

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

PETITION 24 — OPPOSE LOGGING IN NANNUP

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 22 AUGUST 2018**

SESSION ONE

Members

**Hon Matthew Swinbourn (Chair)
Hon Colin Holt (Deputy Chair)
Hon Tim Clifford
Hon Samantha Rowe
Hon Dr Steve Thomas**

Hearing commenced at 9.30 am**Mr GAVIN BUTCHER****Director Operations, Forest Products Commission, sworn and examined:****Mr ANDREW LYON****Business Manager, Forest Products Commission, sworn and examined:**

The DEPUTY CHAIR: Welcome this morning. My name is Colin Holt, I am the Deputy Chair of the committee. We have an apology from Hon Matthew Swinbourn, who is the Chair of the committee. He cannot be here this morning, but our members are Hon Dr Steve Thomas, Hon Samantha Rowe, and Hon Tim Clifford.

On behalf of the committee I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation.

[Witnesses took the oath or affirmation.]

Thank you. You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The DEPUTY CHAIR: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document referred to during the course of this hearing for the record, and just be aware of the microphones in front of you, which are recording for the purposes of Hansard.

I remind you that your transcript will become a matter for public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public or media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you like to make an opening statement to the committee?

Mr Butcher: I do not think so, no. I think we will just take questions, thank you.

The DEPUTY CHAIR: Okay, no worries.

Mr Lyon: We have and would like to table some maps, so that any discussions—we have actually presented the maps for Barrabup to you.

The DEPUTY CHAIR: Are you able to name those documents for us to table them?

Mr Lyon: We have four Barrabup coupe maps for Barrabup 0317.

The DEPUTY CHAIR: Okay. Thank you. Can you distribute those?

I will open the questioning. Can you please describe the role of the FPC in planning an approvals process for the native forest and harvesting?

Mr Butcher: The planning process starts through the forest management plan, so starting at a very strategic level. We engage with the Department of Biodiversity, Conservation and Attractions in looking at the specifications and the sustained yield evaluation, the issues to do with land use, the

sorts of industry, the sorts of directions that the timber industry is taking over the ensuing years, and that sets the strategic direction to guide the balance between ecological, social and economic forces over the whole forest estate. Dealing with the whole forest estate, you end up with a balance in that process, which is a 10-year period, so you have a 10-year template to work against and provide, I suppose, certainty and security for planning at the strategic level.

Then the next level down: the department prepares a three-year harvest plan. We have some input into that process in terms of advising as to the sort of areas we are interested in. That process: the department seeks to identify candidate harvest areas, which we call coupes, for harvesting over the ensuing three years, to meet our contractual commitments, because our contractual commitments do not necessarily match up with the sustained yield at the locations, but it also has to match it in with their requirements, in particular with the burning regime. Obviously you do not want to be in areas which are freshly burnt, but, most importantly, you cannot assess dieback in freshly burnt forest—the forest has to be at least three years after prescribed burning—but there are other constraints that the department has in terms of its planning process.

We get involved at that point in time, where we take the three-year plan and then prepare a one-year harvesting plan from that. The one-year harvesting planning process we undertake takes the areas from the three-year plan and identifies those coupes that we would like to harvest in a particular year, and there is usually some buffer, because obviously the resource estimate is an estimate; it is not an exact science, because you are dealing with a natural environment, so there is a fair plus and minus in the process. Equally, the market does change, so you are dealing with something which is fairly fluid. We identify those areas and publicise them, so we have a process of making them available to the public for comment and taking that feedback into process, but—and you will have seen within the submission from the department—there is an extensive planning checklist that we have to run through in that process. So our planning processes in fact start well before that public process in terms of checking off each of those items in terms of assessing.

The format that goes through is in accordance with the Montreal criteria, which looks at a range of environmental, social and economic factors which impinge upon any area. Some of those things require pretty intensive survey, such as if there is any significant ground disturbance, we require fauna surveys in the right season if there is potential for any threatened species in the area. So that requires intensive work such as dieback surveying and other preparatory work to go through that planning process.

There are a number of steps that we go through and have to check off before we actually then even get that signed off. We have to have done all those things and get them signed off by the department before we can undertake any disturbance activities on the site, so there is an extensive process which probably takes 18 months of detailed work in that process.

We also have to engage with the Aboriginal custodians in the area, and they look at each area and determine whether a detailed survey is required in each area. So, again, there is a layer of engagement with various members of the community and various, I suppose, public datasets which we go through to check on all those factors.

