

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

PETITION 24 — OPPOSE LOGGING IN NANNUP

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

SESSION TWO

Members

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

Hearing commenced at 10.33 am**Mr MARK WEBB****Director General, Department of Biodiversity, Conservation and Attractions, sworn and examined:****Dr MARTIN RAYNER****Manager, Forest Management Branch, Department of Biodiversity, Conservation and Attractions, sworn and examined:****Dr FRAN STANLEY****Acting Executive Director, Conservation and Ecosystem Management, Department of Biodiversity, Conservation and Attractions, sworn and examined:**

The DEPUTY CHAIR: Thank you for coming this morning. We would like to introduce ourselves. My name is Colin Holt and I am the Deputy Chair of the committee. Hon Matthew Swinbourn, who is the Chair, is unavailable this morning. We have Hon Dr Steve Thomas with Hon Samantha Rowe and Hon Tim Clifford as committee members.

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

[Witnesses took the oath or affirmation.]

The DEPUTY CHAIR: Thank you. You have all 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 the evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones that are recording for the purposes of Hansard.

I remind you that your transcript will become a matter for the 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 and 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 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 for the committee?

Mr Webb: I would, Mr Chairman. We have provided a copy of the opening statement to you, and also a copy of the maps that we have available that we may speak to as part of the hearing. I have about a page and a half of opening statement. Is it okay to read that?

The DEPUTY CHAIR: Yes. Do you have a description for these maps?

Mr Webb: The title is on the maps, Mr Chairman.

The DEPUTY CHAIR: Yes. The Barrabup 0317 location maps are tabled for the committee.

Mr Webb: Mr Chairman, I will read this to make sure I get it correct.

The DEPUTY CHAIR: That is fine.

Mr Webb: Thank you for the opportunity for us to come and speak to the committee today. I would like to provide the committee with some context on the role of the department in relation to the proposed harvesting operations and the ongoing management of the area of state forest known as Barrabup 03 coupe.

Under the Conservation and Land Management Act 1984 the department is required to prepare management plans for lands vested in the Conservation and Parks Commission. For areas of state forest, these management plans provide for a range of uses, including conservation, recreation, timber production on a sustained yield basis, and water management or water catchment protection. In accordance with the CALM Act, the current forest management plan for 2014–2023, also referenced hereafter as FMP, was prepared following extensive consultation and was formally assessed by the Environmental Protection Authority under Part IV of the Environmental Protection Act 1986.

The government supports the FMP as the policy framework for balancing sometimes competing values and use of the forests in the south west, including the protection of environmental values, recreation uses, and the maintenance of a sustainably managed native timber industry.

The department's role in the management of timber harvesting is to regulate the overall yield of timber made available from native forests to the Forest Products Commission; to set the environmental and management standards for accessing areas to harvest; and to monitor the outcomes, such as habitat retention and regeneration, over time.

Under the 10-year FMP, the Barrabup 03 coupe remained as state forest and comprised part of the overall land and inventory base that contributed to the sustained yields of timber that could be made available to the FPC. Accordingly, the Barrabup 03 coupe was first listed on the 2015–2017 three-year indicative harvest plans prepared by the department and made available for public comment in January 2015. No comments relating to the coupe were received at that time and it was carried over into subsequent three-year plans.

[10.40 am]

The FPC is responsible for preparing annual harvest plans, which were a subset of these three-year plans, and for conducting the detailed and public consultation on a coupe. The Barrabup 03 coupe was listed on the 2017 annual harvest plan, which the FPC released for public comment in November of 2016. The department administers an approval process for all disturbance operations on state forests and timber reserves, which requires, in this case, the FPC to complete and submit for review a detailed checklist with supporting documentation and surveys. As part of the overall management planning for the coupe, this process considers a suite of biodiversity, forest health, soil and water, Aboriginal and other heritage issues and socioeconomic values that are present in the area, and any special measures which are required at the local scale to meet the FMP objectives.

The FPC is responsible for ensuring the field surveys and information provided in the checklist meet those necessary standards. The department approved the harvesting within these portions of Barrabup 03 outside of the informal reserves and the fauna habitat zone in April 2017. However, in June 2017 nominations from both the FPC and a member of the public were received to review the status of potential old-growth forest within the coupe. The department immediately suspended the approval in line with the usual procedure. The subsequent review of old-growth forest status by the department identified 12 patches totalling 43 hectares of previously unmapped old-growth forest which are required to be protected from timber harvesting.

