

Submission in response to

## Engage Victoria – The future of Victoria’s state forests

prepared by Environmental Justice Australia.

Submitted to the Great Outdoors Taskforce

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### **Acknowledgement of Country**

We acknowledge the Traditional Owners of the lands on which our team lives and where the EJA office is located and the Traditional Owners of the forest Country this submission relates to. We pay our respects to Elders past and present and recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded.

## A. Introduction and recommendations

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 Owner 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".<sup>1</sup> In the Second Reading Speech to the *Sustainable Forests (Timber) Repeal Bill 2024 (Vic)*, the Hon. Minister Dimopoulos confirmed that the end of native forest logging in Victoria "creates significant opportunities to maintain resilient, healthy forests, advance Traditional Owner self-determination in land and fire management, and achieve environmentally sensitive economic development and employment from Victoria's forest estate."<sup>2</sup>
3. We urge the Great Outdoors Taskforce to make recommendations that support the Victorian Government to deliver on its commitments and ensure the long-term protection of state forests in the East Gippsland, Gippsland and North East forest regions against industrial logging and mining.
4. Specifically, we submit that the Taskforce should make recommendations which:
  - (1) Safeguard high conservation natural values and intrinsic and physical cultural values in an **expanded national park and conservation reserve system**. These tenure types presently provide the most secure means to ensure biodiversity and forest ecosystem function, including by protecting from a future change of government and/or policy, and are a crucial component to delivery of the promised expansion to Victoria's reserve system. The delivery of permanent protections against industrial logging and mining is also entirely consistent with State, Federal and international obligations and commitments. We recommend that the Taskforce consults with Traditional Owners to understand their experiences of joint management of the parks estate to date to inform consideration of how these processes can be strengthened via reform of the *National Parks Act 1975 (Vic)* and the proposed new Public Land Act.
  - (2) **Action calls from Traditional Owners** for properly resourced self-determined land management methods, which may include full management of Aboriginal Title, the handing back of public lands and expanded ranger programs.
  - (3) Ensure **sufficient funding** is available to support proper management of parks and reserves.
  - (4) Deliver a **roadmap to World Heritage assessment and nomination** of the outstanding universal natural and cultural values of Victoria's native forests.

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<sup>1</sup> Premier of Victoria, 'Delivering Certainty for Timber Workers' (Media Release, 23 May 2023).

<sup>2</sup> Victoria, Parliamentary Debates, Legislative Assembly, 1 May 2024 (Steve Dimopoulos).

- (5) Propose **legislative reform to comprehensively implement** the Government's decision to end native forest logging and safeguard against future extractive industries.

## B. New additions to national parks and reserves

5. In its announcement in 2023 to end native forest logging in state forests by 1 January 2024, and in subsequent statements, the Victorian State Government has committed to delivering “the largest expansion to our public forests reserve system in our state’s history”<sup>3</sup>. To date, no new additions to the reserve system have been gazetted and no forests have been formally protected.
6. Many threatened species inhabiting eastern Victoria’s 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 incredible and unique forests.
7. We strongly urge the State Government to deliver on its commitment to ensure long-term protection of state forests against industrial logging and mining. The best legal protection currently available to safeguard these forests is through formal gazettal in expanded national parks and reserves. The creation of expanded parks and reserves would deliver opportunities for conservation and restoration that do not currently exist.
8. We recommend that the Taskforce consults with Traditional Owners to understand their experiences of joint management of the parks estate to date to inform consideration of how these processes can be strengthened via reform of the *National Parks Act 1975* (Vic) and the proposed new Public Land Act.<sup>4</sup>

### Public support, social and economic benefits

9. National Parks are supported by a vast majority of Victorians. A 2024 survey<sup>5</sup> commissioned by the Victorian National Parks Association (VNPA) found that 84% of Victorians say national parks are important to them, 80% of Victorians support the creation of new national parks and over half of Victorians say the presence of a national park would make them more likely to visit regional Victoria. The support is strong regardless of geography (city or region) or political preference.
10. National Parks deliver important economic benefits to Victoria. Parks Victoria’s report titled ‘Valuing Parks’ states that visitors spend approximately \$1.4 billion on tourism associated with parks, generating \$1 billion gross value added and around 14,000 jobs in the State economy.<sup>6</sup> The report finds that parks provide other critical economic ecosystem services including cost effective water purification and supply, honey production, flood mitigation, climate regulation, clean air, coastal protection and crop

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<sup>3</sup> Premier of Victoria, ‘Delivering Certainty for Timber Workers’ (Media Release, 23 May 2023).

<sup>4</sup> Department of Energy, Environment and Climate Change (Vic), ‘Renewing Victoria’s public land legislation’ (Web Page) <<https://engage.vic.gov.au/renewing-victorias-public-land-legislation>>.

<sup>5</sup> Victorian National Parks Association, ‘Time for the Allan Labor Government to deliver popular new forest protections’, (Media release, 19 November 2024).

