

Submission on behalf of The Hunter Farm Forestry Network to the review into the Native Vegetation Act Regulation.

1 Who We Are

Hunter Farm Forestry Network (HFFN) is a non-profit incorporated organisation formed to promote the productive and sustainable management of forest on farms. Our focus is learning and education through field days, training events and dissemination of information on private native forestry and farm forestry in general.

HFFN is self-funding with no reliance or affiliation to industry or environmental groups, allowing it to explore and debate what constitutes sustainable forest management in an objective manner.

2 General Comments on Review Implementation

HFFN encourages the implementation of an evaluation process of the new changes to the Regulation and the results being made public.

Consequences of changes to the Regulation must not reduce funding of support for PNF. HFFN is uncertain why the Regulatory Impact Statement was finalised prior to completion of the public consultation process and why consultation is concluding so close to when staged repeal is to commence on 1 September 2012.

3 General Principles on Forest Management held by HFFN

Sustainability is necessary in both private and non private forest operations: in this regard clarification could be given of when existing operations exemption permits expire.

Species mix reduction and high grading should be minimised and hence there is need to adhere to existing basal area retention specifications and silviculture guidelines in the codes as far as possible.

4 Comments on Proposed Changes to the Regulation Based on Review Objectives

This section of our submission responds to the four objectives of the Review with the intent of identifying appropriate improvements to the NVA regulation.

The First Objective of the Review is to **Reduce Red Tape**.

The objective of the NVA is to eliminate indiscriminate land clearing. Routine Agricultural Management Activities were included in the NVA to facilitate necessary removal of trees by farmers in order that they are not inhibited in their primary business pursuit. If the reduction of red tape increases the possibility of oversights such as the identification of **pre 1990 regrowth** before clearing takes place, the result will not protect the environment and will only facilitate increased breaches of the Act and the associated expensive litigation.

Much has been made in the community consultations run by the CMAs of the **Old Growth and Rainforest** identification process in Private Native Forestry Property Vegetation Planning. Without a formal identification and on ground verification process the few examples of Old Growth and Rainforest on private land could be lost. These native forest icons are irreplaceable and it would be irresponsible to allow their destruction on the grounds that the permission to harvest needs to be expedited.

The majority of our membership that has been engaged with **PNF departmental officers** from both the EPA and DPI, have had cordial and prompt attention to their issues. This has included instances where Old Growth and Rainforest mapping was re-assessed, re-mapped and protected with a satisfactory outcome for the landholders. Considering the dearth of numbers of officers trying to implement the Private Native Forestry codes, their response times to our member's concerns are remarkable. We do not support any assumption that reducing red tape and therefore further reducing the numbers of PNF officers will enhance either environmental outcomes or the productivity of private forests.

The Second Objective of the Review is to **Improve Service Delivery**.

It is the experience of this organisation that appropriate information and **training** delivery would facilitate a dramatic reduction in the ignorance of proper forestry management. Much of the departmental officer's time is consumed dealing with issues occurring from a basic ignorance of the landholder's rights and responsibilities in relation to the NVA.

As with most farming activities knowledge equates to profits. So it is with forestry. A farmer will not waste diesel or fertiliser on working a paddock without having a full understanding of the requirements of the crop he intends to grow.

If the Government wishes to have improved service delivery then it should continue to subsidise the TAFE and other PNF training programmes that in the long term will create a culture of forestry understanding amongst landholders that will support and assist the departmental officers in the smooth roll out of Property Vegetation Plans.

The Third Objective of the Review is **Greater Flexibility and More Practical Rules**.

This organisation supports the appointment of peer approved third parties or **accredited experts** who can assist a landholder with appropriate variations to the codes within a forest operations plan. However these variations must improve or maintain the environment, must not facilitate the high grading of forests, and must be consistent with the Programme for the Endorsement of Forest Certification (PEFC) Council's definition of sustainability. As Australia is a signatory to the Montreal Process and a member of the 31 countries in the PEFC Council, NSW has a responsibility to ensure the above safeguards.

The Fourth Objective of the Review is to **Support Voluntary Compliance**.

In the fullness of time this organisation believes that all Australians both urban and rural will have regard for our native vegetation as being essential to the health of our overall environment. **Voluntary compliance** to the management of Native Vegetation should be the end result of the educational process that has been operating successfully for the last 4 years. However, we are at the beginning of a process of understanding the critically intricate co-dependencies of our flora and fauna. To embark on Voluntary Compliance now would be premature and could have many unforeseen consequences.

5 Other Specific Comments

HFFN supports changes to **the threatened species prescriptions** like the Forest Oak protection requirements. Changes like this are practical and will assist PNF practitioners.

We do not support any reduction in the **basal area retention prescriptions** without the replacement by an alternative method of ensuring adequate stand retention. We would support a prescription that would eliminate high grading. However, until such a prescription can be formulated, basal area retention is the best tool that landholders have to easily assess their stand density.

A scheme of voluntary **GPS registration** of all **prescriptive exclusions** could be trialled.

The **shaping of threatened species exclusion zones** according to requirements of individual species and characteristics of their immediate environment, and not a circle of specified size is appropriate.

More thought could be given to specifications on **regeneration after thinning**. Apart from AGS, perhaps the stipulations could be removed.

HFFN supports the proposals on managing INS. However **codes of practice** on this and other matters should be open for public comment prior to adoption.

Any variations permitted by **accredited experts** should be capable of withstanding a peer review based on passing the "maintain or improve rule" and should not involve reducing basal area retention limits more than a very small amount, say of no more than 3 to 5%. In addition to variations, perhaps the accredited experts could have the role of on-ground verification of disputed rainforest and old growth areas.

The proposed **rama on thinning native vegetation** following a code of practice, while having general native vegetation management value, has the potential to permit significant change to the current PNF specifications at the discretion of the Minister, and hence should be further reviewed prior to adoption.

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Secretary HFFN
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