The current status of this coupe is that approval by the department to undertake any disturbance operations remains suspended, and the department is yet to receive any revised checklist or information or a coupe map from the Forest Products Commission for our consideration. Thank you.

The DEPUTY CHAIR: Thank you. That opens up a fair few questions. Thanks for the context. Maybe we will just reflect on this before we get into any specific questions. You say that the Barrabup coupe was firstly listed in the 2015–2017 three-year harvest plan prepared by the department. “No comments relating to the coupe were received at the time.” Comments from whom or from where? What do you normally expect in that time frame on that occasion?

Dr Rayner: Generally, comments from any member of the public, other government agencies or local government can be provided to the department, and often they are then registered, tracked and made available into the next planning process, because at the three-year stage often it is a look ahead of where harvesting may occur, and most of the issues tend to be around the coupes in the out years, so it is really a heads-up that people may have a specific interest in that area. Over the last 10 years we have had very limited uptake of that opportunity to provide public comment, but we remain open to any comment coming in, because that information is then, as I say, collected and made available to our planning officers further down the process.

The DEPUTY CHAIR: That is what that other sentence says: “and it was carried over into subsequent three-year plans”, because it is an open consultation process until it has been harvested and rehabilitated?

Dr Rayner: Under the forest management plan, the department is responsible for preparing, in consultation with the Forest Products Commission, a three-year look-ahead plan. Having prepared that, we make that publicly available for comment. For each year there is then the Forest Products Commission responsibility to prepare an annual plan, and it is generally a subset of that three-year plan. They have their own public consultation period as well, so public comment may be received at that point, and then it would be the FPC’s responsibility as to how that was carried forward to the actual planning of the coupe and dealt with back through whomever is making those comments.

Part of the FPC consultation process at the coupe level, though—so we are cascading down through time and levels of planning, if you like—three years out, DBCA provides an opportunity for people to comment. Actually, if we start at the 10-year period, the Forest Management Plan has a six-week public comment period, and that is the point at which deliberations around which areas of the DBCA-managed estate may be made into a reserve or retained as state forest, so that is really where the first point issues may be brought forward. At the three-year period for harvest planning, there is then an opportunity to provide comment there. Those are rolling plans, so they are released every year. At the one-year period, the FPC then provide a plan, and they have an opportunity for public comment. Within that one-year plan, they have detailed local consultation on each individual coupe, so all neighbours will be notified, local government, transport nodes, the department—really any members of the community that would be affected either directly as neighbours or through local government. They then undertake a detailed consultation process with those individuals.

The DEPUTY CHAIR: Thank you. I think we are particularly interested in that interface at the coupe level. Obviously that is where the focus of the petition is and also where some of the issues are being raised.

Dr Rayner: Yes.

The DEPUTY CHAIR: I note that in your opening statement —

The department administers an approval process for all disturbance operations on State forest and timber reserves, which requires the proponent (in this case the FPC) to ... submit a detailed checklist ...

So there is obviously an interface here, very clearly, between DBCA and FPC managing that coupe. Can you explain how that works in a bit more detail?

Dr Rayner: Yes, certainly. An annual harvest plan prepared by the Forest Products Commission comes back to the department for endorsement, and that will then be approved by our executive director for the FPC to proceed with planning at the individual coupe level. Now, at the individual coupe level, as you have stated, the Forest Products Commission or any disturbance proponent is required to work through and submit to the department at a regional level the checklist that you also heard the FPC officers refer to. You have a copy of that checklist in the submission from the department. So it is the 86 questions in there that are structured around all of those sensitivities, from tenure and management issues through to biodiversity conservation, soil and water, socioeconomic issues, Aboriginal heritage and European cultural heritage. All of those questions and supporting surveys, if necessary, need to be compiled by the FPC or the proponent and then provided as a package to the department. The regional manager is the delegated authority for reviewing the checklist and ensuring that all the components meet the expected standards, both under the Forest Management Plan and also under our internal policy and guidance documents. That is the point at which the department then goes through the checklist and all the supporting information and issues the authorisation for any disturbance activity to be approved. That was where you heard I think from the FPC, in terms of Barrabup 03, the FPC submitted their 019—their pre-disturbance checklist—and it was in April 2017 that the south west region endorsed that 019, that pre-disturbance checklist, for operations to proceed.

The DEPUTY CHAIR: Based on the information provided by FPC?