<sup>6</sup> Parks Victoria, *Valuing Victoria’s Parks* (Report, 2015) 4.

pollination.<sup>7</sup> 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.

11. Although it is now dated, a 1993 cost-benefit study into preserving forests in East Gippsland found a net benefit of \$543 million of forest preservation over non-preservation.<sup>8</sup> Recent research<sup>9</sup> has suggested access to areas managed for biodiversity protection has a positive material economic impact on our health system, with extrapolated findings suggesting the 22 million annual day trips to national parks in Australia saves our health budget \$2.1 billion per year.
12. Research from the Victorian Government's Emerald Link Sea to Summit survey program confirmed support for nature-based activities to draw visitation to eastern Victoria, as follows:<sup>10</sup>
  - (a) "[T]here is significant support from both the East Gippsland shire and Destination Gippsland to grow nature-based tourism...."
  - (b) Strong support for a medium 4-5 day walking track.
  - (c) Complementary business opportunity includes Indigenous interpretation and cultural education programs.

### Expansion of existing national parks and reserves

13. Particularly in the wake of recent major fire events in eastern Victoria, existing tenure arrangements have not, and will not, deliver the robust protections needed to ensure the survival of threatened species in eastern Victoria, including for iconic native species such as the Greater Glider<sup>11</sup>, Yellow-bellied Glider<sup>12</sup>, Spotted-tailed quoll<sup>13</sup> and Long-Footed Potoroo.<sup>14</sup>
14. Previous park proclamations in eastern Victoria have been heavily compromised by the historical influence and resource needs of the woodchip and logging industry. For example, the boundaries of the Errinundra National Park were not based on ecological science and best practice reserve design. The park contains large non-sensical ecological "holes", almost entirely encircled by park, and the boundaries end where the highest resource volume forests exist.<sup>15</sup> Original proposals for protections were

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<sup>7</sup> Ibid 3.

<sup>8</sup> Michael Lockwood et al., 'A Contingent Valuation Survey and Benefit–Cost Analysis of Forest Preservation in East Gippsland, Australia' (1993) 38(3) *Journal of Environmental Management* 233.

<sup>9</sup> Adam Loch et al., 'Increased Monetary Equity and Health Wellbeing Benefits for Marginal Urban Socioeconomic Groups from Access to Green Space' (2024) 102 *Urban Forestry & Urban Greening* 128576.

<sup>10</sup> David Donnelly et al., *Sea to Summit Market Research – Summary of Results* (Slides prepared for DELWP, 20 August 2021).

<sup>11</sup> Department of Climate Change, Energy, the Environment and Water (Cth), *Conservation Advice for Petauroides volans (greater glider (southern and central))* (Conservation Advice, 5 July 2022).

<sup>12</sup> Department of Agriculture, Water and the Environment (Cth), *Conservation Advice for Petaurus australis australis (yellow-bellied glider (south-eastern))* (Conservation Advice, 2 March 2022).

<sup>13</sup> Threatened Species Scientific Committee, *Conservation Advice: Dasyurus maculatus maculatus (southeastern mainland population): Spotted-tailed Quoll, South Eastern Mainland* (Conservation Advice, 1 September 2020).

<sup>14</sup> Department of Agriculture, Water and the Environment (Cth), *Conservation Advice for Potorous longipes (long-footed potoroo)* (Conservation Advice, 15 February 2022).

<sup>15</sup> Friends of Errinundra, Submission No 59 to the Senate Environment and Communications References Committee, *Inquiry into Australia's Extinction Crisis* (May 2024).

undermined by resource allocation to industry. The end to native forest logging presents an opportunity to correct these boundary issues.

15. Additional links should be created between the Alpine, Mitchell River, Snowy River, Errinundra, Coopracambra, Croajingalong, Lind and Alfred National Parks by expanding existing conservation reserves.
16. We also submit that the Great Outdoors Taskforce must give consideration to the Emerald Link<sup>16</sup> project, a community-based initiative to “[p]rotect the last unbroken forest wilderness area on mainland Australia which connects alpine forests to the rugged coastline.”
17. Environmental organisations are currently mapping the values of eastern Victoria’s forests based on current available ecological datasets and will provide this important mapping report to the Great Outdoors Taskforce once complete.
18. The current process provides the opportunity to invest in critical research into biodiversity conservation in the wake of the 2019-20 bushfires, which had major impacts on communities and nature. The Great Outdoors Taskforce is encouraged to give consideration to the ‘After the Fires – Protecting our Forest Refuges’ report<sup>17</sup>, which documents the need to:<sup>18</sup>
  - (a) “[p]rotect each of the key refuges identified in [the] report<sup>19</sup> and any other remaining unburnt forests”
  - (b) “[p]rioritise funding and restoration of areas impacted by bushfires”
  - (c) “[d]eclare and map the key refuges ... as high priority assets in need of protection from all types of future fires, including planned burns.”
19. Scientific analysis has concluded that the existing reserve system is inadequate to protect threatened forest biodiversity in Victoria and has recommended expanding protected areas to meet the ‘Adequacy’ requirement of the Comprehensive, Adequate and Representative (**CAR**) reserve system, protecting old growth and intact forest landscapes and water catchments, and investing in Traditional Owner management of Country.<sup>20</sup> EJA acknowledges that this research is based on western science and refers the Taskforce to the comments in relation to consultation made at paragraph 45 below.
20. The addition of state forests to parks and conservation reserves is also entirely consistent with the Victorian Biodiversity Strategy which states:<sup>21</sup>

“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

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<sup>16</sup> ‘East Gippsland’s Emerald Link – Make a Connection’ (Web Page) <<https://www.emeraldlink.com.au>>.

