

17 July 2020



## VICFORESTS' RESPONSE TO WILDERNESS SOCIETY "INDUSTRY ALERT"

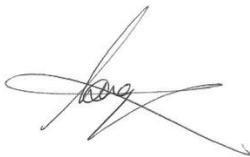
Dear Stakeholder,

We are aware that the Wilderness Society sent an "industry alert" to timber industry stakeholders on 10 July 2020.

This document set out several alleged "high risks of illegality" regarding Victorian supply chains which are false and incorrect.

Against this backdrop, VicForests is writing to correct several erroneous statements made by the Wilderness Society and invite you to contact me on 9608 9500 should you have any further questions or wish to discuss this correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Monique Dawson".

**Monique Dawson**  
Chief Executive Officer

### Reference to the recent Federal Court ruling:

*Wilderness Society claim: "As processing of...logs could lead to legal exposure for wood processors under Australia's Illegal Logging Prohibition Act 2012 (ILPA), and likely impact upon numerous threatened species, the Wilderness Society urges mill operators in Victoria to commit to reject any logs from these coupes and communicate this to VicForests. Wood processors may also be subject to legal exposure if processing logs from other coupes currently on VicForests' TRP".*

## THE FACTS

The *Illegal Logging Prohibition Act 2012* does place an onus on log processors to avoid logs that have been derived from 'illegal logging'. However, the accepted characteristics of 'illegal logging' do not apply to logs sourced from VicForests which come from state forests allocated by the government for timber supply, and are derived from operations that are highly planned and regulated, including immediate regeneration of the harvested site.

Whether a Federal Court ruling that re-interprets the degree to which VicForests adheres to a clause or clauses in the Code of Practice constitutes 'illegal logging' for the purposes of the Act, would need to be established by legal advice and cannot reasonably be asserted by the Wilderness Society.

The implication that virtually any future timber harvesting by VicForests will "likely impact upon numerous threatened species" is just conjecture and doesn't reflect the legal and regulatory obligations. The factual reality being that the overwhelming majority of Victoria's forests (~94%) are not subject to current or future timber harvesting must be considered when assessing likely impact.

### Claimed threat to flora and fauna species

*Wilderness Society claim: "Every one of the 59 coupes proposed for addition to the TRP contains an identified risk to threatened species, with mapping indicating threatened species habitat "likely to occur" in the vicinity of all 59 coupes, while 39 hold a risk of 'likely' habitat for Critically Endangered species".*

## THE FACTS

Attached to the Wilderness Society "Industry Alert" is a list of 34 threatened species which they believe to occupy habitat which "may occur" or is "likely to occur" in the 59 proposed coupes.

The 34 nominated threatened species includes 8 birds, 3 fish, 8 mammals, 5 frogs, and 10 plants. An analysis of this list of threatened species has noted that:

### Birds – 8 species supposedly impacted by timber harvesting

4 are either coastal shore birds or inhabit inland freshwater wetlands (Australasian Bittern, Curlew Sandpiper, Eastern Curlew, Australian Painted Snipe).

1 is a non-breeding migratory bird (White-throated Needletail).

2 are dry-country, open woodland birds in their Victorian range (Regent Honeyeater, Painted Honeyeater).

So, 7 out of 8 of these birds would never be affected by Victorian timber harvesting in tall forests.

### Fish – 3 species supposedly impacted by timber harvesting

1 (Macquarie Perch) is a Murray-Darling Basin species which is not known in the headwaters of north-flowing streams in proximity to where timber harvesting occurs.

Other fish species are conserved by the standard retention of unharvested streamside buffers during harvesting operations.

#### Mammals – 8 species supposedly impacted by timber harvesting

- 1 (Broad-toothed Rat) has its main strong stronghold in alpine and sub-alpine areas.
- 1 (Brush-tailed Rock Wallaby) inhabits rock piles and cliffs and is known in Victoria by just a single colony contained in a national park.
- 1 (Grey-headed Flying Fox) has only 5 known colonies in Victoria, 4 of which are in urban situations, while the other is a national park.
- 1 (Long-nosed Potoroo) occurs in 6 places in Victoria, 4 of which are national parks and 1 is an island.