Mr Lyon: I would like to add two things. The three-year harvest plan from DBCA is also put out for public comment as well, and that is updated every year. So it is a three-year rolling plan; it is updated every year and goes out for comment.

The DEPUTY CHAIR: So, some drop off and some come on?

Mr Lyon: That is all based on the things that Gavin was talking about. Market demand or just industry demand at that time can vary that from year to year. And the other thing I will point to, the

process that Gavin has talked about in the maps that we have given you, you can actually see, from the very first map that we have, which just has the red boundary on it, this is the original coupe boundary that is given to us by DBCA, so it just defines the boundary. In fact, this map that you have here, I think the original coupe boundary was 700 hectares?

[9.40 am]

Mr Butcher: A little more than 700 hectares.

Mr Lyon: But they took out an area for reservation before it even got to us in the first instance. So it went from 700, so we get this indicative map, and it is showing 530 hectares. The second map then is the coupe concept map, and this shows where we have taken out fauna habitat zones, reserved areas in there, and the total area available for harvesting comes down to 462. The third map, which is the actual operations map, these are areas that then get excluded for operational reasons. Our officers go in there, they see an area, and they say, "No, it's not worth us going in there as well", so we will reserve that. So that brought the harvest area down to 444. Then the last map that you have there is actually the current proposed operational harvest map that brought it down to 308 hectares. That takes in, as I say, all of the processes that Gavin has talked about: fauna habitat zones; any areas—and there is one on this last map—that have been assessed for Aboriginal heritage; they all get taken out on these maps. So we wanted to show these just so you could see the progression as we go along with all these things and how we get to eventually where we get to with an operational harvest map.

The DEPUTY CHAIR: So just to get some clarification on the maps, then, if we firstly go to the last one.

Mr Lyon: Yes.

The DEPUTY CHAIR: The harvestable areas that you are now looking at are the ones in light green, is that correct?

Mr Lyon: Yes, anything that is not hatched.

The DEPUTY CHAIR: Anything that is not hatched is now the areas where you guys will be concentrating your harvesting operation?

Mr Lyon: Yes.

The DEPUTY CHAIR: Right.

Mr Lyon: Like I say, it is operational, so some of the areas that have been hatched out are for no other reason than it is operationally not viable to go into that, or not worth us going into there, so we can exclude it for that as well.

The DEPUTY CHAIR: Yes. So this is done coupe by coupe, including a checklist done coupe by coupe?

Mr Lyon: Yes.

The DEPUTY CHAIR: I guess—and correct me if I am wrong—you start with a bit of a broad brush, and as you complete your checklist and DBCA do the work they need to do, it gets more and more refined into the final net harvest map, for want of a better word, of the areas where you are now going to concentrate your harvest operations.

Mr Lyon: Yes, and these things are quite a fluid dynamic document right up to the point where you get the final—you know, this is our operational harvest plan, then it is signed off, and that is what our operation is going to do.

The DEPUTY CHAIR: Yes. So that seems to me like quite a rigorous process.

Mr Lyon: I would describe it as rigorous, yes.

The DEPUTY CHAIR: We have submitters saying that there has been an issue with some of that rigorous process in terms of not identifying old-growth forest in the first instance, or what you might declare as old-growth, and also evidence around the putting in of a harvest track that damaged old-growth. So can you explain to me how a rigorous process which you have described failed in this instance, or am I using the wrong language?

Mr Lyon: No, I am happy with that language. Harvesting and forest is a continuum from never disturbed to fully disturbed, and everything along that continuum, so there is lots of variation in between that. Now, extensive harvesting from before the 1920s until the late 1970s in this area made the identification of small patches of a type of old-growth called “minimally disturbed”. “Minimally disturbed” does not mean that there has been no disturbance; it means that there has been some disturbance, it is just below a threshold. That threshold in WA is six stumps per two hectares. We have in WA the most stringent threshold in Australia. Other states have between three to 10 hectares as their minimum size; we have two hectares. In this instance, even for professional foresters, it can be incredibly difficult sometimes to pick up the difference between seven or eight stumps per two hectares and six stumps per two hectares. But I have to say, we have procedures and processes to pick this up. In this instance, we failed to correctly identify that this area was minimally disturbed old growth, and for that the FPC has unreservedly apologised. It should not happen. We took that on board and we have made changes to try and ensure as best as possible that that does not happen again. We are not making any excuses; we should have picked it up. But it is difficult in some of these sort of areas which are very threshold between—are they minimally disturbed or not? Even DBCA in their report acknowledged that this area had fire disturbance; there were stump holes in the ground. A stump hole in the ground which cannot be known whether it was a burnt tree or a burnt stump is not counted at all. So it was a difficult area, but we make no excuses: we should have picked it up.