<sup>17</sup> [Victorian National Parks Association, \*After the Fires – Protecting Our Forest Refuges\* \(Report, January 2021\).](#)

<sup>18</sup> Ibid 2.

<sup>19</sup> Key refuges identified in the report are: Errinundra, Cottonwood Range, Colquhoun, Cabbage Tree, Sardine Creek to Bemm, Far Eastern Forests, Nunniong, Swifts Creek, Mt Alfred and Alpine Region. Ibid.

<sup>20</sup> David Lindenmayer and Chris Taylor, ‘How Well do Immediate Protection Areas Conserve Biodiversity in Victorian Forests?’ (2023) 29(6) *Pacific Conservation Biology* 471.

<sup>21</sup> [Department of Environment, Land, Water and Planning, \*Protecting Victoria’s Environment – Biodiversity 2037\* \(Report, 2017\) 48.](#)

improve biodiversity, the extent and condition of these permanently protected areas need to be enhanced.”

21. At a national level, the National Forest Policy Statement (**NFPS**), published in 1992, sets out the shared vision for the ecologically sustainable management of Australia’s forests.<sup>22</sup> To support the implementation of the NFPS, a set of nationally agreed criteria was developed for the establishment of a CAR reserve system (known as the JANIS criteria).<sup>23</sup>
22. The NFPS specifically defines the need for the CAR reserve system to protect old-growth forest and forested wilderness to reflect “the significance of these areas to the Australian community because of their very high aesthetic, cultural and nature conservation values and their freedom from disturbance”.<sup>24</sup> It also recognises the need for the CAR reserve system to safeguard endangered and vulnerable species and ecosystems.
23. In Victoria, the CAR reserve system was incorporated into the forest management system through the Regional Forest Agreements (**RFAs**) and required the reserve system in each RFA region to include the full range of forest communities (comprehensive), maintain the ecological viability of forest species (adequate) and reflect the biodiversity of forest communities (representative).
24. A 2022 review<sup>25</sup> by the Department of Environment, Land, Water and Planning (now the Department of Energy, Environment and Climate Action (**DEECA**)) found that protections could be improved by adding current state forests into the formal reserve system.
25. In February 2024, DEECA announced that the RFAs in Victoria would end on 31 December 2024, six years earlier than planned, to align with the end of native forest logging on public land.<sup>26</sup> We support this decision, however it is crucial that the State’s CAR reserve system commitments and obligations are given legal effect elsewhere in Victorian legislation.

### High conservation values of eastern Victoria’s forests

26. The high conservation values of forests of eastern Victoria have been comprehensively studied and documented over decades. Although the East Gippsland region comprises about 4% of Victoria’s land area, it is home to approximately one third of Victoria’s plant species (over 1,430 plants have been recorded<sup>27</sup>), 65% of our bird species and 68% of our mammals.<sup>28</sup> Distinguished English botanist and environmentalist Professor David Bellamy once described forests of East Gippsland as “the most diverse range of temperate forest ecosystems on Earth.”<sup>29</sup>

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<sup>22</sup> [Commonwealth of Australia, National Forest Policy Statement – a New Focus for Australia’s Forests \(December 1992, Second edition 1995\).](#)

<sup>23</sup> [Joint ANZECC/ MCFFA National Forest Policy Statement Implementation Sub-committee, Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia \(Report, 1997\).](#)

<sup>24</sup> Ibid 11.

<sup>25</sup> DELWP, *Review of the Victorian CAR Reserve System: Synthesis Report* (Report, September 2022).

<sup>26</sup> ‘Victorian Regional Forest Agreements’, *DEECA services* (Web Page, 23 February 2024).

<https://www.deeca.vic.gov.au/futureforests/what-were-doing/victorian-regional-forest-agreements>.

<sup>27</sup> Native Forest Action Council, *The Forests of East Gippsland* (1983).

<sup>28</sup> East Gippsland Coalition, *The National Estate Forests of East Gippsland*, (Briefing Paper, 1987).

<sup>29</sup> Quentin Chester, ‘Victoria’s Wild Frontier, Gippsland’, *Australian Geographic* (Web Page, 4 September 2014)

<https://www.australiangeographic.com.au/travel/travel-destinations/2014/09/victorias-wild-frontier-gippsland/>.

