

**REPORT ON PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON STATE DEVELOPMENT**

**PROVISIONS OF THE FORESTRY LEGISLATION AMENDMENT**  
**BILL 2018**

**CORRECTED PROOF**

**At Macquarie Room, Parliament House, Sydney on Friday, 1 June 2018**

**The Committee met at 12:13 pm**

**PRESENT**

The Hon. Taylor Martin (Chair)

The Hon. Rick Colless

The Hon. John Graham

The Hon. Paul Green

The Hon. Natasha Maclaren-Jones

The Hon. Mick Veitch

Ms Dawn Walker



**The CHAIR:** Welcome to the hearing of the Standing Committee on State Development Inquiry into the Provisions of the Forestry Legislation Amendment Bill 2018. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay my respects to the elders, past and present, of the Eora Nation and extend that respect to other Aboriginals present here today. Today is the only hearing that the Committee plans to hold for this inquiry. We will hear today from the NSW Apiarists' Association, members of the NSW Forest Industries Taskforce, representatives from two nature conservation community based organisations and representatives from the NSW Environment Protection Authority [EPA], Local Land Services and the Department of Primary Industries.

Before we commence, I make some brief comments about the procedure for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography today. I also remind media representatives who may be here that you must take responsibility for what you publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments made to the media or others after you complete your evidence. As such, comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

Due to the short time frame of the inquiry, there will be no questions taken on notice today. Witnesses are advised that any messages should be delivered to the Committee members through the Committee staff. To aid the audibility of this hearing, I remind both Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loud speakers for persons in the public gallery who have hearing difficulties. Finally, I ask everyone to switch their mobile phones to silent for the duration of the hearing.

**STEPHEN TARGETT**, Vice President, NSW Apiarists' Association, sworn and examined

**TIM BURFITT**, Executive Support to the NSW Apiarists' Association, sworn and examined

**The CHAIR:** Would you like to begin by making a short statement?

**Mr TARGETT:** Thank you for the invite for the NSW Apiarists' Association. I would like to table several documents: "National Best Management Practice for Beekeeping in the Australian Environment", "Apiary sites on public lands—a NSW Apiarists' Association Position Paper", a NSW Apiarists' Association document about who we are and what we stand for, and "Regional Economic Multiplier Impacts Potential Pollinator Deficits across Crops". Beekeepers have used forests in New South Wales for generations. We have had to argue and justify our access to the forests across these generations. This has been both time consuming and frustrating. It is hard to get any fruitful outcome.

Being included in legislation is a step forward in recognising our dependence on New South Wales State forests for viable beekeeping businesses. There are 35 dependent agricultural industries that rely on honey bees for pollination, including the billion dollar-plus almond industry, which is still expanding, and also the rapidly growing blueberry industry up north. Bees are important for regional development and food security, not only for New South Wales but for Australia. Forest access is more important in the last 20 years than what it was before. Before we had Paterson's curse. Paterson's curse was 45 per cent of the New South Wales honey crop. It was great for building bees to go to pollination events and great for recovering bees when we came back from pollination events. That has gone through bio agents and no control of the beekeepers. Access to floral resources in those forests is more important now.

Given the importance of bees to the New South Wales economy, including bees in the legislation for forestry operations to us is paramount. Forestry NSW reported to Parliament in October 2017 that the hardwoods division, which is the trees we are interested in, had a profit of just over \$5 million. Those 35 industries, including the billion dollar-plus and growing almond industry, generate several billion dollars for New South Wales.

We advocate that those industries are important for regional Australia, jobs and the economy and because they are co-dependent on us we would like to be included as part of the forestry operations in the legislation. We want to coexist with forestry, we are not saying stop forestry. We want to coexist with forestry and use the forest in an equitable manner in forest use. Bees are a passive user of the forest. We would like to be included in the legislation at the highest level so we have to keep going back using our time, energy and effort and being away from our business to justify our use in the forests.

**Mr BURFITT:** I am here basically to support Mr Targett. Fundamentally, with the apiary industry most think of honeybees with honey as the principal outcome, in actual fact pollination is the main game. Pollination is a \$4 billion to \$6 billion industry in Australia and honey is a by-product. Pollination is dependent upon the forest as Mr Targett put so well. That is the only supporting statement I have.

**The Hon. MICK VEITCH:** Thank you gentlemen for your attendance today and, in the short timeframe you had, for making this submission to the inquiry about the legislation. I want to dwell on some points you make in the opening paragraphs of your submission. You are concerned about schedule 2(8) to (16) of the proposed legislation and schedule 2 (34) of the legislation?

**Mr TARGETT:** I think it is 2 (8) to (17), where they are removing beekeeping and grazing.

**The Hon. MICK VEITCH:** Let us talk about that one and schedule 2 (34) and the resultant impacts on all previous agreements in respect to apiary sites in public forests. The Government is proposing in the legislation that they would do this by regulation and authorisation. Can you explain to the Committee what your concerns are about that process?

**Mr TARGETT:** At the moment, because we are included in the legislation, we do have some exemptions in the forest. We can maintain our bee site and knock over small trees to keep the bee site clean so we can turn the trucks around, occupational health and safety, no trip hazards and we clear the trash across it. One of the exemptions is that we can maintain a road in forestry management zone 3A and 3B as well. We are worried that we will have to go and fight for those exemptions again if we are removed from the legislation. Dealing with forestry has been difficult. They do not tend to be overly responsive to having us in the forest. Given the importance to the economy and regional development in Australia and food security, we believe our importance should be recognised by being included in the legislation.

**The Hon. MICK VEITCH:** Following on from that, you also raised concern about the process for public consultation where adverts through local newspapers are going to be replaced by online notifications. What is your concern about that? What is the impact to an apiarist of that change?

**Mr TARGETT:** The changes can happen by stealth, because without a media release to alert that there are changes up for public consultation, as an organisation we would have to be checking those websites once a week as a minimum to make sure, if there is any inquiry, we can get our front foot forward. Not only us, it is the 35 co-dependent industries that are reliant on honeybees, they are worried about us not having resources to build our bees to then have the quality bees to do the pollination services that they require.

**The Hon. MICK VEITCH:** You are clearly concerned about how this legislation will impact upon your industry. You talk about the Integrated Forestry Operations Approvals [IFOAs]. This bill talks about the Coastal IFOA?

**Mr TARGETT:** Yes.

**The Hon. MICK VEITCH:** What is your concern or involvement in the development of the Coastal IFOA?

**Mr TARGETT:** Dealing with forestry is extremely difficult and we rarely have good outcomes. We would like to coexist with them in the forest. We would like it to be recognised that we are dependent on a dynamic, diverse, unique forest. Australian forests are unique in the world. We need access to that resource. Forestry can change the rules and regulations and make it extremely difficult for us. We would like to be recognised at the highest level in the legislation that we are very dependent on forests, reliable access to Forests NSW and their floral resources.

**The Hon. MICK VEITCH:** Final question, because time is tight. When were you notified or advised of the scheduled clauses that affect your industry in this piece of legislation? When did you find out? Were you consulted about that before the construction of this piece of legislation?

**Mr TARGETT:** No. We have had no input to any of these legislation amendments.

**The Hon. MICK VEITCH:** You are mentioned in it.

**Mr BURFITT:** Yes, 28 May it was brought to my attention to give some support to this. A matter of days.

**The Hon. MICK VEITCH:** Do you think that is adequate?

**Mr TARGETT:** No, not to give a reasons and get all the facts and figures to back our arguments.

**The Hon. MICK VEITCH:** You are saying you have a significant stakeholding in the management of forests as a whole but also private native forests?

**Mr TARGETT:** Yes.

**Mr BURFITT:** An easy addition regarding access to websites may well be the development of a database of all stakeholders so an effective email tree alerts people to any upcoming changes that they may wish to be informed about and a link to the appropriate website. I can understand why newspaper advertising is costly and not always as effective as you like. That would be my response there. You highlighted with your questioning that the coastal forestry agreements, we want to have a stake, to participate and add to it. They want to be there at the table putting forward their suggestions.

**The Hon. MICK VEITCH:** Have you tried to contact the Minister or meet with the Minister about this issue?

**Mr TARGETT:** Yes. We have tried to contact the Minister responsible for Forests NSW and that has been extremely difficult. We have had quite good access to the Minister for agriculture but the forestry Minister we have applied for meetings, requested meetings, but so far we have not had any joy.

**The Hon. JOHN GRAHAM:** You have talked about the importance of access to forests and presented that case pretty strongly. What is the balance between access to the public native forestry and private native forestry that you need? Have you got any access on the private side, what is the balance of those things?

**Mr TARGETT:** Public lands are easier to gain access to.

**The Hon. JOHN GRAHAM:** Understood.

**Mr TARGETT:** Whilst you might have to search to find where you have to go to get access to it, because we pay a lease for the site, private native forests is about local beekeepers who know someone has

planted 1,000 acres of red gum. The private native forests tend to be one species. It will have a flowering event when it gets up to a reasonable size, but that flowering event might only be every four or five years.

**The Hon. JOHN GRAHAM:** What is the balance of those two?<sup>1</sup> You have talked about the number of hives across New South Wales, private versus public, what is the balance, what proportion of those?

**Mr TARGETT:** At least 98 per cent would be in State Forests.

**The Hon. JOHN GRAHAM:** That is really helpful. I want to look at the specifics you propose. I think they were helpful suggestions on page three of your submission. Two of them are legislative and two of them are to do with what the government agencies might do. On the first two you have talked about being recognised in the legislation as a co-dependent industry, you pressed that case today. Is there anything else you want to specifically put to us that would help in the legislation on that point? It is that up-front recognition you feel would make it a more equal bargaining position?

**Mr TARGETT:** Yes. It will give us more backing to negotiate with Forests NSW. We do not want to be left out and marginalised as a two-bit player because the forests are so important to us and the flow-on industries that rely on honeybees for pollination. We feel that will help us in negotiations with State Forests, not to stop logging or anything like that, as I have said, it is fair and equitable use of the forests and to have the forests in perpetuity. Beekeepers have been guardians of the forest for a long period of time. We have seen logging practices firsthand as we are putting bees in and all that sort of stuff and beekeepers will continue to be the guardians of the forest because we are dependent on those.

**The Hon. JOHN GRAHAM:** I will come to your second suggestion, which is that schedule 2 (17) be modified so that it includes and recognises beekeeping as part of forestry operations authorised and regulated by the integrated forestry operations approvals [IFOAs]. What impact do you think keeping that idea would have on the legislation?

**Mr TARGETT:** It will keep us in the forefront of Forestry's mind so that when it is harvesting, burning or things like that we will get good notice to move the bees out. As a commercial beekeeper, I have got five, six or seven loads of bees and I cannot move them all out in one night. It takes me several nights to move them out; I have got to abide by the log book and all the other legislation. Being part of the integrated forestry operations is important. Hopefully we can negotiate because under the rules and regulations that are proposed, we feel that logging is not sustainable, so there will not be enough. They are saying that when they harvest an area, 0.1 per cent of that area will be basal area, as in trees. We feel that is going a bit too far.

