

Forest Fire Victoria Inc.

Submission to
INDEPENDENT REVIEW OF THE *EPBC ACT* –
discussion paper,
Commonwealth of Australia 2019.

An assessment of the impact of green activists on the cost of forest fire management, the role of Regional Forest Agreements in the sustainable use of the forest estate and proposed changes to the *EPBC Act* to achieve better outcomes for Australia's environment and heritage, for business and for the community in the national interest.

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FFVic Inc. STATEMENT OF PURPOSE

- * To provide and promote independent and expert opinion on forest land management, in particular, the primary core business of forest fire management.
- * To ensure that Victoria's forest fire management policies and practices are based on science, experience, and accountability; and address social, economic and environmental values of natural ecosystems.
- * To ensure that the long-term well-being and safety of forest ecosystems and their surrounding rural communities are protected.

ABOUT THE AUTHORS

N P (Phil) Cheney PSM. FIFA, BScFor(Melb), DipFor, was senior principal research scientist, Division of Forestry, CSIRO. He was head of CSIRO's bushfire research from 1975 to 2001. He has forty years of experience in research into bushfires including bushfire behaviour, prescribed burning, mass fires, fire ecology, aerial and ground suppression, firefighter physiology, firefighter safety, heat transfer, home protection and water catchment hydrology. He was awarded the CSIRO medal for outstanding research achievement in the application of fire science for safer firefighting and safer communities.

Barrie Dexter. DipFor(Cres), BScFor(Melb), MScFor(Melb), FIFA. Has over 60 years of experience in natural resource management, including research and development in the silvics and silviculture of native and exotic forests, factors affecting bushfire behaviour, the planned use of fire, with experience that ranged from the fire-line to state level co-ordination and policy development and practice in management of state forests and national parks. Retired from the agency responsible for forest fire management on public land in 1989. He, with colleagues, continues to substantively report and recommend changes aimed at returning Victoria to its former status as a premier forest fire manager on the State's public land.

Rod Incoll AFSM. BASocSci, GradDipBus, DipFor(Vic), developed expertise with the Forests Commission Victoria in the use of prescribed fire and in bushfire management. He was appointed Divisional Manager, State Electricity Commission in 1984, and Chief Fire Officer, Department of Conservation and Natural Resources, Victoria in 1990. He was a member of the Board of the Country Fire Authority, the State Emergency Services Council, and the Australasian Fire Authorities Council. Rod provides expert evidence to legal processes and inquiries.

A D (Tony) Manderson. MEnvSci, DipFor(Cres) has more than 50 years' experience in natural resource management including native forests, plantations and agricultural land. His fire experience covers all roles from front line fire-fighting to control and logistics at major forest fires over many years. He managed fire control training for the Forests Commission, was Resources Manager for the Victorian Plantations Corporation, and developed the Regulations that formed Industry Brigades within the CFA. He is currently a consultant on fire and rural environmental issues.

The authors have more than 200 years of combined land, natural resource and bushfire experience.

INTRODUCTION

Why are we making this submission?

- 1 FFVic Inc. is concerned that the Commonwealth and State Governments have failed to recognize that wildfire is the most threatening process affecting the nation's native forested public lands, 21.4% of total land area.
- 2 If these forests are not properly protected from destructive wildfires, none of their values and uses can be realized; an unacceptable threat to the environment and heritage and the welfare and wellbeing of all citizens.
- 3 There appears to be no evidence that under the current EPBC Act, that the Environment Department has taken any effective actions to minimise the threat and hold recalcitrant governments and responsible bureaucrats accountable.
- 4 There appears to be no evidence of the cost that green activists have inflicted on the nation, associated with their ongoing campaigns to frustrate proven fuel management practices that demonstrably ameliorate the threat and vigorous campaigns against sustainable management of a renewable resource, an important tool to enhance biodiversity, protect the environment and heritage in the national interest.
- 5 FFVic Inc. welcomes the opportunity to identify issues and put forward recommendations for modifying the EPBC Act to improve governance and actions that better meet the objects of the Act.

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SUMMARY

- 6 The submission draws attention to the persistent and successful campaigns that gathered momentum over the past half century, claiming the practice of landscape-scale fuel reduction burning (FRB) harmful to the flora and fauna and not effective in mitigating destruction of the forest environment from wildfire.
- 7 To the contrary, it is intense and repeated wildfire that is destroying the environment and, as again demonstrated in the 2019-20 fire season, the social and economic fabric of a significant part of the nation.
- 8 It was assessed that as a consequence of greatly reducing the recommended amount of FRB in the landscape, the net cost of just three Victorian wildfires:
 - 2003 Alpine fires;
 - 2006/7 Great Divide fires;
 - 2009 Black Saturday fires;was estimated between \$4 - \$4.7 billion dollars.
- 9 This is just the tip of the iceberg with billions of dollars more, not yet quantified for the 2019-20 fire season.
- 10 The submission also draws attention to campaigns to eliminate multiple-use management, including timber production from all native forests, Victoria having already set a deadline for 2030.
- 11 The submission points out that this would eliminate an important industry, sustainably using a renewable resource, that can make a significant contribution to achieving better outcomes for Australia's environment and heritage for business and for the community in the national interest.
- 12 The timely review of the *EPBC Act* provides the opportunity to enhance its objectives by making Ecologically Sustainable Development principles and guiding principles more explicit in their intent.
- 13 This, it is then argued, will reduce some of the costly, time wasting ploys, designed to frustrate implementing projects in the best interest of the nation, while protecting and enhancing Australia's environmental and heritage credentials.
- 14 Recommendations are made in answering the twenty-six questions posed in the discussion paper.