27. East Gippsland's contribution to rainforest protection is invaluable in Victoria. It contains 87% of Victoria's warm temperate rainforest and around 25% of Victoria's cool temperate rainforest<sup>30</sup> and is the only place where the extremely rare overlap of these two rainforest systems occurs. These rainforests are thought to have been continuously present in Victoria for at least 65 million years.<sup>31</sup>
28. The Victorian Government's Ministry for Conservation, Environmental Studies Division, in its report titled 'Sites of Environmental Significance in the East Gippsland Region: Interim Summary Report' found the region consisted of sites of global zoological significance, sites of especially significant and significant botanical value and sites of international and national geological and geomorphological significance.<sup>32</sup> Many of these sites occur outside the current reserve system, including the Nunniong Plain and the Upper Buchan River, parts of the Errinundra Plateau and Bellbird Creek.
29. In the lead up to proclaiming the Errinundra National Park in 1988, the Labor Government made the following statements confirming the importance of East Gippsland's natural values:<sup>33</sup>
  - (a) "[E]ast Gippsland is one of the richest areas for wildlife in Victoria..."
  - (b) "[S]ome of Victoria's most important rainforests occur in East Gippsland" and
  - (c) "[T]his magnificent wildlife heritage includes many species that, in Victoria, only occur in the East Gippsland region. The area is also very important for rare or threatened species, such as the Long-footed Potoroo, Tiger Quoll, Masked Owl and Giant Burrowing Frog."
30. A 1992 brochure published by the Victorian Department of Conservation and Environment stated:<sup>34</sup>
  - (a) "[T]he eucalypt species display such a variety of growth forms, from towering tall trees to dwarf multi-stemmed shrubs, and such a variety of bark types, from 'gum' barks to 'stringy barks and 'iron' barks, that very few species look alike. Similarly, there is such variety in the structure and composition of the understorey species that no two vegetation communities look alike."
  - (b) "[T]he environments of eastern Victoria show considerable variation, perhaps greater than for any other comparable region of the continent."
  - (c) "[T]he Victorian highlands (Alps) are of national and perhaps international geological significance [...] of national and perhaps international geomorphological significance ... of high national biological significance, with individual features of international significance [...] the Mountain Pygmy-possum (*Burramys parvus*) and its habitat are of high international significance."
  - (d) "[E]astern Victoria is an important component of this region. Its special contribution lies in the high diversity of habitats in a relatively small area, most of which are in public land tenures and are still reasonably intact."

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<sup>30</sup> Department of Conservation Forests and Land, *Victoria's Rainforests: An Overview* (1987).

<sup>31</sup> John Busby, *The National and International Scientific Significance of National Parks in Eastern Victoria* (Department of Conservation and Environment (Vic), Occasional Paper Series NPPL No. 8 (1992)).

<sup>32</sup> [Ministry for Conservation, Environmental Studies Division, \*Sites of Environmental Significance in the East Gippsland Region: Interim Summary Report\*, 1981.](#)

<sup>33</sup> Department of Conservation, Forests and Lands, *East Gippsland...A Bright Future* (Brochure, November 1987).

<sup>34</sup> *Ibid.*

- (e) “[T]he continued maintenance of this diversity is a major challenge to present and future generations.

“[T]he number of vascular plant species in the Study Area has not been determined, but is probably in the order of 2000 species. This is about one-tenth of the known Australian flora which, in turn, is about one-tenth of the estimated 265 000 species of plants in the world (Raven 1988).” Extrapolating this out shows the global significance of eastern Victoria. Less than 0.002 per cent of the planet’s surface contains approximately 1% of all plant species.

31. The *National Estate Reports* published for the Gippsland<sup>35</sup> and East Gippsland<sup>36</sup> Regional Forest Agreement noted an extensive list of natural national estate values that were found and persist in eastern Victoria, all of which need updated actions to ensure their protection.<sup>37</sup>

32. The continental importance of East Gippsland, in particular, given its location and character, has been summarised as follows:<sup>38</sup>

“[T]hese large areas of undisturbed vegetation combined with strong biogeographic influences (such as cold sub-Antarctic ocean currents, warm temperate influences, rugged topography including high altitude areas and a distinct climate) distinguish East Gippsland as a place of major biogeographic significance at a continental scale.”

33. In 2017, the Victorian Environmental Assessment Council’s (**VEAC**) *Conservation values of state forests. Assessment report*<sup>39</sup> re-stated the outstanding values of eastern Victoria’s forested ecosystems:

- (a) “[T]he largest blocks of land that make the highest relative contribution to forest biodiversity conservation (in red) are in [...] South Gippsland, the high country between Bright and Omeo, and nearly all of East Gippsland.”<sup>40</sup>
- (b) “[s]tate forests in the Central Highlands, South Gippsland and East Gippsland almost completely comprise land in the highest category to forest biodiversity conservation.”<sup>41</sup>
- (c) “[o]ther large high-contribution patches [to forest biodiversity conservation] are found east of Woods Point, northeast of Bright and on the eastern side of the large block of forest between Dargo and Ensay.”<sup>42</sup>

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<sup>35</sup> [Joint Commonwealth and Victorian Regional Forest Agreement \(RFA\) Steering Committee, \*National Estate Identification and Assessment in the Gippsland Region of Victoria\* \(Report, January 2000\).](#)

<sup>36</sup> [National Estate Report \(Report, Undated\)](#) (‘National Estate Report’).