Dr Rayner: Correct.

The DEPUTY CHAIR: Does the groundtruthing or checking of that occur at the department level?

Dr Rayner: There are various points in the process where departmental staff will be visiting the coupe as it is planned up, either as officers confirming information or on behalf of the FPC. The department undertakes a range of service provision and undertakes tasks under contract, if you like, to the FPC for such activities as dieback interpretation; also for old-growth survey assessment; finalisation for any habitat zones; so there will be a range of officers undertaking specific activities. That information will go back to FPC, but that has to be concluded to our standards as well. So the actual district staff will also inspect the coupe if they have any uncertainties around the sign-off of that pre-disturbance checklist.

The DEPUTY CHAIR: Yes. There is an opportunity for FPC to raise in that checklist some concerns, so “we are not sure if this is old-growth forest”, or “we are not sure if there are some dieback risks in this part”, but they also do not necessarily have to do that, or they may not do that.

[10.50 am]

Dr Rayner: Well, bearing in mind that they are a government trading enterprise, we have a cooperative compliance model of regulation, and there is every expectation that the FPC will act in good faith and with due diligence to complete all that information. In fact, the way the questions are structured, if you look at them, there are actions required, even if they answer, “No, there is no such value represented in that coupe.” At a number of points, as I have said, those findings from surveys come back to the department, and there are structured meetings with the department representatives. For example, in dieback, the dieback occurrence map will come back, and in the

process of preparing a hygiene management plan for how the harvesting operations or loading operations may take place, they will meet with senior departmental staff and collaboratively develop a hygiene management plan. That is one component—one of the questions out of the 86 in here. Similarly, with the flora searches for threatened or priority flora, they will be conducted either by DBCA staff or a contractor. That full report comes back to the regional leader of nature conservation in DBCA for that region to sign off and to review and to include any conditions that they may deem necessary in the harvest operations. Similarly, with any fauna information, they will take advice from our district conservation officers, and any further conditions on the checklist would be identified by the regional manager in signing that off. So there may be particular—yes, operations can proceed; however, in accordance with our fauna advice, no truck movement is to occur between the hours of dawn and dusk—something like that.

The DEPUTY CHAIR: Okay. In a submission from the Minister for Environment, he advised that the Barrabup 03 coupe was particularly challenging in terms of identifying old-growth forest. Why was that particularly challenging?

Dr Rayner: You have been provided—again, as part of the pre-disturbance checklist, there is a copy of the review of the old-growth status of the coupe, and there is a series of seven maps attached to that. One of those maps covers the previous harvest history. I am referring to old-growth status review appendix 3, “Barrabup harvest history”. It basically indicates that large parts of that coupe had previously been cut over in the 1920s or prior, and part of the difficulty in assessing the occurrence of old-growth is that we are really looking at the margins in this coupe of what does minimal disturbance comprise relative to the old-growth forest definition. So the old-growth forest definition through the forest management plan and back to the National Forest Policy Statement is ecologically mature jarrah, where the effects of disturbance are either absent or are now negligible. That has been operationalised into a set of procedures for assessing old-growth forest status that involve bringing together a whole range of information on the disturbance history and the disease extent in the area, and then to undertake an assessment of effectively the extent of past disturbance, and to benchmark that against a threshold level of effectively stump numbers.

So what is challenging and why it is particularly challenging in that area is because it had been extensively cut over in the past, but the level of intensity of that harvesting had left us a stump number distributed across the coupe that was near the threshold, if you like, or the margins of what would be considered minimally disturbed or more than minimally disturbed. So that was really something that —

The DEPUTY CHAIR: So it was a close call.

Dr Rayner: Very difficult to identify just by walking through, because one of the key features of the procedures we developed was to make them as objective and reproducible as possible to avoid the contention that is often implied around what is old-growth and what is not. So it has come down in minimal disturbance to a stump threshold, and less than so many stumps per two hectares, minimal mappable unit. That is very difficult to ascertain as you are just walking through without having survey information to back it up. To give you some idea, the survey work that we did in the pink areas on that map, which are the areas of interest, took us about 188 kilometres of walking and resolved 1 865 stumps across that area. Then, if you see how we have analysed that, that is back at a systematic grid to work out those particular patches.

