

# **Victorian Rainforest Politics: Past, Present, and Future?**

By David Nicastro (2003) ©

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## 1.0 Introduction

Victorian rainforest policy is characterised by a fundamental contradiction. This contradiction is defined by the opposing goals of rainforest conservation and the maximization of timber and woodchip yields. These contradictory policy goals and the underlying values they represent have generated considerable political controversy over the last three decades. The unprecedented scale of environmental degradation brought on by industrial logging, particularly in 'old growth' rainforest and eucalypt forest stands, further exposed these fundamental policy inconsistencies. The stark images of devastated industrial logging landscapes, combined with the concomitant emergence and progressive development of Australia's environment movement, prompted a forceful and sustained environmental backlash that has continued to this day. One environmental policy area in which industrial forestry interests *appear* to have fared the worst, and the conservation movement gained the most, is with the issue of rainforest logging. All states, except Tasmania, have officially banned the historic practice of rainforest logging. Victoria enshrined its rainforest conservation policy into legislation in 1987 with the enactment of the Conservation, Forests and Lands Act (which included the Code of Forest Practices for Timber Production). However, despite the professed commitment and statements of intention by the legislature regarding rainforest conservation, the issue of policy and legislative *implementation* has proved to be an exceedingly difficult and contentious affair to the present day. This presentation will analyse the implementation constraints on the achievement of rainforest policy objectives in two sequential stages. Firstly, the paper will provide a brief historical overview of the rainforest debate in Australia, with a specific focus on Victoria. This historical context is critical to an understanding of rainforest politics in the present political environment. Secondly, it will explore the current policy and institutional framework for rainforest conservation, with particular focus on the impediments to the effective protection of rainforest in East Gippsland. The paper will conclude by reflecting on the need for a more reflexive forest policy, planning and management regime which commits fundamentally to the precautionary principle in devising appropriate protection measures for rainforest and other high conservation value forests.

## 2.0 Victorian rainforest politics: a brief history (1980's-1990's)

### 2.1 Early 80s – protests and process

As early as 1974, when the Whitlam government commissioned the Committee of Inquiry to produce the milestone *Report of the National Estate*, the ecological significance of the remaining rainforests in Australia was made clear (Webb, in Gell & Mercer, 1992: 11). The committee decreed in that year that there was an urgent need to protect the last 25% of the remaining rainforest estate. Subsequent reports, studies and media attention of ongoing protests, have encouraged a number of state and federal government inquiries, departmental reviews and policy shifts in relation to rainforest logging and their intrinsic conservation value.

Rainforest logging was the catalyst behind Australia's first forest blockade at Terania Creek in Northern NSW. The saturation media coverage that this unprecedented event generated, combined with the highly polarized community and political responses to it, helped secure Australia's first rainforest inquiry, the Terania Creek Inquiry of 1979-81 (Taplin 1989). Though plagued with procedural difficulties, and strongly criticized for showing little sensitivity to scientific issues or the environmental values involved, the inquiry nevertheless placed the issue of rainforest logging squarely on the public and institutional agenda (Walker 1994: 276). The nationally prominent conflict over Terania Creek's rainforests also contributed to the Senate Standing Committee on Environment undertaking a "Land Use Policy Investigation" in 1982. These two state and federal investigations ultimately prompted a 90,000 (ha) addition to existing National Park reserves in NSW, primarily to protect stands of remnant rainforest. The situation in Victoria was soon to mirror events at Terania Creek, with Victoria's first ever forest blockade breaking out over the logging of primary and secondary rainforests in the Errinundra Plateau region of East Gippsland in the summer of 1984 (Cohen, 1997: 97). Like the Terania Creek blockade, these protests also succeeded in obtaining significant media coverage (though by no means positive), culminating in the environment Minister, Rod Mackenzie and his advisors even flying in by helicopter to directly intervene in the escalating conflict (Morgan, 1997; Cohen 1997: 104). Though unsuccessful, the Errinundra blockade, and the many others that were to follow, helped push rainforest issues higher up the public agenda, whilst high profile anti-logging campaigns conducted primarily by the Australian Conservation Foundation (ACF) successfully moved rainforest issues into the institutional agenda of government, at both the state and federal level. An important institutional development arising from the Errinundra conflict, was the establishment of the Cutting Area Review Committee (CARC), the purpose of which was "...to assess all proposed cutting areas, in advance, to ensure that sensitive areas are identified and protected at the same time as ensuring that sawlog allocations are satisfied" (Mackenzie 1984, cited in Morgan 1997: Ch.7). The CARC was to prove a controversial policy instrument that enabled rainforest values to be considered, often delaying logging approvals, but rarely resulting in the permanent withdrawal and protection of rainforest areas from subsequent logging.

At the federal level in the same year (1984), Federal Labor Minister for Arts, Heritage and Environment, Barry Cohen set up the Working Group on Rainforest Conservation to investigate rainforest conservation issues and make recommendations for management

(RIRG, 1985: 1). The announcement in June 1985 of a \$22.25 million National Rainforest Conservation Program (NCRP), was soon followed by the release of the landmark report *Rainforest Conservation in Australia*, by the Working Group on Rainforest Conservation. Though not recommending a moratorium on rainforest logging, the report did reiterate the need for research and demonstration projects, a call which the National Rainforest Conservation Program met to a considerable degree (RIRG, 1985: 26). The National Rainforest Conservation Program, was to be implemented in cooperation with the states, and sought to:

- Improve knowledge and understanding of the rainforest estate
- To ensure careful management and protection of areas of rainforest
- To encourage awareness and appreciation of rainforest values
- To promote sensitive tourism development (DCFL, undated: 22)

Of particular relevance to future Victorian policy and management decisions for rainforest conservation was the commencement in December 1996 of major rainforest survey and mapping work, which was partly funded by a National Rainforest Conservation Program grant. This work delineated the boundaries for rainforest sites of special significance and determined management prescriptions for their conservation, and was carried out by Victoria's Department of Conservation, Forests and Lands internal Flora and Fauna Survey and Management Group. Their research and mapping work would have a major political impact on the State Labor government, and contribute to the downfall of the State environment minister, Steve Crabb in January 1992, in the build up to the ultimately disastrous October state election.

