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1. What improvements should the NSW Government consider making to the existing Private Native Forestry Codes of Practice?: All of the current codes specifically regulate practices involved in the harvesting of timber from private native forests rather than the much broader practice of forestry on private land. This is a carryover from the legislation and it is based on the flawed premise that active management in general and timber harvesting in particular pose the greatest environmental threat to native forest in NSW. Notwithstanding the fact that this premise is already enshrined in legislation, the review of the Codes provides an opportunity to provide greater clarity of purpose making it clear that it is specifically intended to regulate timber harvesting rather than the much broader practice of forestry. The Codes should have greater emphasis on best practice guidelines through positive guidance rather than proscriptions. This aspect is also addressed below in the context of enforceability and effectiveness. In particular there needs to more guidance around achieving desirable silvicultural outcomes including the use of fire as an effective management tool. The codes should also provide for greater flexibility with incentives for recruitment of native forest on previously cleared land to optimise overall social, environmental and economic benefits at least at the property and, where possible at the landscape level. Currently, the restrictive regulatory environment for the profitable and productive use of private native forests is a strong disincentive to landholders recruiting, retaining and sustainably managing native forest on their land.

Please indicate which code/s you are referring to: All codes

2. Do you have any suggestions to ensure the Private Native Forestry regulatory settings are efficient, enforceable and effective?: The current codes have an overwhelming rigidity through their emphasis on enforceability rather than effectiveness in achieving social, environmental and economic outcomes. This approach is generally counterproductive in that it is based on a lack of trust and certainly it stifles innovation and adaptive management. The vast majority of rural landholders in New South Wales and indeed throughout Australia, are proud custodians of the land with a desire to leave the land in a better state for future generations. Apart

from personal pride, peer pressure ensures that, given sufficient knowledge, landholders in small rural communities will generally “do the right thing”. The success of the Landcare movement is testimony to this. A patronising and punitive approach to regulation of land management practices will inevitably be counterproductive in that it leads to loss of environmental values through neglect. The converse is a respectful and encouraging approach providing information and support and leading to better outcomes through active adaptive management. Reference was made, above, to the distinction between an individual harvesting operation on a particular site and the broader practice of forestry over both time and space. While this may seem pedantic, it is symptomatic of a failure to recognise the dynamic and long term nature of forestry. It demeans the profession of forestry which the Institute of Foresters of Australia represents. A proscriptive approach to regulating individual harvesting operations will inevitably lead to the practice of “high-grading” or neglect both of which are anathema to sustainable forest management. Effective regulatory settings need to recognise the current condition of forest stands being managed and in some cases be prepared to accept relatively high short term impact operations to achieve a longer term sustainable outcome. This can be the case where previous and prolonged high-grading or neglect has led to unhealthy, senescent and unproductive forest stands. The penalties for contravention of Code conditions are far too high and need to be better aligned to risk.

3. How can the NSW Government improve the authorisation and approval system for Private Native Forestry?:

A culture of partnership and continuous improvement needs to be cultivated between Government through LLS, and landholders. There is already a high level of trust in LLS on the part of the rural landholding community and this can be enhanced and exploited through further provision of advice and support from qualified forestry professionals in the development of Property Plans and harvesting operational plans in developing sustainable diverse enterprises. Approvals should reflect adaptive management, improvements in practice due to ongoing monitoring of prescriptions or guidelines and outcomes, as well as incorporating flexibility to optimise overall social, environmental and economic benefits. Provision should be made for exemptions for routine farming practices, harvesting of minor volumes for on-farm use and minor volumes salvaged in the process of farm infrastructure development or other routine agricultural practices, or following natural disturbances. Forestry is a long term enterprise and the issue of sovereign risk though a changing regulatory environment needs to be addressed to encourage

long term sustainable forest management. To address this issue and ensure landholders are confident that the rules won't change after they have committed to a forestry project, PNF plans need to be longer than 15yrs. For example, a tree deliberately retained to grow into a sawlog will not be deemed a habitat recruitment tree when it reaches commercial maturity. In the event that such a tree or stand needs to be retained to protect a genuinely unique or special wildlife value, there needs to be provision for compensation to landholders in the same way as provided for in the Plantations and Reafforestation legislation.

4. What training and advice services would assist landholders, industry and the community?:

It is of paramount importance that LLS engages independent qualified professional foresters to assist landholders in sustainably developing their native forest resources. Timber harvesting operations on individual properties are at best infrequent with landholders not generally having the opportunity to develop experience and knowledge in silviculture, harvesting and marketing of forest products. In the past, therefore, landholders have often been at the mercy of sometimes unscrupulous processors or harvesters, leading to sub-optimal outcomes both in terms of the long term productivity of their resource and economic returns to their enterprise. The result is often a reluctance to diversify into forest-based enterprises, leaving forest resources to be undervalued and, at best, neglected. LLS should also provide mapping and imagery services to assist in overall property planning as well as updated published information on silviculture, forest health, ecology, harvesting, marketing and economics. Demonstration sites should be established to facilitate field days and sharing of information and ideas. Information and extension services should be based on ongoing research and monitoring to ensure that prescriptions and advice are achieving the desired outcomes. This is particularly relevant given the current paucity of species and ecological community monitoring data on unmanaged native forest.

5. Do you have any other comments or feedback relevant to Private Native Forestry that you would like to share with us?:

The New South Wales Government's approach to forest production from the private estate needs to be viewed in the context of CAR Reserve system and IFOA restrictions on the public estate. While the Institute of Foresters of Australia has long expressed strong reservations about a tenure rather than landscape-based approach to biodiversity conservation, we have to recognise that this has been the approach adopted by Government and work within that context. As such, it has now been accepted that a comprehensive, adequate and representative reserve system has been established within the State's forested lands on the

public estate and that further restrictions have been placed on harvesting within the residual public forest estate. This has inevitably led to a reduction in timber resource available to industry. Recognising the critical importance of a sustainable timber industry to rural communities as well as the environmental and aesthetic benefits of renewable, carbon-positive timber products, it is now essential that the private native forest estate, along with plantations, is developed to its full potential. This is challenging given the disparate nature of the ownership of private native forests and hence a facilitating and encouraging role is required of Government. The Institute commends the NSW Government's approach to this in relation to plantations through the Plantations and Reafforestation Act 1999 and in the development and adoption of the NSW Forestry Industry Roadmap. We suggest that the key words in objects of the Plantations and Reafforestation Act i.e. "promote" and "facilitate", should guide the Government in its approach to private native forest management. The Government should, as part of an ongoing review process, also make a commitment to ongoing monitoring of prescriptions against desired environmental outcomes on the public estate, including areas excluded from timber harvesting, as well as private land, to ensure that prescriptions and, more particularly, proscriptions are achieving their desired outcomes. The regulatory environment needs to be flexible enough to adapt to the results of this monitoring in a timely manner and, where necessary, compensate landholders for any loss of productive resource caused by "moving goalposts". Finally, The Institute of Foresters of Australia remains ready and willing to provide further independent expert advice to Government on this and any other forestry related matters.