

TRANSCRIPT

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Ecosystem Decline in Victoria

Melbourne—Wednesday, 12 May 2021

MEMBERS

Ms Sonja Terpstra—Chair

Mr Clifford Hayes—Deputy Chair

Dr Matthew Bach

Ms Melina Bath

Dr Catherine Cumming

Mr Stuart Grimley

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Ms Nina Taylor

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Ms Georgie Crozier

Mr David Davis

Dr Tien Kieu

Mrs Beverley McArthur

Mr Tim Quilty

WITNESS

Mr David Bennett.

The CHAIR: I declare open the Legislative Council Environment and Planning Committee public hearing for the Inquiry into Ecosystem Decline in Victoria. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the traditional custodians of the various lands which each of us are gathered on today and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings. I would also like to welcome any members of the public who may be watching these proceedings via the live broadcast as well.

At this point I will take the opportunity to introduce committee members to you. My name is Sonja Terpstra; I am the Chair of the Environment and Planning Committee. Mr Clifford Hayes is the Deputy Chair. Joining us via Zoom we have Mr Stuart Grimley and Dr Samantha Ratnam. Back in the room we have Ms Nina Taylor and Ms Melina Bath.

All evidence that is taken today is protected by parliamentary privilege, as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded, and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

Could you just, for the Hansard record, please state your name and any organisation you are appearing on behalf of.

Mr BENNETT: Mr David Bennett. I am appearing on behalf of myself.

The CHAIR: Great. Thank you very much. All right. With that, I will hand over to you. If you can keep your presentation to about 5 or 10 minutes, I will give you a 2-minute warning as we get close to the end of that time. Over to you.

Visual presentation.

Mr BENNETT: Thanks, Chair. I second the acknowledgement of the traditional owners of the land on which we are and pay respect to their elders past, present and emerging. Thanks for the opportunity to present evidence to this committee. I think the inquiry into ecosystem decline is a really important part of making sure that we have got a livable state now and into the future. I am a forester and also a registered practising lawyer—although probably not doing much practising anymore, but I still hold a practising certificate. I did a bachelor of forest science and received honours in that at Melbourne University. Since that time I have also done a masters of engineering science in pulp and paper making, when I was working for with a pulp and paper company. And I also hold a juris doctor qualification.

My work history: I worked for 10 years as an operational forester in Gippsland, only in plantations. I did a little bit of work in native forests, but it was mainly plantation based. The second 10 years of my career were as a consultant, supporting forestry contactors in their safety systems and safety management, so I have worked right across the native forests and the plantation sectors within Victoria. And for the last 10 years I have been working for the organisation I currently work for, which is PF Olsen Australia. My role there is to enable FSC and responsible wood certification on the forests that we manage. PF Olsen is an independent professional forestry management organisation. We are the largest professional forestry organisation in Australia. We manage just under 250 000 hectares of trees—some in Victoria, some in Western Australia, some in New South Wales and a few in South Australia. We did have some in Tasmania, but they were sold by the client and we were not reappointed as the manager in that space. So we do not own trees; we just manage them

professionally. That is the way the business is set up. The business was started 50 years ago by a professional forester in New Zealand. The business is 50 per cent owned by employees and staff; the other 50 per cent is an equity investor. It is a model for foresters that to me reflects the sort of model of accountants partnerships and legal partnerships. We can be professionals in a safe space and provide fearless advice.

I am also a husband. My wife is a beef farmer. She manages about 1300 acres of land down in Gippsland, with 600 head of cattle, for herself and her family. And I have also got three children. They are all university age. I just came from my son's confirmation hearing for his PhD, so I am pretty proud about that.

The CHAIR: Oh, there you go. That is great. Congratulations.

Mr BENNETT: It was actually good that that coincided with this hearing. I live down in South Gippsland, so Ms Bath is our local member. What I really wanted to speak about today was just a couple of the terms of reference of the inquiry. One was around the adequacy of the legislative framework and just the adequacy and effectiveness of government programs. I wanted to speak to it as a user, a practitioner who is involved with forest management on private land really in Victoria. I am not really here to speak about the issues in the eastern part of the state; I am here more about how we can use and work and make the land that we are managing better and more biodiverse.