**The Hon. JOHN GRAHAM:** Thank you for that evidence. Point 3 and 4, which I might refer to together, are really saying that you want to be included as an appropriate representative for consultation and want a database of all co-dependent industry contacts, both of which sound like sensible measures. They are not really for the legislation though, but we might put them to the government departments later and see what they can do. On the face of it, they seem like sensible steps.

**Mr TARGETT:** We were not talking about getting them into legislation, but we did want to highlight that that is what we feel would be the right track if we are not going to go through newspaper advertisements.

**The Hon. JOHN GRAHAM:** That is very helpful. Thank you.

**Ms DAWN WALKER:** Thank you both for coming in. We have talked a little bit about the legislation. I think you have put your case very strongly about that. But within this there is also the draft code practice, and this bill allows for that consultation period to be about four weeks. Do you feel that is an adequate amount of time?

**Mr TARGETT:** No, we do not believe it is. We will certainly be putting in a strong submission on the proposed rules and regulations. I do not believe that co-dependent industries that are reliant on honey bees will be aware of the importance and have the time to put in a suitable submission. We are dedicating all our resources to it, because it is such a tight timeframe.

**The Hon. NATASHA MACLAREN-JONES:** I have only got one question. In your earlier remarks and in your response to the Deputy Chair's question you referred to exemptions and expressed that you are concerned that you would not be able to apply. Could you outline what the exemptions are that you currently have?

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<sup>1</sup> See correspondence from Mr Stephen Targett, Vice-President, NSW Apiarists' Association, received 19 June 2018.

**Mr TARGETT:** We are able to maintain a track into protected forest management zones because there are bee sites there that we need to access with a truck. That might involve cutting a couple of trees on the side of the road so the truck fits down without bulldozing trees or the clearing out of our bee site. We might only use the bee site every seven or eight years because the species that is there might only flower every seven or eight years. By then, you have got trees that grow to this big on that site, so we have got an exemption to knock them down. But it only applies in the small area where we put our bees so we can turn our truck around and clear the trash to remove a fire hazard because we are using smokers. We can remove the trash and that off the bee site so that we can walk around safely. It is occupational health and safety and reduces the fire hazard. They are the main ones, but we would have to argue for all of those again, and that is time consuming and dealing with Forestry has been difficult.

**The Hon. NATASHA MACLAREN-JONES:** But you have those on the record now?

**Mr TARGETT:** Yes, so if we remain on the legislation those exemptions will remain, which reduces our workload by a fraction. Beekeeping is a difficult occupation with pests, diseases, fire and things like that. Continued and reliable access to resources is our highest priority.

**The Hon. RICK COLLESS:** Thanks for coming in, gentlemen. Is apiary considered in the existing IFOAs? Is it mentioned in the current IFOAs?

**Mr TARGETT:** It is mentioned in the legislation. I think we are mentioned, but even though we have dealing with forestry for generations, they have never come up with a guideline for beekeeping operations in State forest. We have been proactive, and you have one of the documents that have been raised there. National Parks and Wildlife Service has it and Local Land Services has it for use on Travelling Stock Reserves, but for State forests, which we have used for generations, there has never been a beekeeping code of practice developed.

**The Hon. RICK COLLESS:** Do you have any access to national parks?

**Mr TARGETT:** Yes, we do. The way that has worked is that if it was a State forest where bee sites were taken up on a grid, when it became a national park, we were able to keep those bee sites.

**The Hon. RICK COLLESS:** Only up until you relinquish them? Can they be transferred?

**Mr TARGETT:** We are allowed. When I sell the business, those bee sites can go with the business. There is a process to transfer them. If my child takes over the business, he will get those sites. But the empty sites are gone. The ones that were vacant at the time that it became a national park are gone.

**The Hon. RICK COLLESS:** Does the figure of the 2,509 sites within the Regional Forest Agreement process include the national park sites?

**Mr TARGETT:** No, it does not, and those 2,500 sites are active bee sites that are actively leased by beekeepers. There are a lot of bees sites that are marginal or not profitable, except maybe in a drought. There are more than 5,000 bee sites, but at that time only 2,500 were actively paid for by beekeepers.

**The Hon. RICK COLLESS:** What happens to the vacant sites that are not paid for in State forests? Can somebody else can take them up later?

**Mr TARGETT:** Yes, I can drive around and see a tree that is about to flower—preferably months out, because it takes a long time to find the right department and get approval—and pay the lease and put bees there.

**The Hon. RICK COLLESS:** Do you have any figures on how many sites are contained in national parks?

**Mr TARGETT:** No, but it is quite a few. Recently, National Parks and Wildlife Service went through and did an audit and we did get 105 or 110 sites back from National Parks and Wildlife Service that we can now use again. That was distributed in a ballot system to make it fair to all beekeepers.

**Mr BURFITT:** I support Stephen by saying that in Somerville's publication there is a table of land tenure. In 1999, National Parks and Wildlife Service had 333. Those sites are available in that table in that document that has been provided. But it is dated, I must say.

**The Hon. RICK COLLESS:** You say that you contacted the Minister's office. Have you got any details as to when that was? I will try to find out what has happened to your request.

**Mr TARGETT:** No, I do not know the exact dates. Since January, we have contacted him at least twice to try to get meetings with the Minister for Lands and Forestry.

**The Hon. RICK COLLESS:** I will give you an undertaking that I will make sure that that is taken up.

**Mr TARGETT:** Thank you.

**The Hon. RICK COLLESS:** It is very important. I had a bit to do with your predecessors in the Apiarists' Association. It is very important that you be granted that access to him. Can I also say that as I understand it your access to the State forests is not going to be impacted by this bill. You will still maintain your access as you have traditionally had it.

**Mr TARGETT:** Yes, at this stage and under what we read in the draft amended rules and regulations, we will still have access and it will be business as usual. But we will certainly be putting submissions in about how hard the logging is and things like that. A lot of people do not understand that different tree species flower at different times and there might be three or four years or even seven or eight years between the flowerings of that species. As a beekeeper, I need sites for this species, which is flowering in September; I need sites for this species, which is flowering in November; and I need sites for this species, which is flowering in January. They flower in different years at different times. I need many State forest sites to conduct my business and keep my bees healthy to meet pollination contracts.

**The Hon. RICK COLLESS:** Are the sites you are talking about set out on a grid system of some sort?

**Mr TARGETT:** Yes, they are set out on a grid system. It is on the old mile, a 1.5 kilometre square grid. Bees will fly approximately three kilometres, but if you have enough floral resource in there they will get the nectar close to home, like we were. We lease that 1.5 kilometre grid every year. If you want to keep it, you pay—

**The Hon. RICK COLLESS:** You pay a fee for it?

**Mr TARGETT:** We pay a fee for it every year, but I might only use it every seven years.

**The Hon. RICK COLLESS:** But you have to pay a fee every year, it is not just when your bees are there?

**Mr TARGETT:** I pay for it every year. Then when the tree flowers, if we are in a heavy drought or it is superhot weather, there are no guarantees we will get nectar from it or pollen, and bees need both nectar and pollen.

**The Hon. MICK VEITCH:** Continuing on from the Hon. Rick Colless's line of questioning, what is the effect of overlogging a forest? What is the impact on your hives when we finish up with the same species area?

**Mr TARGETT:** The difference between small trees and big trees from an apiarist's point of view is huge. Small trees have irregular flowering; it is hard to predict when they are going to flower. They flower over a short period of time and because they are shallow-rooted they tend to yield less nectar. The big trees flower at a reliable time, so you can have your hives there at the right time, and they are reliable nectar producers. If the weather conditions are right, the trees that do produce pollen—because not all trees produce pollen—produce quality pollen for the bees. Mature trees are great, but ideally we want a diverse range of ages and a diverse mix of species. That is one of the things we are going to raise in the rules and regulations. There is no mention made in there of species mix. Not only is it important for bees it is also important for the environment because your nectar-eating marsupials and nectar-eating birds need the nectar available a lot of the year, which means a lot of different species because they flower at different times of the year.

**The Hon. MICK VEITCH:** You spoke about the importance of your sites in State forests. What are the regulatory arrangements for your sites in private native forests? Do they have the same regulatory arrangements or is there a variation?

**Mr TARGETT:** No, there are no regulatory arrangements that I am aware of in native forests. You find the landowner, or whoever controls the forest, and you come up with an agreement with him. With private landholders we normally hand over honey. We give the private landholder honey and we put the bees there every time there is a flowering event that suits us. With private native forests, because some of them are corporation-owned, it might be a money arrangement. But you are only going to have them there every four or five years because it is a monoculture whereas the New South Wales forests are diverse in species and nature.

The understorey is as important. Often the understorey is the pollen requirement. The iron bark trees in the forest do not yield any pollen. They can yield lots of nectar, so you need the mid-storey and understorey trees. They are extremely important. If you clear fell logging practices, you are destroying all of that for it to come back again. You have dirt. Whereas if you have a lighter logging practice in this area here, you are not touching the understorey here. Then next time you come back, you are over here, but they have recovered



enough so you have the pollen resource. The marsupials use pollen; it is high in protein. Animals need protein. Your marsupials and threatened species all use the floral resource. We only take the bees in there when there is an excess of nectar. We are commercial; we are not driving around to waste time and money.

**The Hon. MICK VEITCH:** Some of the submissions that we have received in a short time frame for this inquiry into the legislation are drawing criticism to the fact that there is still consultation on the Coastal Integrated Forestry Operations Approval [IFOA], yet this legislation talks about the Coastal IFOA. Do you have similar concerns or do you have any concerns about that?

**Mr TARGETT:** No. Ideally, the whole lot should be dealt with at the same time so it is a holistic package. We are looking at the big picture, not just piecemeal. It is an integrated approach and we have—yes, it is a neater package.

**The Hon. RICK COLLESS:** Can I add to that, I think that is what is happening. The bill is out, but the IFOA consultation process is underway. Have you been notified of where those sessions are? They are up and down the coast. They are happening this week and next week.

**Mr TARGETT:** Yes.

**The Hon. RICK COLLESS:** If you go along to one of those sessions and ask those questions, you will find out what the relationship is between the amount of compartments that are going to be logged compared to the overall total compartment in that section of forest. The maximum size for each compartment to be logged is something like 45 hectares.

**Mr TARGETT:** It is 45 to 245.

**The Hon. RICK COLLESS:** Yes, but a maximum of 45 hectares in each little patch. Within that area there has to be so many trees left per hectare, depending on the types of trees. Any old growth trees, of course, have to be left, that sort of thing. There still are going to be a lot of trees left in that environment. I guess you take those things into consideration when you are planning where your bee sites are going to be for the next 12 months to two years?