We in the FPC, our staff take great pride in their work. They are foresters and this is what they do. Since the old-growth policy came in, of the old growth that has been added to the estate since then, 67 per cent of the nominated areas were nominated by FPC staff. This is something that we take great pride in; this is our job.

Our officers are not out there to try and harvest everything that is there. They work within a rule set and they do the best that they can to work within that rule set, and if there are areas that they believe are unmapped old growth, they refer it to DBCA, which is a very robust, good process, and it has worked in the past. We fully acknowledge that in this instance, it has not worked as we would have liked it.

Mr Butcher: Regarding your question regarding the disturbance of these areas: if you go to the last map, if you go to the central area, you see some squares with some greenish dark hatching in it. You can see the blue track. One of the blue tracks runs in to one of those squares. Those squares are the old growth that was identified in the area, and, yes, one of our tracks was pushed in to one of those old-growth areas and did cause additional disturbance in that area.

The DEPUTY CHAIR: Okay. I might come back to that in a minute. I do really appreciate your answer, and I understand the challenges of a living, breathing bush setting, in terms of identifying it. No problem with that. However, we did see a failure on this occasion. Was it human error or procedural error or a combination of both?

Mr Lyon: That is a good question. I think it was a combination of both, but at the end of the day, we had people—officers—who were walking through these areas and had been in these areas, and they did not identify it. It was difficult terrain to identify. In that last map, where you see it, it was along

rocky ridges, and there were long areas. Unfortunately, in those type of situations, if you are walking transversely across them, they are not that wide, so you can walk through them, and if you are not paying full attention to that, you can easily miss it.

[9.50 am]

Mr Butcher: Importantly, one of our corrective actions has been to look at our procedures and, in admitting the error, we have to come up with a solution for future occasions so that this does not reoccur. We had expected people to be doing a number of jobs at one time. We said: okay, when there is any indication of low levels of disturbance, that is a dedicated job for old-growth recognition. One of our planning staff specialises in this area now, and if there is any question that there may be harvesting which might be of this area when it was very low levels of disturbance, that person actually does the survey as a dedicated job, rather than while they are tree marking or doing another activity. So we have adjusted our procedures and put resources into this space.

Hon SAMANTHA ROWE: Is that the only change that you guys needed to make?

Mr Lyon: No. As Gavin said, we have allocated additional resources dedicated to this. As Gavin said, we thought it could be because we have one officer doing multiple jobs, so we hope that having a dedicated officer who is a specialist in looking at this would help that. The DBCA have agreed to amend their processes to provide additional information on the disturbance activity history of the forest in each coupe to assist the FPC to try and identify areas that might have minimal disturbance in it, and we have also agreed with extra resources being provided by the FPC to DBCA to contribute to the assessment of public nominations or FPC nominations of old-growth as well, trying to make the process more fluid and quick to do.

Hon Dr STEVE THOMAS: If we treat this a little bit like the first clause debate, can I take you back. I will come back to having potentially an imperfect system of analysis a little bit down the track, but if we can start with the general comments about the process that you go through, particularly in relation to the one-year and three-year logging plans and the community consultation et cetera. Can you tell me what proportion of the coupes that FPC proposes to log do not receive negative community feedback, or is it the case that in every coupe that you go to, there is somebody opposed to FPC logging in it?

Mr Butcher: We consult with all our neighbours in the process, where they are relevant, in every coupe. In this case, the relevant neighbours within a distance—I cannot remember the prescribed distance—are notified. Generally, we get very limited direct response, and I am sure if you asked the same question when the staff from DBCA come in, in terms of their response, there is generally a low level of response to the individual coupe maps from the three and one-year plan. The concerns here were expressed out of the formal consultation process; in fact, they come through a less formal means than that. That is still fine. It is not an issue; they still have to be dealt with. Mostly those concerns are dealt with, we think, to the satisfaction of the neighbours. We put a buffer on the boundary, or we do not harvest next to a road, or a driveway, or something like that, as we did on this occasion with one of the neighbours who has a vineyard who brings international visitors in, so we put a buffer on the road so the harvesting would not go to the edge of the road. In general, we do get commentary, but most of those issues can be resolved amicably with those people. One or maybe two coupes a year create controversy out of 40 to 50 coupes a year, would be my guess.

