Units:
- 1) Units 1, 3 and 4 were found to contain outstanding natural values with low use conflict and were assessed as being “*commensurate with national park*” designation. We support this assessment of national park status and acknowledge the important gaps in the reserve system that these would fulfil, detailed in Figure 3.3 of the report. These areas cover important water catchments such as McMahons, Cement and Starvation Creeks, which were the subject of environmental groups protection campaigns for over two decades. Importantly, these Units were assessed by VEAC as containing the highest relative importance of habitat for the 49 forest dependent species included in the report.
 - 2) Unit 2 was assessed as having “*moderate values*”. It is EJA’s view that all known and modelled threatened species habitat is of high, not moderate, value.

³¹ *Warburton Environment Inc v VicForests* (S CI 2020 02461), Final Orders dated 7 December 2022. Note: ‘Specified Tree Geebungs’ is defined in the Final Orders to refer to a Tree Geebung with a DBHOB (diameter at breast height over bark) of at least 10cm which is measured at 1.3m above ground on the upslope side of the tree.

³² Department of Environment, Land, Water and Planning, *Protecting Victoria’s Environment – Biodiversity 2037* (Report, 2017) 48.

³³ <https://assessments.iucnrl.org/assessments/16>

³⁴ <https://onlinelibrary.wiley.com/doi/epdf/10.1111/aec.12200>

The 2017 VEAC report and the Victorian Government's Forest Information Portal indicate detected, known and modelled Leadbeater's Possum habitat in this unit. The Victorian Government's Habitat Importance Model maps forests in this unit as being important for the endangered Greater Glider. The unit is significant to other threatened species, including the Sooty Owl, Powerful Owl and Yellow-bellied Glider. VEAC's 2017 report found the unit contains large patches of forest considered of "relatively high contribution to biodiversity conservation" for forest-dependent species (Figure 2.2), large areas of moderate to high tree age value (Figure 2.9) and large areas of ash forests, including mountain ash, an ecosystem, as stated above, which is listed as critically endangered by IUCN. As such, we strongly recommend its inclusion in a National Park. Park designation for Unit 2 would also protect important watercourses and headwaters of Big River, Taponga River and Upper Goulburn catchments provides an important ecological link between the Yarra Ranges, Lake Eildon and Alpine National Parks.

- 3) Unit 5 is described as having "*broadly lower natural values and lower level and variety of uses that would conflict with protected area designation*", however, the VEAC report notes that "*These generally drier forests may have had higher relative value if species more characteristic of the drier forests and woodlands further north were included in the analysis.*". Reasons for why these species were not included in the 2023 assessment have not been given, but they were included in the previous VEAC assessment in 2017 (79 species in the 2017 compared to 49 species in 2023). In the 2017 VEAC report, the areas to the north, west and east of Kinglake National Park, including Mount Disappointment and Mount Robertson state forests are all of relatively high contribution to biodiversity conservation and we support their inclusion in a park. The inclusion of Mount Robertson state forest makes ecological sense as it joins the main components of the existing Kinglake National Park. Recent surveys in Tallarook State Forest are indicative of the uncomprehensive nature of historical survey work in this unit. Recent Forest survey program work concentrated on areas of forests scheduled for logging on the Timber Release Plan (TRP), yet around 80% of this unit was not on the TRP. Those recent surveys that were conducted detected Greater Gliders at concentrations in Tallarook State forests found to be higher than anywhere else in the Central Highlands³⁵. This contrasts to only a small number of historical records³⁶. These findings indicate that models presenting lower contributions to biodiversity from this unit are likely due to a lack of survey effort. Given the Greater Glider is now endangered - it is critical that this unit be afforded National Park status to protect the area containing the highest density of this species in the Central Highlands.
- 4) Unit 6 was also assessed as "*a sizeable area containing outstanding natural values commensurate with a national park designation*" but with a potentially high conflicting use for mineral extraction. The government should ensure all areas of outstanding natural values are afforded tenure commensurate with such values – being national park or equivalent status. It would be unacceptable environmentally and a profound disappointment if outstanding natural values

³⁵ BEAM Mitchell Environment Group, personal communications, May 6th, 2024

³⁶ Ibid.