BACKGROUND

- 15 The genesis of Forest Fire Victoria (Inc.) arose from the desire of a group of professional foresters to provide and promote independent and expert opinion on forest land management, in particular, the primary core business of forest fire management¹.
- 16 This includes addressing social, economic and environmental values of natural ecosystems to ensure their conservation and safeguard the present and ongoing welfare and wellbeing of all individuals and communities who derive pleasure and livelihoods from public forests.
- 17 Unless our forests are properly protected from the ravages of unplanned bushfire (wildfire), then all other values and uses cannot be realised.
- 18 It is:
- * 250 years since Captain James Cook sailed up the east coast of Australia, remarking on the smoke plumes observed in the hinterland during his journey;
 - * 232 years since the first English convicts and their keepers arrived with no knowledge of the bushfire-prone environment in which they found themselves.
There was an abundance of forest and 'scrub', but not enough viable land for squatters and early settlers to farm. Fire was a tool in removing 'scrub' and clearing the land for tilling.
 - * 180 years since the change began from fire control to fire management, with significant progress made in fire prevention, fire suppression and the planned use of fire for minimizing the threat of wildfire and for ecological purposes.
- 19 However, while the art and science in bushfire management continued to progress, policy, governance and implementation languished with changed social, economic and environmental imperatives; the consequences are starkly portrayed over the past two decades and the defining 2019/20 fire season.
- 20 Foresters are trained to think long-term as the natural longevity of most of our forests spans some 250-500 years or more, but wildfire usually interrupts the cycle. Many species are fire tolerant or fire dependent, some fire climax species, such as ash-type eucalypts, depend on high intensity fire for their natural regeneration.
- 21 For thousands of years, the traditional custodians understood the role of fire at the local and landscape scale in underpinning their welfare and wellbeing.
- 22 Forest Fire Victoria Inc has long recognised the roles of the *EPBC Act* in honouring Australia's signatories to International conventions, particularly Ramsar convention and International Union for Conservation of Nature (IUCN),

¹ Definition FFM: The prevention, suppression, planned use of fire and recovery from bushfire in the short and long term.

and the need to safeguard the values and uses of our forests; done mostly by regulation.

- 23 State and Territory jurisdictions also have their legislated safeguards; for example, Victoria's *Flora and Fauna Guarantee Act 1988* (as at 1st March 2019) and many other Acts and Regulations that govern forestry practices. In fact, forest-based industries are among the most highly regulated, sustainably managing a renewable resource.
- 24 Forest Fire Victoria Inc. has been engaged these past two decades, drawing attention to problems with land and fire management and recommending solutions to issues that should not have been allowed to evolve.
- 25 Victoria is Australia's most bushfire prone state in the continent by virtue of its latitude, seasonal weather, climate and mostly highly flammable vegetation.
- 26 Victoria is demonstrably Australia's greatest 'basket-case' with respect to forest fire management on public land. Western Australia, due to our diligent colleagues in the Bushfire Front Inc. and now supportive government, is making considerable progress in reinvigorating land and fuel management policy and practice to minimise the threat of wildfire, at least in south-west WA.
- 27 It beggars belief that Victoria's Government is imprudent enough to declare it is phasing out all harvesting of native forest on public land by 2030. We believe multiple-use management has a critical role to play that is compatible with Australia's international obligations and also in meeting social, economic and environmental obligations under more explicit principles of ecologically sustainable development in a revised *EPBC Act* applied in a landscape scale context.
- 28 It is ironic that as individuals and as an organisation, we would easily qualify under the current Section 487 of the Act as a "**person aggrieved**" could apply under the Act for a review of the failure of the Department of Environment Land Water and Planning (DELWP) and the State Government to minimise the destruction, at a landscape-scale, of public forests; flora and fauna; extinction; water catchment impairment and severe disruption/destruction of individual and community assets and livelihoods.
- 29 FFFVic Inc, has been occupied with submissions to the Commonwealth Government's Royal Commission and the Victorian Inspector General for Emergency Management's (IGEM) review of 2019/20 fire season.
- 30 We failed to pick up on the current review of the *EPBC Act* until it recently received publicity in the media²; "*Cut green lawfare to lift growth, jobs, investment... The current review of the EPBC Act 1999 led by Professor Graeme Samuel AC...recognizing that it is vital that our primary national environmental law is well-placed to deliver better outcomes for Australia's environment and heritage, for business and for the community.*"

² Denis Shanahan <https://theaustralian's\media.com.au>

- 31 The foresight of Professor Samuel to produce a Discussion Paper in November 2019 identifying matters of concern has enabled FFVic Inc. to prepare a submission that provides our answers to questions in the Discussion Paper that will be reflected in the Draft Report, June 2020.
- 32 FFVic Inc. is concerned: "*The news that a small coterie of green activists has used environmental law to delay 28 projects worth \$65BN*" does not reflect the impact that green activists have had on government policy and departmental practice in reducing forest fuels by opposing/frustrating landscape-scale fuel reduction burning in public forests.
- 33 The consequences, examined over the past two decades, exacerbated by suboptimal response to quickly control wildfire, has seen a huge increase in mega-fires in the landscape.
- 34 The result: landscape scale wildfires have caused massive environmental damage, including species extinction, long-term damage to water catchments, death, destruction and severe disruption to individuals and whole communities and huge recovery costs in the short and long term.
- 35 It is puzzling why the Environment Department has not held Victoria (and NSW) Government and relevant bureaucracies, accountable.
- 36 Concerns about:
- * Cost of green activism impacting forest fire management;
 - * Modernization of Regional Forest Agreements;
and
 - * Answers to questions posed in the Discussion Paper;
 - * Potential benefits of changes to the *EPBC Act* in the national interest now follow.
- 37 **Do estimates of the cost of green activism take account of forest land management issues concerning forest fire management and regional forest agreements concerning sustainable timber production?**
- 38 It has been reported that green activists have used environmental laws to delay/frustrate investments, projects worth \$65BN; that includes mines, dams, roads, tourist development, natural gas projects, land clearing.
- 39 FFVic Inc, is concerned that there are other critical matters that involve billions of dollars in damage/destruction to public forests (social, cultural, environmental, economic) and sustainable use of a renewable resource in public forests that the review of the *EPBC Act* should consider.
- 40 **Concerns about the cost of green activism impacting on forest fire management.**
- 41 Many items listed in the Royal Commission's Terms of Reference and IGEM's Phase 1 "Matters for consideration" in reviewing the 2019/20 fire season all implicitly involve the costs and benefits of current policy and strategies.

- 42 Forest Fire Victoria Inc. drew attention to the huge increases in expenditure on bushfire activities; Victoria spent \$1.8 billion on its fire services in 2018/19, far more than any other State or Territory.
- 43 Why is this so?