The first slide I have prepared here is a summary of the seven Acts that we engage with at one level or another as we are managing trees. We get our authority to act and use the land under the *Planning and Environment Act*, and that enables the code of forest practices. So all of the operations that we work with are regulated under the code of forest practices framework, which is fairly unique as a land use. There are not other rural land uses that have a similar sort of model, but it works well and I think it is a fairly robust document. Obviously the *Environment Protection Act*—it touches on biodiversity management mainly along waterways, so under the SEPPs under the environmental Act there are rules around not disturbing and protecting the biodiversity along waterways. The *Wildlife Act* is quite a powerful Act and quite important to us at the moment. The *Prevention of Cruelty to Animals Act* also touches us. I will touch on that later in my presentation. The *Flora and Fauna Guarantee Act*—the plantation estate that we manage has got about 60 to 70 listed species under the Act, so it is real. We have got to engage and make sure that we are managing the land appropriately for those plants and animals. The *Catchment and Land Protection Act* has provisions around weed management and feral pest management and appropriate management of the trees. And then more lately the *Plant Biosecurity Act*—again, it is around weeds and treats the biosecurity. Trees are subject to pests as well as agricultural trees. Some of the pests in pine plantations are things like Sirex wasp—those sorts of things—so managing biosecurity and having good biosecurity in place is important to managing the crops and protecting the crops we manage.

The other point I wanted to make in terms of the seven statutes is that it is not just seven statutes that we engage with but there are at least four statutory agencies that we have to engage with. Under the *Planning and Environment Act* there is local government. That is around roads and infrastructure. There are the catchment management authorities, who have responsibility for the waterways. So if we want to get a permit to build our road over a waterway, we normally need to engage with a catchment management authority. The EPA, probably less so—you know, smoke pollution and some of those other pollutions. If we are using heavy spills of herbicides or chemicals, there is an EPA element. The EPA tends to be more point source, but there are powers under that Act to be more of sort of a broader land manager. Obviously DELWP is right there at the centre of any issues around koala consents and works like that that we have to work with.

Then added to that we have also got a layer of commonwealth legislation that we need to be aware of. Obviously, the EPBC Act overarches everything. While we do not necessarily trigger that in any of the development we are doing, it is something we need to be aware of and work within. As a lot of the wood that we manage is exported, some of the export laws are also triggered, and we need to make sure that we comply with all our flora and fauna requirements to export legally.

So I suppose my plea to the committee is that you look at these legislations and the plethora of them, their effectiveness and their efficiency and whether there are some opportunities to streamline and improve them to then provide the outcome of reversing ecosystem decline.

The next couple of slides are just some of the examples of some of the contributions that planted trees are making to the environment. I have only got 2 minutes; I had better keep moving. So this is some work we have done with BirdLife Australia in the plantations in western Victoria. Since 2015 they have been visiting annually 134 transects. The transects are located in adjacent national parks and state forests in our plantations and also

within the remnants within those plantations. Now, over that time they have seen over 10 000 birds. They have seen 107 different species using the plantations or the remnants, and all of those species are Australian endemic species. We do not actually see the introduced species down in this part of the landscape. That is really an exciting result for me. Of the 107, 13 of them are listed—two of them under the EPBC, being the broilga and the red-tailed black cockatoo. The others are listed under the *Flora and Fauna Guarantee Act* or as woodland-dependent species.

And so the findings that we are consistently getting are that blue gum plantations themselves are actually an important part of that landscape, and they are actually enabling the remnants that are associated with those blue gums to actually hold more species and to be more biodiverse than the adjacent native forests. So these are the graphs—they are showing the hard green lines are the control sites, which are in state forests and national parks; the light green lines are our plantations, which because they do not have the biodiversity and the structure we would not expect as many birds in there; and then the light green lines are our associated remnants on the land we manage, so they are actually providing a really powerful and important resource in that landscape.