## **2.2 Mid-1980's - The watershed years**

June 1985 was to prove a watershed year for rainforest politics, with the simultaneous release of Victoria's seminal Timber Industry Inquiry, conducted by Melbourne University Professor of Forestry Ian Ferguson. The Ferguson Inquiry as it was also known, acknowledged with respect to rainforests that:

“there has been general agreement that the scattered small areas of unlogged rainforest should be reserved, because of their significance from an ecological and evolutionary viewpoint” (Ferguson, 1985: 224)

and went on to recommend that:

“a small committee of experts be appointed to draw up a workable definition and guidelines for reservation, and advise on a program of reservation.” (Ferguson, 1985: 224)

This recommendation was accepted in the Cain government's response to the inquiry. The November 1985 *Draft Timber Industry Strategy* for Victoria, released by the Minister for Conservation, Forests and Lands Joan Kirner, expressed the view that:

“All rainforest areas are to be preserved. The Department is currently undertaking a review of the definition of rainforest to this end” (Rainforest Technical Committee 1986: 1)

This was an historic policy shift that unequivocally set out an intention to end over a century of rainforest logging in Victoria, without even the provision for a phase out period. In keeping with the government’s major policy commitment, a new Rainforest Technical Committee had been formed in December 1985 to:

1. Develop a working and workable definition of “rainforests” to apply to all Victorian forests and to be incorporated in prescriptions, management plans and the Code of Forest Practice
2. Develop guidelines for reserving areas which satisfy the definition developed including consideration of such matters as: buffers, if required; area of reserves; viability and special management requirements (Rainforest Technical Committee 1986: 2).

Dr David Churchill (Director of the Botanic Gardens) was asked to recommend members for this committee, but his recommendations were largely ignored, except for the cooption of rainforest botanist David Cameron as an external consultant (Gell & Mercer 1992: 4). Ultimately, the five member panel comprised of two departmental foresters, an internal departmental botanist, a Land Conservation Council (LCC) research officer, and one external member Dr David Ashton, Reader from the School of Botany, University of Melbourne (RTC, 1986: 1). Despite the membership composition of the committee favoring senior forestry and other departmental staff, the Rainforest Technical Committee delivered a definition of rainforest that was broadly acceptable to independent rainforest experts for it included ‘mixed forest’ (or younger secondary rainforest) in its definition of rainforest communities. The government’s commitment to rainforest conservation was further enshrined by the State Conservation Strategy of 1987 which outlined the government’s intention to:

“Protect all areas of rainforest (as defined by the Government Rainforest Technical Committee) from logging and other disturbances” (Government of Victoria, 1987: 42)

And also stated that:

The Government will complete surveys of all sites or areas of ecological or scientific significance in the State and will take protective measures where appropriate. As a general rule, those sites significant at the State level or above will be preserved for nature conservation purposes and sites of regional or local significance will be protected wherever possible (Government of Victoria, 1987: 33).

However, the subsequent release and publication in July 1987 of the Department’s *Victoria’s Rainforests: An Overview*, which carried the subtitle “A New Era for Victoria’s Rainforests” omitted reference to “mixed forests”, or closed canopy rainforest with sclerophyll emergents

in its definition of rainforests (Cameron, in Gell & Mercer 1992: 15). Despite protestations by the Rainforest Technical Committees external consultants Professor Len Webb and David Cameron (of the Flora Branch, Flora & Fauna Division, Department of Conservation and Environment) and prominent scientists such as Professor Jamie Kirkpatrick, the abridged, 'working' definition of rainforest was incorporated state-wide into the Code of Forest Practice, Forest Management Plans and other strategic and operational level documents. Moreover, the tabling of the Conservation, Forests and Lands Act 1987, which included the Code of Forest Practices for Timber Production, and its subsequent ratification in 1989, gave the minimalist (floristic and structural, rather than ecological) definition of rainforest legal priority over the State Conservation Strategy of 1987, effectively subverting the governments own scientific process (Gell & Mercer 1992: 5). With this seemingly semantic redefinition of what constitutes a rainforest, powerful forestry officials within the Department of Conservation and Environment effectively maximised the area of forest available for logging by almost 10,000 (ha), an area equivalent to the estimated cover of immature rainforest in Victoria (see Cameron, in Gell & Mercer 1992: 13). The East Gippsland region has experienced the greatest loss of 'mixed forest', with at least 50% of its younger rainforest communities having been lost since the commencement of industrial logging in the Errinundra Plateau region (Peel, 1999: 76). The irrecoverable loss of secondary rainforest during this period, illustrates clearly the agenda setting power of senior foresters. By effectively exploiting their expert knowledge of the policy implementation process, senior forestry bureaucrats can ensure environmental proposals that threaten to reduce logging areas and/or volumes, can be either redefined as 'unworkable' or significantly weakened to render them unenforceable. The restrictive operational redefinition of what constitutes a rainforest (so as to maximise accessible logging areas) proved particularly contentious, souring relationships between the government and leading conservation groups for years to come.

### **2.3 The late`80s-early`90s – Forestry bureaucrats bunker down and rainforests lose out**

In 1988, the Land Conservation Council report on the East Gippsland Area Review stated that:

“the Council will be conducting an investigation of rainforests in Victoria with a view to making recommendations on the range of uses for them and the way in which they should be protected through reservation”.

This only added further institutional and political impetus to the already sensitive issue of rainforest management, potentially making rainforests a highly protracted and damaging environmental issue for the state government for many years to come. These fears were realized even before the LCC study began, with the leaking to *The Herald* in June 20, 1990 of an internal Memorandum written by David Cameron, a leading rainforest project botanist. This memo outlined the proposed logging of 111 logging coupes within Rainforest Sites of Significance (Cameron, 1990). Many of these scheduled logging coupes were also in direct contravention of the State Conservation Strategy's principle of sub-catchment protection (Cameron, 1990: 5-6). The resultant wave of protests by the 'Rainforest SOS Action Group' successfully raised extensive (TV, radio and print) and negative media coverage for the then

environment Minister Steve Crabb over the issue of rainforest logging (The Herald 19-07-90; Green 1990: 8).

In November 1991, a Victorian Rainforest Symposium was organised by two former Monash academics, Peter Gell and David Mercer, involving leading Australian and international rainforest experts, including Len Webb and David Cameron - the two external consultants to the RTC (Gell & Mercer, 1992: 6). The conference, field trip and subsequent publication of proceedings laid waste to government claims that rainforests were not being logged in Victoria, with evidence presented overwhelmingly critical of the 1987 definition of rainforest as incorporated into the code and other forest planning and management documents (see Gell & Mercer, 1992). The then minister for the Environment, Steve Crabb continued to deny rainforests were being logged, until a ministerial reshuffle two months later saw him replaced by Barry Pullen, whom publicly commented that he wished to resolve the issue of definition and protection of rainforest prior to the Kirner government losing office in a landslide to the Kennett government later that year. The newly incumbent state liberal government moved quickly to establish a committee to review rainforest conservation measures for Victoria's rainforests, announced a moratorium on logging of National Rainforest Sites of Significance and increased the minimum buffer widths for rainforest sites of State and Regional significance to 40m (DCNR, 1995:108; Rawson, 1992: 1). These positive environmental policy positions regarding rainforest conservation, made in the initial months following the Kennett government's resounding victory over Labor, were not to last as demonstrated by the Kennett government's treatment of the Burgman & Ferguson (1995) scientific review of rainforest protection measures and their handling of the 1996 Code of forest practice review.