THE COST OF VICTORIA'S LARGE CAMPAIGN FIRES AND THE LOSSES ASSOCIATED WITH THEM

- 44 Following the large fires across the nation in 2019/2020, the way the land is managed , the way fires are fought, and the way people are trained to fight them must be seriously re-evaluated or we will continue to have more of these large, uncontrollable fires in the future and the massive attendant costs – in dollar and human terms.
- 45 Victoria spent \$1.8 billion on its fire services last year³, hundreds of millions more than any other state or territory. Figures from the Productivity Commission cited by Towell, The Age, 29 January 2020, show the Victorian government spending about \$275 dollars for each resident in 2018-2019 on fire services, against a national average of \$196.
- 46 The costs of this year's fire fight, plus the annual costs of funding the fire services, will almost certainly exceed this figure. It is unlikely that these values include disruption, destruction and recovery costs.
- 47 Because the costs of the 2019/2020 fires are not readily available in the time frame required for our submission, we will use a well-documented evaluation of the costs of the large alpine fires of 2003 as a case study to show how much large fires really cost.
- 48 The paper "*What is the True Cost of Forest Fire Management on Public Land in Victoria*" (Dexter/Macleod, 2017) compiled and analysed from publicly available data, estimated costs of the 2003 fires. The paper concludes that a realistic estimate of cost of the 2003 Alpine firefight was approximately \$411.7 million (2019 dollars).
- 49 The larger the fire, the longer the suppression operation, the greater the cost and the likelihood that there will be injuries to fire agency personnel, contractors and community. Along with this is the huge environmental, economic and social cost to the community as estimated (Stephenson 2010) in [Table 1](#) for three of the major Victorian fire events in 2003, 2006/7 and 2009.
- 50 A later report by Ryan and Runnels (2015) citing three of five fires studied by Stephenson (2010) also states... "*not all losses could be valued at the time of writing, and not all impacts included in the SEIA model were valued, including health impacts (other than fatalities and injuries) and the indirect disruption to businesses, transport networks, essential service provision, public services and households which will therefore push the net loss even*

³ The Age, 29th January 2020

higher. Although these values may seem excessive, they are comparable with several other studies from Australia, USA and New Zealand that consider the full range of economic, social and environmental impacts or parts thereof”.

⁵¹ Our key message is a simple one – large “campaign fires” must be avoided by focusing on the rapid detection and suppression of fires while they are small.

⁵² The cost of fire prevention (including fuel reduction burning), readiness, training rapid and determined initial attack, are far exceeded by the enormous financial and social burden of large campaign fires, viz: suppression, disruption and recovery.

⁵³ Stephenson acknowledged the imperfections in the models used to derive the costs.

⁵⁴ Many economists point out that the wording of questionnaires to gather \$ values can be designed to elicit a preordained outcome, reflecting inherent bias in the responder. Consequently, the benefits can be inflated when in fact, the net losses are larger.

⁵⁵ Stephenson concluded in the Summary, *“Until the economic losses associated with bushfires are known, policies and strategies incorporating bushfire information will not be fully informed.*

56 **Table 1:** Summary of the environmental, economic and social losses, benefits and net economic losses for the 2003 Alpine Fires, 2006-07 Great Divide Fires and 2009 Black Saturday fires. (Stephenson 2010⁴ cited by Ryan and Runnells in 2015⁵)

Asset Value -2008 AU\$ (2019AU\$) * * Source RBA inflation calculator	2003 Alpine Fires	2006-07 Great Divide Fires	2009 Black Saturday Fires
Total area (ha)	1,080,893	1,113,251	388,261
Economic losses	1,715,286,629 (2,144 M)	1,077,615,049 (1,347 M)	1,826,197,051 (2,283 M)
Residential buildings and contents	7,841,250 (10 M)	13,578,750 (17 M)	611,842,500 (765 M)
Commercial and industrial buildings and contents	2,613,750 (3 M)	0	37,223,605 (47 M)
Park buildings, contents and infrastructure	34,736,687 (43 M)	28,592,624 (36 M)	33,392,225 (42 M)
Public infrastructure	82,802,000 (104 M)	0	6,885,000 (9 M)
Agriculture	60,767,501 (76 M)	165,582,348 (207 M)	720,102,519 (900 M)
Timber	1,391,993,388 (1,740 M)	692,461,833 (866 M)	78,900,464 (99 M)
Emergency response operations	134,532,053 (168 M)	177,399,494 (222 M)	337,850,738 (422 M)
Social losses	3,652,000 (5 M)	3,652,000 (5 M)	701,857,540 (877 M)
Fatalities	3,652,000 (5 M)	3,652,000 (5 M)	631,796,000 (790 M)
Major injuries	0	0	56,077,970 (70 M)
Minor injuries	0	0	13,983,570 (17 M)
Environmental losses	1,094,975,092 (1,309 M)	1,095,619,252 (1,370 M)	359,139,365 (449 M)
Benefits	122,565,903 (153 M)	174,819,572 (219 M)	1,962,284,227 (2,453 M)
Payments by government	99,911,542 (125 M)	144,206,744 (180 M)	507,758,230 (635 M)
Donations	2,904,405 (4 M)	350,562 (0.438 M)	382,046,329 (478 M)
Insurance	19,749,956 (25 M)	30,262,266 (38 M)	1,072,479,668 (1,341 M)
Total losses	2,813,913,721 (3,517 M)	2,176,886,301 (2,721 M)	2,887,193,955 (3,609 M)
Total benefits	122,565,903 (153 M)	174,819,572 (219 M)	1,962,284,227 (2,453 M)
Net loss from bushfire	2,691,347,818 (3,364 M)	2,002,066,729 (2,503 M)	924,909,728 (1,156 M)

57 Whilst these tables show the great overall losses from large fires, the need to keep fires small is clearly shown in the following table (Table 2) adapted from Dexter and Macleod⁶

⁴ DELWP Report 88 – Stephenson 2010

⁵ Ryan and Runnalls 2015

⁶ Dexter and Macleod (2017) ibid

58 **Table 2: Summary Comparison: 1985 and 2003 Direct Fire Suppression Costs**
(Au\$ in 2019)

Feature	January 1985	January 2003	Jan/Feb/Mar 2003
Duration (Days)	14	9	59
Area burnt (ha)	150,000	34,000	1,150,000
Peak personnel (No)	3120	1350	4280
Peak plant (No)	475	255	350
Peak aircraft (No)	36	31	34
Total personnel days (No)	21,700	9,530	133,100
Total plant days (No)	3,330	2,180	8,560
Total aircraft days (No)	392	165	847
Estimated suppression cost	\$20.54 M	\$23.5M	\$216.7M
Suppression costs/area burnt	\$137.1/ha	\$674/ha	\$188/ha

Adapted from Dexter and Macleod (April 2018). RBA Inflation Calculator for AU\$ 2019

59 This table relates to selected "larger" fires, with the myriad of very small fires (under 5 ha) not costed as there are far too many to consider. However, if the cost of many of these very small fires was tabulated, the unit area cost will almost certainly be very high, but the total expenditure is low.