**Mr TARGETT:** Yes. Depending on how recently the logging was will depend how many bees I put there. That comes with experience of using the sites. A normal commercial load of bees is 120 beehives. If it has been heavily logged, even though the bees can fly three kilometres, if they have done a few coops in that area, I am only putting half that amount there. I have to find another home for the other half because I am not going to get a return on my effort for putting them there. I might be able to keep the bees alive and have them healthy if I am going to a pollination event, but if I have got them there for honey, I need a return on my time and effort to put them there.

**The Hon. RICK COLLESS:** How do you manage that now under the current arrangements? With difficulty?

**Mr TARGETT:** Yes, with difficulty. The anecdotal evidence on some of the logging sites now, there are very few trees left there. I know under this legislation we are going to leave more there with tree clumps and habitat clumps, but they are cutting down how much is left on the drainage lines in some areas. If you are going to log hard, you cannot afford to do that because that drainage line is a filter for the quality of the water going downstream.

**The Hon. RICK COLLESS:** Yes. All of that is taken into consideration, I am sure. You said it is a 1.5 kilometre grid for the sites. What does that work out to be in hectares per site?

**Mr TARGETT:** It is 225 hectares per site. Sometimes I cannot put my bees right in the middle of site because that is a big gully. I have to have road access for my truck, so it might be on the edge of the site. Life is a compromise.

**The Hon. JOHN GRAHAM:** Can I ask about the almonds again. You put a good case about the importance of the almond industry.

**Mr TARGETT:** No bees equals no nuts.

**The Hon. JOHN GRAHAM:** You say farm gate value is \$1 billion. We do not need fewer bees, in fact, we need more bees, more hives—

**Mr TARGETT:** Yes.

**The Hon. JOHN GRAHAM:** —very rapidly to meet the needs of that industry alone.

**Mr TARGETT:** Correct.

**The Hon. JOHN GRAHAM:** Give us a quick picture of that.

**Mr TARGETT:** There has been a lot more almond plantings in that will come online. You do not need them for the first three or four years because the small trees are not flowering. As they come online you can get with a light stocking rate early, but as the tree gets bigger and gets more flowers you need to come up to full speed on the stocking rate.

**The Hon. JOHN GRAHAM:** And it is no bees, no nuts.

**Mr TARGETT:** Correct.

**The Hon. JOHN GRAHAM:** Without you keeping the bees going, this industry cannot produce at a level it might?

**Mr TARGETT:** It will hit a wall that is limited by bees. It is the same with blueberries. Those industries will have to pay a lot more money to drag bees from further away to get to those.

**The Hon. JOHN GRAHAM:** And the blueberries are particularly important in the north of the State.

**Mr TARGETT:** Yes, and that is a rapidly growing industry.

**The Hon. JOHN GRAHAM:** Absolutely, and also producing for a fair bit of the year at the moment.

**Mr TARGETT:** Yes, and they need bees. If you look at the chart, it talks about responsiveness to bees—100 per cent means no viable crop without bees. If you look at the seed industry—avocados, cucumbers, melons; all that—you need bees there.

**The Hon. JOHN GRAHAM:** How much do we have to grow the number of beehives to meet the needs of those industries?

**Mr TARGETT:** I think it is about 50,000 extra beehives required in the next three to four years.

**The Hon. JOHN GRAHAM:** That is quite extraordinary.

**Mr TARGETT:** The issue with growing my number of beehives is I have to have resource.

**The Hon. JOHN GRAHAM:** Exactly.

**Mr TARGETT:** I have to have reliable access to a diverse forest. We have to have trees standing in those forests, a diverse range of species mix and a diverse age of trees in that forest for me to build bees. The other thing we use forests for is when locusts hit western New South Wales. When that happens I do not want my bees anywhere near them. Each insecticide they are spraying is not selective. It will not kill just the locusts; it will kill every insect, including my bees. Neonicotoids is another issue.

I am moving bees into the State Forest, which is a clean, green facility with a diverse range of trees where insecticides or pesticides are not used—maybe just a little bit of herbicide—so my bees get a rest from exposure to the damage done by pesticides and insecticides.

**The Hon. JOHN GRAHAM:** Are you telling us we are already the nation's biggest producer of bees, so we already have a good head start?

**Mr TARGETT:** Yes.

**The Hon. JOHN GRAHAM:** But you are still projecting a dramatic increase in the demand to keep these industries—

**Mr TARGETT:** Yes. They are planting a lot of almonds in Victoria. They are planting a lot in the Hillston, Griffith, Narrandera and Leeton areas. There are lots of trees there that are just little sticks, about waist high, which will have a dozen flowers on them this year. They will not put bees in those areas. But in three or four years time they will want to put bees on those flowers.

**The Hon. JOHN GRAHAM:** Just to come back to the legislative ask, you are really saying that if we put the couple of specific measures you suggest in the legislation it will give you a more equal standing when it comes to negotiation about forests.

**Mr TARGETT:** Yes.

**The Hon. JOHN GRAHAM:** It will not have a detailed impact but it will put you on a standing which is appropriate to the sort of large-scale industries that you support.

**Mr TARGETT:** Yes. When you look at the Forest NSW 2017 report you see that the hardwood division had just \$5 million profit before tax. We are talking about the flow-on effect from honey bees for pollination which is in the billions.

**The Hon. JOHN GRAHAM:** Yes, \$4 billion to \$6 billion.

**Mr TARGETT:** To me it is a no-brainer, but you are the people doing the job.

**The Hon. JOHN GRAHAM:** I will leave it at that.

**The Hon. RICK COLLESS:** Do the almond growers and the orchardists pay to have your bees in their orchards?

**Mr TARGETT:** Yes. Canola is good for bees but we do not get paid for that. Seed canola is different; they pay to have us on seed canola. Citrus—the other one that is in your chart—is the other one that we do not get paid for. We get good honey from it and at the moment we are getting a premium for that honey—it goes to Asia and helps our exports. All the other jobs—all the seed jobs—are paid. We get paid for almonds, cherries, apples and all of those. I am a business; it costs me time and money and I have to do special work to prepare my bees to go to pollination.

**The Hon. RICK COLLESS:** In round figures, what proportion is that part of your business?

**Mr TARGETT:** I do almonds and cherries. There are other people who do a lot more than me. In a good year, as part of my business that is around 20 per cent. In a bad year—in a drought, where very few trees bud—it can be up to 60 per cent. That 60 per cent covers all my standing costs—insurance and things like that. So, 60 per cent in a bad year, but normally around 20 per cent. All beekeeping businesses are different. We all choose to do different things, but for a lot of beekeepers a lot of their money comes from pollination.

**The CHAIR:** Thank you very much for making yourselves available. As I said earlier, no questions are able to be taken on notice, and none was.

**(The witnesses withdrew)**

**PETER RUTHERFORD**, Secretary, South East Timber Association, before the Committee via teleconference, affirmed and examined

**NICK CAMERON**, Representative of Institute of Foresters Australia on the New South Wales Forest Industries Taskforce, before the Committee via teleconference, affirmed and examined

**MAREE McCASKILL**, General Manager, Timber NSW and member of the NSW Forest Taskforce, affirmed and examined

**BRONWYN PETRIE**, Representative, NSW Farmers, sworn and examined

**The CHAIR:** I now welcome our next witnesses. I note that Mr Peter Rutherford and Mr Nick Cameron will be joining us by teleconference, so I will set the scene for them. We are in the Macquarie Room of New South Wales Parliament. With me are the other members of the Committee, the Hon. Mick Veitch, the Hon. Rick Colless, the Hon. John Graham, the Hon. Paul Green, and the Hon. Natasha Maclaren-Jones and Ms Dawn Walker who have stepped out of the room for a moment. Members of the public and media are also able to be present and the proceedings are being recorded by Hansard. Would anyone like to begin with an opening statement?

**Mr RUTHERFORD:** I would like to make one on behalf of the South East Timber Association [SETA] membership. SETA members are strongly committed to ensuring public forests are available for a range of commercial and recreational activities and expect that land management practices should maintain environmental values in the long term. SETA expects the Government to commit to ensuring forest and related policies strike an appropriate balance between social, environmental and economic outcomes while minimising adverse impacts of policy changes on regional communities.

Unfortunately, the current State forests and parks and reserves regulatory frameworks, including this bill, fail to support an active and adaptive management approach to either timber production or biodiversity and conservation. The first pillar of the NSW Forest Industry Roadmap commits to ecologically sustainable forest management through regulatory modernisation and environmental sustainability. Today we continue to face a tape measure-driven regulatory approach apparently clueless as to which species need some level of disturbance to thrive and those that thrive in the increasing area of scrubbed-up, mega-fire-ready forests that have evolved since the arrival of the first Europeans.

Unfortunately, SETA members see changes to the native forestry regulatory framework continuing to be driven by an eco-political agenda rather than a framework guided by a strong understanding of the historical, ecological development of the biodiversity existing on the Australian continent at the time of European arrival. The only modern element to the current bill is a major increase in the financial penalties available to the regulating authority. The size of the fines would not be an issue for the SETA membership, many of whom will be affected by this bill, if they were confident that the regulating authority could deliver regulatory oversight in a fair and equitable manner. Given the current realities, rather than trying to rebuild the *Titanic*, the major focus of the SETA submission has been to question the need for such massive penalties, and highlight specific benchmarks that regulatory staff should meet before being entrusted with such wide-reaching and potentially financially damaging power. Thank you.

**The CHAIR:** Thank you. Mr Cameron?

**Mr CAMERON:** I will just give you a short background on the Institute of Foresters. The Institute of Foresters is an association of forest management and research professionals. We have 1,100 voluntary members and have been in operation since 1935. The principal purpose of the Institute of Foresters is to support and encourage sustainable forest management and to provide economic, social and environmental benefits from those forests. Thank you.

**The CHAIR:** Thank you. Ms Petrie?

**Ms PETRIE:** I would just like to give a statement on behalf of NSW Farmers. As background, I am from Tenterfield. I am a member of the Executive Council of NSW Farmers and a representative on the Conservation Resource Management Committee. NSW Farmers is Australia's largest State farming body, representing the majority of commercial farm businesses in New South Wales. We greatly appreciate the opportunity to provide comment on the Forestry Legislation Amendment Bill and to attend today. Many of our members have native timber on their properties and we support the legal harvest of this through private native forestry, which I will now refer to as PNF.

PNF is an important contributor to the supply of Australian timber, and NSW Farmers emphasises the critical importance of government delivering a policy which protects and promotes private native forestry operations. Accordingly, we support the movement towards a system in this State that is facilitative of modernisation, community confidence, industry innovation and new markets. We commend the Government for reassigning the regulatory responsibilities for private native forestry activities to Local Land Services. It is something that we have been pushing for for many years. It is not something new; it is taking it back to where it always was. It was only with successive departmental name changes and the creation of a super department that when that was then disbanded private native forestry somehow got left behind when all of our other native vegetation was separated.