The other thing I just wanted to touch on is the situation around koalas. I am not sure whether you have been down to western Victoria, but the blue gum plantations are reasonably new in that landscape. They were all planted on land that was previously cleared for farms. Since the trees have been planted koalas have gone in there, and it is basically koala heaven, I suppose. We are getting really large numbers of koalas in those plantations, which is giving us a really wicked and tricky sort of problem to manage and engage with. The way it is working at the moment is we hold an authority to disturb under the *Wildlife Act*, and that is basically saying, 'Don't harm koalas', so to enable that process we have used drone technology. There is a picture there on the screen where you can see a little koala up in the top of the tree, an infrared koala. That is the best technology we have been able to find to actually find the koalas before we harvest the trees. If we just use people, they do not see those things right at the tops of the trees. When we do detect a koala, we have to leave behind nine trees behind that, and so you will see in the landscape now there are a lot of clumps of trees all through the landscape that have been left behind. In 2020 we spent in excess of \$700 000 on detection alone. That does not actually include the loss of wood that we are leaving behind. So it is a significant issue and a really important issue to us, but it is one where if you do your job well, you make a habitat for something, and then it actually adds costs to the way you do things.

There are a couple of points I just really want to bring to your attention. I think that forests and forestry are probably part of the solution around ecosystem design, and active management of the forests is a really important part of that. Forests, as we say, capture carbon, they are significant economic drivers in these rural environments and, I think as I demonstrated, they actually maintain or actually enhance the biodiversity. And under the certification schemes we work under, that is a requirement that we actually get tested on as part of our annual audit programs.

The other thing I would like to just talk about is whether we can simplify and make the regulatory framework more streamlined, so potentially having a single statute with a really well resourced and singularly focused regulator rather than the split approach like we have now. Thank you.

The CHAIR: Great. Thank you very much. That is really interesting and a really good example of how you have used technology to spot koalas right up in the treetops. It is really interesting. All right, we will throw to questions. Dr Ratnam, are you still with us?

Dr RATNAM: I am. Thanks, Mr Bennett, for your presentation. You mentioned early in your presentation about the regulatory framework and the interaction of the multiple laws. Could you expand on what it is about the interaction of those laws that is leading to poor biodiversity outcomes, which is what I think you were suggesting—that it needs to be simplified to improve biodiversity conservation? Can you talk us through what bits we need to be looking at that are not actually improving biodiversity?

Mr BENNETT: Thanks for the question. It is something I sort of pondered myself before I came and sat here too in terms of how we could make it better. I suppose I reflect on my experience under the health and safety legislation. I have worked with the health and safety Act for a long period of time, where the previous model around health and safety regulation was a very rules-based approach, and there were lots of rules—lots and lots of different rules—and none of the rules actually covered every sort of situation. And so in that

framework they realised, 'Hey, maybe it's too hard to write a rule for every situation in every workplace'. So they have flipped it on its head and basically sort of said to the people who are engaging with the workplaces and the safety workers to make it their duty of care to look after their workers—so you have to basically think about what you are doing in your space and make sure you do not hurt people.

I see a lot of parallels in the environmental space too, where there are a lot of rules and lots of regulations, but often when you try to apply them in practice they do not actually quite work and they are sort of not really fit for purpose. People grow grapes, people grow trees, people grow wheat, people grow sheep. They have all got different circumstances. I just wonder whether there is an opportunity maybe to turn it into more of a duty-based legal framework and then support that duty-based legal framework with codes of practice and examples of good practice but then leave it up to the individual organisations or the people working with that framework to make the right decisions about how to use their land the best they can.

Dr RATNAM: Thanks very much. I mean, that kind of contrasts with a lot of the evidence that we have heard in the inquiry so far, which actually suggests that the deficit in our environmental laws is not that there are not enough of them, it is that we are not monitoring and enforcing them well enough and we are not resourcing the implementation. So that is actually what we have heard overwhelming evidence about: what is going wrong with the interaction between our laws and biodiversity conservation is that we actually should be resourcing them more and have much more mandatory rules rather than discretionary rules, because we have heard that the discretionary rules have opened up so many loopholes that people are able to get exemptions around them and that is leading to biodiversity loss. That actually contrasts with what we have heard so far. I guess I take your views as what you presented.