Hon Dr STEVE THOMAS: This process, then, is not a common process, that you are dealing with opposition to logging, coupe by coupe.

Mr Butcher: No, there would be a couple of coupes every year which have some controversy—I suppose they create a lot of energy—but there are a lot of coupes in the background which you do not hear about.

Hon Dr STEVE THOMAS: Do you have a measure of the cost of compliance, then, across FPC in relation to that process?

Mr Lyon: Sorry, just to confirm, the process of?

Hon Dr STEVE THOMAS: The process of, I guess, the entire community consultation, public process, of getting the approvals to go through that coupe-by-coupe process, noting that traditionally FPC has been under attack for not being a positive economic generator within government circles. What sort of proportion of your operating costs go to that sort of compliance component?

Mr Lyon: I do not have the figure here, but it is a significant cost, because it is an ongoing thing, and we are doing it all the time, because we have coupes coming on. We always have that community consultation process happening, because there is always the next set of coupes that are coming up. As Gavin said, not all of them are highly contentious coupes. There are some that are, but there is always a level of community engagement required, even if it is just because people are concerned about access past a coupe, or trucks being on a road near their property, which can be dealt with, but it is something that has to be dealt with all the time for us.

Hon Dr STEVE THOMAS: Would that be a complicated number for you to work out and give to us at a later date?

Mr Lyon: I can certainly have a look at that and find out potentially, yes.

Hon Dr STEVE THOMAS: I would be interested to see, as a proportion of operating costs, what that cost of compliance looks like, particularly in an atmosphere where we hear the rhetoric in the debate about the viability et cetera of forestry operations. That would be interesting.

Mr Butcher: Can I just clarify that question? You are looking at the cost of compliance of undertaking all the environmental management, or just the community engagement portion of that?

Hon Dr STEVE THOMAS: Well, I would be interested in both, to be honest, depending on how complicated a question that might be.

Mr Butcher: In fact, that could be a bit easier, if it is the whole thing.

Mr Lyon: If it is the whole thing, it will be easier.

Mr Butcher: Because teasing out individual components is a bit of a judgement factor, I suppose.

Hon Dr STEVE THOMAS: Let us start with the overall environmental compliance component, and maybe that is something, over the next few years, we try and pin down in a bit more detail. So let us start with that.

The DEPUTY CHAIR: For the purpose of the hearing, take that on notice and get back to us, if you could.

Mr Butcher: Yes.

Hon Dr STEVE THOMAS: We have talked about, in this particular instance, an imperfect result. I guess the question is, then: is there a system around the world or interstate that provides perfection? So if we are looking at a human error situation, I would assume that that occasionally occurs in every jurisdiction that undertakes forestry harvest in an ecosystem that has some old-growth, or is a perfect system available that we are still trying to get to?

Mr Lyon: Well, as I said before, we have some of the most stringent criteria for old-growth assessment in the world, and certainly in Australia. A minimum size of two hectares is a very small area to be assessing—not that we are saying that that should not be our goal, but when your criteria is so high, it can lead to the fact that errors can be made, because if your minimum patch size is 10 hectares, it is a lot easier not to make mistakes. But we have strict criteria, which does mean that occasionally some error can creep into it.

Are there perfect systems that I know of? No. Every system has something that can go wrong, even just the example that Gavin gave, where a road alignment has touched the edge of a bit of old-growth. That can happen anywhere around the world, for a number of reasons. So there is no perfect system.

Mr Butcher: Just in context, I think that, as Andy has indicated, our staff take a lot of pride in identifying additional old-growth, and I can think of two incidents since the old-growth policy came in where there has been this sort of concern. It might have been three. At the same time, there have been more than 2 000 hectares identified by our staff in going out into the field and actively looking for, identifying and protecting this value. So I think, in context, yes, errors do occur, but I think the context is there is a lot in the positive compared to the negative.

The DEPUTY CHAIR: I wonder if you could describe for the committee the process of filling out the checklist. Is it field proved; is it desktop studies? Just give us some understanding of how that is done, and the type of people who do it on your behalf.