One of the orthophotos that we have provided to the committee, if you have a look at that, if I can refer to that, it is labelled “Orthophoto Jan 2017”. You will see on that orthophoto of the coupe, the red boundary is the Barrabup 0317 coupe. The green boundaries superimposing across the blue hydrological features are the stream reserves, and the yellow patches are those patches that were

identified as old-growth forest following the survey and reassessment. The point I would like to illustrate there is that if you look on the orthophotos, it is quite difficult to distinguish, even from the aerial, what is old-growth and what is not, because you are determining it on the basis of the number of stumps per unit area.

Hon Dr STEVE THOMAS: When you said that the coupe has been extensively harvested, is that the entire coupe, or was it likely to be harvested in patches?

Dr Rayner: The level of intensity would have varied across the coupe, but certainly the entire coupe, from our historical records—and these were confirmed on the ground through the survey—the entire coupe had been cut over prior to 1920 or the 1920s; another portion of it had been re-harvested in 1950–59; another portion a third time in 1960–69. So there were multiple harvest events in some patches; other patches had only been harvested once since before the 1920s.

The DEPUTY CHAIR: A real mosaic.

Dr Rayner: Certainly a mosaic, and also bearing in mind you are bringing together a whole range of information about what has happened in this coupe for disturbance: past fire history; you are looking at the proximity to a settlement—it is just down the road—for firewood collection; fence posts. There are a range of activities that would have happened over the last hundred years that would have removed some trees through these areas.

Hon Dr STEVE THOMAS: Excuse me; I just need to make a phone call.

The DEPUTY CHAIR: Yes. Dr Thomas will be back in a minute. Given the process that has been undertaken in Barrabup 03, would you say that the process has been successful in further identifying those high value conservation areas?

Dr Rayner: The identification of high value conservation forest has really been a process that was approached through the forest management planning structure, and a hierarchy of analysis that aims to identify a CAR reserve system—an established formal reserve system—and then to cascade down through the other scales of planning and exclusions. If I can refer you to the map that I have, “Reserves in proximity to Barrabup coupe”, just to illustrate, the point we are making there is that the green areas on that map identify existing or proposed formal reserves, which are large areas set aside under the management plan to add to the reserve system. Within the remaining yellow areas, there is a yellow wash. That is effectively state forest or timber reserve. You will see a range of other colours. The light green that follows a lot of the riparian areas are the informal reserves, the stream zones, and the bright yellow are the fauna habitat zones, which are areas of around 200 hectares that are set aside from any timber harvesting. So the opportunity to protect high conservation forest values is really approached through a cascading hierarchy of planning. Old-growth forest is certainly one component of high conservation value forest. Yes, to answer your question directly, the identification of those minimal disturbed patches within the Barrabup coupe would meet the intent of protecting high conservation values.

The DEPUTY CHAIR: Yes. My language is obviously a little wrong, which you have picked up on.

Dr Rayner: Sorry.

The DEPUTY CHAIR: What I am saying: even at a coupe management level, there is opportunity for identifying those old-growth patches, even within identifiable coupe harvesting or in harvesting coupes?

Dr Rayner: Certainly, on an ongoing basis, it is a very strict process that we administer now.

[11.00 am]

The DEPUTY CHAIR: Yes, okay. We asked the same question to the FPC: obviously there are a couple of things interacting here, the whole process going from the forest management plan down to three-year harvesting plan, or three-year indicative harvest areas, and then you get down to the coupe management itself and down to the harvesting operations. Pretty rigorous, except we have had a situation where we have had a failure. From my viewpoint, the social licence to operate is going to be based on the credibility of assessments and personnel and people making the decision that this is what happens. So we have had a failure in this instance; we will just call it that in the hearing. Any comment about how that has occurred and why there has been that situation in this instance?

Mr Webb: Just to comment, I just query that “failure”. There has not been a failure of our process, I would contend, because the process has actually worked, in that both the community through the public comment and also the FPC have raised an issue.

The DEPUTY CHAIR: I am happy for you to challenge me, do not worry. If you think that my language is wrong or I am going too far, go for it.

Mr Webb: No, but if I understand it correctly you are maybe more talking around the identification of the old-growth forest that did not happen within the coupe: is that really the question?

The DEPUTY CHAIR: Also the problem with the access track being then identified, pushed in, and then saying, “Uh, oh, we have just impacted some old-growth forest”, and the timing issues and how that occurred, because I would say that the public and the petition and the submitters from the petition even say: “Oh, wow, that is an issue.”