Mr BENNETT: Yes. I suppose when I did my juris doctor, one of the things I thought about was around how laws have actually evolved in this space since federation. I did not really point it out in the initial slide, but that was actually a photo of the 1907 Forests Act, which was really the first piece of legislation in Victoria that actually engaged with this issue around the sustainable management of land. That came out of concerns post the gold rush around overclearing for pit plots and things like that, and there was a realisation that if we did not put a line around the forests in Victoria, there would not be any left. And so back in 1907—that is actually a year before we had universal suffrage here in Victoria—we basically put a line around the trees and the state forests, which are still the state forests that are available and being managed now and being so hotly contested.

But there was a big fire in 1939 and then another one in 1983—Ash Wednesday—and after those big fires, those big landscape events, we seem to write more rules and more laws. We just seem to stack one law onto another to try and fix these problems all the time, and I am just not sure that any of them are actually taking us forward. I think the duty of care model really puts the onus back on the individual to make sure it is right. I suppose I am taking from experience and looking across the ditch to New Zealand, where they have got their Resource Management Act. They basically took that approach probably 10 or 15 years ago, and that legislation has got really, really sharp teeth. There are big fines held out if you do the wrong thing under that law. Our company had an event at Tolaga Bay where there were logs that went down the hill. The fines under that are in the same quantum as what is under the health safety legislation. Maybe frameworks like that are better than lots of little bits and pieces, because I know from working with some of the DELWP regulators that their frustrations are around using some of the wildlife Acts and wildlife laws—they have to put multiple charges, and it is really quite a long and tedious process to get prosecutions under those frameworks.

Dr RATNAM: The complexity of the system—the complexity of the interaction being pursued needs to be reviewed. Thank you.

The CHAIR: All right. Mr Grimley.

Mr GRIMLEY: Thanks, Chair. Thanks, David, for your presentation and your submission. I was watching with interest the footage of the koalas in the tree, which was quite fascinating. You may have spoken about it and I may have missed it, but what happens to the koalas once they are removed from the plantations?

Mr BENNETT: We do not remove them from the plantations. Those trees are left there for as long as the koala wants to sit there. Sometimes—

Mr GRIMLEY: Sorry, and how often is that reviewed? So if you see a koala up a tree, how often is that koala monitored?

Mr BENNETT: If there is still harvesting machinery in that area, we may not go back to visit it during the life of that operation. And if the koala is moved and there is no longer a koala in the tree, those trees will be taken down. But in a lot of cases the koalas are there and when the machines are moved out there is still a koala sitting in the tree, so the trees stay there.

Mr GRIMLEY: Okay.

Mr BENNETT: But then they move, and they may move into adjacent vegetation, and that does create impacts on neighbouring vegetation. Some of our local farmers who have done a lot of great planning under Landcare get concerned that the koalas are actually coming in and, you know, overeating their trees. So it is a difficult situation. We are adjacent to the Budj Bim National Park, so there are koalas moving in and out of that national park too. I think that is probably where a lot of them came from to start with, in those landscapes.

Mr GRIMLEY: And does that process also migrate over to other species within that particular area?

Mr BENNETT: I am sorry, I do not understand the question.

Mr GRIMLEY: So is it just koalas you are focusing on, or are there other animals within that particular area that we are trying to look out for or monitor or keep an eye out for?

Mr BENNETT: The slides before the koala slides were around birds that we are looking for.

Mr GRIMLEY: Yes.

Mr BENNETT: So those transects that are done by our birdlife volunteers are in plantations. Some of them are in plantations and some of them are adjacent to plantations, either adjacent remnants or natural vegetation that had not been cleared previously.

Mr GRIMLEY: Yes. All right, thank you. Thanks, Chair.

The CHAIR: Ms Bath.

Ms BATH: Thank you. Thanks Mr Bennett—David. Your submission, which is 856 in our filing system online, speaks to a number of really important points, or interesting points. One of them you have dealt with is about the clunkiness of this legal framework, so I will not need to go there, but I am interested in your point 3, which talks about the assessment of forests. And rightly so, our productive forests, whether they be commercial plantations or native timber, have rigorous assessments for biodiversity and threatened species et cetera, but in your point 3 you say:

My view is that ... Victoria's agencies tasked with management of Victoria's forests should be held to the same standard ... in terms of commercial presentation.

So I guess I am interested in national parks. What do you see that should be happening in national parks that is happening in, say, productive forest? And elaborate on that part of your submission.