[10.00 am]

Mr Butcher: I think you have a copy of the checklist in the department's submission.

The DEPUTY CHAIR: Yes.

Mr Butcher: There are 86 points on this checklist, and some of them require, obviously, further study beyond that, just to make sure you cover off all the issues that need to be addressed in the process. In this case, our lead planning officer is a professional forester. The planner has done four years' training at university in forestry and is trained and experienced in the requirements in Western Australia, so obviously an experienced forester in this state, but also experienced in the specific values and the requirements of each of these values. At the first instance, as you indicate, it is a desktop study, so in other words it is a checklist to say what else needs to be done. A lot of them are, as you can see from that checklist, no further action required, "NFAR", so the initial check says, "Yes, I have looked over the paperwork here, I have gone through what is available online or whatever, and I can see from a desktop that that matter is being addressed." Others do require further work. Those issues are identified in much more detail there in terms of the work or the further assessment required. In terms of each of the values, there is a grade of response from, "Yes, I can tick it off" to "I prescribe detailed action requiring a formal survey or requiring something to be done on the ground." So it is a highly variable response curve on that.

The DEPUTY CHAIR: A question really, then, about capacity, I suppose. Obviously your workforce has changed potentially quite significantly in the last 20 years, given the shift in forest management and forest harvesting management. Would you say it is harder for the FPC now to find people to come into the workforce with the skills required to carry out monitoring or filling out of the checklists? Is there a gap in capacity in your workforce? Is there a lack of capacity in recruiting the right people to fill the roles, and if there is, what sort of strategies do you use to fill that?

Mr Lyon: One of the things that I will say is that the FPC actually has a very low turnover of staff. I think, not just for the FPC but nationally and internationally, in a few years, as people begin to retire, there might be a gap in some of the skills required in forestry.

The DEPUTY CHAIR: You are not full of old foresters, are you?

Mr Lyon: A little bit.

The DEPUTY CHAIR: What is the strategy to manage that?

Mr Lyon: Well, we have a good cohort of young assistant forest officers, and we always have them coming through and being trained by our staff who are in place, but we do not have a very high turnover of staff in the FPC. As I have said and Gavin has said, we have people in forestry who are passionate. They love their job and they are passionate to stay in forestry. So it is a very proud profession, and when people are in the job, they tend to stay in the job.

The DEPUTY CHAIR: It is a strength and a weakness, though, is it not?

Mr Lyon: It is a strength and a weakness, and I am not even —

Mr Butcher: I think I can add that probably over the last 10 years, a lot more graduates have come out of environmental science, so rather than specialised in forestry, there has been a far broader, I suppose, suite of people who have a range of skills that we are chasing. So we are not stuck in the past, if I might say, and saying we just have to have people from one particular brand. There are people who have a range of different experiences. We have recruited staff who have worked in the department over time; people who have come from a variety of backgrounds. Equally, I suppose, in a more dynamic workplace, we are not just chasing employees. A lot of our delivery of our outcomes is through specialised skills; through contracts; through consultants and that sort of thing, because we cannot hold all those skills ourselves. Where we do our work on safety or on Aboriginal engagement, we are chasing specific skills, which we bring in for the period of time we require them, and then get other skills for other particular tasks. So we have some general skills, particularly in environmental science, but there are some specific things which we do not hold ourselves.

The DEPUTY CHAIR: I want to go back to this specific coupe. We understand that the review of the old-growth forest status of some of the patches was instigated by FPC, and I assume that was done through that checklist, identification, and then going ground proofing. We have also heard that a member of the public was one of the people who identified the potential. Can you explain to the committee how that works: how that would happen, and how a member of the public is taken seriously in any instance?

Mr Lyon: I can answer part of that question, and I think the other part of it might be for DBCA to comment on their process. Anyone can nominate an area for old-growth assessment—FPC staff or a member of the public—and it is all treated seriously. I mean, it is something that, as I say, we take great pride in. This is something that we should pick up as foresters, and certainly from an FPC perspective, we have processes in place to identify that and then have the mechanism to refer it to DBCA.

Mr Butcher: In this particular instance, as you have heard, we did not detect old-growth initially, but in the consultation with neighbours, in fact, the neighbour did identify the possibility. We then identified that to DBCA, as I understand, but that person had already also nominated it to DBCA. Obviously, not wanting to waste people's time to unnecessarily assess things, but we encourage people, if they do believe that process to be the case, there is no barrier to that process; in fact, it is encouraged. I am sure when you speak to the department, it will be able to give you the data on the level of public nomination and the level of interest in this area.

