

**RENEGOTIATING CONSERVATION AND USE OF NSW PUBLIC FORESTS  
(referred to by government agencies as “reviewing” and “extending” RFAs)**

**Submission to NSW EPA on Stage 1 of the RFA process by:**

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**Stage 1 – Review of RFA Performance 2004-2014**

It is extremely difficult for persons who are not professionals or enthusiasts in the area of forest management to read and understand the large volume of technical and legal documents that collectively constitute the conditions under which the NSW RFAs have operated for the last 16 or more years. Nevertheless, we have the following comments to make on both the review process and the performance of current RFAs:

- The ‘public consultation’ process for the review completely lacks procedural justice.

The EPA asks for public feedback on a 384 page RFA implementation report compiled jointly by NSW and Commonwealth governments and published by NSW EPA in November 2017. Members of the public were apparently expected to read, digest and provide comment on this document by 23 February 2018.

There is no indication that this Report was peer reviewed by independent experts to inspire public confidence that RFA performance reporting was comprehensive and even handed.

It is unreasonable to expect members of the public to comment meaningfully on whether or not forest use activities that occurred up to 14 years ago complied with RFA objectives/milestones/standards.

There is no separate non-technical summary of the Report for lay persons. The Executive summary in the report indicates that 60% of 376 milestones, commitments and obligations across the three RFA areas were achieved in full and on time, while 30% (more than 100) were either not achieved on time, not achieved in full, or not achieved at all. A table buried in an appendix provides a break-down of these achievements/non-achievements for each individual RFA area, but we could not find anywhere in the Report that indicated in which specific areas of forest use/management the non-achievements occurred.

Buried in the appendices of the Report is a % break-down of wood harvested from native public forests v plantations v private forests for the Northern RFA area. We could not find any equivalent break-down for the South-East or Eden RFA areas. Why is separate information for wood harvesting in native public forests not provided, and in the absence of such information how can anyone make any meaningful assessment of the sustainability and economic viability/value of harvesting in public native forests?

- We understand that during the period covered by the Report (2004 – 2014) EPA audits/investigations of forest use activities revealed several thousand instances of non-compliance with legislation pertaining to environmental protection, biodiversity or threatened species protection. Why was this information not included in the Report, and without such information how is it possible to properly assess the performance of various forest uses in meeting one of the fundamental RFA objectives (ecologically sustainable forest management)?
- The stated aim of this EPA-run Stage 1 review is to measure the performance of forest use/management activities against RFA milestones, commitments and obligations that were agreed nearly 20 years ago. Experience by one of us (CMM) from a 30+ year career as a public natural resource researcher, manager and policy developer has made it clear that, whatever the merits of the objectives and mix of uses agreed at any one time, it is almost certain that these arrangements will be obsolete 20 years later because of changes to the productivity of natural resource systems (due to things like climate change and the impacts of various human activities), and changes in the sustainability, economic viability/value and/or social acceptability of some or all of the uses in the original mix.

It follows that, no matter how well a natural resource management regime (in this case RFAs) performs in achieving milestones, commitments and obligations set nearly 20 years ago, this performance cannot, and should not, be used in any way to support/justify continuing the management regime with unchanged objectives and an unchanged mix of uses. To do so could at best be construed as inept natural resource management and poor public policy making, and at worst as an attempt to benefit one or more user groups at the expense of the rest of the community.