This once again unites private native forestry with other native vegetation management on-farm and separates the administrative oversight from the agency delivering compliance. We believe this will allow private native forestry to be more appropriately regulated as an integrated agricultural land management activity. Private native forestry is integrated within our farming systems; it is not a separate piece of land, it is, indeed, integrated with our stock management. The Independent Biodiversity Legislation Review Panel found that sustainable harvesting of native timber should not be considered a form of land use change. This has been supported by the NSW Forestry Industry Roadmap and, in fact, was the recommendation of the Sinclair report when the 2003 native vegetation legislation was enacted, but the recommendations to keep it out of the definition of broadscale clearing of remnant vegetation was ignored by the then Minister.

However, this intention is not demonstrated in the new bill, with section 60N treating breaches of the PNF code as a land-clearing offence. Where the nature of PNF breaches are different to native vegetation breaches, they should be governed by a regulatory system that recognises such. The PNF penalties are the same as those assigned to State forests. Public and private forestry needs to be decoupled and given distinct objects in the draft bill. The objects in section 60ZR should encourage the optimisation of productive outcomes alongside environmental outcomes.

We are also very concerned about section 60ZT (5), which states, "A private native forestry code of practice may apply or adopt protocols, codes, standards or other instruments that are publicly available and in force from time to time." This could lead to codes developed for State forests being applied to our private land. We submit that any changes to codes must go through public and industry consultation before being applied. There is a distinct difference in the workings on private land as opposed to public forests. Private native forestry has a direct impact on our farming families, our farm management and the health of our land, encompassing our soils, our native plants and our native animals. Bureaucrats negotiate decisions for State forests with no direct impact on themselves, as opposed to what happens with us. So we need to be there to negotiate anything that affects our lands, the health of our lands and our farming communities.

We acknowledge the unfair discrepancy in penalties for land-clearing offences under the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016. The ones that apply to farmers are significantly higher than those under the biodiversity Act. Farmers should not be subject to higher penalties than other developers who may commit a land-clearing offence; after all, we are not replacing one type of vegetation with concrete, we are replacing simply another type of vegetation. Similarly, breaches of private native forestry codes should not attract these disproportionately high penalties.

As an additional note, with regard to the integrated forestry operations approvals [IFOAs], bees and grazing are vitally important to the farmers of this State as well as people in residential areas. No bees, no plants—it is as simple as that. What we have seen following the declaration of large areas of national park in 1995 and the outcome of the Regional Forest Agreements in 1998, is immense fires with the removal of graziers across vast areas of this State—I am surrounded by national parks and State forests and can attest to it. Thank you very much for the opportunity.

**The CHAIR:** Thank you. Ms McCaskill?

**Ms McCASKILL:** Mine will be somewhat shorter. I represent Timber NSW, which, rather unusually, is always seen as representing State forests and it is not. I represent the customers of forestry, and that is all of the sawmillers, both hardwood and some softwood, in New South Wales. The organisation has been in existence since 1904 and some of my sawmills have, in fact, been in existence since the latter half of the 1800s.

They are very long-term businesses—in fact, my longest term sawmill is 145 years old as a family business, operating out of the red gum of New South Wales. They are not there in order to take timber and run; they are there because they see the long-term nature of their business. They need a renewable forest resource, otherwise they are not in business. For them to hear statements about land clearing or felling trees for the whole of New South Wales and being bulldozed down is certainly distressing for them because as a business they are

in long-term sustainable harvesting of timber. They are not interested in clear-felling, they are not interested in flattening forests and many of them are in fact forest owners in their own right as well.

I represent also some harvest and haul operations in New South Wales, some forestry professionals, such as forestry consultants, and I also have some forest owners. So I have a multitude of different members. All of them are concerned to ensure that there is a holistic management of forestry in New South Wales. They are not interested in the decimation of the land in New South Wales, they are interested in a renewable resource. Most of them have incredibly detailed forestry science backgrounds, or if not then long-term practical forestry backgrounds. Most of them are avid bushwalkers in their own right, and many of them can in fact probably give you a much more detailed story about all of the forests in New South Wales than most of the people working in National Parks and Wildlife. They are able to tell you about the vastly different animals that live there, the flora and fauna. They are able to decipher a number of things.

I am putting this on the record because they are often seen as just people who cut up wood, and that is not what they are. They are interested in long-term sustainability. This bill is important for them because many of them get half or a quarter of their timber production out of private native forests as well as from the Crown. The Crown already has some significantly different and detailed prescriptions put upon it as a Crown operator, to the point where—often unacknowledged by anyone in New South Wales—the operating environment for Crown forestry is the toughest operating environment anywhere in the world, not just in Australia, but in the world. We have the strictest provisions for operation anywhere in the world, and I want to emphasise that. Private native forestry is quite different because it is often an operation where it is mixed-use. People have not only forestry stands but also they might be running cattle, they might be running sheep, they might have grains or other things operating. They have a mixed bag of operations.

Many of the calls that I take are from people who ring up having acquired a property and are often Sydney-based investors or Melbourne or Newcastle investors, and they say, "I have just acquired my property. I would like to clear some land. What do you recommend?" My opening line is, "What we recommend is that if you are going to do any form of forestry, you do it for the long-term. You do not clear for clearing's sake, but you consider long-term forestry operations. It may not deliver you the dividends you want in the first instance—in other words a quick return on investment—but over the longer term, if you are willing to put in and do a lot of work to maintain forestry health and improve stand health, then you will get a longer term dividend and you will be doing something for holistic conservation in New South Wales." Generally speaking I can talk most of them around into doing something like that by employing a forestry professional to look at the stands they have got and give them proper advice. I think it is important for people to realise that this is a bit like a chess board. It is a mixed bag and, for sawmillers that I represent, it is important for them to have a long-term forest, both out of the private area, as well as out of the Crown.

**The Hon. MICK VEITCH:** Flowing on from your statement, can you advise the Committee—off the top of your head because you will have time to take the question on notice and get back to us—what is the percentage of timber that sawmillers source from private native forests as opposed to from the Crown?

**Ms McCASKILL:** It is very hard. In fact the Department of Primary Industries has just done a very long study and report on private native forestry, and we have all been very keen to see it. I have got some sawmillers who have no private native forestry at all but, for instance, the chair of my board, Andrew Hurford—who is a large operator up in Casino, Kyogle and down at Kempsey—has probably got close on 50 per cent of his throughput as private native forestry, both from his own holdings and from those that he negotiates with licences.

**Ms PETRIE:** I will add that traditionally north-east New South Wales is 50 per cent private native forestry and 50 per cent State. That decreases in other areas of the State.

**The Hon. MICK VEITCH:** If there were no private native forests, what would be the impact on capacity for the Crown to meet the sawmillers' needs?

**Ms McCASKILL:** It would be impossible, and we could not meet the demand from the market, not at all. We are already behind meeting demand, which is why you have got such a large import bill coming into New South Wales.

**The Hon. MICK VEITCH:** Would Mr Cameron or Mr Rutherford like to make a statement about that?

**Mr CAMERON:** It is not just about volume; it is about in the native forests there are about 30 common commercial species that are cut. Most of that diversity is in the North Coast. Private property plays a really important supplementary role to the Crown estate whereby, if timber coming off the Crown is not of the

particular mix that a sawmill needs, they can then source those species from private land. There is the ability with private land to pick and choose properties that meet the market demand and give you that flexibility.

**The Hon. MICK VEITCH:** Mr Rutherford, do you have a view or a statement about the ratio between private native forest and Crown forest?

**Mr RUTHERFORD:** The private native forest ratio in southern New South Wales is generally less than 10 per cent of overall supply. It is small but still important, and it is important from the property owners' perspective to generate some income from their forested land so that they can apply that income to managing their native forests and not just leaving them neglected.

**The Hon. MICK VEITCH:** I am conscious of the time and will move to another area. Reading your submissions, you are all critical of or raise concerns—my words not yours—about the penalty regime contained in the legislation. Could each of you explain succinctly why you are concerned about the enforcement regime contained in this proposed legislation and how it should be enshrined in the legislation? We will start with Mr Rutherford.

**Mr RUTHERFORD:** The issues I see with the penalty regime is that it is tailored to the inclusion of forestry in the definition of clearing. It is seen, as if there is a total denuding of the landscape by removal of native vegetation, that is a serious issue and consequently the penalties should be such. The likely infringement in a native forest operation would be much less in scale. If there are any infringements they would be quite localised. Another issue with the size of the penalties in the Protection of the Environment Operations Act, they basically can apply to large installations, they can potentially generate large volumes of point source pollution and do considerable environmental harm. Accordingly, the penalties are quite significant for those situations. The private native forest sector is quite different from the regulatory frameworks where those larger penalties apply.

**The Hon. MICK VEITCH:** Mr Cameron?

**Mr CAMERON:** I agree with Mr Rutherford and add to that. The thing that concerns me most is having those penalties there will be a really strong deterrent for participation in private native forestry, both from a landowner perspective and also if you are a timber harvesting contractor, potentially part-time or whatever. The transfer of Forestry to Local Land Services is all about encouraging private native forestry and providing more supportive environment. Having a penalty regime as proposed, which is based on land clearing, is just going to stifle any attempts that Local Land Services might try to pursue to encourage the activity. That is all I have.

**Ms McCASKILL:** There is nothing more I can add, because it has actually been delineated quite well.

**Ms PETRIE:** Further to what has already been said, farmers are already disengaged in large numbers from private native forestry due to the poor settings in the current code of practice as opposed to what previously applied. There are some simple things that could be fixed in that. By transferring this to Local Land Services, we are hoping to re-engage people, including ourselves and we were the model for the code. The penalties, as I eluded to before, are worse than for people who are knocking down forests and putting in cement or digging holes. Furthermore, as Peter has referred to, forestry is not clearing of land. If there is a forest, there will always be a forest. That is the premise upon which any forestry operation is conducted. For any minor breach for an individual, you are looking at up to \$1 million penalty, let alone your contractor or whoever it happens to be. The proposal is that there should be a tiered approach reflective of the fact that this is not a land clearing activity. However, putting in place appropriate penalties for those who may knowingly or unknowingly breach the rules.

**The Hon. MICK VEITCH:** In light of all of your statements, with the penalty enforcement regime currently detailed in this piece of legislation, could you support the legislation going through with those penalty regimes remaining as they are? If it was not to change, would you support it?

**Ms PETRIE:** If there was no change, you are between a rock and a hard place. At the moment we cannot support the current place where private native forestry is. To us, the Government has acted appropriately—after years of almost begging to get private native forestry where the rest of our vegetation is, as a one-stop shop for farmers. We do not have grazing here, cropping here, forestry here, as some people sitting behind desks in Sydney seem to think we have. That is the big improvement for us in this legislation. The unfortunate three sections in it that need to be amended we believe to make it more robust and more attractive, as Mr Cameron as said, to encourage people, to get over those hurdles of people disengaging because of poor policy settings. Unfortunately, if the penalties were to remain in that way, putting private native forestry on exactly the same footing as public land, we will lose some farmers from that. Some will re-engage because it will be going to Local Land Services, providing that the code review comes out as it should.