60 Whereas Table 1 takes a more holistic view of the net costs of large fires, Table 2 concentrates on the direct costs of the firefight. Major fires generate large losses in many other areas of our society and the environment and to estimate these losses in the timeframe required for the 2019/20 fires is not possible. The factors to be considered in the future, and what the enquiry should examine in its deliberations are, but are not limited to:

- * Loss of life
- * Loss of assets e.g. houses, farm fences, timber plantations etc.
- * Relocation and evacuation costs
- * Damage to community assets e.g. roads, bridges, power distribution systems etc.
- * Water issues – yield and quality
- * Lost production e.g. farms, businesses
- * Loss of other business e.g. tourism,
- * Recovery costs
- * Rebuilding costs
- * Insurance/fire levy costs

61 The only major enquiry to have any lasting effect in the last 80 years or so was the Stretton Royal Commission following the disastrous 1939 fires. Systems and arrangements were set up which, to a large degree, worked well for decades. Major developments in knowledge, technology and social systems should have built on these arrangements to greatly improve the management of fire even further; the opposite seems to have happened if the results of fires in the last 20 years are objectively analysed.

62 We are not suggesting 'back to the future', but the lessons learnt, must be incorporated to suit contemporary times; the latest knowledge and technology must be used effectively and efficiently to prevent major fire disasters in the future.

63 The four major areas for improvement are:

- 64 Fuel reduction programs must be expanded across all land tenures to manage fuel levels to the extent that fires never have long, unbroken runs in heavy fuel loads
- 65 Rapid and determined initial attack, using all available resources, must be applied to EVERY outbreak of fire in order to contain it within the smallest area possible.
- 66 Land management across all land tenures must be complementary to fire management. On-ground activity, such as trackbuilding and maintenance for access, multiple use management, across all land tenures, to build knowledge and skills and constant “on the job” training are all essential. Locking up vast areas with “passive” management is a recipe for disaster (as evidenced nationally by the 2019/20 fires).
- 67 Centralisation of emergency management in the early stages of fires is counterproductive, and strong local decision making and action should be an essential part of fire attack, backed up by larger organizational support when required.

Reference:

- 68 The Age 29th January 2020: Noel Towell, State Political Editor *Victoria spent \$1.8 billion on its fire services last year, hundreds of millions more than another State or Territory*
- 69 DELWP (July 2010): *The impacts, losses and benefits sustained from five severe bushfires in south-eastern Australia. Fire and adaptive management. Report No. 88 ISBN 9781742870625 (online) - Catherine Stephenson: Research Officer, Centre for Risk and Community Safety. RMIT University and Bushfire Cooperative Research Centre*
- 70 Michael Ryan and Ross Runnalls (May 2015): *Does timber harvesting in natural forests have any influence on fire management at the landscape level?* IFA conference session paper – Commercial timber management and what this means for fire outline.
- 71 Barrie Dexter and Donald Macleod (Apr 2018) Revision 1: *What is the True Cost of Forest Fire Management on Public Land in Victoria. What actions are required to increase transparency and accountability in reporting these costs in the public interest?* [Includes Briefing Notes] ISBN: 978-0-9942531-5-6 CD-ROM
.....
- 72 Not all of the above costs should be attributed to green activism. There is a component for which DELWP and Victorian Government are responsible; policy, strategies and protocols concerning aggressive first attack to keep bushfires small.
- 73 FFVic Inc. conservatively estimates that about 60–70 % of the costs are a direct result of vigorous green lawfare tactics against landscape-scale fuel reduction burning (FRB). We suggest this is a conservative cost estimate, because reduced forest fuel loads aid quicker forest fire suppression and significantly lower disruption, destruction and recovery costs.

MODERNIZATION OF REGIONAL FOREST AGREEMENTS

- 74 The ground-breaking report of the Resources Assessment Commission (1992)⁷ chaired by Mr Justice Stewart with Drs. David Jones and Ian Noble Special Commissioners was the first reference issued under the *Resource Assessment Commission Act 1989*;
- 75 *"basically, the Inquiry was required to conduct an Inquiry into options for the use of Australia's forest and timber resources"*
- 76 *"We have endeavoured to deal with what most participants and the Inquiry itself saw as the important issues; pulp mills; the woodchip industry; the sawmilling industry; various aspects of the forest products industries; forest management; old growth forest; the adequacy of conservation reserves in forests; biodiversity; ecologically sustainable development; sustainable yield; the forest estate – past present and future; plantations; resource security; and others too numerous to mention"*
- 77 *"The mere presentation of this report upon the conclusion of the Inquiry will not magically solve all problems connected with Australia's forest and timber resources"*
- 78 *"One thing is clear; there is no universal remedy for the problems connected with Australia's forest and timber resources, and conflict will continue. I believe; however, it can be reduced substantially, and this report is to a large extent about how to achieve this end"* (referred in Q21)
- 79 Prophetic words with green activists successfully continuing their mantra *'there is no land tenure other than of National Park or Conservation Reserve that can protect Australia's public native forests'*.
- 80 Leading up to the late 1990s, there was considerable tension between conservationists and the timber industry over the way forests were managed and utilised. The Commonwealth, State and Territory Governments joined forces towards resolving years of conflict over forest use. Regional Forest Agreements (RFAs) were recognized as a key element in developing a National Forest Policy that sought a reasonable balance between conservation, recreation and economic use of forests.

⁷ Commonwealth of Australia 1992. ISBN 0 644 24696 0 4 set

- 81 The RFAs sought to balance these demands by setting obligations and commitments to deliver, for current and future generations:
- * Certainty of resource access and supply to industry – building investment and confidence
 - * Ecologically sustainable forest management
 - * An expanded and permanent forest conservation estate
- 82 This process quickly added over 3 million hectares to conservation reserves around the country, while delivering apparent certainty to areas available for timber production.
- 83 While this approach initially appeared to be successful, the reality was that activists continued to demand more exclusion areas and ever-increasing restrictions; which also severely reduced the area within the RFA that was meant to be available to meet Australia’s needs for timber products.
- 84 Now, the “modernised” RFAs have essentially become a “Trojan Horse” not to balance forest use between preservation and other multiple-uses, but to be an effective flagship for more conservation reserves with restricted activities.
- 85 The recently reviewed RFA process in Victoria highlights this when the new agreements claim to bolster protections for Victoria’s unique forest biodiversity and threatened species by (inter alia):
- * Reinforcing existing protections of rainforests and recognising the Victorian Government’s commitment to protect all Old Growth forests from timber harvesting;
 - * Providing for rapid interventions to protect a perceived threat, sometimes based on poor ‘science’;
 - * Identifying and reviewing priorities for research...to improve understanding of threats to vulnerable species;
 - * Having stronger checks and balances for reviews...audit and...remedial actions;
 - * A new commitment to work with Traditional Owners.
- 86 Additionally, they provide continued access to streamlined regulatory processes for the timber industry for the next 10 years while Victoria phases out timber harvesting in native forests.
- 87 It is easy to see how the purpose of the original RFAs – “*of providing long term stability of forests and forest industries*” and balancing the management of forested lands has now changed dramatically to one of forest ‘conservation’ for everything but native forest timber harvesting which is TO BE PHASED OUT OVER THE NEXT 10 YEARS.