## **2.4 Mid '90's onwards – Forestry bureaucrats consolidate, rainforest review deflected**

The mid 1990's witnessed the long-awaited publication of the Burgman and Ferguson report into rainforest protection. This seminal scientific report published in 1995 sought to bridge the large knowledge gaps surrounding departmental rainforest management processes and prescriptions, and provide expert input into the impending code of practice review. The principle aims of the report were to:

- outline scientific knowledge relating to the protection of rainforest;
- report on the measures required to provide minimum adequate protection of rainforest;
- evaluate the Department of Conservation and Natural Resources' Sites of Significance for rainforest proposed by the Flora Section;
- evaluate the adequacy of the use of buffers between coupes and rainforest; and
- recommend directions for future research aimed at improving the mechanisms for rainforest protection in Victoria. (Burgman & Ferguson, 1995: 3)

The study made numerous recommendations, with the following of particular relevance to this discussion, namely:

- a) that survey and monitoring research be undertaken to evaluate the minimum width of buffers required to effectively protect rainforest by (Burgman & Ferguson .72)

- b) the department publish all maps of core areas with details of their rainforest values, together with rationalisations of protection prescriptions, in Forest Management Area Plans where they may be subject to public scrutiny (Burgman & Ferguson, 1995: 63).
- c) the department implement specific procedures for supervision of compliance and independent monitoring of rainforest protection measures in all FMAs (Burgman & Ferguson, 1995: 63)
- d) Recognise 'mixed forests' as a separate community and develop specific management prescriptions for this forest type that ensure the preservation and sustainability of all forest values.

Of these four critical recommendations, only the last was ever implemented through the incorporation of 'mixed forest' prescriptions into the East Gippsland and Central Highlands Forest Management Plans of 1995 and 1998 respectively.

Like the Burgman and Ferguson review, the 1996 review of the Code of Forest Practice was an important event in the history of Victorian rainforest politics, exposing the difficulties involved in ensuring scientific principles and recommendations become incorporated into management plans, and operational codes of practices. The CSIRO was commissioned in January 1995 by the then Department of Conservation and Resources (DCR) to undertake an external scientific review of the Code of Forest Practice (CSIRO 1995: iii). The CSIRO made numerous recommendations to strengthen guidelines for the protection of rainforest, specifically raising minimum applicable buffers to 40m for stands of lesser significance, and advocated complete sub-catchment protection for rainforest stands of national significance (CSIRO, 1995: 18). These recommendations were subsequently accepted, except for a proviso that sub-catchment protection was not required "where full protection can be provided by other measures, which are/will be outlined in approved plans (DNRE, 1996: 24). These 'other measures' not described in the Code, act as an escape clause from the more stringent requirement for sub-catchment protection.

In a follow up report that followed the public consultation phase of the review, the CSIRO went further to recommend that the 'working definition' of Burgman and Ferguson (1995) be applied to the revised code (CSIRO, 1996: 9). This definition of rainforest was more akin to the original definition of rainforest outlined by the Rainforest Technical Committee back in 1986, and allowed for "a varying proportion (10-50% of canopy cover) of emergent eucalypts [to] be present" (CSIRO, 1996: 9). This definition, which again would have significantly expanded the rainforest estate and therefore reduced the net loggable area available, was never included in the revised code, but rather a guideline issued which passed on the responsibility for rainforest definition to relevant forest management plans and/or regional prescriptions (DNRE, 1996: 23). The effect of this on regions like East Gippsland which had already published a forest management plan prior to the CSIRO code review, will be examined further on.

These forest policy decisions resulted in officially sanctioned clearfell logging of 'mixed forest' or immature rainforest across the state, and acerbated ongoing forest conflict, particularly in East Gippsland and the Otway Ranges. The growing intensity and frequency

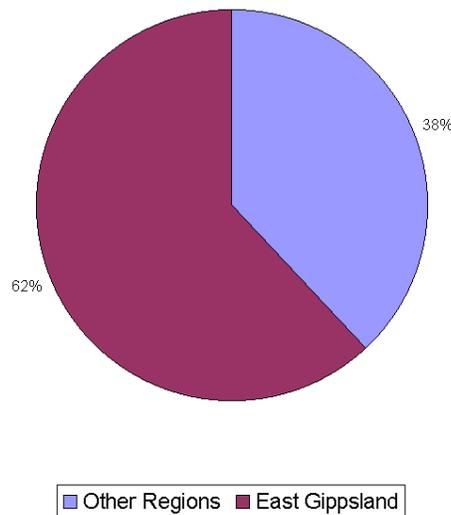
of forest protests culminated in the legislative enactment of the Forest Operations Zone in 1998, a controversial statute that made it illegal to enter State forest that had been declared a proscribed logging area by the Departmental Secretary (State of Victoria, 1998). This legislation was later repealed in Nov 1999 by the newly elected Bracks Labor government, though a new version of this legalisation is reportedly before cabinet. Following the Kennett governments' re-election in 1996, they proceeded to abolish the Land Conservation Council, arguably Victoria's oldest and most prestigious land use advisory body (Cristoff, 1998). The disbandment of the LCC removed the threat posed by the long awaited investigation into rainforest conservation that had the potential to radically shake up existing rainforest protection measures and put an end to the continued logging of sites of significance. Coupled with this institutional devolution, a massive 52% cut in staff for the Department of Natural Resources and Environment (which superseded the Department of Conservation and Natural Resources) during the period of 1995 to 1998, left the Department grossly under-resourced in both a financial and technical sense, inhibiting effective rainforest policy implementation ever since (Cristoff, 1998).

### 3.0 East Gippsland Case-study: Rationale for selection

The next section will explore some of the political impacts these earlier periods of rainforest contestation have had on development of the current policy and institutional framework, with East Gippsland Forest Management Area used as an illustrative case study. The rationale for selecting East Gippsland over other FMAs containing rainforest are twofold. Firstly, East Gippsland contains the greatest cover of rainforest as illustrated by figure 1 below.

Figure 1.