**The Hon. JOHN GRAHAM:** Regarding the view that has been put in this discussion about consultation on the draft private native forestry codes, at the moment the bill provides for four weeks consultation, which seems like a very short time. That has been the view in other submissions. Is that long enough?

**Ms PETRIE:** From NSW Farmers' perspective, as the owners of the forest, providing we are at the table in the development of the codes—not like this bill, being presented with it after it has been completed by inter-departmental negotiations. Providing the actual owners of the forest are at the table during the development of the code, as previously happened with the last one, then the four weeks is a bit short, but we have been waiting 10 years to get that code fixed. We will live with four weeks, providing that code is done properly.

**Mr RUTHERFORD:** It does depend on the circumstances. Just to give an example, with the current regulatory work that is going on, on the one hand we have got the integrated forestry operations approval [IFOA] documentation that was released a few days later, the business we are talking about today. There are literally hundreds of pages of very complex wording, cross-references et cetera that have to be understood clearly. I would suggest that four weeks is not sufficient in most circumstances, unless, as has been mentioned, the people who are most affected by this are engaged as part of the process.

**Ms McCASKILL:** My only comment is that my understanding is there is not a huge amount that needs to be done to the existing code anyway, so with a focused effort you certainly could do it.

**Mr CAMERON:** I would like to see a longer period of time. There are a lot of opportunities to do some good stuff with revision of the code. That is going to need an adequate amount of time for people to digest that and comment on it.

**The Hon. JOHN GRAHAM:** I understand how this works on the desks of the agencies, but I am not sure how this works in the real work with your members, giving them four weeks to get their heads around hundreds of pages. How does that work on the ground? Are you honestly saying your members can get their heads around what are some complex issues that have been heavily litigated in the past?

**Ms PETRIE:** With the code review rather than this bill you mean?

**The Hon. JOHN GRAHAM:** Yes.

**Ms PETRIE:** We have a branch network across the State. Our policy team is sitting behind me here. We disseminate the salient points in it. If the intention is to amend the existing code so that it is actually workable and reflects the fact that forestry is not a land clearing activity, because at the moment it has been written on the premise that it is broadscale clearing of remnant native vegetation, which clearly it is not. Therefore, if it is amending the current code and fixing those areas that make it impossible to apply on a lot of country where people such as ourselves choose not to do that to our forest. I have to say, my son is sixth generation, we are not fly-by-nighters or anything like that. We have over 30 threatened endangered species on our property and we are very proud of the fact that we do. They are reliant on our management. I am not signing that forest up to poor management practices that are in the current code. If we get those amendments in place, then we can disseminate those changes, because that is all it would be, the changes to the existing code. If that is done through summary out to our branches and we will get the comments back from people.

**Ms DAWN WALKER:** Following up on the issue of the penalties, because that is an area of great concern to you. The fact that these regulations have now moved away from the Environment Protection Agency [EPA] to the Local Land Services, whether this has placed more self-assessment onus on landholders with private native forestry and thereby possibly leaving people open to inadvertently breaking the codes and suffering these penalties. Has self-assessment caused a more onerous burden on landholders?

**Ms PETRIE:** With the current codes, are you excluding private native forestry?

**Ms DAWN WALKER:** In terms of private native forestry now moving away from the EPA to the Local Land Services, has the environmental expertise that you once may have had been removed, which leaves the onus on the landholder, which then leaves that landholder open to perhaps heavy penalties?

**Ms PETRIE:** From NSW Farmers' perspective, not at all. The private native forestry unit employees that are currently in EPA who handle it, a number are being transferred across to Local Land Services. We hope more do as well. They will provide that expertise initially and there are already existing forestry people within Local Land Services as it is. That team will be going to assist the existing officers there and eventually bring them online. All initial work will be done by that team. As far as the existing codes we have got and self-assessment, the Environment Protection Authority will still be the regulator and all our other vegetation codes



we work with would be with Local Land Services, and all of them are then regulated by the Office of Environment and Heritage or the EPA. So it is really no significant change at all.

**Mr CAMERON:** Under the former regime, the landowner was not able to get any support or advice from the EPA. The EPA's role was simply the environmental policeman. The new regime, yes, that policeman is still there, but they have got Local Land Services [LLS] to provide advice and assistance and direct people in the right way to get the information they need to be able to comply with the rules and do things properly. I only see it as a benefit, the new system.

**Ms McCASKILL:** There is a significant increase in extension services that will be provided by the Local Land Services private native forestry unit. That is the sort of advice that you could not get from the existing unit with the EPA. Consequently they have been very careful about who they have recruited and made sure that there are people with an extensive and good-quality professionals and science professionals. They really are going to put a lot of effort into extension services for those, which is sorely needed.

**Ms PETRIE:** We actually would like some more of that private native forestry unit to come across. We have been asking Government for some more of those officers with good extension capacity to come across and assist in that new regime, both for the Local Land Services staff but also for farmers. That has been part of our big push for the past seven years to get this to happen, for it to go across to Local Land Services, whereas there was non-existent capacity for the EPA to do extension work.

**The Hon. RICK COLLESS:** Ms McCaskill, I am paraphrasing what you said, so correct me if I am wrong: You made the statement that your members are essentially long-term businesses.

**Ms McCASKILL:** Yes.

**The Hon. RICK COLLESS:** They are not about simply cutting trees down or clear-felling forests. Is it a fact then that you could say most of the operators who are your members are encouraging and nurturing the growing of trees?

**Ms McCASKILL:** Absolutely. We have a number of my members—and my Chair is a prime example—who do extensive tree planting, both in terms of their own private forestry. I have members who are doing a lot of tree planting with local schools and local organisations are getting out there to re-nurture forest areas. Usually people who are involved in forestry and forests have an absolute passion for trees.

**The Hon. RICK COLLESS:** Is it fair to say then that the perception that the forest industry is just knocking trees down and leaving nothing behind is totally incorrect?

**Ms McCASKILL:** It is absolutely incorrect. I do not come from forestry. I joined the organisation in 2013. I had some grave concerns about whether I was making the right move because my background is conservation, environment and animal welfare. Consequently, I have learnt an enormous amount in this past five years and I have done a complete 180-degree turn in my view about forestry science and forestry professionals and forestry in general.

**The Hon. RICK COLLESS:** Mr Cameron, can I ask you about some of the work you have been doing in relation to koala monitoring? Can you explain to us some of the koala monitoring programs in which you have been involved? What are the results of those programs?

**Mr CAMERON:** I wear a number of different hats but I am employed part time in the forest science unit of the Department of Primary Industries and I work with a group of ecologists who have been doing some work on advancing the knowledge about koalas. They are using new technology, which is acoustic sound recording technology, which allows them to pick up the call of the male koala during the breeding season, which is typically in spring and early summer. Over the last three spring-summer seasons they have conducted extensive surveys on the North Coast. It has been cross-tenure surveys so they have undertaken recording on both State forests and national parks. I do not think they have done anything on private land.

Anyway, the findings of those surveys—some information has come out already but the major report is yet to be released—the results to date have shown that where the forest types are suitable for koalas, that is, suitable browse trees for koalas, they are essentially finding koalas everywhere where they put the sound recorder. Essentially it is a 100 per cent strike rate on the North Coast in what has been defined as medium- or high-quality koala habitat. The most important finding has been that some of the highest recordings of koalas are occurring in regrowth forests that have been subject to a long history of moderate and intensive timber harvesting. That information has never been documented before in this way. It is yet to be formally published and reported, but when it is I think it will change the whole outlook about the status of koalas in New South Wales.

**Ms DAWN WALKER:** Can I follow up on that research? I am wondering what you think the impact would be, given that the pre-surveys will no longer take place for koalas with logging.

**Mr CAMERON:** You are talking about the Integrated Forestry Operations Approval [IFOA], I presume. Is that correct?

**Ms DAWN WALKER:** That is correct, yes.

**Mr CAMERON:** With this new technology there has also been a lot of good modelling work, which I failed to mention, whereby they now have a very good handle on the likelihood of koalas occurring in an area. If it is high koala habitat, that triggers a whole lot of mechanisms under the draft IFOA remake to conduct searches. If koalas are found, then that triggers further surveys. Any records that are found result in prescriptions to retain koala browse trees. I think the new system is far more rigorous and robust. In the past the Forestry Corporation was relied upon to do scat searches in areas where there were existing koala records. It had a very low strike rate because koala scats are extremely difficult things to find in dense bushland where there is a lot of litter and that sort of thing. The new system is a big improvement on what has occurred in the past, in my view.

**The CHAIR:** Thank you for your participation this afternoon and for dialling in. There were no questions taken on notice, as per the rules for today's hearing. Thank you very much for your time.

**(The witnesses withdrew)**

**DAILAN PUGH**, President, North East Forest Alliance, before the Committee via teleconference, affirmed and examined

**ALIX GOODWIN**, Chief Executive Officer, National Parks Association of NSW, affirmed and examined

**The CHAIR:** I welcome our next witnesses: Mr Pugh, via teleconference, and Ms Alix Goodwin, who is here in person. My name is Taylor Martin and I am the Chair of the Standing Committee on State Development. I will set the scene for you, Mr Pugh. We are in the Macquarie Room of the New South Wales Parliament and I am here with five other members of the Committee: the Hon. Mick Veitch, the Hon. Rick Colless, the Hon. John Graham, the Hon. Paul Green, the Hon. Natasha Maclaren-Jones and the Hon. Dawn Walker. Members of the public and the media may be present in the gallery and the proceedings are being recorded by Hansard. Would either of you like to make a short opening statement?

**Ms GOODWIN:** I was going to make an opening statement by way of clarification of some of our recommendations in the bill. I thank the Standing Committee for the opportunity to appear before the inquiry. The bill before the Committee needs to be considered within the context of other changes to forestry occurring in New South Wales, including the renewal of the Regional Forest Agreements [RFAs] without a public and independent scientific assessment of whether the RFAs have met their objectives and other options for future forest management, and the release of Integrated Forestry Operations Approvals, which will result in an intensification of logging and in areas previously protected. I note they are draft.

We acknowledge that the bill has some notable strengths, including improved compliance monitoring and enforcement powers for the Environment Protection Authority [EPA] with respect to public native forest logging. Our primary concerns with the bill relate to the allocation of Ministerial responsibilities, biodiversity and threatened species protection, transparency and the failure to include third party enforcement rights. Under the previous 2005 Native Forestry Regulation, the Minister for the environment was responsible for the creation of the private native forestry [PNF] code with amendments requiring the concurrence of the Minister for Primary Industries. We believe the bill should be amended to restore this arrangement to ensure this function rests with the agency responsible for compliance monitoring and enforcement, the EPA, and to minimise the risk of conflict of interest and unequal representation of industry versus environment interests.