So, 2 of the 8 species would never occur in Victorian forests subject to timber harvesting, while another 2 are very unlikely to occur in such forests.

#### Frogs – 5 species supposedly impacted by timber harvesting

- 1 (Growling Grass Frog) is dependent on permanent or seasonally flooded water bodies.
- 1 (Alpine Tree Frog) occurs in bogs in alpine areas above the snowline.

These two would probably never occur in tall Victorian forests available for timber production. The other 3 nominated frog species live in proximity to waterways or waterbodies and are naturally conserved during timber harvesting by excluded operational buffers retained alongside streams, wetlands and known waterlogged areas.

#### Plants – 10 species supposedly impacted by timber harvesting

- 1 (Bago Leek Orchid) is found in one treeless sub-alpine plain in NSW. Not known in Victoria.
- 1 (Curtis Colobanth) – Only Vic occurrence in sandy scree between mudstone cliffs.
- 1 (Thick-lipped Spider Orchid) – Coastal heath or woodland species – 11 of the 13 known occurrences are in conservation reserves or private lands.
- 1 (Maroon Leek Orchid) – only known in conservation reserves or other areas not used for timber.
- 1 (Blue-tongued Orchid) – found along sub-alpine waterways under ti-tree thickets on muddy ground.
- 1 (Swamp Fireweed) – Semi-aquatic plant usually in treeless site. Almost all known Victorian detections in Melbourne suburbs or western Victoria.
- 2 (Glycine Clover, Austral Toadflax) – Found in grasslands or grassy woodlands, rather than forests.
- 1 (Swamp Everlasting) – Occurs within lowland swamps and wetlands on black cracking clays. Sub-alpine populations occur in association with sphagnum bogs.
- 1 (Mignorette Leek Orchid) – Only known from one site in East Gippsland growing amongst snow gum woodland. As of December 2019, the Royal Botanic Gardens of Victoria (VicFlora) ranks it as 'Extinct'.

Overall, the vast majority of plants put forward as being likely to be affected by timber harvesting do not occur in tall forests in central and eastern Victoria.

The list set out above is an appalling indictment of the Wilderness Society given the reasonable expectation that an environmental activist group should actually know

something about the forests and their inhabitants which they are supposedly striving to 'save' from timber production.

In reality, the greatest safeguard against the potential impacts of timber harvesting are that it is already limited to only a very minor 6% portion of Victoria's forests, and is spatially scattered in its occurrence over time. Given this reality, it is drawing a very long bow to suggest that timber harvesting could have a significant impact on the whole of any Victorian environmental value.

#### Accepting timber from VicForests will expose industry to legal risk

*Wilderness Society claim: unless mills can demonstrate that VicForests will meet all of its legal obligations under both state and federal laws, they risk being in breach of ILPA when processing logs, (particularly from the 2020 TRP release coupes) and may be exposed to civil action under ILPA's due diligence provisions.*

### **THE FACTS**

As a responsible harvester of timber, VicForests, in accordance with Victoria's strict environmental regulations, actively ensures compliance with the legislative and regulatory framework for the conduct of timber harvesting operations in Victoria. This concerted effort led by a diligent team of subject matter experts, legal counsel and operations and support staff ensures that VicForests meets the highest standards of forest management. Additionally, VicForests' operations are regulated and monitored by Victoria's Office of the Conservation Regulator, including through the Victorian Government Forest Audit Program.

Beyond compliance with the legal and regulatory framework, VicForests is certified under the Australian Standard for Sustainable Forest Management which is governed by the Responsible Wood Certification Scheme and globally endorsed by the Programme for the Endorsement of Forest Certification - the largest such scheme in the world. Under that standard, which we have maintained since 2007, we are independently audited on a regular basis.

As such, VicForests can state categorically that it complies with the legislative and regulatory regime for timber harvesting in Victoria. Reports to the contrary are incorrect and misleading and VicForests welcomes the opportunity to work with processors to undertake due diligence in accordance with the Illegal Logging Prohibition Act and applicable regulations, prior to processing timber supplied by VicForests.