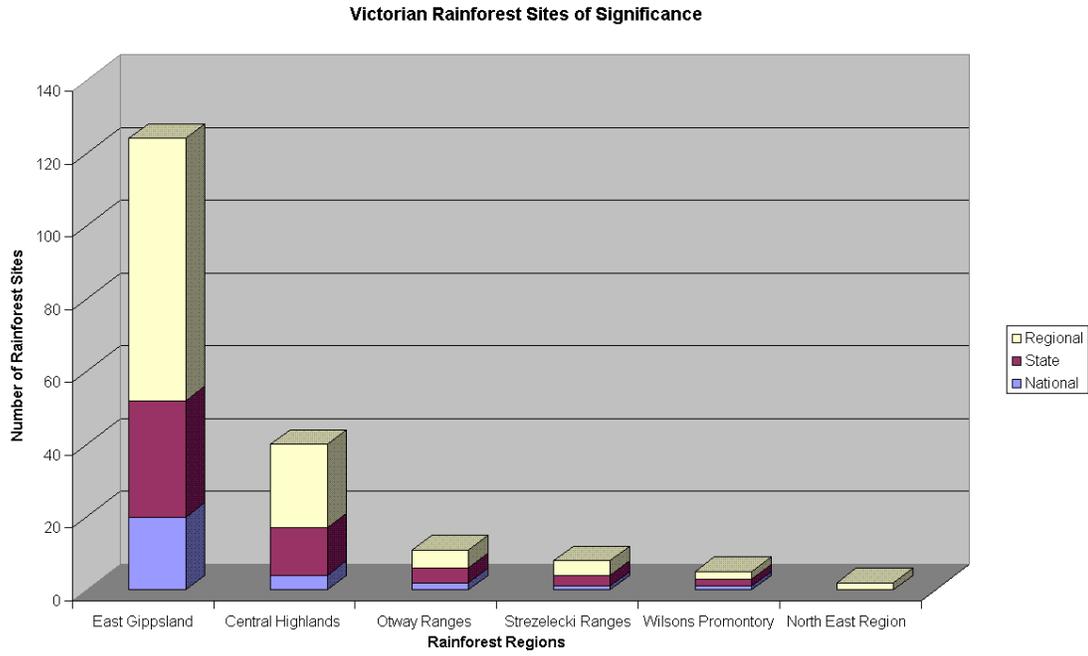
#### Rainforest Cover in Victoria



Data : sourced from East Gippsland Forest Management Plan and Peel (1999)

Secondly, East Gippsland has the highest number of rainforest sites of significance in Victoria, as evident by figure 2 below:

**Figure 2.** Victorian Rainforest Sites of Significance



Data: sourced from (Peel 1999: Appendix 8)

## 4.0 The Current Rainforest Policy, Legislative, Planning and Management Framework

The policy and institutional framework for rainforest conservation inherited by the Bracks government has its roots in the National Forest Policy Statement of 1992 (Commonwealth of Australia, 1992). This document set out to 'balance' competing forest uses, through an extension of the rational-comprehensive-approach to environmental policy making (Commonwealth of Australia, 1992).<sup>1</sup> Its primary policy instruments were the combined Federal-State Comprehensive Regional Assessment (CRA) process and various Regional Forest Agreements negotiated jointly by the Commonwealth and various state governments. The East Gippsland Regional Forest Agreement incorporates four primary policy instruments which currently form the basis for rainforest conservation in Victoria. The primary instruments for rainforest protection consolidated by the RFA are:

- The Comprehensive, Adequate and Representative (CAR) reserve system,
- The Code of Forest Practice,
- The Forest Management Planning (FMP) process, and finally
- The Flora and Fauna Guarantee Act (1988).

Some of the major inadequacies of the code in relation to rainforest conservation have already been discussed in the previous section, therefore I will focus largely on the CAR Reserve System, FMP process and Flora and Fauna Guarantee Act, making reference to the code where relevant to these particular policy instruments.

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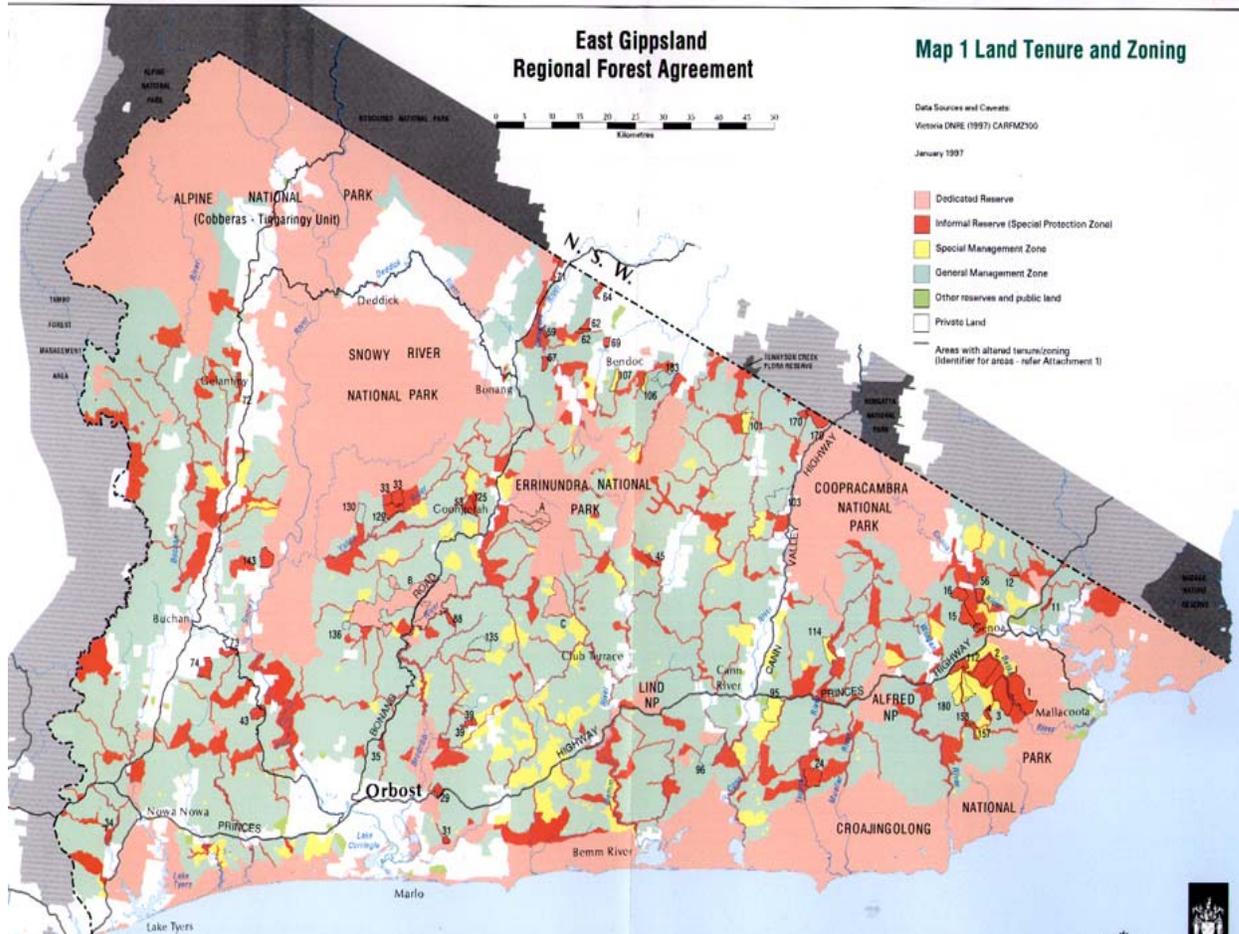
<sup>1</sup> A number of commentators have been highly critical of the Regional Forest Agreement process, describing it as primarily a resource security exercise that compromised a range of environmental values (see Mercer 2000; Kirkpatrick 1998) whilst others have argued it failed to resolve underlying value conflicts over forestry (Lane 1999).