The provisions related to biodiversity protection and private native forestry need to be enhanced to ensure meaningful protection of threatened species and ecological communities in accordance with part 4 of the Biodiversity Conservation Act and recovery plan provisions under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The bill provides inadequate time for consultation on the PNF code, IFOA and RFA reviews. Our recent experience is that minimums become the norm irrespective of the complexity or volume of documentation subject to consultation and the periods need to be extended. With respect to PNF, the bill also needs to be amended to make it mandatory for consultation to be undertaken on a significantly redrafted code following consultation with an explicit exhibition period stipulated in the bill.

The bill does not require either the publication of all, or a summary of, submissions made in response to a draft PNF code. At a minimum the Minister should be required to publish a summary of submissions to give confidence to members of the public that these have been considered. The bill does not require the real-time publication of approved Private Native Forestry Plans on a public register nor real-time publication of information on the commencement and ending of logging under an approved plan. This is essential to remove the real risk of community conflict arising from forestry on private land.

Finally, the bill does not provide for third party enforcement rights either with respect to private or public native forestry and contradicts virtually all other planning, environment, and local government laws. Even the Biodiversity Conservation Act 2016 on which the compliance monitoring and enforcement provisions are modelled provide these. This is essential to ensure that government priorities and EPA funding levels do not undermine the Parliament's will with respect to the regulation of forestry. We trust that the Committee takes the opportunity to recommend changes to these areas of the bill along with other changes recommended in our submission.

**The CHAIR:** Mr Pugh?

**Mr PUGH:** I am happy with that.

**The Hon. MICK VEITCH:** Thank you for your attendance at today's short and sharp inquiry into the legislation. Your submission talks about the penalty and enforcement regime contained in the legislation. To be fair, I asked the previous attendees their concerns about the penalty and enforcement regime. You are proposing

that it continue. You say you support the inclusion of an offence for contravening a PNF code, a planning code, and the penalties. Can you provide the reasons why?

**Ms GOODWIN:** From my perspective it brings PNF and public native forestry penalties in alignment and reflects the seriousness with which infringements should be treated. With respect to public native forestry, and I should say that I am relatively new to this area, my understanding is that this actually improves the range of penalty and infringement regime available to the Environment Protection Authority and this should assist in compliance monitoring and enforcement. Bringing consistency to that dual logging arrangement is clearly a valuable change.

**The Hon. MICK VEITCH:** Mr Pugh, do you have a view about the penalty and enforcement regime contained in the legislation?

**Mr PUGH:** I have been auditing forestry operations regularly since 2009 and what concerns me is that I frequently find breaches of the legal requirements, and often systematic breaches. They are occurring regularly and frequently across the landscape and the current approach of the EPA is to issue official cautions and hope for compliance to occur. The trouble is that it is not occurring. The offences are still regularly occurring and I still regularly find it in my audit and it is because there is no disincentive for the Forestry Corporation to make them do the right thing. There needs to be consequences for illegal activities and particularly when they are repeated time and time again. That is the only way to ensure compliance. Good penalties are essential. For example, the current penalties for public native forest breaches of threatened species licence are \$300.

The private sector authority gave up issuing those in 2016 because it did not think it was worth the time and effort to do so. We currently have no real enforcement regime in place. We need to have that as one of the tools to ensure enforcement compliance. We have it with speeding tickets. It really does work and it is required. You cannot expect someone to do the right thing when there is no incentive to do so. They make more money from cutting down trees illegally than any fines they get currently. We need strong disincentives in place to ensure compliance with the regulatory requirements. I also point out under the new integrated forestry operations approvals it will become a lot more lacks in terms of enforcement. Most of the rules are being watered down to make them more like guidelines. In the few and rare occasions where there is an actual breach of the requirements, it would be far more severe than it is currently. So we do need to have severe penalties to ensure compliance.

**Ms GOODWIN:** Mr Veitch, if I could clarify my response, I would just refer to my opening statement where I spoke to the need for third-party enforcement rights, which are omitted from the legislation and not carried over from the Biodiversity Conservation Act.

**Mr PUGH:** I reinforce that, that so many times I identified very significant breaches only to find nothing is done about them, or at best I get an official caution or a warning letter when they are very significant breaches. I think there is also a problem where the Environment Protection Authority's interpretation of the requirements is often very vague and I think you do need, at times, a court judgement to clarify what the requirements are that they are required to abide by. I think the only way you are going to get that is through allowing for members of the public to enforce the laws where required.

**The Hon. MICK VEITCH:** With previous witnesses, I dwelt momentarily on the issue of wood supply and the ratio between private and native forests and supply from the Crown. Quite clearly, there are different ratios in the South Coast and the North Coast. I guess it raises for me concern about, into the longer term, the Crown's ability to meet their wood supply contracts. Do you have a view about the wood supply to the sawmillers and that ratio mix between private and native forests and the Crown?

**Mr PUGH:** I certainly do. Back in 2004, the wood supply agreements that were entered into then over-allocated the available resource. That was in part because of an overestimation of resource. And there were political motivations, I am sure, to grant these long-term wood supply agreements without review clauses in them. So we have had this problem where, over the life of the regional forest agreement, sawlog yields have virtually halved on the North Coast and in the southern regions. That is purely because of over-allocation and overestimation of resources. You find, like in the Parliamentary inquiry into public native forestry, that a lot of sawmillers are saying that they are expecting to hit the wall in about 2023, if not earlier.

There was recently a review done by the Department of Primary Industries [DPI] where the sawmillers questioned said the same thing. They said, "We are running out of timber because of the over-logging that has been occurring." There is a major problem on public land where they are basically running out of resource. That is because they were over-allocated and they are taking too much. It is not because of conservation outcomes over that period. It is purely greed, in effect, and it is a real shame that the sawlog component of our public native forests has been run down so badly.

**The Hon. MICK VEITCH:** Does that then mean that we will rely increasingly heavily on the private native forests to supplement those supply requirements?

**Mr PUGH:** It has been happening for some time. The Forestry Corporation has been buying timber from private lands. It has also been buying private lands to get timber from them. So yes, the pressure is being put on private lands to maintain the current volume. I think that emphasises why we need to hasten this transition that is underway. Currently, 86 per cent of our sawlog supply comes from plantations. We need to hasten the transition because we really are cutting down our public native forests, and the environment degradation that is occurring is just outrageous and we cannot afford to continue it.

**The Hon. MICK VEITCH:** Looking at the submissions, you do not support the legislation in its current form going through the Parliament? Would that be a fair assumption of the arguments you are contending?

**Mr PUGH:** I believe we need to transition out of public native forest logging. I think the degradation that has occurred—and I bring your attention to what they call bell miner associated dieback, which has affected about 100,000 hectares so far of north-east New South Wales forest and is expanding rapidly. That, basically, is killing the forests. They are turning into seas of lantana with dead and dying trees above them. They need urgent rehabilitation. They cannot support the timber volumes or the environmental benefits that they once used to. We have this degraded and degrading forest that is saying that we need to stop logging and start repairing.

**The Hon. JOHN GRAHAM:** Thank you for your evidence on a range of the transparency and open standing measures. I want to ask about consultation. In the industry discussion we had before, we heard quite conflicting views about whether four weeks of consultation was enough. On one hand, a view was put that it was not. On the other hand, the Farmers Association said it definitely was, although to be fair at that stage I was only asking about private native forestry. What is your view about the four-week consultation period?

**Ms GOODWIN:** Our view is clearly that four weeks is absolutely inadequate. You only have to look at consultation that has occurred this year on the RFA review and renewal and the IFOA consultation and the vast amount of documentation that has followed with that. It is simply not humanly possible—

**The Hon. JOHN GRAHAM:** So just give us a picture of what that means. How much paperwork are we talking about?

**Ms GOODWIN:** My recollection of the RFA review document that was produced by the Department of Primary Industries and Environment Protection Authority was that it was in the order of 400 pages long. If we talk about the IFOA review, the IFOA draft document, we have the draft IFOA, we have a summary document, we have a series of case studies and we have two NRC reports to review all within the space of six weeks, and to get our views back to that. That process takes into no account governance that might exist in an organisation, let alone another tier of Government if you are talking about local council. So it disrespects small organisations like us.

**The Hon. JOHN GRAHAM:** And that is an organisational point of view, but there are local communities who might have views on either side of this argument and also might want to take some time to get their head around it.

**Ms GOODWIN:** Absolutely.

**Mr PUGH:** I point out that these are major documents. It is not as if these are things that come out every few weeks or on a frequent basis. We are talking about IFOAs. There was one minor review that, basically, has changed what was done 20 years ago. It is a totally new and different document. I have spent a lot of time ordering forestry operations. I have learned what the rules are, but I am still having trouble understanding what the new regime is. It is so complex and so messy that you have to search for one thing here, then you have got to look somewhere else, then look someone else. And they are still producing documents even now to clarify some of the points. It is so hard for anyone, really, to understand this regime that—to use an example, the IFOAs. You need a long time to be able to understand these and a long time to allow public consultation.

**The Hon. JOHN GRAHAM:** To ask specifically about that IFOA—

**Mr PUGH:** And they are rare events. They are not weekly. Every 10 or 20 years these are done. We need to make sure that we get them right and the public have a fair chance to have a say on them.

**The Hon. JOHN GRAHAM:** To be specific on the IFOA consultation period, four weeks under this bill, the coastal IFOA has taken how long to negotiate since it kicked off? It is four years, maybe five years.

**Ms GOODWIN:** Dalian Pugh would be best to comment on the period, but my understanding is it has been under review for a long time. And then finally when the document hit the ground, the highly technical document, the community was given six weeks within which to comment and to understand the technical—

**The Hon. JOHN GRAHAM:** And four weeks under this bill?

**Ms GOODWIN:** And four weeks under this bill. It is completely inadequate.

**The Hon. JOHN GRAHAM:** And finally, I just wanted to return to your comment about the sort of forest conflict which sometimes these processes lead to. You essentially put the view, and I am paraphrasing extremely here, that the transparency measures you are calling for might decrease some of the forest conflict, particularly around private native forestry. I wanted you just to briefly expand on that. As I understood it, what you are really saying is, "Look, if it is not clear what the rules are, then both sides of this argument get a bit excited, sometimes there are things reported that might actually be allowed because it is not clear what is allowed and what is not—or the other way around, actually being transparent might lead to a decrease if everyone knows what the rules are."

**Ms GOODWIN:** I think that is correct. Transparency around what is required, what is allowed and what is not allowed, but more importantly, whether a person has approval to conduct private native forestry on their land. Whilst I cannot speak to specific cases, we do hear that within the context of the recent land clearing law changes that there is conflict emerging on the ground where people see their neighbours cutting down forests or cutting down native vegetation and they are unclear whether they have a right to do that or not, which leads—

**The Hon. JOHN GRAHAM:** Sometimes they might have a right, which is leading to conflict, but sometimes they might not.

**Ms GOODWIN:** That is correct. Without publication of that on a real-time public register it is not possible to ameliorate that conflict. We see it with trees in local and suburban communities.