- 88 Forest industries are a vital part of our community and the protection of conservation values is an integral part of multiple use forest management. Forest fire management, for the prevention and control of fires, has relied heavily on the timber industry for its bush knowledge, forest work skills, access and machinery to prevent large and destructive wildfire that irrevocably destroys biodiversity and conservation values over ensuing decades. The tactics of green activists in manipulating the RFA process essentially kills this.
- 89 Bushfire has no respect for land tenure and because of an uncontrolled build up in forest fuel load; the forest, together with all its values and uses has been seriously damaged by wildfire.
- 90 Repeated intense wildfire in short intervals has resulted in species extinction, damage to water catchments, water quality and long-term yield, massive disruption/destruction, death and grievous harm to fire-fighters, contractors, individuals and whole communities.
- 91 Landscape scale fires set vast tracts of forest back to ground zero; the result in fire climax mountain forests is a contiguous single age class. This should be progressively transformed into patches leading to a multi-aged forest with different seral stages each providing biodiversity from young – mature – old growth.
- 92 Enough is enough! While there should be no blame attached to people acting in good faith, those orchestrating this chaos and those failing in their duty under *Acts of Parliament* to properly manage the forest estate, including minimizing the threat of wildfire, must be held accountable. Otherwise, history will continue to be repeated.
- 93 The conservation (*wise use*) of our public forests across all land tenures, with appropriate safeguards, is in the national interest.
- 94 It provides:
- * Employment in regional and rural areas, a policy encouraged by government;
 - * Workforce with equipment, skills and experience to suppress wildfire as a condition of licence to operate;
 - * Improves biodiversity within the forest.
- 95 Top-grade products from a home-grown renewable resource value added in Australia:
- * Generates revenue towards the cost of conserving Australia's forest environment and heritage; and is
 - * Consistent with Australia's obligations under key international conventions incorporating principles of ecologically sustainable development;
 - * Meets the objects of Australia's *EPBC Act*.

- ⁹⁶ The decline in multiple-use management of the forest estate must be arrested and opportunity enhanced for more active management.
- ⁹⁷ The path forward to help achieve this via modifications to the *EPBC Act* is described on under answers to Question 2 page 17.

ADDRESSING QUESTIONS IN THE DISCUSSION PAPER – SUMMARIZING RECOMMENDATIONS

- ⁹⁸ Question 1.
- ⁹⁹ *Some have argued that past changes to the EPBC Act to add new matters of national environmental significance did not go far enough. Others have argued it has extended the regulatory reach of the Commonwealth too far. What do you think?*
- ¹⁰⁰ Past changes to the Act have extended the regulatory reach of the Commonwealth, as it is currently being applied, too far.
- ¹⁰¹ Question 2.
- ¹⁰² *How could the principles of ecologically sustainable development (ESD) be better reflected in the EPBC Act? For example, could the consideration of environmental, social and economic factors, which are core components of ESD, be achieved through greater inclusion of cost benefit analysis in decision making?*
- ¹⁰³ The principles of ecologically sustainable development (ESD) are not sufficiently explicit, in particular:
- * They do not effectively integrate both long term and short term economic, environmental, social and equity considerations;
 - * They do not reflect the need to develop a strong growing and diversified economy, which can enhance the capacity for environmental protection;
 - * Greater inclusion of independently produced cost benefit analysis in decision making is essential;
- ¹⁰⁴ An example of the modification required to make ESD principles and matters guiding the principles as set down in Victoria's *Commissioner for Environmental sustainability Act 2003* – Section 4, subsections 1, 2 & 3 (or similar) be adopted as an amendment to the current *EPBC Act*. ([See Table 3.](#))

Table 3. Comparison of principles of ecologically sustainable development from (Commonwealth) *Resource Assessment Commission 1992* and guiding principles of ecologically sustainable development from Part 1, Section 4 of the *Victorian Commissioner for Environmental Sustainability Act (2003)* [Act No 15/2003] and *Environment Protection and Biodiversity Conservation Act (1999)* [Act No. 57 Compilation No. 53] [The emphasis is mine.]

Resource Assessment Commission 1992 Forest & Timber Inquiry Final Report Vol. 1	Environment Protection and Biodiversity Conservation Act (1999) (Commonwealth)	Commissioner for Environmental Sustainability Act (Vic) (2003)
Overview Page 7.	Section 3A	Section 4 Subsections 1, 2 & 3.
<p>Ecologically sustainable development</p> <p>1.31. <i>The Inquiry has adopted the general definition of ‘sustainable development’ provided by the World Commission on Environment and Development: development that ‘meets the needs of the present without compromising the ability of future generations to meet their own needs’.</i></p> <p>1.32. <i>Achieving ecologically sustainable forest use requires the maintenance of the basic ecological processes and biological diversity of forested systems. Implicit in the concept are the notions of change, evolution and trade-offs, and the role of society in decisions relating to forest management and use.</i></p> <p>1.33. <i>The Inquiry supports an economic development of Australia’s forests that is ecologically and socially sustainable. The Inquiry’s assessment of the issues reveals significant common ground between the key economic, ecological and social goals for the sustainable development of Australia’s forests... sustainable development of Australia’s forests is critically dependent upon four goals:</i></p> <ul style="list-style-type: none"> <i>* recognition that forest ecosystems represent natural capital that must be maintained;</i> <i>* recognition that unpriced social & ecological values & attributes should be taken into account in the processes of decision making & management;</i> <i>* recognition that effective decision making in relation to forest uses should include community support & involvement;</i> <i>* recognition that prudent use of forests includes keeping options open for the future and adopting a precautionary approach to potentially irreversible consequences of particular uses.</i> 	<p>Principles of ecologically sustainable development</p> <ul style="list-style-type: none"> <i>(a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;</i> <i>(b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;</i> <i>(c) the principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;</i> <i>(d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;</i> <i>(e) improved valuation, pricing and incentive mechanisms should be promoted.</i> 	<ul style="list-style-type: none"> <i>(1) Ecologically sustainable development is development that improves the total quality of life, both now and in the future, in a way that maintains ecological processes on which life depends.</i> <i>(2) The objectives of ecologically sustainable development are</i> <ul style="list-style-type: none"> <i>(a) to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;</i> <i>(b) to provide for equity within and between generations;</i> <i>(c) to protect biological diversity and maintain essential ecological processes and life support systems.</i> <i>(3) The following are considered as guiding principles of ecologically sustainable development –</i> <ul style="list-style-type: none"> <i>(a) that decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations;</i> <i>(b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;</i> <i>(c) the need to consider the global dimension of environmental impacts of actions and policies;</i> <i>(d) the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection;</i> <i>(e) the need to maintain and enhance international competitiveness in an environmentally sound manner;</i> <i>(f) the need to adopt cost-effective and flexible policy instruments such as improved valuation, pricing and incentive mechanisms; the need to facilitate community involvement in decisions and actions on issues that affect the community.</i>