Mr BENNETT: Thanks, Ms Bath. Firstly, I probably have to say that I have not worked in natural forests for a long time. I am only sort of reading and looking from the outside in, so I put that caveat on what I am saying, what I am talking about.

Ms BATH: I guess from plantations, then. So from your—

Mr BENNETT: I know, talking to friends and colleagues that work within agencies like VicForests, there is a lot of effort put into monitoring and trying to find rare and threatened species before any harvesting is undertaken. And the survey effort put in per hectare in a production forest is I think a lot greater than a similar survey effort in our national parks.

So it is really hard to know whether the national parks are actually serving the purpose that they are actually set up towards—actually providing the biodiversity protection and the ecosystem protection—with the way they are managed. I suppose anecdotally the information that we have collected around birds—we have actually seen more birds in the areas of land that we are managing than in the adjacent national parks. There is a lot of

unpacking to be able to then understand why, but just anecdotally there is more diversity of birds in the more actively managed landscape than there is in the sort of passively managed landscape. Again, we just do not know the dynamics of what is going on in animal populations within national parks, because there has not been the same amount of scrutiny and effort put into trying to understand those questions.

Ms BATH: I guess the bottom line is that this committee is charged with stopping the decline of threatened species and improving outcomes for threatened species, and we have heard in the past that we do not know what we do not know in our national parks because there are not such rigorous assessments. Now, that all takes money, and we have heard a lot of people say, 'We just need some more money in this space'. But I guess I am asking whether from your point of view and reading your submission national parks need to be held accountable for their custodianship of the area in which they operate.

Mr BENNETT: Yes. I think that you would just take that as read. I stand by that comment.

Ms BATH: The other question, Chair, is on part 2. We had Mr Rowan Reid and Mr Andrew Stewart in yesterday—forester and then farmer—with a symbiotic relationship of improving their biodiversity but also having plantations and regrowing soil that has been affected by salt et cetera. You have got in part 2:

... regulatory frameworks and policy settings provide no recognition of the positive contributions that planted trees, either commercial or non-commercial, can play ...

I would like you to just unpack that a little bit more.

Mr BENNETT: Yes. I suppose with the koala example I provided an example of how providing an opportunity for an animal to live in a plantation has actually added a lot of additional red tape and also direct costs to the operations. You know, there is no recognition that there are 107 birds living in these trees. In fact a lot of the vegetation assessment frameworks in terms of offset trading and offset trades just do not go anywhere near planted vegetation as a viable offset. So whether there are some frameworks there to actually be able to trade biodiversity credits at a lower level but still recognise that there is some contribution made to the landscape by these trees—that is potentially one way.

There have been concepts around regulatory relief. You know, obviously the trees were initially planted under some favourable tax arrangements that the commonwealth government set up for plantation expansion, and that was good. It had its problems too, because some people just do not like paying tax and they much prefer to write off their tax and put it into dodgy investments rather than, you know, giving it to the government. And I think we got too much money too fast as an industry to be able to sort of find enough land to do forestry well. I think that was really one of the problems with that boom-bust cycle we had as a sector. So we have been played in this space. I do not have a solution, but I would just like somebody to actually think about it—that if something does something well, there should be some sort of benefit to actually drive that behaviour.

Ms BATH: I have got more, if that is okay.

The CHAIR: Okay. I will see how we go for time, and I will come back around to you. Ms Taylor.

Ms TAYLOR: Just talking about the elements of rigour and obviously reputation of the forestry industry—I would say speaking for your organisation; obviously you cannot speak for everything—what sort of engagement has your organisation had with the Office of the Conservation Regulator?

Mr BENNETT: Well, that permit to disturb for koalas is issued by the Office of the Conservation Regulator. I personally have not had any engagement with her, but other people in our company do. The terms in that permit are negotiated and the framework has basically been set up by her office.

Ms TAYLOR: Okay. All right. And that can only spread so far. Is that like a once-off or is it ongoing? How does that work?

Mr BENNETT: I would have to take that on notice to be perfectly clear.

Ms TAYLOR: Sure.

Mr BENNETT: My understanding is that it is about a three-year licence. It has just been reissued, so we have only just got a new one in the last few months.