<sup>37</sup> This list being: extensive natural values; rare and threatened species; places of limited vegetation fragmentation; flora refuges, including places important for succession and from impacts of climate change; places exhibiting unusual flora species richness; nationally rare and uncommon Ecological Vegetation Classes; old-growth forests; endemic flora and fauna species, limit of range flora and fauna species and disjunct flora and fauna species; undisturbed catchments including the unprotected Nicholson, MMunt Elizabeth, Freestone, Little River; key fauna habitats, including for migratory birds, fauna refuge areas, including from climate change, and important fauna breeding areas; relict/primitive (Gondwanic) fauna; and wetlands.

<sup>38</sup> National Estate Report (n 36).

<sup>39</sup> [Victorian Environmental Assessment Council, \*Conservation Values of State Forests - Assessment Report\* \(Report, VEAC, February 2017\).](#)

<sup>40</sup> Ibid 16.

<sup>41</sup> Ibid 19.

<sup>42</sup> Ibid.



### Management and regeneration

34. Past logging operations and multiple fire events have led to large areas of failed forest regeneration across the landscape.<sup>43</sup> As one example, disturbance-adapted species such as Silvertop ash (*Eucalyptus sieberi*) are proliferating in areas where the species did not exist in such abundance prior to logging. Recent intense and frequent fire events have also resulted in the destruction of large areas of Snow gum (*Eucalyptus pauciflora*) and Alpine ash (*Eucalyptus deligatensis*), which are particularly sensitive to future fire events.<sup>44</sup>
35. A 2021 report authored by conservationist Margaret Blakers, and co-published by 19 environmental groups, disclosed the results of regeneration ground checks in harvested coupes compared to data held by DEECA and VicForests obtained under Freedom of Information laws.<sup>45</sup>
36. Drone footage and surveys showed that logging coupes where regeneration activities had been deemed successful were failing to grow into forests with their original species and age mix<sup>46</sup>, resulting in the presence weed-infested grasslands, blackberry patches and stands of wattles. The report detailed case studies of specific coupes that had failed to regenerate<sup>47</sup>, highlighting the need for proper management and restoration.

### Climate action

37. Native forests are crucial to limit the worst impacts of climate change, as they are vital for securely storing carbon.<sup>48</sup> Eastern Victoria's forests are among the most carbon-dense on Earth<sup>49</sup> and ending native forest logging offers a significant climate action opportunity, allowing state forests to mature and permanently capture and store carbon from the atmosphere.
38. A 2021 study on the carbon emissions of the Victorian native forest logging industry found that if all of Victoria's public native forests were protected, around 90 million tonnes of carbon could be sequestered by 2050, providing \$3.1 billion worth of carbon sequestration services to communities.<sup>50</sup>
39. To fully capitalise on carbon-related opportunities, all older forests must be protected from industrial logging and mining, and previously logged or degraded forests should be regenerated.

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<sup>43</sup> Michael Slezak and Mark Doman, 'The Disappearing Forests', ABC (Web page, 30 November 2021) <<https://www.abc.net.au/news/2021-11-30/vicforests-accused-of-failing-to-regenerate-logged-forests/100652148>>; Margaret Blakers, *After the logging – Failing to Regrow Victoria's Native Forests* (Report, November 2021).

<sup>44</sup> Fiona Coates et al, *How Snow Gum Forests and Sub-alpine Peatlands Recover After Fire: Black Saturday Victoria 2009 – Natural Values Fire Recovery Program* (Department of Sustainability and Environment (Vic), 2012); David Bowman and Lynda Prior, 'Fire-driven Loss of Obligate Seeder Forests in the Alps' (2018) 23(7) *Austral Ecology* e16.

<sup>45</sup> Slezak (n 43); Blakers (n43).

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Sandro Federici, Donna Lee and Martin Herold, *Forest Mitigation: A Permanent Contribution to the Paris Agreement?* (Working Paper, October 2017).

<sup>49</sup> Heather Keith, Brendan Mackey and David Lindenmayer, 'Re-evaluation of forest biomass carbon stocks and lessons from the world's most carbon-dense forests' (2009) 106(28) *PNAS* 11635.

<sup>50</sup> Victorian Forest Alliance, *Victoria's Forest Carbon: An Opportunity for Action on Climate Change* (Report, October 2022) 18.