105 Question 3.

106 *Should the objects of the EPBC Act be more specific?*

107 *(a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;*

108 (a) to provide the conservation of the environment, recognizing signatories to international conventions, in the national interest;

109 *(b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;*

110 (b) to promote sustainable development through the principles of ecologically sustainable development and guiding principles for welfare and well-being of all citizens;

111 *(c) to promote the conservation of biodiversity;*

112 (c) Yes

113 *(ca) to provide for the protection and conservation of heritage;*

114 (ca) Yes

115 *(d) to promote a cooperative approach to the protection and management of the environment involving governments, the community, land-holders and Indigenous peoples;*

116 (d) to promote a cooperative approach to the protection and conservation (wise use) of the environment for all citizens' welfare and well-being;

117 *(e) to assist in the cooperative implementation of Australia's international environmental responsibilities;*

118 (e) Yes

119 *(f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity;*

120 (f) to recognize, involve and promote the knowledge of traditional custodians for the conservation (wise use) of Australia's biodiversity;

121 *(g) to promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.*

122 (g) delete.

123 Question 4.

124 *Should the matters of national environmental significance within the EPBC Act be changed? How?*

125 Yes – see below.

126 The EPBC Act should reflect a national approach (agreed and enforceable national guidelines) to safeguard the nation's water resources and forest estate (all values and uses) from natural hazards (pests, diseases, cyclonic storm, floods and wildfire).

127 While the States and Territories have jurisdiction for management of natural hazards, the Commonwealth has jurisdiction for biosecurity and is seeking a formal role in emergency management (The current Royal Commission into 2019/20 fire season will probably formalize the role).

128 As an example covered in this submission, the EPBC Act should set down powers (agreed say through a National Cabinet) to hold States and Territories accountable for poor management; e.g. forest fire management in public land.

129 Question 5.

130 *Which elements of the EPBC Act should be priorities for reform? For example, should future reforms focus on assessment and approval processes or on biodiversity conservation? Should the Act have proactive mechanisms to enable landholders to protect matters of national environmental significance and biodiversity, removing the need for regulation in the right circumstances?*

131 Future reforms should focus on conservation (wise use) of the natural environment under revised principles and guidelines for ecologically sustainable development. See Question 2.

132 Remove the need for regulatory bureaucracy in the right circumstances but cater for enforcement; Spy in sky will monitor whether or not landholders are doing the right thing.

133 Question 6.

134 *What high level concerns should the review focus on? For example, should there be greater focus on better guidance on the EPBC Act, including clear environmental standards? How effective has the SPBC Act been in achieving its statutory objectives to protect the environment and promote ecologically sustainable development and biodiversity conservation? What have been the economic costs associated with the operation and administration of the EPBC Act?*

135 **High level concerns**

136 * Better guidance; and

137 * Clear standards

will result in better cooperation and outcomes.

138 **Effectiveness in achieving statutory objectives.**

139 * 4 out of 10, in fairness green activism has exploited the Act for its own selfish ends,

140 * Fix the principles and guidance principles of EPBC Act at the landscape-scale and do not get manipulated by green activists.

141 QUESTION 7:

142 *What additional future trends or supporting evidence should be drawn on to inform the review?*

143 This question is answered in the context of FFVic Inc.'s Statement of Purpose.

144 **1.** Additional future trends

145 (i) Modernization of Regional Forest Agreements – see also item (vii) below;

146 (ii) Commonwealth Royal Commission into 2019/20 bushfires;

147 (iii) Inspector General for Emergency Management (Vic) Review of the Victorian 2019/20 fire season;

- 148 (iv) Other jurisdictions in Australia reviewing the 2019/20 fire season;
- 149 (v) Commonwealth, State and Territory jurisdiction policy, strategy and actions following expensive efforts to minimise the effects of Covid-19 on the welfare and well-being of citizens and the Australian economy and its relationship with the global economy;
- 150 (vi) The policy, strategies and actions of the Reserve Bank of Australia for Australia to recover from the effects of Covid-19 on the economy and future directions;
- 151 (vii) Green activists coming out of hibernation during the fire season pressing claims for the complete removal of all native forest timber harvesting in Australia (first cab off the rank, Victoria well down the track)

152 **2. Supporting evidence on which to draw to inform the review...**

153 The following documents which include references/footnotes drawn on in their preparation and other published works:

(1) Forest Fire Victoria Inc's submissions to:

- Inspector General for Emergency Management. Phase 1 review of Victoria's 2019/20 fire season;
- Commonwealth Royal Commission into 2019/20 fire season (as above-submitted as a Victorian Case Study);

(2) Online request to Victoria's Auditor General for an audit:

"What is the True Cost of Forest Fire Management on Public Land in Victoria? - What actions are required to increase transparency and accountability in reporting these costs in the public interest?" - supporting 'Prepared Document'. Revision 1. April 2018. ISBN 978-0-9942531-5-6
Bibliography pages 23-27.

(3) Kohen. J. L.(1995) *"Aboriginal Environmental Impacts"* ISBN 0 86840 301 6

(4) Danielle Code and Victorian Environment Assessment Councils (2006)

"As if for a thousand years: a history of Victoria's Conservation Councils."
ISBN 1 74152 463 6

(5) Mark Poynter (2007) *"Saving Australia's Forests and its Implications."*
ISBN 978-0-9775029-1-2

(6) Vic Jurskis (2015) *"Firestick Ecology – Fair Dinkum Science in Plain English"*
ISBN 978-1-925138-74-0

(7) Mark Poynter (2018) *"Going 'Green' – Forests, Fire and a Flawed Conservation Culture."* ISBN 978 1935501926

154 QUESTION 8:

155 *Should the EPBC Act regulate environmental and heritage outcomes instead of managing prescriptive processes?* Yes.