## 4.1 Comprehensive, Adequate, & Representative (CAR) Reserve System

Among the accomplishments of the East Gippsland Regional Forest Agreement (RFA) process in relation to rainforest conservation, was the incorporation into the CAR reserve system of portions of the Ellery, Goolengook and Martins Creek forest blocks, as dedicated reserves. Martins Creek in particular is a recognised National site of significance for rainforest and part of its boundary was included into the Martins Creek Flora and Fauna Reserve. Despite this inclusion however, the RFA indicated that it may have to be amended to incorporate the proposed Very Fast Train rail link running from Melbourne to Sydney (Commonwealth Government, 1997: 11). Also, the creation of the Goolengook flora and fauna reserve failed to include the nationally significant Little Goolengook site of rainforest significance and other high conservation value forests into the slightly expanded Errinundra National Park, sparking a protracted and high profile campaign by the local Goongerah Environment Centre and Environment East Gippsland group which continues to this day. Finally, all other CAR reserve additions which contained rainforest sites of significance were included as less secure informal reserves. These informal reserves are transferable, meaning they can be rezoned following an administrative approval process, which involves minimal public consultation.

The CAR Reserve system pictured below, protects different vegetation communities in accordance with their relative conservation status. For stands that are rare or endangered all viable stands are protected. Rainforest is classified as rare under the RFA therefore all viable stands are to be protected. In the case of rainforest any stand greater than 1acre in size or which occurs in linear strips at least 20m wide and not less than 100m long is considered viable rainforest. Allowances are made for well developed stands that are smaller than the specified minimum to be still qualify as rainforest (DCNR, 1995: 115).

**Figure 3.** Map of East Gippsland reserve network, as laid out by the 1997 Regional Forest Agreement



The CAR Reserve system illustrated in figure 3 above, is guided by a number of principles, three of which are particularly relevant for rainforest conservation, namely:

- Boundaries should be set in a landscape context with strong ecological integrity, such as catchments;
- Large reserved areas are preferable to small reserved areas, though a range of reserve sizes may be appropriate to adequately sample conservation values;
- Boundary-area ratios should be minimised and linear reserves should be avoided where possible

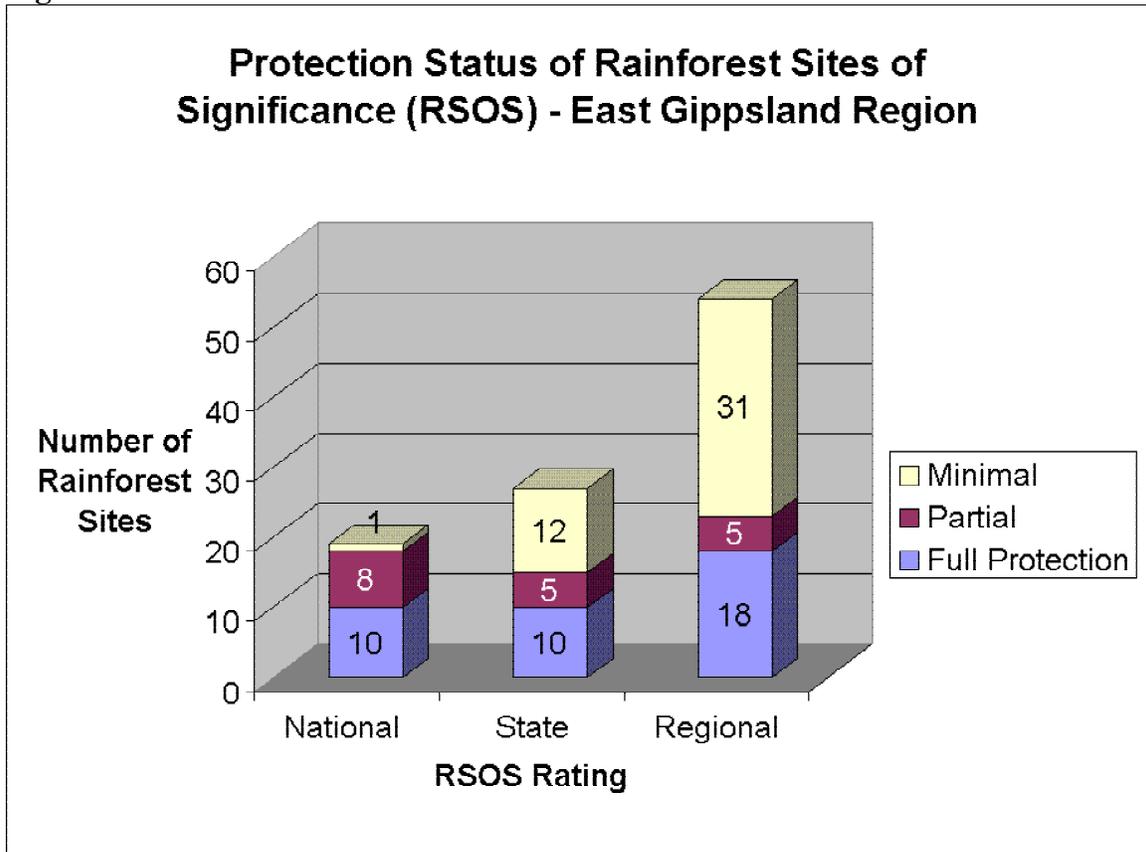
According to the RFA's Comprehensive, Adequate and Representative (CAR) reserve system:

- 90% of core zones within National Sites of Significance have been placed into dedicated and informal reserves (an increase of 20% from pre-RFA levels)
- 66% of core zones within State Sites of Significance have been placed into dedicated and informal reserves (an increase of 24% from pre-RFA levels)

- 65% of core zones of Regional Sites of Significance have been placed into dedicated and informal reserves (an increase of 33% from pre-RFA levels).

In contrast, the graph below (figure 4) illustrates the current protection status of Rainforest Sites of Significance in East Gippsland from a catchment or sub-catchment perspective.

**Figure 4.**



A basic set of evaluative criteria were devised to arbitrarily distinguish varying levels of protection. However it is important to note that due to the unavailability of detailed data (including definitive overlays) on the protection measures employed for rainforest sites of significance, the graph presented here was prepared using an incomplete data set based on the 1990 unpublished draft Rainforest Sites of Significance map sheets for East Gippsland (see Appendix 1 for a description of the analysis criteria used in preparing the protection status graph)

The analysis of the underlying protection status data indicates that from the 100 known sites:

- 34% of all Rainforest Sites of Significance are fully protected by total inclusion of their catchment or sub-catchments into either dedicated or informal reserves.