that survived decades of mismanagement under industrial logging were then lost to mining pressures despite the assessment of such areas as of outstanding natural value warranting national park protection. Areas of such high conservation value should not be designated for mining. It is difficult to see how such projects could proceed in this area in any event without unacceptable environmental impacts, including given the presence of critical habitat for Leadbeater's possum. National Park status should be afforded based on the quality of the site irrespective of potential mining interests. The use of mining interests to defeat an area's qualification for national park status is extremely poor environment governance and reserve design. It places the interests of industry ahead of those of the environment during a period when all levels of government recognise we are facing an unprecedented extinction crisis and more must be done to protect threatened species and their habitat from continued decline. Preventing designation as national park on the basis of mining interests prevents the park from achieving its very purpose – being to protect the most significant areas from destruction and ongoing threats. Carving out areas from the park boundary not on the basis of their natural values, but due to the presence of identified threats, is entirely contrary to the outcome the park is supposed to achieve and undermines its very purpose. Unit 6 contains known and modelled threatened species habitat, including for the Leadbeater's Possum, Greater Glider, Yellow-bellied Glider, Sooty Owl, Powerful Owl, Masked Owl Smoky Mouse, Baw Baw Frog and Spotted Tree Frog and therefore protection is paramount, particularly given the threats from mineral extraction. Similarly to Unit 2, this area contains large patches of forests VEAC considers to be of "relatively high contribution to biodiversity conservation" (Figure 2.2 in VEAC report), significant stands of high tree age (Figure 2.10) and large areas of ash forest (Figure 1.5), an ecosystem at risk of collapse³⁷ - protection of this unit with national park or equivalent status is therefore vital. This unit also contains the Upper Thomson catchment, Melbourne's largest and most significant water supply reservoir. The protection of water catchments, including their upper catchments (Thomson and Jordan Rivers), is critical to future water supply.

Management and restoration

41. In supporting new national parks, EJA recognises the need to provide adequate funding for reserve management. Criticisms of park management often relate to lack of funding and resource management, particularly pertaining to the issue of pest and invasive species controls. Ongoing active management of pests, including deer populations, will be crucial for the maintenance and restoration of forest health into the future.
42. Past logging operations have led to issues of failed forest regeneration across large areas of the landscape³⁸. Well-resourced, active restoration and regeneration will be

³⁷ E. L. Burns, D. B. Lindenmayer, J. Stein, W. Blanchard, L. Mcburney, D. Blair, and S. C. Banks, "Ecosystem assessment of mountain ash forest in the Central Highlands of Victoria, south-eastern Australia," *Austral Ecology*, vol. 40, pp. 386-399, Jun 2015.

³⁸ <https://www.abc.net.au/news/2021-11-30/vicforests-accused-of-failing-to-regenerate-logged-forests/100652148>; Margaret Blakers, *After the logging* (Report, November 2021).

- required to restore forests to their natural compositions and structures, ensuring they have the best chance to build resilience, particularly in the face of a changing climate.
43. Protecting native forests is also a climate solution and safeguards the quality of our drinking water. The National Recovery Plan for the Leadbeater's Possum states that "[t]here is a well-documented empirical relationship between forest stand age and water yield for mountain ash catchments in the Central Highlands: catchments dominated by large old trees and old-growth forests yield significantly more water and improved water filtration than catchments comprising primarily young forest".³⁹
44. The Australian Government has committed to end deforestation and forest degradation in Australia by 2030⁴⁰. Both the Australian and Victorian Governments have committed to the global goal of worldwide initiatives for governments to designate 30% of Earth's land and ocean area as protected areas by 2030⁴¹. The Victorian government's decision to end native forest logging in state forests in 2024 provides a unique opportunity to contribute substantially to both of these important international commitments and deliver a robust nature conservation legacy for our native forests. As stated in the VEAC 2023 report, governments are committed to developing a roadmap to the 2030 target by this year. Declaration and protection of national parks to protect the areas encompassing units 1-6 in the VEAC Report, or as set out in the Great Forest National Park plan, would contribute a substantial area of high conservation value forests toward this target and demonstrate that the roadmap is producing material outcomes on the ground.