156 QUESTION 9:

157 *Should the EPBC Act position the Commonwealth to take a stronger role in delivering environmental and heritage outcomes in our federated system? Who should articulate outcomes? Who should provide oversight of the outcomes? How do we know if outcomes are being achieved?*

158 (i) Only in those reserves where the Commonwealth has jurisdiction;

159 (ii) National guidelines should be developed by the National Cabinet. This will articulate outcomes;

160 (iii) Each jurisdiction should be responsible for oversight of the outcomes that were agreed under (ii);

161 (iv) Each jurisdiction reports annually in an annual report to their parliament. These are collectively reported in the Commonwealth's Department for the environment to the Parliament.

162 The danger here is that some jurisdictions may obfuscate the real facts. This can be minimised by the criteria spelt out for reporting on outcomes in agreed national standards.

163 QUESTION 10:

164 *Should there be a greater role for national environmental standards in achieving the outcomes the EPBC Act seeks to achieve?* Yes. Points in Question 9 refer.

165 *In our federated system should they be prescribed through:*

166 *Non-binding policy and strategies?* **No**

167 *Expansion of targeted standards, similar to the approach to site contamination under the National Environment Protection Council, or water quality in the Great Barrier Reef catchments?* Yes

168 *The development of broad environmental standards with the Commonwealth taking a monitoring and assurance role?*
Does the information exist to do this? **No**

169 QUESTION 11:

170 *How can environmental protection and environmental restoration be best achieved together?*

171 How to 'protect and how to 'restore' should be recognized as two separate actions. If protection under agreed rules is failing the standards set, the cause must be identified first and then strategies/action for restoration defined and agreed. Environment Department is monitoring and ensuring accountability of the respective jurisdictions.

172 *Should the EPBC Act have a greater focus on restoration?* Yes.

173 *Should the Act include incentives for proactive environmental protection?* Yes.

174 *How will we know if we're successful?* By monitoring the standards agreed, each jurisdiction would include success or failure in their annual reports identifying cause/s for failure and success (lessons learnt).

175 *How should Indigenous land management practices be incorporated?* The protocols should be incorporated by their specification in action plans and monitored as any other specification to achieve specified outcomes. This is a shared responsibility of team actioning the plan. While the 'care for country' is held in the 'DNA' of the traditional custodians, the application has to fit in with contemporary times. This will pose challenges.

176 QUESTION 12:

177 *Are heritage management plans and associated incentives sensible mechanisms to improve?* Yes.

178 *How can the EPBC Act adequately represent Indigenous culturally important places?*

179 The same way as the Act must adequately represent other culturally important places to non-indigenous Australians. We are all Australians. There must be mutual respect and sharing our culturally important places.

180 The traditional custodians will decide on what is 'adequate' in the 21st Century. 'Adequate' is primarily concerned with nurturing welfare and well-being. In other words, sustainably managing for present and future generations in a constantly evolving environment.

181 That will not happen in a degraded environment.

182 *Should protection and management be place-based instead of values based?*

183 An inanimate heritage object is more likely to be place-based. Objects for heritage such as unique landscapes, niches for very rare flora or fauna, would also qualify as place-based. However, place-based and value based are not mutually exclusive; therefore, each time an issued is raised, the best option for its preservation (fixed in time) or conservation where evolution continues over time needs to be considered.

184 The precautionary principle must not be used inappropriately as an excuse to unnecessarily to tie up conservation (wise use) in the overall national interest.

185 QUESTION 13:

186 *Should the EPBC Act require the use of strategic assessments to replace case-by-case assessments?* Yes; at a landscape-scale.

187 *Who should lead or participate in strategic assessments?* The responsible jurisdiction under the agreed national guidelines.

188 QUESTION 14:

189 *Should the matters of national significance be refined to remove duplication of responsibilities between different levels of government?* Yes

190 *Should states be delegated to deliver EPBC Act outcomes subject to national standards?* Yes

191 QUESTION 15:

192 *Should low-risk projects receive automatic approval or be exempt in some way?*

No. Just get rid of excessive green and red tape.

193 *How could data help support this approach?* Real data is critical. Too much reliance is placed on modelling without verifying the modelled predictions in the real world. Also, too much reliance is often placed on opinion or 'unsubstantiated' evidence.

194 *Should a national environmental database be developed?* Yes.

195 *Should all data from environmental impact assessments be made publicly available?* Yes. The taxpayer is paying and transparency is critical. Too much 'commercial-in-confidence' to hide inconvenient truths.

196 QUESTION 16:

197 *Should the Commonwealth's regulatory role under the EPBC Act focus on habitat management at a landscape-scale rather than species-specific protections?*

198 Definitely; at a landscape-scale.

199 QUESTION 17:

200 *Should the EPBC Act be amended to enable broader accreditation of state and territory, local and other processes?*

201 Yes, with the strong caveat; not without significant improvement in transparency in reporting.

202 QUESTION 18:

203 *Are there adequate incentives to give the community confidence in self-regulation?*

204 **No.**

205 QUESTION 19:

206 *How should the EPBC Act support the engagement of Indigenous Australians in environment and heritage management?* Sponsor scholarships for advanced learning.

207 *How can we best engage with Indigenous Australians to best understand their needs and potential contributions?* Very difficult. There are many factors. Be careful to identify the elder for a particular traditional custodian entity. Genuine dialogue; no hidden agendas; that applies to all

208 *What mechanisms should be added to the Act to support the role of Indigenous Australians?* It is about mutual trust between people. Be patient, but do not be conned/hood-winked.

209 QUESTION 20:

210 *How should community involvement in decision making under the EPBC Act be improved? For example, should community representation in environmental advisory and decision-making bodies be increased?* Very difficult. Often the best people are already overloaded. Some people are 'professional' committee sitters. It is the quality of community representation, not quantity. People trained in facilitating, if, they themselves have no hidden agendas, can be very useful. If a committee has not bonded and are not working with mutual respect; get rid of it.

211 QUESTION 21:

212 *What is the priority for reform to governance arrangements? The decision-making structures or the transparency of decisions? Should the decision makers under the EPBC Act be supported by different governance arrangements?*

213 The priority is to get the principles and guidelines for ecological sustainable development (ESD) right. For example: This has been the problem with the *Water Act* from its inception and unless the ESD is defined/categorized, the disruption will continue and the very expensive MDB Plan will not function.

214 Organizational arrangements are one element, but culture, leadership and transparency are more important than structure. Of course, the optimum is to have both.

215 Remember the sage words of Justice Stewart *quoted on page 13 notation 78*.

216 There should be governance arrangements, agreed by the National Cabinet, that constant disrupters can be removed from committees and the organization concerned, replaces that person/s.