## Australia's international obligations and commitments

40. The Australian Government has committed to end deforestation and forest degradation in Australia by 2030.<sup>51</sup> 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 2030.<sup>52</sup>
41. 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. Declaration and protection of state forests in eastern Victoria would contribute a substantial area of high conservation value forests toward this target and demonstrate that the Federal Government's 'National Roadmap for protecting and conserving 30% of Australia's land by 2030'<sup>53</sup> is producing material outcomes on the ground.

## C. First Nations leadership

42. Victoria's native forests are of immense cultural value, holding deep significance for First Nations peoples, whose ancestral connections and traditional knowledge are embedded in the land.
43. EJA supports calls from Traditional Owners for properly resourced self-determined land management methods which may include full management of Aboriginal Title, the handing back of public lands and expanding ranger programs.
44. EJA also recognises Taungurung Land & Waters Council's position, seeking a new land category of Cultural Reserves on Taungurung Country.
45. EJA advises the Taskforce that it is essential that they meaningfully engage with Traditional Owners for the Country that is the subject of this process. Consultation must be guided by the principles of free, prior and informed consent.<sup>54</sup> Properly resourced consultation must be undertaken not only with formally recognised Traditional Owner groups but also in areas without formal recognition. The views of Traditional Owners expressed in these consultation processes must be at the centre of the recommendations made by this Taskforce.
46. EJA supports Treaty for Victoria and submits that the Taskforce must be cognisant of the commitments made by the Victorian Government in the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic). Via this legislation the State has committed to act in accordance with the Treaty guiding principles at all times. These

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<sup>51</sup> [Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, First Global Stocktake FCCC/PA/CMA/2023/L.17 \(13 December 2023\)](#); 'Glasgow Leaders' Declaration on Forests and Land Use', *UN Climate Change Conference UK2021* (Web page, 2 November 2021) <<https://webarchive.nationalarchives.gov.uk/ukgwa/20230418175226/https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>>.

<sup>52</sup> 'Kunming-Montreal Global Biodiversity Framework: Target 3', *Convention on Biological Diversity* (Web Page) <<https://www.cbd.int/gbf/targets/3>>; [Commonwealth of Australia, Achieving 30 by 30 on land: National Roadmap for protecting and conserving 30% of Australia's land by 2030 \(Report, 2024\)](#).

<sup>53</sup> [Commonwealth of Australia, Achieving 30 by 30 on land: National Roadmap for protecting and conserving 30% of Australia's land by 2030 \(Report, 2024\)](#).

<sup>54</sup> [United Nations General Assembly, Declaration on the Rights of Indigenous Peoples, Resolution A/RES/61/295 \(13 September 2007\)](#).

principles are: self-determination and empowerment; fairness and equality; partnership and good faith; mutual benefit and sustainability and transparency and accountability.<sup>55</sup>

## D. Availability of dedicated funding

47. Well-resourced, active management, via dedicated funding, is essential to restore forests to their natural compositions and structures, and to ensure that they have the best chance to build resilience, particularly in a changing climate.
48. Additionally, funding for long-term research and monitoring programs for both cultural and ecological knowledge gathering and sharing is needed in the face of climate change, increased fire intensity and biodiversity loss.
49. Criticisms of park management often relate to lack of funding and resource management, particularly pertaining to the issue of pest and invasive species controls.<sup>56</sup> Ongoing active management of pests, weeds and invasive species, including deer populations, will be crucial for the maintenance and restoration of forest health into the future.
50. We submit that the 2021 Victorian Legislative Council Inquiry into Ecosystems Decline Report must inform the Taskforce in this process. The Report recommended:

“[T]hat the Victorian Government increase funding for Parks Victoria to undertake active and adaptive land management in the State’s parks and reserves, and consider increasing this funding to 1% of Gross State Product.”<sup>57</sup>
51. An increase to 1% of Victoria’s Gross State Product is a quantum leap from today’s funding arrangements and highlights the glaring need to better fund nature management in Victoria.

## E. World Heritage assessment

52. The natural and cultural values of Victoria’s native forests, including those of eastern Victoria, are of outstanding universal value; they deserve to be assessed for World Heritage Property status. Such an assessment was a commitment of both the state and federal governments at the commencement of the Regional Forest Agreement process for the East Gippsland, North-East and Gippsland regions, which is reflected in historical documents as follows:
  - (a) East Gippsland RFA region: “Parties agree to actively investigate, and participate in, World Heritage assessment of the Australia-wide Eucalypt theme, including any potential contribution from East Gippsland.”<sup>58</sup>

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<sup>55</sup> *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) Part 3.

<sup>56</sup> [Legislative Council Environment and Planning Committee, \*Parliament of Victoria, Inquiry into Ecosystem Decline in Victoria: Volume 1\* \(Parliamentary Paper No 297, Session 2018-2021 \(Volume 1 of 2\)\) 77-84.](#)

<sup>57</sup> *Ibid* xxix. The Report was tabled in parliament in 2021 and is still awaiting Government response.