Dr Rayner: In terms of the process that is followed, it is a very comprehensive process. It still relies on the first pass coming back as a proponent identifying the potential for old-growth forest to be there. You heard the FPC indicate that as a consequence of this breach, the FPC are seeking to add extra information into their process and some extra steps. DBCA have also, as service providers, adopted a process to inform the FPC in advance of the harvest planning for every coupe to acquire high resolution digital imagery. That provides us with further intelligence at a high resolution through the photography of previous harvest events, and track designs and layouts. It is one element of trying to bolster the desktop analysis.

We are also providing additional information. Effectively, the FPC have been provided at the coupe planning phase with all of the historic harvest records, and based on analysis of the last 10 years’ experience in looking at the previously unmapped old-growth patches—and there have been around 3 000 hectares identified over the last 11 years—the forest history or the previous harvest history that is most likely to have unmapped patches still existing at a resolution of greater than two hectares are areas that have been previously cut over only once, and prior to 1920 or prior to the 1930s. So we have effectively tried to refine the information being provided to the FPC to help inform them when they do their first pass both on the ground but also through their formal process, because although the DBCA has the pre-disturbance checklist that they have to complete, the FPC may have explained to you, they actually have under their environmental management system a very large suite of forms that each of their officers will need to fill in. The officer that would have conducted a pre-disturbance check in their planning process would have filled in a form and gone through and done their checks and balances. So there was some information missed in that step, I would suggest.

The DEPUTY CHAIR: We have heard evidence from the FPC that they have changed some of their processes.

Dr Rayner: Yes.

The DEPUTY CHAIR: Have they communicated those to you about how they are going to approach it in the future?

Dr Rayner: The process that was followed: immediately a public nomination or a referral from FPC is received, DBCA writes to the FPC and suspends all operations, any disturbance operations from that point until such time as we have reviewed the coupe and the status of old-growth forest. In this instance, the review found that there was unmapped old-growth forest, and it further found, as you have indicated, that the FPC had constructed 1.2 kilometres of tracks through portions of old-growth patches.

The department formally wrote to the FPC seeking an explanation; seeking a range of actions that needed to be undertaken in terms of remediation, such as rehabilitation after any harvesting was conducted, if it were to proceed, and also a review of their procedures, and to identify what other measures they were going to put in place to prevent a recurrence of this situation. They have not formally replied to that letter at this point. They have informally at an officer level indicated the actions that you heard the FPC indicate—that they have dedicated a single officer into that space and they have reviewed their processes—but when the FPC are at a point where they will resubmit the pre-disturbance checklist with a revised coupe concept map, we will also be expecting a formal response to that letter, identifying any changes in procedure that they are locking in to their environmental management system to further prevent a recurrence of this.

The DEPUTY CHAIR: So you really cannot make an official judgement on improved confidence from your end until you get that indication from the FPC, official response, or even how they are going to manage the coupe?

Dr Rayner: Yes. At a formal level, we are still waiting. In effect, that coupe is suspended until such time as the FPC approach and submit to the regional manager of DBCA a revised 019 and an explanation around those elements.

The DEPUTY CHAIR: I see in your last paragraph of your opening statement that it remains suspended until they do that. Have they indicated to you what they are doing?

Mr Webb: Well, I think they indicated earlier in the hearing that they were waiting for the deliberations of this hearing. But in terms of our process, we are still waiting on that advice, as indicated by Dr Rayner.

The DEPUTY CHAIR: Yes, because you guys have done what you had to do, pretty much. You have got to the point of operation, and it is their operation now. Yes, all right.

Thank you. I think that is it, unless you want to add anything that may be useful to the committee.

I know Hon Dr Steve Thomas provided a summary for FPC, which is pretty useful.

I think, from the committee's viewpoint, we are responding to the concerns of a community, as with most petitions; that is how they are raised. We are pretty clear that social licence, especially in this space, relies on the confidence of the community. We know that it is a controversial subject. We feel that it was important to have you guys come in today to provide some background and some explanation around how this particular coupe is being managed and the lessons that can be learnt from the management of this coupe and into the future, so we appreciate your attendance today.

Thank you for attending today. A transcript of this hearing will be forwarded to you for correction. If you believe that any corrections should be made because of typographical or transcription errors, please indicate these corrections on the transcript.

I do not think we asked you for any questions on notice, but 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, and for being willing to start a little early.

The Witnesses: Thank you.

Hearing concluded at 11.09 am