Of these fully protected sites,

- 50% are National Rainforest Sites of Significance.
- 37% are State Rainforest Sites of Significance
- 33% are Regional Rainforest Sites of Significance

Despite the relative scarcity of rainforests across the state, with mature rainforests covering less than 0.14% of the State's land area (Peel, 1999: 1), only 34% of narrowly defined rainforest stands are protected by secure reserves (DCNR, 1995: 20)-

## 4.2 The Forest Management Plan

The Forest Management Planning process sets out a series of guidelines, forest management zones, and statements of action which are intended to protect rainforest stands situated outside formal reserves. Primarily, all rainforest not with secure reserve boundaries and up to 90% of 'mixed forest' is administratively protected by code of forest practice variable width buffers and a network of Special Protection Zones within which logging is explicitly prohibited. Rainforest SPZ buffers vary in accordance with the size of the rainforest stand, with linear and narrow rainforest stands receiving a 20 m buffer, whilst larger, wider rainforest secures a 40 m buffer (DCNR 1995: 20). Rainforests that coincidentally occur within linear reserves intended to provide landscape linkages for fauna, receive a 100m buffer (DCNR 1995: 20). The Forest Management Plan also outlines sub-catchment protection for 'core areas' within each site of significance, and makes allowances for a sparse eucalypt overstorey occurring within larger stands (DCNR 1995: 19, 115). However, as already noted, this 'working' definition of rainforest deviated considerably from the CSIRO (1996) code recommendations. The Forest Management Plan's rainforest definition precluded the possibility of protecting less mature secondary rainforest except in very limited circumstances, by failing to adopt the more ecological definition outlined by the CSIRO. Furthermore, the Forest Management Plan's 1995 conservation guidelines provide prescriptive 20-100m buffers, which fall below the interim minimums set by the revised code of practice (see DNRE, 1996: 23-4).

In regards to rainforest sites of significance, section 3.2 of the forest management plan asserts that:

Reports will be published that document Sites of Significance for Rainforest, core areas within these sites and the process used for deciding the management of each site (DCNR, 1995: 19).

As yet no such report has been published, though a draft internal report has been in existence since 1993 which outlines prescriptions for the conservation of rainforest sites of significance (DCNR, 1993). The failure to publish such management reports is in breach of the East Gippsland Forest Management Plan, raising concern about the transparency and accountability of rainforest conservation processes throughout the region.

Similarly, Clause 64 of the East Gippsland RFA (Commonwealth of Australia, 1997: 13, 26) states in relation to the Forest Management Plans' rainforest protection system, that:

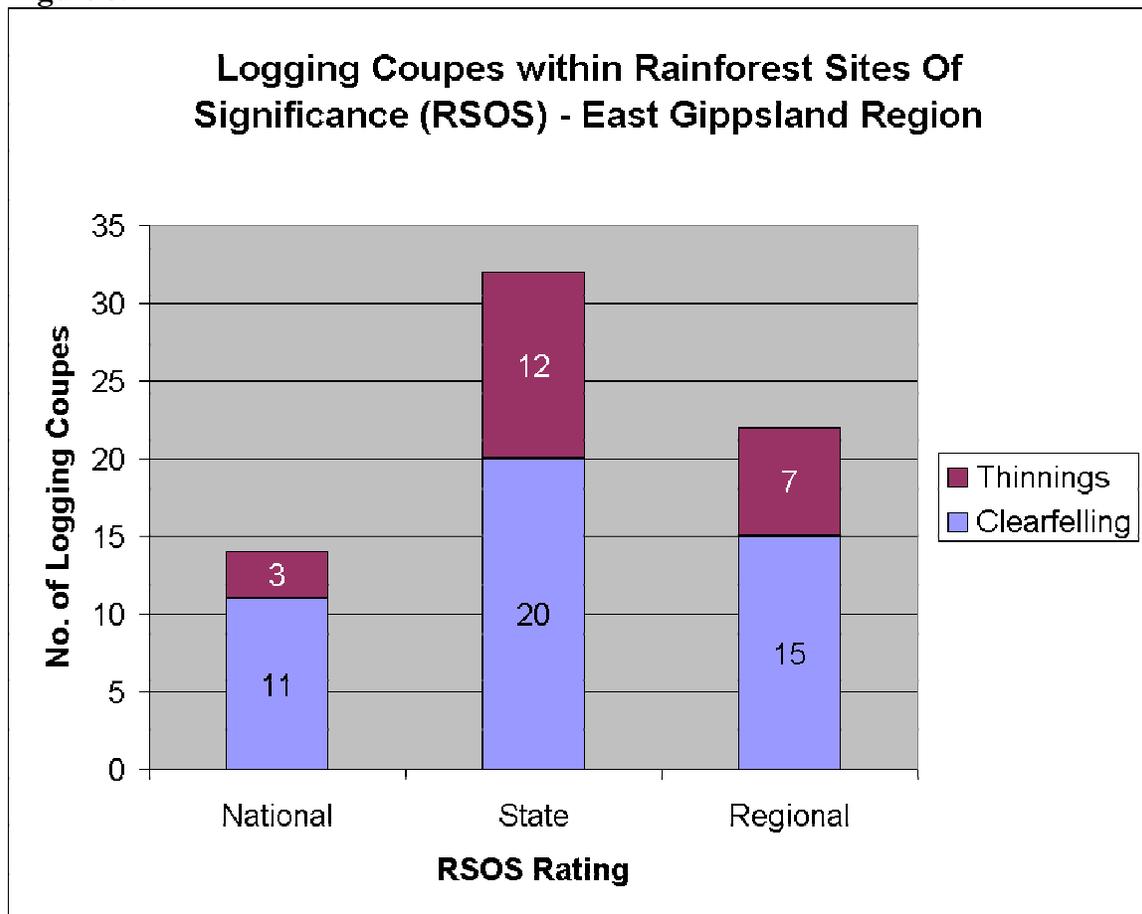
an NRE Technical Report to be published by the end of 1997 will fully explain the system. The report will include a description of sites of Significance for rainforest and their levels of significance and how these are managed.

Though the Victorian Regional Forest Agreement Annual Report 2000 states that this report was completed in December 1998, no such technical report has in fact been published (DNRE, 2000: 5). The only discernable rainforest 'report' published by the DNRE around this period is Bill Peel's *Rainforests and Cool Temperate Mixed Forests of Victoria (1999)*. The Peel report includes an appendix of all rainforest sites of significance across the state and lists their levels of significance, but does not give a detailed description of each site nor how they are managed. Omitting such crucial management data weakens the protection status claims of the Regional Forest Agreement and impairs the credibility of the secretive rainforest protection process.

### 4.3 Proposed logging within Rainforest Sites of Significance (RSOS) in East Gippsland.

The graph below (figure 5) indicates the number of scheduled logging coupes proposed over the next three years within sites of significance still lacking full sub-catchment protection.

Figure 5.



Within the current policy and planning context, a total of 68 logging coupes are planned over the three year period, with 46 of these scheduled in areas not previously subject to clearfell logging operations. Any rainforest occurring in these coupes or logging areas will receive the minimal 20m to 40m buffers as prescribed by the East Gippsland Forest Management Plan, Regional Forest Agreement and Code of Forest Practice respectively. These buffers are as yet scientifically unproven in their capacity to protect rainforest values from future disturbances such as wildfire, wind throw, weed invasion, microclimatic variations, and other so called edge effects (Burgman & Ferguson, 1995).