**Mr PUGH:** There have been major conflicts in the Tweed Valley with regard to privately managed forestry. The community is very concerned about what is going on and so is the local council. It voted unanimously to stop logging, and I emphasise "unanimously". It is opposed to private native forest logging because of the secrecy surrounding it. Any other major activity undertaken on private land requires an application to council, and that is publicly available for everyone to see. Everyone has the chance to comment on it and to identify the problems upfront, which is what is required. With private native forestry it is all totally secret.

Not one of those documents is available to the public or even to the local council. Everyone has been kept in the dark; they do not know what is being proposed, what has been approved or what is going on. There is a cloud of secrecy that is totally contrary to the principles that are applied in this case and it creates a conflict. It does not mean there will be no conflict without it, but the reason we have a development application process for private land is to provide the opportunity to get it out in the open and upfront.

That is what is missing with private native forestry. The plans should be publicly exhibited and there should be a chance for the public to comment. Hopefully that will resolve a lot of the issues upfront. More importantly, it will let people know what is going on rather than being kept in the dark and not having a clue what has been approved. In the Tweed Shire Council case, they were logging in environmental zones that required council consent. However, the Environment Protection Authority would not show the council the plans. Council did not know that the authority had approved logging in the environmental zones, and it had no right to do so. We need far more transparency than is currently available.

**The Hon. PAUL GREEN:** I refer to point No. 6 in your submission. Can you explain why you think the Minister for Primary Industries should not be given concurrence?

**Ms GOODWIN:** From our perspective, there is a conflict of interest. In fact, the organisation or the Minister responsible for enforcement and compliance should be setting the code. As I understand it, the bill will bring three parties into the concurrence regime. The Minister for Lands and Forestry will be responsible for the development of the code with the concurrence of the Minister for Primary Industries and the Minister for the Environment. Clearly, the weighting is in the direction of industry and forestry and not the environment. What is wrong with the current regime where the Minister for the Environment, who has responsibility for compliance, monitoring and enforcement, has responsibility for development and consultation on the code?

**Ms DAWN WALKER:** One of the bill's objectives is the principle of ecologically sustainable forest management, which, of course, includes accountability. You have spoken about third-party enforcement rights. Can you elaborate on how you see this being an important component that should be included in the bill?

**Ms GOODWIN:** Again, why was this carved out of the Forestry Legislation Amendment Bill 2018 when it exists in other pieces of legislation involving planning, the environment and local government? Government agencies can go through periods of drought because of fiscal constraints, and agencies can have particular views about priorities of the day and how they allocate their resources. It is possible that an agency may in fact have a different perspective on how compliance, monitoring and enforcement may work. You might start with an educative approach rather than a pure enforcement approach, and you could have movement between the two. It is possible that that sentiment as expressed by a government agency, or perhaps the will of the Government of the day, does not equate with the public view. Therefore, in our view, the public should have a right to third-party enforcement where it believes the Government is not taking action where it is required to protect biodiversity for future generations.

**Mr PUGH:** Frequently—in fact, it has happened for decades—we get the problem of captured agencies. The EPA is dealing with forestry daily, but it has limited engagement with the public and it will not tell me what is going on. I have made numerous complaints, but I am kept in the dark. The authority is dealing with forestry frequently and regularly. I believe that skews its view of what it should be doing, and often it is not enforcing the rules as it should. It is important to have someone overseeing the authority. I have made a number of complaints about where I believe the EPA has been complicit in illegal activities, and I have provided some examples. Someone must be able to hold it to account as much as the forestry.

The new logging rules—the new integrated forestry operations approval—is proposing dramatically weakened enforceable legislative requirements. As I said, it involves guidelines saying, "You should do this, but if you don't you can do this or that." Enforceability is dramatically reduced; only significant offences will be able to be prosecuted. As community groups, we cannot take prosecution lightly. We can launch them only if we are sure there has been a major breach and we have good prospects of proving the offence in court. You need us for independent oversight of what these agencies are doing. As I said, it is important that some of these issues are clarified by the court. That is one advantage of going to court: A court will look at it dispassionately and decide what is the law. That is necessary in the system, but it is missing. The lack of third-party rights has been to the detriment of the environment over the past 20 years.

**The Hon. RICK COLLESS:** It is fair to say that the New South Wales Government's policy is to have a sustainable forestry industry in New South Wales. What is your response to that statement?

**Ms GOODWIN:** It has a dual policy. It has a commitment to a sustainable timber industry, but it also has a commitment to environmentally sustainable forest management.

**The Hon. RICK COLLESS:** Correct.

**Ms GOODWIN:** The question is whether that duality is achievable. If one were to look at the draft integrated forestry operations approval and the reporting of the Natural Resources Commission to inform the development, one would say that it is correct and the duality does not work. In fact, the environment will be forsaken in the future. They talk only about a sustainable timber industry. To repeat Mr Pugh's earlier comment, 86 per cent of forestry is derived from plantation forests today in New South Wales. Why should we not complete the transition out of public native forestry logging and supplement any shortfall—if it can be demonstrated there is a shortfall—with plantation wood? We are talking about very few jobs in the public native forestry industry in New South Wales. It is a tiny fraction of the primary industries workforce. In fact, we estimate that about 600 people are employed in public native forestry logging, or 2,300 at best if we take into account indirect jobs.

**Mr PUGH:** I would like to add to that that I have a long-term commitment to ecologically sustainable forestry. I have cut down trees myself. I have built houses out of timber. I really appreciate the need for ecologically sustainable forest management. I tried my hardest to help achieve that in New South Wales for decades. I have really tried hard. When I go out in the forest now, I am disgusted by what I see. I see these degraded forests that have lost their productivity in terms of both biodiversity and timber. They are being overlogged. We have this dieback spreading through the forest and then the Forestry Corporation, for the past 10 years, has been logging outside its legal constraints. It has been virtually clear felling forests when it is meant to be taking only four out of every 10 trees. We have major degradation going on.

We have global warming on top of it and forests are the most important means to sequester carbon out of the atmosphere that we have in the short-term. If we protect these forests now we can sequester large amounts of carbon as they slowly regain their carbon carrying capacity, which has been reduced by about half. The North East Forest Alliance, after decades of supporting native forest logging, came to the conclusion a couple of years ago that we could no longer, in any conscience, continue to support this rapacious industry that is destroying our public native forests. We reached the conclusion that ecologically sustainable forest management, even though it

is theoretically possible, it is not achievable in reality, and it is not achievable the way we are going. This new IFOA is just going to aggravate the situation and make it so much worse. We just have to stop it, basically.

**The Hon. RICK COLLESS:** What I am hearing is that both organisations want to see an end to logging on public land. Is that right?

**Mr PUGH:** Yes.

**The Hon. RICK COLLESS:** And you agree with PNF but with a lot more regulation?

**Ms GOODWIN:** Absolutely.

**Mr PUGH:** Yes.

**The Hon. RICK COLLESS:** That extra regulation could end the PNF industry as well. Are you happy with that?

**Mr PUGH:** I do not believe that, sorry. We have operated under a regulatory regime in New South Wales which has been pretty lax on private forestry, mainly because there is no requirement to protect threatened species in reality. But on public land we have had a regime that could have possibly worked if it had been implemented with goodwill. The trouble is that it was not. We still have a chance with private land and there are some great private landholders out there who want to do the right thing. We had some opportunities there. It does not necessarily mean an end to that. It means that we are going to undertake private native forestry in a more sympathetic manner than what is currently being done, particularly for threatened species. I see them being ignored all the time. I see core koala habitats being logged with no-one caring about it. I have seen Forestry on private land pushing roads through groves and endangered plants without a care in the world. Something is wrong there and that needs to be fixed. More importantly, I think the public needs to have a say in what is going on there.

**The Hon. RICK COLLESS:** Are you comfortable with plantation forestry?

**Mr PUGH:** In the activity that is undertaken there are problems, so there are some problems with the plantation forest industry, but as a way forward, it is a way to go. We have the plantations in the ground; we have the timber there now. Let us complete the transition.

**The Hon. RICK COLLESS:** What about native plantations?

**Mr PUGH:** Same thing; I think there are problems that need to be sorted out. It does not mean that we throw the baby out with the bathwater. There are opportunities there. There are trees in the ground. Let us go.

**The Hon. RICK COLLESS:** Some of those native plantations such as the one near Bellingen, there was a protest there about logging despite the fact it was a flooded plantation. Why would you endorse that?

**Mr PUGH:** I did not; NEFA did not.

**The Hon. RICK COLLESS:** Why would there be any objection to that?

**Mr PUGH:** NEFA did not support the campaign to stop logging there, okay. Sorry, we did not—

**The Hon. RICK COLLESS:** Who organised—

**Mr PUGH:** The locals did. They had some valid concerns. They were concerned about some of the steep logging, the lack of repair and protection. They had a range of other concerns; I am not sure of the full suite of them. That is what I mean. We have to address some of those concerns. It does not mean that we have to stop doing it.

**The Hon. RICK COLLESS:** What about your views on the requirement for hardwoods as opposed to the softwood plantations?

**Mr PUGH:** The current projections are that the hardwood plantations are going to develop an increasing proportion of timber from public land into the future because the native forests have been so badly treated. If you look at the timber, the fire protections into the future, plantations are a large part of it—in hardwood. It is there. I see around here on the North Coast at the moment private plantations that were established with government subsidies being bulldozed down to the ground. There is inequity there in terms of them having to compete with a public body that is government subsidised. I think we need to give the plantation industry a fair market, basically.

**The Hon. RICK COLLESS:** So native hardwood plantations?



**Mr PUGH:** Yes.

**The Hon. RICK COLLESS:** What happens as they reach maturity and these threatened species move into them?

**Mr PUGH:** We need to work all those things out. It is achievable, is what I am trying to say. I am saying that there are problems there, but they can be solved, and there are achievable outcomes.

**Ms GOODWIN:** There are also alternatives to native hardwood. We know that technologies are changing and that you can cross-laminate softwoods—

**The Hon. RICK COLLESS:** We are aware of all that. The other thing that happens, of course, is that we import a lot of hardwood. We import it from countries which have forest management practices that are not one iota as good as ours are, and there is degradation occurring in those countries because we are required to import hardwood to meet our needs when we are not allowed to harvest our own hardwoods because of the constraints.

**Ms GOODWIN:** We are saying that there is an alternative. There is exponentially expanding softwood plantations and new technologies like cross-lamination.

**The Hon. RICK COLLESS:** That is part of it, but there will still be a requirement for hardwood logs.

**Mr PUGH:** There are opportunities with plantations for high-value hardwood products. What concerns me the most is that a lot of the hardwood plantations being established are being used for pulpwood. Even Forestry's intent to create an intensive management zone on the North Coast—140,000 hectares—which they are going to convert into plantations and then they will have a return time of 21 years. Now that is not a saw logged-driven industry. That is yet again pulpwood or chip for burn to generate electricity. I get so disappointed when I see the opportunities to develop a good plantation-based hardwood industry being squandered because of a desire for huge volumes of low-value products that are dominating the industry at the moment. I would like to see a lot more emphasis go into the plantations for long-term saw-logged production.