Mr Lyon: While we would have liked to have picked this area up before then, it does demonstrate that the process in total does actually work; that it can be nominated not just by FPC, or it is not reliant just on FPC picking it up, although, like I say, we have processes and we hope we do, but

there are public nomination processes as well, that if there are areas that people believe are old-growth, they can be nominated through that mechanism.

The DEPUTY CHAIR: I agree: the whole process provides the opportunity to pick it all up, except there was a failure in this instance in terms of I assume a contractor putting in a harvest road and driving into or clearing part of the old-growth.

Mr Butcher: I would not blame the contractor in this case. It was a taped road alignment by our staff, so in fact —

The DEPUTY CHAIR: If you want to explain to us how it happened, then, that would be good.

Mr Lyon: With the areas that were unidentified as old-growth, the road alignments that we had put through—and it was planned to put through, it was not a contractor issue; FPC had marked this up—there was 1.2 hectares of the unmarked old-growth that were affected by the road alignment put in. If we had picked it up sooner—that there was the potential for old-growth—then obviously that would not have occurred. That is why I say again we really, in our process, should have picked it up earlier, because it would have avoided this area of—there was 43 hectares of unmarked old-growth in the area, and 1.2 hectares had been affected in total from our road alignment that went through.

Hon Dr STEVE THOMAS: Do you have an indication from that point, then, how many trees that represents, or how many particularly old-growth trees that might represent? Is that available data?

Mr Lyon: I am actually unsure if that is available data, but I can find out for you.

Mr Butcher: Most of the disturbance is ground disturbance.

Mr Lyon: It is just ground disturbance, yes.

[10.10 am]

Mr Butcher: There may have been one or two trees.

Mr Lyon: Yes, they might have pushed some trees out. I really do not know. I would have to have a look.

Mr Butcher: But most of the disturbance is actually on the ground; it is just disturbing the ground.

Hon Dr STEVE THOMAS: So in terms of trees, we are talking potentially one or two trees?

Mr Lyon: I am not aware of the number, but, as Gavin said, for road alignments, it is generally just pushing—it is ground disturbance.

Hon Dr STEVE THOMAS: So it is undergrowth and then soil movement, effectively. I would be interested if that number is available, exactly how many trees, particularly, and if any of those would be considered old-growth, if it is available. It may not be.

The DEPUTY CHAIR: It is old-growth.

Hon Dr STEVE THOMAS: The area is considered old-growth.

Mr Lyon: Yes, the area is old-growth, so anything within it is old-growth.

Hon Dr STEVE THOMAS: Well, okay. I would be interested to see then how many trees were removed, and if there is any estimate of their age, we would be interested, if it is available.

The DEPUTY CHAIR: As you just described it to me, it seems like potentially a timing issue. Had you completed your assessment before someone had gone in and put in a road, or marked a road, or did it happen at the same time as marking the road?

Mr Lyon: It comes back to if we had identified it as potential old-growth earlier, then all of that would not have occurred.

The DEPUTY CHAIR: Yes, that is right. That is why I am getting back to my timing issue.

Mr Lyon: Yes.

Mr Butcher: The checklist: we will not undertake any ground disturbance activities until the checklist is completed and signed off by the department. We cannot actually disturb the ground until it is signed off, and we have to have gone through the process before that happens.

The DEPUTY CHAIR: Okay, yes. That is good. There is a gap here, from my understanding, and you need to fill it, right? So you have done the checklist; you have identified all the potential old-growth. You think you have done that. Now you are going to go and map out some ground disturbance for tracks, or “we know where we are going to harvest”, and all of that is set. Yet we still find, during that process of putting in a track, the disturbance of an old-growth patch. So we have completed all our assessments, we think it is all tickety-boo to go, and the next step, we find that there is a disturbance. Am I getting it wrong, or is it —

Mr Lyon: Well, at that time, the documentation was signed off, so as far as our staff were aware, there were no areas that had not been identified that they could not disturb. So they were going in just —

The DEPUTY CHAIR: Correct, so they were saying, “Okay, yes, sweet as.”