#### 4.4 The Flora & Fauna Guarantee Act 1988

The FFG Act is the primary legislative mechanism in Victoria for protecting biodiversity. The listing, drafting and eventual implementation of FFG Action Statements provides the principle legislative requirement for rainforest conservation in this state. However, despite the listing of Cool Temperate Rainforest (Nomination 207) as a threatened community under the *Flora and Fauna Guarantee Act* in 1992, no draft has yet been released for public review and comment. Moreover, Action Statements are still outstanding for 78% of species, communities and threatening processes currently listed under the Act (Lawyers for Forests, 2002: 2). Furthermore, under section 48(3) of the *Flora and Fauna Guarantee Act* 1988, the Governor and Council have published an Order in the Victorian Government Gazette (17 December 1998, page 3088) which states:

*The purpose of this Order is to authorise the taking of protected flora in State Forest and Crown land where that taking is a result of or incidental to Forest produce (including timber) harvesting operations or associated roadworks authorised under the Forests Act 1958.*

This order effectively exempts Forestry Victoria from complying with the FFG Act, rendering it ineffectual as a regulatory policy instrument.

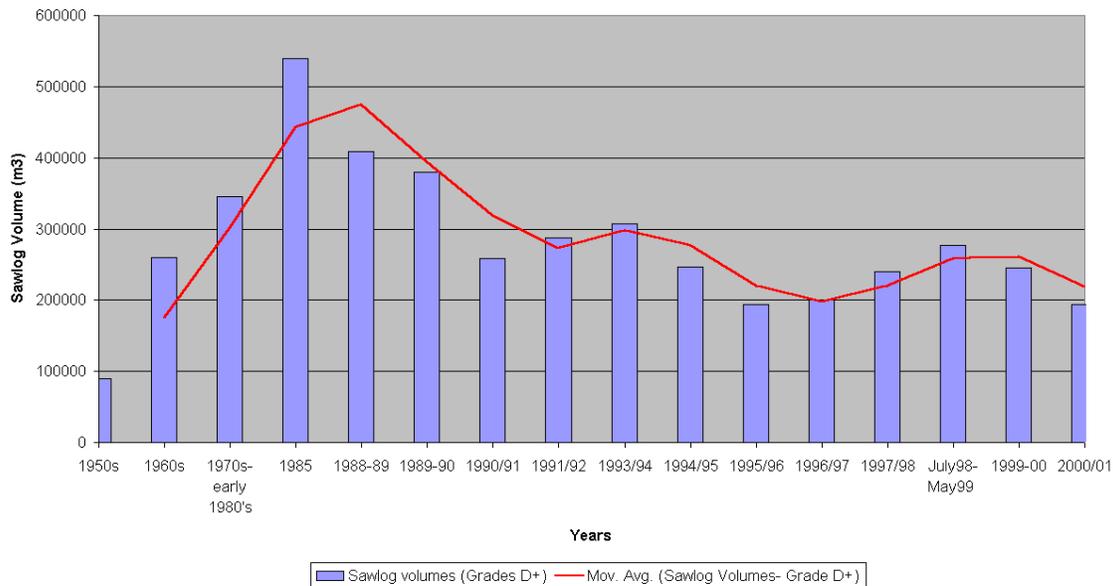
## 5.0 Systemic failure? Explaining rainforest conservation in Victoria

The previous section gave a brief overview of some of the more fundamental flaws and systemic problems with the current rainforest policy, legislative, planning and management framework. This section will proceed to tentatively explore several reasons as to why this has been the case. Put another way, this section asks why has the current conservation framework proven so constrained in its capacity to deliver an ecologically adequate rainforest conservation regime?

The simple answer is that a combination of historical factors were largely responsible for the current rainforest policy predicament. Various economic, technological, and political factors have combined to over-commit the forest estate to unsustainable levels of logging, which in turn, have created powerful institutional impediments to the protection of environmental values. On the economic side, consumption factors were driven by the rise of the ‘consumer society’ and the large disposable income gains made following the end of the second world-war, which greatly increased overall consumption and production of forest products.

Figure 6.

### Logging Levels in East Gippsland (1950s-2001)

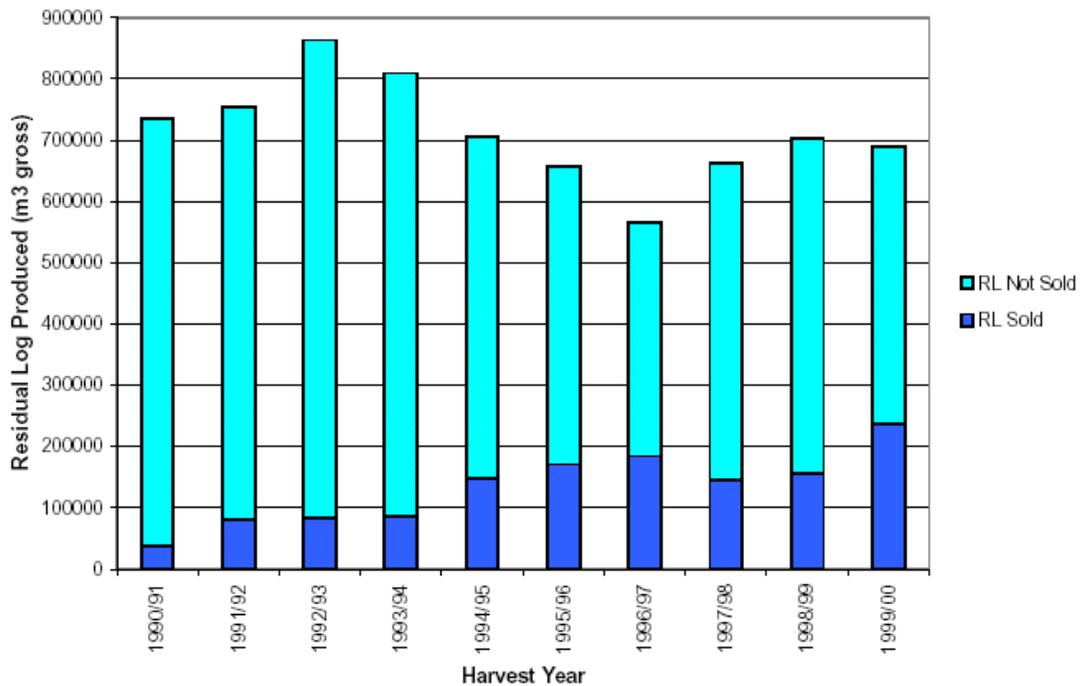


Raw data: sourced from DNRE (1996) *Review of Sustainable Sawlog Yield - East Gippsland Forest Management Area*, Forests Service Technical Reports 96-2, Department of Natural Resources and Environment: East Melbourne, Victoria and the DCNR (1995) *Forest Management Plan: East Gippsland Forest Management Area*, Department of Conservation and Natural Resources: East Melbourne, Victoria

Figure 6 on the previous page illustrates the large increase in East Gippsland sawlog production which occurred to meet the timber needs of the post war housing and construction booms of the late 1950's through to the mid-1980s (see Dargavel, 1995: 39). As well as demand side pressures, the relocation of logging to East Gippsland following the devastating 1939 bushfires saw a regional over-cutting policy introduced to bridge the gap in sawlog resources previously obtained from the Central Highlands (Morgan, 1997: Ch. 6-7). By 1980, the net result of this deliberate over-cutting policy was to commit all high quality sawlog areas in East Gippsland to forward logging plans (Morgan, 1997). To keep up with these rapid demand shifts, the radical structural changes in wood-product production associated with the move to more intensive industrial logging practices help explain the large leap in sawlog volumes extracted during this period.