Ms TAYLOR: Yes. All right. That would be good. A little bit more info on that would be helpful because there has been a lot of discussion in the inquiry about the elements of rigour and monitoring, so it is just good to have some firsthand experience and feedback on that.

Mr BENNETT: Okay. No worries.

The CHAIR: I might just ask a question, if I can.

Mr BENNETT: There are requirements under that permit to report any harm to koalas, and I know we are very careful about that.

Ms TAYLOR: Thank you.

The CHAIR: I might ask a question now, if I can. There was some discussion in your earlier presentation and in questioning around the legal framework. I know you said you are a lawyer as well, so what would you say would be a better legal framework? I do not mean tell us what the law should say, but what should a framework look like? Should it be one piece of legislation with different chapters? How do you connect those things up? What should it look like? What would be more streamlined from your perspective? How could things work better from a legal framework perspective?

Mr BENNETT: Yes, I suppose I tried to address that with Dr Ratnam's question.

The CHAIR: You get a second shot now—a bit more detail.

Mr BENNETT: Well, I am going back in time, but there was a Productivity Commission inquiry in 1998, *A Full Repairing Lease*, which was basically inquiring into sustainable land management. That articulated a framework with a single unifying statute centred around this sort of duty of care, with core principles sitting underneath it around biodiversity protection et cetera et cetera. I do think that that model of legislation is mirrored under the *Resource Management Act* in New Zealand. I do think, as much as our staff in New Zealand hate that piece of legislation because it is such an onerous piece of legislation, it focuses the mind. I find the circumstances here are we have got lots of pieces of legislation but none of them really have got a lot of teeth, and the chances of getting caught doing the wrong thing are quite minor. Killing a koala, there is a lot of concern around that, and we have got a lot of focus and we have got a lot of concerned people in that space, but other things around, maybe—and I think I heard, when I came in at the tail end, the previous witness talking about cattle into remnant vegetation. That is an area where there are rules, but there is no real enforcement of those rules.

I suppose another model that is used in other states is around having land environment courts which have open standing for concerned individuals to provide and raise concerns. I did a little bit of work when I had a lawyer hat on with the Bass Coast Landcare Network, and they were involved in trading offsets instead of working under the current framework, which is sort of like a centrally administered framework. They had actually negotiated unilaterally with a couple of people who needed clearing offsets and had an arrangement in place for them. It was I think quite a powerful framework because it was a local group who were actually given quite a lot of money to do good work on their members' land. What I liked about the model was it was actually in a catchment and an area that they were actually quite familiar with. They are the eyes and ears to make sure that those bits of bush are actually still looked after. What concerns me at the moment is we have a very centralised sort of bureaucratic process where the local office of DELWP is probably at Traralgon. The likelihood of them actually driving past and seeing cows in a patch that is being used as an offset is quite low, whereas I think if the local Landcare group saw it, they would be right on top of it, especially if they have actually got some skin in the game because they have enabled that offset. That is a framework that I think could actually work quite well.

The CHAIR: And you were mentioning earlier the number of agencies that potentially you have to interact with, so would you suggest the number of agencies be streamlined, because you mention things like local government and the catchment management authority, VicRoads and DELWP, so there are quite a number of agencies in there because they are all under different Acts? So would you recommend streamlining agencies or not, or a different agency? What would you think about that?

Mr BENNETT: I think it is important that we use our experts as thoroughly and as effectively as we can. I think by spreading the load across a lot of different agencies you end up with a lot of different people with lots of levels of expertise and you are not actually, you know, maybe getting the best ideas for each circumstance. So I do think there are some advantages in probably centralising into a—

The CHAIR: At some level.

Mr BENNETT: Yes.

The CHAIR: And then having it, like you were saying, at a more localised level, where you have got people on the ground and then having a more localised control.

Mr BENNETT: Yes. But I do think this catchment management authority model, I think that is a really great model. We have got local boards that are empowered that know their landscape and administer. I think that is a really fantastic framework. I do think probably it is reflected—I was just reading last night the *State of the Environment 2018*. The one biodiversity indicator that has got a positive trend is actually private land conservation, and so I think we have got to be doing something fairly good in that space, and I think that is probably the Landcare and that sort of local empowerment—

The CHAIR: Grassroots-type.