Mr Lyon: Yes. “We have our documentation. We have reserved the areas we need to reserve. Now we are going to put our road in to allow access for harvesting.” It was after they had done that that the area was then nominated and we realised that there could be areas of old-growth, at which time everything stopped, as soon as it was nominated. Unfortunately, in that assessment process, the DBCA found it was 43 hectares of minimally disturbed, and unfortunately the road alignment had, as you can see from the map —

The DEPUTY CHAIR: Who found that at that critical eleventh hour? Who was the one who found that this is potentially old-growth?

Mr Lyon: As Gavin said before, it was referred by the FPC to the DBCA after discussions on site with some of the locals, and the FPC took a look and thought, “Yes, possibly.” The FPC referred it to the DBCA at that point.

The DEPUTY CHAIR: So you have an FPC officer going in there to mark where the tracks can go, right? Just on the timing issue. At that time, they did not identify.

Mr Lyon: They did not, no.

The DEPUTY CHAIR: Then, after that, someone else from the FPC came along, in discussion with the community, a neighbour, and said, “Hang on, we think we need to relook at this.” Is that how it happened?

Mr Lyon: Yes, and there would have been more than just one person from FPC that had been through it by that time.

The DEPUTY CHAIR: Yes, so I guess the question that I have, and I do not know if the committee have, is: have you refined your procedures around those situations now, and can you describe how that has been done?

Mr Lyon: Yes. As we said before, we have now put a dedicated officer who is trained for these types of minimally disturbed old-growth areas, so we have an actual specialist who is going in to look at these areas. We are not relying just on officers. It is not that these officers cannot do it, but we are not relying just on officers who are in there for another reason, such as tree marking or defining boundaries, to pick it up. We have a dedicated officer who is going in to look at these areas that

have potentially minimally disturbed old-growth in them. Like I say, that is not the only thing: these other officers can identify them as well and are encouraged to, but rather than rely just on somebody who is doing another job at the same time, we have a dedicated person to look at these areas.

Mr Butcher: Then, as you said previously, the department is providing additional information on, I suppose, areas of their previous harvest history, which will identify the most likely areas which require more intensive survey, because the department has on its books over 330 000 hectares of old-growth. We have looked at the cost of surveying every individual area for old-growth. Again, that is a very, very high cost, as was raised previously. But the triage method of finding the areas and putting the intensive effort into the areas of high risk is something we have committed to in making sure this does not happen again.

The DEPUTY CHAIR: Thank you. I know that the FPC have committed to rehabilitate those areas. I assume that that has begun?

Mr Butcher: Well, obviously, we are waiting for the decision in terms of harvesting. Harvesting has not happened in this space, so at that time, or if harvesting does not occur, then we will do it. There is no point rehabilitating before, because there will be other rehabilitation —

The DEPUTY CHAIR: So are you going to use the track?

Mr Butcher: We will use the track to the extent we can, but we do not want to put in machinery at this point in time when we do not know the extent of—because there would be other rehabilitation done if we harvest, so we will do all the rehabilitation at one point in time. But the commitment is there and strong.

The DEPUTY CHAIR: What are you waiting on in terms of decision to harvest?

Mr Butcher: I think there has been an interest in considering the deliberations on this petition, I suppose, in terms of the harvest process.

The DEPUTY CHAIR: So you are waiting for us to conclude our inquiries before you commence harvesting; is that what you are saying?

Mr Lyon: We have no intention of going into that area until these inquiries are finished, because we think that would be not the right thing to do.

The DEPUTY CHAIR: Okay. Thank you.

Hon TIM CLIFFORD: You said before that, from your knowledge, there were two or three other incidents where there were failures in following some of the procedures and checklists. Do you have a register or anything to say that in the last two, three or four years, you have had this many failures, and what have you done to rectify them? Do you know of them?

Mr Butcher: No, I do not have a particular—I mean, I was just offering off my knowledge, I suppose, of past instances. I can only recall one, but I did not want to suggest that there was only one, because I was not necessarily exposed to all of them, and that was more than 10 years ago.

Hon TIM CLIFFORD: So there is nowhere you can refer to right now about —

Mr Butcher: I cannot refer to it. We can take that on notice if you wish, and we can identify any other instances. The one I am referring to, I think, was Diamond 2. It was in the karri forest. It was relatively early on, as we were learning about how to identify old-growth in the processes. This is following the 2001 old-growth policy being brought in. Obviously, until that point in time—I mean, one day, this type of forest was able to be harvested, the next day it was not, so it was a very rapid turnaround in terms of change, and a big learning curve in terms of the processes that operate, and

I suppose also cultural change. I think we have seen a massive cultural change within our staff and industry. We want to protect these values, as I have tried to indicate, in terms of the effort that has gone in and the investment that goes in to identify old-growth areas.