The key structural changes to occur with the broad-scale introduction of industrial-forestry production were: mechanisation in logging and forestry, concentration and centralisation in sawmilling, further rationalisation of the pulp and paper industry, and the shedding of mill labour (Dargavel, 1995: 120-128). The mechanisation of logging reflected the larger scale of logging required to supply woodchip and new softwood sawmills (Dargavel, 1995: 121). Newer technology led to the progressive displacement of labour-intensive production methods with more productive capital-intensive processes in both forestry and logging operations. This in turn increased the political pressure on governments to maintain logging volumes for fear of further acerbating job losses in a period of growing structural unemployment within the timber industry. Conversely, the rapid expansion of the papermaking and woodchip export industries consolidated their political power, enabling these high volume industrial wood users to successfully obtain long-term legislated rights to log public forests at unsustainable levels (Dargavel, 1985: 8).

**Figure 7.** Residual Log Production by Year



*Figure 7. Residual Log Production by Year*

Source: DNRE (1996) *Review of Sustainable Sawlog Yield - East Gippsland Forest Management Area*, Forests Service Technical Reports 96-2, Department of Natural Resources and Environment: East Melbourne, Victoria

Figure 7 above gives an overview of woodchip volumes extracted from East Gippsland and the proportion sold during the 1990s. Most of the woodchip logs sold went to the Harris-Daishowa woodchip mill for export to Japan to produce pulp for paper production. Despite the large expansion in wood volumes cut from East Gippsland forests, the overarching feature of structural change brought about by industrial-forestry was a dramatic fall in employment. Australia wide, between 1970 and 1990 employment fell by 36% despite a 37% increase in overall wood volumes cut over the same period (Dargavel, 1995: 120).

The significant and far-reaching structural economic changes that occurred during this period did not, however, occur in a political vacuum. The structure of Australia's federal system of government has largely entrusted the states with the administration and management of the forest estate (Frawley 1988: 405). The states, in turn, largely passed on this responsibility to the state forest service. Over time, an intricate relationship developed between the forest service, the large sawmillers, and the pulpwood dependent industrial giants, so that the administration of increasingly comprehensive license regulations became more and more important in determining the resource rights, and hence the respective sawmillers and pulpwood users profits (Dargavel, 1995: 56). Government policy and management objectives, geared towards economic self-sufficiency in wood products, greatly favored intensive industrial-forestry expansion, thereby encouraging greater industry

centralisation and concentration (Carron, 1985; Rawlinson and Penna, 1982). The government funded softwood plantation program, regulatory and research support for clearfell logging regimes, and the promotion of export woodchipping were instrumental in meeting the self-sufficiency objectives of government. Moreover, such strong forest service support also permitted the domestic supply of softwoods and the clearfelling and 'regeneration' of previously uneconomic forests, thereby permitting the forest service to meet long-term commitments to heavy industry pulp and sawlog users (Dargavel, 1995: 55). Furthermore, the growth of large pulp and paper industries, woodchip exports and the development of the softwood sector were heavily dependent on the forest service actively meeting industry's demand for high wood volumes at the lowest possible cost (Routley and Routley, 1975: 5-10). Policy and administrative mechanisms such as generous licenses (e.g. 15 year exclusive resource rights), formal plans, legislated pulpwood agreements, and long term concessions ratified by special legislation, have created severe economic rigidities which greatly inhibited the expansion of rainforest conservation reserves and acerbated operational pressures to maintain 'workable' minimal protection measures for vulnerable rainforests.

## 6.0 Conclusion

The economic and political pressures created by an institutionally entrenched system of over-logging gave little flexibility to politicians, forest planners and managers to take a precautionary approach with respect to rainforest conservation. Within the context of a historically over-committed resource base, ecologically rational but weakly enforceable conservation policies and management guidelines necessarily gave way to the legally sanctioned imperatives of maximum resource exploitation. Maximum 'sustainable' yields drove planning and management processes, with considerable disregard for scientific principles. The formulation and implementation of more rigorous conservation measures was greatly constrained by the market and legislative imperatives associated with the resource intensive industrial forestry regime. The adoption of a more scientifically credible definition of rainforest in the given statutory, economic and ideological environment was simply inconceivable. Any expansion in reserves resulting from a more ecologically sound definition of rainforest would have simply reduced the already overstretched net productive area of forest available to meet long-term legislated sawlog commitments. Rather than address the un-sustainability of over-cutting the regions forests, forestry bureaucrats fought to maintain maximum sawlog and woodchip outputs for as long as was politically possible. In this light, the two policy objectives of rainforest conservation and wood production appeared totally irreconcilable.

The fundamental contradiction between legislated rates of over logging and broader conservation goals was finally exposed with the release of *Our Forests Our Future* policy statement in February 2002. This new policy document sought to lower the unsustainable legislated commitment of 249,408 m<sup>3</sup> of D+ Grade sawlogs to 143,000 m<sup>3</sup>, representing a 43% reduction to previous commitments (DNRE, 2002: 5, 20). For the record, the impetus for this new policy can largely be attributed to the modeling work of two community forest activists, Tim Anderson and Loris Duclos rather than existing monitoring and review processes. Though neither has formal expertise in the field of resource modeling, they

produced statistical analysis which debunked the sustainable yield estimates of the government's own departmental experts and external consultants, damaging the credibility of the Regional Forest Agreements in the process. Whether these lower volume estimates prove more reliable than the last set, and more pertinently for rainforest conservation, serve to facilitate a more open, transparent and adaptive management process, remains to be seen.

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## 8.0 Appendix 1- Criteria for determining Protection Status of Rainforest Sites of Significance (RSOS)

The criteria applied in determining the proportion of RSOS protected was as follows:

- Full Protection equates to 100% of the sub-catchment protected from logging disturbance
- Partial Protection equates to less than 100% but more than 50% of the sub-catchment protected from logging
- Minimal Protection equates to less than 50% of the sub-catchment protected in dedicated and/or informal reserves (i.e. Parks and Special Protection Zones) and/or Code buffers and SMZ Prescriptions mainly apply

**Table 1(a) RSOS Protection Status Data Spreadsheet**

Levels of Protection		RSOS Ranking			Sub-totals (%)
		National	State	Regional	
Full		10	10	18	38
Partial		8	5	5	18
Minimal		1	12	31	44
Confirmed		19	27	54	100
Unsure		1	5	18	
<b>Actuals</b>		<b>20</b>	<b>32</b>	<b>72</b>	<b>124</b>

**EGFMA Total**