Mr BENNETT: Grassroots is actually driving good behaviours.

The CHAIR: Yes. Okay. Thank you. Mr Hayes.

Mr HAYES: Thanks, Chair. Thanks very much, David. I am sorry to harp on about this, but so much has come up about the legal framework and—

Mrs McARTHUR: It is part of our terms.

Mr HAYES: you have stuck up your hand on this one, so I am really—

The CHAIR: Imagine you are a lawyer. Imagine all the legal questions.

Mr HAYES: Yes, imagine you are a lawyer and you had some interest in this area.

Mr BENNETT: Yes, I will put a small l in front of that lawyer.

Mr HAYES: Thank you. The *Planning and Environment Act 1987* seems to be the overarching planning document for the state. Is there something that we could put in that that would give it that positive care direction, a duty of care about all decision-making in terms of planning and environment to protect ecosystems and species and the environment? Is there some way of addressing that in an overarching statement in the planning scheme that must be adhered to? It vaguely talks about looking after social, economic and environmental aspects of all development, but those things are often balanced out or it is given sort of a nod towards but those things are not always imperatives.

Mr BENNETT: Yes. I think probably the model in New Zealand, the *Resource Management Act*, as I understand it, that basically is the Act that gives owners of land a right to do something on that land. The *Planning and Environment Act* probably plays that same purpose. And along with that right come constraints on how that land can be managed, so it probably is the right place. So maybe looking at that legislation might be a starting point in terms of how it actually can be embedded in the *Planning and Environment Act*.

Mr HAYES: Would you mind sending us the relevant part of that if you have got access to it?

Mr BENNETT: I can do that, yes.

Mr HAYES: That would be terrific. I will hold off asking any more about it.

Ms BATH: And a brief synopsis on the whole, entire *Resource Management Act* too.

Mr HAYES: Oh, no. Don't make it too hard. Thank you.

Mr BENNETT: Tomorrow, do you want that?

Ms BATH: Yesterday.

Mr HAYES: Thanks, David, that would be really helpful. The other thing I wanted to ask you about is that you talk a lot about the plantations, and that is fantastic, I think. We have got a lot of work to do in that area. But how soon do you think we could move our logging industry out of native forests and into plantation timber? Could it be done in the short term?

Mr BENNETT: I do not believe so, no.

Mr HAYES: What sort of strategy would have to be employed to bring that about?

Mr BENNETT: Well, the trees we grow just do not do some of the things that the trees they are harvesting out of our native forests do.

Mr HAYES: So we are mainly growing softwood trees?

Mr BENNETT: No, we are growing hardwood plantations, so the trees are harvested and chipped and sent mainly to China or Japan, but they do not grow big enough and they do not have the right properties to be turned into sawn timber. Some of the fine—the Vic ash, that is just not right; it just does not work.

Mr HAYES: Because of the rotation time, is it, for Vic ash?

Mr BENNETT: Yes, it is rotation time, and the trees seem to grow faster. When they put them through saws, they have got a lot of internal growth stresses and strains. I know you had Rowan Reid speaking, and Rowan has done some work sawing some of these trees. I work with the local agroforestry network in Gippsland, and some of the members there have had their trees that they planted on their farms sawn. It turned out okay, but not big volumes of it. The other issue is the volumes of timber we are talking about.

Mr HAYES: The actual volumes—not the diameter of the trees. You are talking about the amount of wood required.

Mr BENNETT: The amount of land to replace the current cut-out I think is in the order of 15 000 or 20 000 hectares of land, and to be within a zone that makes it economically feasible—Gippsland is very heavily settled and it is really, really highly valued land for other purposes. I think if you look at the statistics, there has probably been a reduction in plantations in Gippsland rather than an expansion, and that is probably just a reflection of economics rather than anything else. Really, when you look at it, I am not sure a plantation is necessarily a more sustainable way of growing timber than a native forest. We use things like herbicides, insecticides and fertilisers to make our trees grow faster. We are actually narrowing the genetic diversity to grow a single-purpose tree for a single purpose, whereas the natural forests that are regenerated with natural seed with a lot of understorey and a lot of vegetation—they have got a lot of other values. A lot of the trees that have been reserved because of their natural values were previously production forests. I suppose as foresters one of my colleagues' biggest fears is that they did their job too well. The trees that they have been looking after and nurturing for potential wood production are basically set aside and reserved for other purposes.