[10.20 am]

Hon Dr STEVE THOMAS: If I could briefly summarise: I think the evidence you have presented today is that there is a rigorous process of assessment with an acknowledgement, I think, quite plainly that that assessment is imperfect, and that potentially no system is perfect. However, in this particular instance, you have discovered perhaps something that was not picked up, so not a deliberate imperfection but an accidental imperfection. That ongoing process is therefore obviously very important, and it does work significantly in conjunction with DBCA—not that I like the name! Does FPC have confidence in the research capacity of DBCA to do those assessments once anybody identifies a potential review area?

Mr Lyon: Absolutely. DBCA have quite literally written the manual on this, and in my experience they have always treated each area—I think somebody said before: how do you know that each area is given the same kind of priority regardless of who nominates it? The process is rigorous and good to actually identify whether there is even the potential for old growth that needs to be assessed.

Mr Butcher: If I can just add to that, it is not just us who are saying that. We are certified to three standards: the EMS standard, the AFS standard, and another standard—internationally recognised standards, and we have independent auditors to come in and look at all these processes, making sure that they stand to the scrutiny. I suppose some could argue it would be the fox in charge of the henhouse in some regards, and that has always been thrown at us, but in fact we do go through extensive external checking. When you asked the question about how much resource goes into ensuring compliance, I can assure you that we undergo two or three audits every year in terms of our environmental compliance to meet these international standards. It is a pretty intensive blowtorch that goes onto us.

Hon Dr STEVE THOMAS: You are not just saying that because DBCA are in the room. Excellent work. From my perspective, to sum that up, in terms of time frame, obviously, if you had known in advance that that area did tick off some old-growth boxes, obviously you would have proceeded differently. You have said that—I think both of you—a couple of times so far during this presentation. The issue of time frame: obviously it would be second-guessing to say why did it not get picked up in the first place, because there is an admission that no system is perfect, and you would never pick up every piece of old-growth area potentially every time, because there is not necessarily a perfect system. I guess the question then is, going forward—thanks for the demonstration of what you do differently, but in terms of the policy response—because no doubt every time FPC potentially brushes up against a piece of forest that could be reviewed, you are going to have this same problem all over again. Every time you make an error, somebody is going to jump on you for that. Is there a policy or community response that you need to work on just in relation to this expectation of perfection, or being hung, drawn and quartered for any imperfections? Does the FPC have a plan into the future to be able to deal with what is likely to be a more and more scrutinised industry under more and more pressure and pressure ultimately to disappear? What is the plan and policy to deal with any imperfection into the future?

Mr Lyon: That is a good question. Where we start with this is—and the FPC does realise this, and we are taking action to it—we have to educate people on the benefits of forestry so that it is not always seen as sort of a stand-alone, sunset industry. It is not seen like that elsewhere in the world, and it should not be seen like that in Australia. Things such as, even in this petition, the perception

that forestry cannot exist with tourism and multi-use forestry, that is something that we have to make clear is not the case. Around the world, even within Western Australia, multi-use forestry—there are lots of examples where forestry lives well with tourism; with beekeeping; with access to forest. In fact, in multi-use state forest you can do more things than you can in national parks, which are actually quite restrictive in what people can do.

So I believe the answer to the question is to make sure that people are aware of the benefits of forestry, not just economically and socially in the regions, but as a valid part of a vibrant forest; a multi-use forest system. I do not believe that we have done a good job in WA with that. It is certainly something that people like to think that forestry is not a future industry, which it absolutely is.

The DEPUTY CHAIR: Okay, I will close the hearing. Thank you for attending today. A transcript of this hearing will be forwarded to you for correction. If you believe that any correction should be made because of typographical or transcription errors, please indicate those corrections on the transcript. The committee requests that you provide your answers to the questions taken on notice when you return your corrected transcript of evidence, and if you want to provide additional information or elaborate on particular points, you may provide supplementary evidence for the committee's consideration when you return your corrected transcript of evidence.

Thank you for your attendance today.

The Witnesses: Thank you.

Hearing concluded at 10.26 am