<sup>58</sup> [East Gippsland Regional Forest Agreement between the Commonwealth and Victorian Governments \(undated\) Clause 16](#) (available from [‘Victorian East Gippsland Regional Forest Agreement’ Department of Agriculture, Fisheries and Forestry \(Web page\)](#)).

- (b) Gippsland RFA region: “The World Heritage Assessment expert panel identified five potential sub-themes in Victoria which warrant further investigation. Three are potentially relevant to the Gippsland region:
- (i) areas with outstanding examples of *Eucalyptus*-dominated vegetation associated with the Eastern Forests of Victoria;
  - (ii) parts of the Australian marginal swells associated with the Eastern Highlands; and
  - (iii) Cretaceous fossils (as exemplified by sites in the Leongatha region).

Both Governments have agreed to participate in the World Heritage assessment of the Australia-wide Eucalypt theme potentially leading to World Heritage nomination.”<sup>59</sup>

- (c) North East RFA region: “The World Heritage Assessment expert panel identified five potential sub-themes in Victoria which warrant further investigation. Two of these sub-themes are potentially relevant to the North East region:
- (i) areas with outstanding examples of *Eucalyptus*-dominated vegetation associated with the Eastern Forests of Victoria; and
  - (ii) parts of the Australian marginal swells associated with the Eastern Highlands.

Any assessment of potential World Heritage values would need to be undertaken in a context broader than that of the North East RFA, as the expression of these sub-themes extends to other Victorian RFA regions and areas beyond Victoria. The Commonwealth and Victoria remain committed to carrying out such an assessment in co-operation with all relevant States.”<sup>60</sup>

53. 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, including for Victoria’s forests and identified the need for further investigation for possible global significance of cultural values.<sup>61</sup>
54. In the 25 years since that meeting, the listing process and further investigations have not progressed in Victoria. The State and Federal governments should now develop a roadmap to World Heritage nomination for the cultural and natural values of forests of Victoria.

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<sup>59</sup> [Gippsland: Environment and Heritage \(Regional Forest Agreement Factsheet, undated\)](#) 3 (available from ‘[Victorian Gippsland Regional Forest Agreement](#)’, [Department of Agriculture, Fisheries and Forestry \(Web page\)](#)).

<sup>60</sup> [North East Victoria: Biodiversity \(Regional Forest Agreement Factsheet, undated\)](#) (available from ‘[Victorian Gippsland Regional Forest Agreement](#)’, [Department of Agriculture, Fisheries and Forestry \(Web page\)](#)).

<sup>61</sup> [Expert Workshop Report, Comprehensive Regional Assessment: World Heritage Sub-theme: Eucalypt-dominated vegetation \(Report, 8 & 9 March 1999\)](#).

## F. Legislative reform

55. It is critical that the law properly reflects the Government’s commitment to end native forest logging on public land in Victoria and safeguards against threats posed by future extractive industries.
56. Legislative amendments required to achieve this outcome include:
  - (a) Amendments to the *Forests Act 1958* (Vic) (**Forests Act**); and
  - (b) Repeal of the *Forests (Wood Pulp Agreement) Act 1996* (Vic) (**Wood Pulp Agreement Act**).
57. In June 2024, legislative amendments were passed by the Victorian Parliament to repeal the *Sustainable Forests (Timber) Act 2004* (Vic) (**SFT Act**) and abolish VicForests as a state-owned enterprise, along with some associated amendments.
58. The passing of the SFT Bill was an important first step. However, further amendments are required to close remaining loopholes and properly enshrine the Government’s commitment to improve conservation outcomes, mitigate the impacts of climate change, enhance tourism and recreational opportunities, and advance Traditional Owner self-determination and management of Country.
59. Amendments tabled by the Victorian Greens prior to the passing of the SFT Bill included sensible proposals aimed at advancing Traditional Owner recognition and rights and improving transparency and accountability in relation to protection of biodiversity in Victorian forests.<sup>62</sup> Despite the fact that the amendments would have gone some way to addressing significant deficiencies in existing legislation, they were not passed.

### Forests Act

60. Prior to its repeal, the SFT Act contained the legal framework that facilitated commercial logging in Victorian state forests.
61. However, s 52 of the Forests Act continues to provide a mechanism to permit logging on public land via the grant of licences at the discretion of the Victorian Minister for Agriculture. Historically, licences granted under this section have been known as Forest Produce Licences (**FPLs**). FPLs have predominantly been used to permit “small-scale” logging, however it seems that this reflected a policy position, rather than a legal requirement, prior to the closure of the State’s native forest logging industry.
62. Section 52 of the Forests Act must be amended to remove the availability of commercial logging licences, either by removing the mechanism to grant FPLs entirely or by extending the limit of 1.25 hectares, that presently applies for other licences types, to also cover licences to “thin, cut and remove timber” or “cut forest produce specified in the licence or permit”.<sup>63</sup>
63. Section 22 of the Forests Act requires the Secretary of DEECA to prepare and “cause to be put into operation” working plans with respect to the control, maintenance,

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<sup>62</sup> [Sustainable Forests \(Timber\) Repeal Bill 2024 \(Vic\)](#).