Mr HAYES: Okay. What other species do you grow in plantations beside blue gums, or is that the only—

Mr BENNETT: The radiata pine. Again, the *Pinus radiata* is a different type of wood. It is a long-fibred timber. It is obviously the timber that gets used in house framing, but it is also used in packaging-grade papers, whereas the hardwood is more in the printing-grade and fine-grade papers. So they have different purposes. The other trees—there are a few plantations in Gippsland of some of the longer growing, slower growing hardwood trees. There has been a little bit of work to try and grow some yellow stringybark and some mahogany—but small areas, though.

Mr HAYES: Okay. All right, thanks a lot.

The CHAIR: Do you want another? You have got about 2 minutes.

Ms BATH: Thanks very much. There is a building boom. You only have to walk into any hardware store or talk to any building company—new homes are being built. We need timber; Victoria needs timber. You mentioned that your day job is to do with the forest stewards certification process, and I am interested in a quick

comparison—and maybe you will need to take it on notice—between Australia’s FSC standards and standards in other overseas countries. Give us an example of some that are good, maybe in Europe, that the FSC say are good—and ‘good’ is a funny word, because it is multipronged to get an FSC; it has got, I think, three chambers, but correct me if I am wrong—and then other countries that are not at our Australian standard. What does that look like? So I guess it is a comparison around countries and FSC.

Mr BENNETT: I think that the sustainable forest certification landscape is quite complicated to understand for anybody who is not living and breathing it all the time. The Forest Stewardship Council is an international organisation. It has got its headquarters in Bonn. The governance framework for the Forest Stewardship Council is a three-chamber governance structure, so there is equal balance in those chambers. There is an environmental chamber, an economic chamber and a social chamber.

In Australia we have also got an Indigenous advisory working group to the social chamber. There is a single standard that applies internationally. That is how the FSC’s frame works, and then each country has the capacity to create a standard that applies to them—to Australia. So it was about, I think, three or four years ago that Australia finally got to an Australian national standard under the FSC system. Prior to that time we were working under a framework where the auditors would just use a sort of proxy to the international standard to judge what we were doing in Australia. So in that framework, as time progresses, the international rules get changed, so the national rules have to be changed to adopt that. So at the moment there is a lot of work putting a lot of extra words into how we can use chemicals under the FSC rules. So there are some obligations around having to do some biomonitoring and some of those issues, and that will then have to be applied to Australia as well. So that framework, how it applies here to Australia, because it is an international framework, the auditing framework is sort of managed through FSC by an external accreditation body called ASI. So our auditors get audited by this individual organisation. I have been part of one of those audits, where we had auditors auditing the auditor, which has layers.

But then the other system that applies in Australia is the responsible wood framework, which is built up under another parallel international system, which is the PEFC. And that is also administered out of Germany. Countries like Finland only accept PEFC certification because they have got a lot of smaller growers and smaller farmers there, and some of the rules in FSC around indigenous people’s rights do not work for some of them because of some of the issues and some of the relationships with the Sámi people in the northern part of Finland. So the small growers in Finland have not really adopted the FSC standard; they only work under the PEFC standard.

The CHAIR: I am sorry, we are out of time. Do you want to wrap up quickly?

Mr BENNETT: No. I could spend a lot of time speaking to it.

Ms BATH: I guess I can write a question on notice to follow those up. So thanks, David. I will write some questions.

Mr BENNETT: No worries. I suppose just the only thing I would say to sum up is we are agnostic—we do not care which standard it is. It is really a client that chooses which standard they want, and that is the one we will give to their forests. I work with both sets of auditors, both sets of standards. I sit on the steering committee that is actually reviewing the Australian forestry standard, which is the responsible wood framework. My view is technically both are the same. FSC probably has a stronger social lens and there are probably more rights in the framework for stakeholders to get engaged in that process, but technically I think probably the Australian forestry standard is stronger. That is my take-home summary.

The CHAIR: Thank you very much for that, Mr Bennett. All right. Thank you again for your presentation and your evidence.

Committee adjourned.