217 There is no perfect solution.

218 QUESTION 22:

219 *What innovative approaches could the review consider that could efficiently and effectively deliver the intended outcomes of the EPBC Act? What safeguards would be needed?*

220 Get the ESD right as described in answer to question 2 and be absolutely genuine, without fear or favour on working to the principles and guiding principles. It will not solve intransient green disruption, but it will make for a much more constructive, equitable, and harmonious approach for most participants.

221 The general population and governments are going to be more or less totally engaged in the economic recovery from Covid-19. The nation needs a balanced conservation (wise use) approach to manage Australia's environment and heritage.

222 QUESTION 23:

223 *Should the Commonwealth establish new environmental markets?* Yes.

224 *Should the Commonwealth implement a trust fund for environmental outcomes?* Yes.

225 QUESTION 24:

226 *What do you see are the key opportunities to improve the current system of environmental offsetting under the EPBC Act?* Action the best ESD and apply it – Answer to question 22 refers.

227 QUESTION 25:

228 *How could private sector and philanthropic investment in the environment be best supported by the EPBC Act?* Answer to question 22 refers.

229 QUESTION 26:

230 *Do you have suggested improvements to the above principles?*

231 No, they are satisfactory, as is.

232 *How should they be applied during the Review*

233 As key milestones to be met, in assessing submissions and in crafting the interim report June 2020, that it has addressed the principles.

234 *and in future reform?*

235 * effective protection of Australia's environment;

236 * making decisions simpler;

237 * Integrating planning

238 have been addressed in the context of managing the public forest estate, in the body of the submission, conclusion and answers to various questions; briefly encapsulated in the Summary.

With respect to:

239 **On the principle: Indigenous knowledge and Experience –**

240 * Ensuring the role of Indigenous Australian knowledge and experience in managing Australia's environment and heritage;

241 This is not a simple matter.

242 Our collective experience in Victoria and in different regions of Australia, has identified that the knowledge of the traditional custodians is specific to a particular locale or region .

243 This not surprising.

244 Certainly, there is a common bond of care and respect for country, deeply imbedded in indigenous 'DNA' over many thousand of years'; that should be highly respected and integrated into ensuring that Australia's environment and

heritage is effectively curated in the landscape for present and future generations.

²⁴⁵ Such knowledge is essential for survival in bad years and for enhancing welfare and wellbeing in good years. Nothing has changed in that respect as the 2019/20 bushfire season has again demonstrated.

²⁴⁶ So too, must the care and respect of the natural environment that has evolved over the past 232 years be respected; from fire control to fire management.

²⁴⁷ There seems to be a significant difference between the practical application of the knowledge of the Elders, say north of the Tropic of Capricorn, compared to the south, where the art of the use of fire has not been practised to the same extent or lost over time. However, it remains embedded in the 'DNA' and working and sharing together with mutual respect in care for country, should deliver good dividends.

CONCLUSIONS

²⁴⁸ Over the past fifty years, green activists have vigorously opposed landscape-scale fuel management in public forests on the grounds it is overall detrimental to protecting biodiversity and not effective in ameliorating the effects of wildfire on the environment.

²⁴⁹ While not disputing their right to speak, we do dispute their premise. It is demonstrably untrue.

²⁵⁰ Victoria spent \$1.8 billion on its fire services in 2018/19. The net proportion of the cost of fire suppression, disruption, damage and short-and long-term recovery costs attributed to on-going disruptive tactics of green activists has not been quantified.

²⁵¹ Data for three major fire events in Victoria: 2003 Alpine fires; 2006-7 Great Divide fires and 2009 Black Saturday fires reveal an estimated net loss from bushfire, in AUS 2019\$, of \$6.7 billion. This is a conservative estimate, because it does not take account of long-term recovery costs.

²⁵² Not all of this amount is attributable to disruption to fuel management by green activists. State government policy and responsible bureaucrats sub-optimal performance in forest fire management, possibly accounts for 30% - 40% of these costs. That is an upper limit, so a conservative estimate attributable to the actions of green activists is in the order of \$4bn - \$4.7bn. These people who live in green ghettos in the metropolis and some regional and rural areas, have not yet been held accountable, at least in the court of public opinion; certainly not by exposure by the media. Many citizens appear to be not interested or ignorant, except for those grievously affected.

- 253 Another major concern is the on-going campaign to cease multiple-use management essential for conserving (wise use) Australia's native forests; the Victorian Government champions this cause by declaring the cessation of timber production from native forests by 2030. Green activism challenging negotiated RFAs is rampant.
- 254 Active management is crucial to the long-term conservation of the natural environment. Multiple-use management of native forests, including sustainable timber production, is an important tool for nurturing and enhancing biodiversity across all land tenures. It is consistent with meeting Australia's obligation under signatories to key international conventions (e.g. Ramsar, IUCN), all of which identify the role of ecological sustainable development (ESD) in managing the natural environment.
- 255 It is in the national interest to have active management of all uses and values in our public forests for the benefit of the environment and welfare and wellbeing of the community.
- 256 Given the enormous disruption cause by repeated wildfire in our public forests, particularly since year 2000, the 10-year review of the EPBC Act is timely.
- 257 It creates the opportunity to improve governance and quick rejection of spurious claims and mis-information, which will speed up decision-making; reducing costs.
- 258 There will always be people and organizations who have a preservation (passive management) agenda, rather than a conservation (wise-use) outlook which best meets both their wellbeing and welfare and that of conserving the environment and heritage for present and future generations.
- 259 Our extensive collective experience in natural resource management identifies a critical matter that if not properly addressed, makes it significantly harder , if not impossible, to resolve perceived conflicting and confounding issues that lead to on-going disruption by dissatisfied stakeholders; clearly, not in the national interest.
- 260 The problem resides in legislation that is not sufficiently explicit in setting out the underlying principles that define the scope of activities to achieve what was thought to be in negotiated outcomes that satisfy the majority.
- 261 In our opinion, the current definition of ESD does not explicitly define the intent of ESD.
- There will be on-going disputes until the principles and guiding principles are clearly defined.

- This lack of clarity in current ESD has cost billions of dollars and much angst in the community and for government.
- Culture, leadership and organizational arrangement are important, but if the legislation governing 'negotiated' outcomes is not explicit, there will no resolution until it is sorted.

²⁶² We also conclude, from the level of disputation leading to severe disruption, some might ask the question, '*has it morphed into eco-terrorism?*' It is clear that inadequate data and especially deliberate mis-information, results in long drawn out negotiations, costly new surveys and scandalous waste of money and resources to try and placate disrupters but is detrimental to the national interest.

²⁶³ These are all important issues, with which we are familiar, that must be resolved under the review of the EPBC Act.