C. Joint Management of reserve system

45. EJA supports joint management of protected areas, new and existing, by the rightful Traditional Owners of Country. We support measures to improve Traditional Owner agency, voice and models of care for healing Country. Such measures include, but are not limited to, reform of joint management presently functioning under the *Conservation, Forests and Land Act*, *Parks Victoria Act*, and *National Parks Act*. For example, within the framework of national park status, reform measures should ensure:
- strengthened operational powers and decision making for Traditional Owners over the relevant parks and reserves estate; and
 - express presumption of accommodation of and deference to Aboriginal law and custom in joint management. For further detail on EJA's views on the imperative for deep reform, please see our submission to the Yoorook Justice Commission Inquiry into Land, Sky and Waters.⁴²

³⁹ Department of Climate Change, Energy, the Environment and Water, *National Recovery Plan for Leadbeater's possum (Gymnobelideus leadbeateri)* (March 2024) 76.

⁴⁰ 'COP28 Global Stocktake decision available at <https://unfccc.int/sites/default/files/resource/cma2023_L17_adv.pdf> and the Glasgow Leaders' Declaration on Forests and Land Use (2 November 2021) available at <<https://webarchive.nationalarchives.gov.uk/ukgwa/20230418175226/https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>>.

⁴¹ cbd.int/gbf/targets/3/

⁴² <https://yoorookjusticecommission.org.au/document-library/submission-environmental-justice-australia/>

46. EJA believes that expansion of the existing park estate can not only be protective, but can lead to restorative and reparative outcomes, including for joint management, for Traditional Owners. Hence, we believe the two are mutually supportive.
47. Park management can and should secure resources essential for underpinning cultural assessments that can ensure sites, processes and practices of significance are identified and appropriately protected and sensitively managed. We strongly support Indigenous ranger programs and for those positions to be funded by government. Here, we note the goal in Taungurung Land and Water Council's Country Plan, for example, for dedicated rangers in National Parks and reserves⁴³.
48. As stated above, we support placed based Traditional Owner names for constituent parks across the Central Highlands.
49. The cost of restoring forests from decades of logging and damage is significant. EJA calls on government to secure significant funding arrangements to enable active, on country restoration and monitoring of forest ecosystems across the Central Highlands. For this restoration, we support the collaborations across Aboriginal communities, non-Aboriginal organisations, scientists, governments and NGOs leading to the repair and safeguarding of the forests and forest dependent species, with scientific and cultural values informing each other.
50. Whilst the creation of protected areas can and does lead to positive economic outcomes and healthy experiences for the broader public, particularly through nature-based tourism, we support culturally and ecologically sensitive forest visitation and access.

D. World Heritage assessment

51. The natural and cultural values of Victoria's native forests, including those of the Central Highlands, are of outstanding universal value. They deserve to be assessed for World Heritage Property status. Such an assessment for World Heritage value was a commitment of both state and federal governments at the outset of the Regional Forest Agreement process, as follows:⁴⁴
 - "Two possible World Heritage themes have been identified as potentially represented in the Central Highlands - Australian marginal swells associated with the Eastern Highlands and areas with outstanding relevant examples of Eucalyptus-dominated vegetation. An assessment of the possible representation of these themes in the Central Highlands will be undertaken in a broader context which covers other parts of Victoria and other states."
52. An initial Expert Workshop was held in 1999 to discuss a possible approach to identification of World Heritage values in Victoria's forests. The expert panel confirmed the existence of outstanding universal value, identified a summary of outstanding universal values and significant attributes of eucalypt-dominated vegetation in Australia,

⁴³ https://taungurung.com.au/wp-content/uploads/2021/01/Taungurung_Country-Plan.pdf

⁴⁴ https://www.agriculture.gov.au/sites/default/files/sitecollectiondocuments/rfa/regions/vic-central-highlands/info-kits/Summary_of_the_Report.pdf

including for Victoria's forests and identified the need for further investigation for possible global significance of cultural values.

53. In the 25 years since that meeting, the listing process, and further investigations, have not progressed in Victoria. EJA believes that a roadmap to World Heritage listing for the cultural and natural values of forests of Victoria, including in the Central Highlands, should now be developed. The creation of new national parks can and should be an enabler for the commitment from a quarter of a century ago to now move forward.