<sup>63</sup> We note that corresponding regulations in the *Forests (Licences and Permits) Regulations 2019* (Vic) would also need to be repealed or amended.

improvement, protection from destruction or damage by fire or otherwise, and removal of forest produce in and from each State forest and any part thereof.

64. "Working plan" is defined in s 3 of the Act to mean "a detailed scheme for the control and regulation of the working of a forest or any part thereof and for ensuring the maintenance of a sustained yield of forest produce thereof."
65. The reference to "sustained yield of forest produce" is obsolete following the end of native forest logging on public land in Victoria. Amendments should be made to remove the reference in s 22 to the removal of forest produce, and the purpose and definition of "working plan" should be revised to refer only to management for conservation, cultural, recreation and restoration purposes.
66. The content of Forest Management Plans (**FMPs**), which are "working plans" under the Act, should also be updated to reflect this revised purpose.
67. Finally, as noted above, inappropriate fire management and the removal of wood and debris after natural disturbances both pose a threat to many flora and fauna species, particularly those that rely on coarse woody debris and hollow-bearing trees for survival.<sup>64</sup>
68. Currently, fire management activities are undertaken pursuant to s 62C(2) of the Forests Act with little to no independent oversight or regulation. Many of these operations occur in areas that are important habitat and climate refugia for threatened native species, yet the survey requirements and management prescriptions, including the precautionary principle, that previously applied to logging on public land<sup>65</sup> have no effect. Further, these operations are rarely referred for federal assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), which requires referral and approval of actions, including fire management operations,<sup>66</sup> that are likely to have a significant impact on matters of national environmental significance.
69. We recommend that statutory duties are introduced to expressly require Forest Fire Management Victoria (**FFMV**) to undertake fauna and flora surveys prior to conducting works, particularly those that involve the removal of hollow-bearing trees for the purposes of constructing "strategic fuel breaks"<sup>67</sup>, and implement prescriptions to address significant impacts to threatened species.<sup>68</sup>

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<sup>64</sup> Alexandro Leverkus et al, 'Salvage logging effects on regulating ecosystem services and fuel loads' (2020) 18(7) *Frontiers in Ecology and the Environment* 391; Adrian Manning, Ross Cunningham and David Lindenmayer, 'Bringing forward the benefits of coarse woody debris in ecosystem recovery under different levels of grazing and vegetation density' (2013) 157 *Biological Conservation* 204.

<sup>65</sup> In the Code of Practice for Timber Production 2014 (as amended in June 2022) and Schedule 1: Management Standards and Procedures.

<sup>66</sup> *Save Our Strathbogie Forest Inc v Secretary to the Department of Energy, Environment and Climate Action* [2024] FCA 317 [12].

<sup>67</sup> We note that DEECA had announced plans to construct 6,000km of fire break tracks, up to 40m wide, through state forests and national parks by 2030, up from a previous target in 2023 of 447m: Bianca Hall, 'Why native forest harvesting is the zombie industry that won't die', *The Age* (online, 13 September 2024) <<https://www.theage.com.au/environment/conservation/why-native-forest-harvesting-is-the-zombie-industry-that-won-t-die-20240909-p5k8y2.html>>.

<sup>68</sup> See, for example, Bianca Hall, 'Endangered greater glider found dead next to department's felling site', *Sydney Morning Herald* (online, 15 May 2024) <<https://www.smh.com.au/environment/conservation/endangered-greater-glider-found-dead-next-to-department-logging-site-20240515-p5jdum.html>>.

### The Wood Pulp Agreement Act

70. The Wood Pulp Agreement Act is a contract between the State of Victoria and the paper manufacturing company Australia Paper Pty Ltd for the supply of pulpwood from native forests on public land.
71. The closure of the State's commercial native forest logging industry on public land means that this contract is redundant, and the Act should be repealed accordingly.

### Office of Conservation Regulator

72. The Office of the Conservation Regulator (**OCR**) was established by DELWP in early 2019 in response to an independent review of timber harvesting regulation in Victoria's public native forests which found that DELWP was "neither an effective or respected regulator".<sup>69</sup> The OCR exercises various regulatory responsibilities on behalf of the Secretary of DEECA.
73. The OCR and FFMV both sit within the 'Bushfire and Forest Services' division within DEECA, and accordingly the OCR has no power to regulate FMMV's fire management operations.
74. We consider that it would be appropriate for the OCR to be moved to a different Department within the Victorian Government, or for a separate entity to be created or empowered to independently oversee FFMV's operations, to ensure that appropriate measures are being taken to detect and protect threatened flora and fauna in areas of operation.

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<sup>69</sup> Jane Brockington, Nial Finegan and Peter Rozen, *Independent Review of Timber Harvesting Regulation: Panel Report to the Secretary of DELWP* (Report, 24 October 2018) Foreword.