**The CHAIR:** Thank you for attending this afternoon. It is appreciated. There are no questions on notice and none were taken.

**(The witnesses withdrew)**

**BRENDAN STONE**, Director, Strategy and Policy, Department of Primary Industries [DPI], affirmed and examined

**MICHAEL HOOD**, Director, Forestry, New South Wales Environment Protection Authority [EPA], affirmed and examined

**KRISTIAN HOLZ**, Group Director, Sustainable Land Management, Local Land Services [LLS], sworn and examined

**The CHAIR:** Would any of you like to make a short opening statement?

**Mr HOOD:** Yes, I will give a short opening statement on behalf of the Environment Protection Authority [EPA] and I think Mr Stone is going to do the same for the Department of Primary Industries [DPI].

**Mr STONE:** Yes.

**Mr HOOD:** I thank the Committee for the opportunity to appear today. The Forestry Legislation Amendment Bill 2018 is a modern environmental regulation that will deliver a more robust and credible framework for regulating the native forestry industry on both public and private land in New South Wales. It provides the New South Wales EPA, which is the State environmental regulator, a greater ability to effectively regulate the industry and ensure that native forestry is compliant with the rules for protecting the environment. It will enable the EPA to have full access to a range of regulatory tools, including stop-work orders and remediation orders. This means that non-compliant activities can be halted and environmental impacts can be remediated.

It addresses also a longstanding inequity in how forestry operations on public land are regulated compared to private land. It brings penalty amounts already available into line with those already available for private forestry and other regulated industries in New South Wales. The bill provides for a more flexible and adaptive framework for regulating native forestry, ensuring that regulation of the industry will remain contemporary and responsive to environmental and industry needs. The bill has been prepared based on the advice of the EPA and DPI, with input provided by LLS to ensure effective integration with the Local Land Services Act. For today's hearing the EPA will address questions relating to the way in which the bill updates the regulatory framework for native forestry.

**The CHAIR:** Thank you. Mr Stone?

**Mr STONE:** This bill is about balance. It is about regulatory modernisation; it is about ecologically sustainable forest management, protecting the environment while promoting best practice forest management and the recognition of its economic value to the State. The bill is about sensible outcomes. It is about setting out clear requirements in a modern, flexible and adaptive framework that balances economic benefits with community expectations. The bill streamlines the regulatory approach for native forestry in New South Wales by consolidating five legislative frameworks into two. It also provides for increased regulatory certainty, enhanced transparency and greater enforceability. Environmental considerations are bolstered, not weakened. Native forestry operations on both public and private land are promoted and modernised, not curtailed, and opportunities for public participation are enhanced, not restricted. Thank you.

**The CHAIR:** Mr Holz?

**Mr HOLZ:** I am okay, thank you, Chair.

**The Hon. MICK VEITCH:** Thank you for your attendance. As you are probably aware, this is a new path we are walking down. This is the first time this has occurred in the New South Wales Parliament where a bill has been quickly flicked off for a short and sharp inquiry, so thank you for your attendance. Because of that I am not sure whether you have had a chance to read the submissions that we have received to date. I am quite impressed; there are quite a few of them in this short time frame, and today we have heard some other matters as well. The first thing I wanted to ask about relates to evidence we heard a little earlier today from the New South Wales Apiarists' Association about the lack of consultation—using their words—and their request that they be included in some way in the legislation. How much work was done with the apiarists in the development of this legislation and specifically their concerns about being more formally recognised as a stakeholder?

**Mr HOOD:** The Government first flagged changes in regards to how the integrated forestry operations approvals [IFOA] will regulate—or not regulate in this instance—beekeeping. Back in early 2014 a discussion paper was published and it made it clear that the Government was intending to focus the IFOA on the regulation of logging activities and associated roading and burning activities, et cetera but not to attempt to regulate beekeeping because it was not an appropriate tool for that. That was flagged back then. It made it clear that the intent of the changes were to allow beekeeping activities to continue in State forests and removing it

from the IFOA at the same time. In answer to your question about their involvement, there was no specific engagement with the apiarists on the development of the bill.

**Mr STONE:** As Mr Hood said, the bill removes the regulation of beekeeping activities from the IFOAs to the regulations. Permits from the Forestry Corporation are still required for them to conduct the activity and the bill does not make any impact on that permit system, so permits for beekeepers in State forests that are in force now will continue and new permits can continue to be issued.

**The Hon. MICK VEITCH:** I am a little perplexed as to why, as we heard today, a stakeholder that has a significant interest in the management of our forests would not have been advised that this legislation was coming before the Parliament. I can now understand why they were concerned. That is the first thing. If you look at the Minister's second reading speech there is not a great deal of mention of apiarists and the fact that there is a mention of them in the legislation. Without this process, this legislation could have gone through without the apiarists being aware there was going to be a change or that they were even mentioned. How many other stakeholders have not been consulted about the bill?

**Mr STONE:** On the apiarists' issue, as Mr Hood said, it was announced in 2014 that it would move from the IFOA to the regulations. The bill has no immediate impact on them in terms of curtailing any activities. I guess I just restate those facts.

**The Hon. JOHN GRAHAM:** Can I just ask the witnesses to consider the evidence you are giving so that we are sure it is accurate. You are saying that in a process that has been running for four years there was no specific engagement with this group, which gave evidence today and I can tell you that they are agitated about some of these issues and the nature of their industry. Are you telling us there was no specific engagement in a process since 2014?

**Mr HOOD:** That is correct. The 2014 discussion paper was open for submissions at the time but there was no specific engagement through that process.

**The Hon. MICK VEITCH:** I am just flabbergasted; I really am. They are a significant stakeholder to agriculture. I do not think that is satisfactory. I will go on: we heard testimony today around wood supply, particularly sawmillers, and the mix between supply from private native forests and the Crown. Has any modelling been done within the agencies around that mix so we have a better appreciation of how much is coming from private native forests—this is for hardwood—and how much is coming from the Crown? Have any modelling like that been done?

**Mr STONE:** I understand there has, but I do not have those figures in front of me because the bill does not have any direct impact on that issue.

**The Hon. MICK VEITCH:** Well, it may. We have heard today that the penalty regime could be such that people will actually not be involved in private native forests in which case, I suggest, the bill may well have an impact down the track on supply to our sawmillers. It may be a disincentive to be involved in it.

**Mr STONE:** Sure. I hear what you are saying. On private native forestry the penalties are not changing in this bill; they are continuing—the current penalties that are in force.

**The Hon. MICK VEITCH:** We have heard testimony today and received submissions that are quite critical of the penalty and enforcement regime in the bill.

**Mr STONE:** I understand the concerns about the penalties but they are existing penalties. The bill continues those existing penalties.

**The Hon. MICK VEITCH:** I want to go back to this modelling issue. I think this bill will have an impact if it goes through in its current form. That could become a problem down the track for sawmillers, for instance, about how they source their supplies. Has modelling been done? Has independent analysis been done of where sawmillers obtain their supplies?

**Mr STONE:** As I said, I understand the modelling has been done; I just do not have the figures in front of me.

**The Hon. JOHN GRAHAM:** Who does the modelling that you are referring to?

**Mr STONE:** I am not sure. I would have to take that on notice.

**The Hon. MICK VEITCH:** Is it done within the agencies? Which agency? Is it conducted externally to the agencies?

**Mr STONE:** I imagine that it would be conducted either by Forest Corp and/or DPI, but I am not immediately across that issue.

**The Hon. JOHN GRAHAM:** So your agency might conduct the modelling—

**Mr STONE:** Possibly; I would have to confirm that.

**The Hon. JOHN GRAHAM:** —but you cannot tell us.

**Mr STONE:** Yes. I will say that penalties for private native forestry changed in, I think, 2016.

**Mr HOOD:** 2017.

**Mr STONE:** I am sorry, it was in August 2017. I am not aware of any decreased take-up of private native forestry since that time.

**The CHAIR:** I remind witnesses—for the benefit of those who were not here at commencement of the Committee at around midday today—that due to the short nature of this inquiry we will not be taking questions on notice.

**Mr STONE:** Sure.

**The Hon. MICK VEITCH:** That leaves us with a bit of a shortfall as well.

**Mr STONE:** I am not holding anything back. I just do not have the information.

**The CHAIR:** Understood.

**The Hon. MICK VEITCH:** I am not satisfied with those responses about the modelling. I think I will have to explore that elsewhere but it would have been nice if we had someone with the expertise at this inquiry this afternoon because it is a matter that has been raised. I want to draw the delineation between Local Land Services and the Environment Protection Agency. The LLS website says:

... Local Land Services assumed responsibility for approvals and advice services for private native forestry ... The NSW Environment Protection Authority maintains responsibility for compliance and enforcement of private native forestry approvals and conditions of the Private Native Forestry Codes of Practice (PNF Codes).

In practice, though, out in the real world, just where is the line of delineation between the roles?

**Mr HOLZ:** We—Local Land Services—now take on the role of providing the approvals. So we have direct engagement with landholders. In essence if you think in simple terms, the functions of compliance functions reside with the EPA. Both agencies work together to ensure the issues are managed with a degree of seamlessness, as best we can. We are currently in the process of working through the exact arrangements through a memorandum of understanding [MOU] between the agencies.

**The Hon. MICK VEITCH:** And that MOU will clearly define who has the administrative and who has the compliance and enforcement responsibilities?

**Mr HOLZ:** That is correct. It is set up structurally within the legislation now, but in so far as the relationship works at an operation level, that would be in the terms of the MOU.

**The Hon. MICK VEITCH:** Are there any particular clash points between the two agencies?

**Mr HOLZ:** I do not believe so. I think our statutory remits are clear. The model can work. Speaking from my own experience, we have some experience in relation to the Local Land Services land management code, in which LLS provides the authorisations for rural and regional land management, and we have compliance and enforcement functions with Office of Environment and Heritage [OEH]. So we have a range of discussions and processes to make that arrangement work. I am confident that the two agencies can make that work effectively on the ground.

**The Hon. MICK VEITCH:** My last question is about the journey that the bill has to take through both chambers of the Parliament and then assent. Is there a critical date that you are working to with this piece of legislation? Is it 1 July? I am trying to work out the timing of the legislation's passage through the Parliament, and what it means for your operational activities.

**Mr HOOD:** The timing of the passage of the bill is a question for the Government, but there are statements out there saying that the Government is intending to implement this bill later this year.

**The Hon. MICK VEITCH:** Later this year?

**Mr HOOD:** Yes.

**The Hon. JOHN GRAHAM:** I want to return to the set of issues that have been put to us by the apiarists. I want to get a reaction about whether the positions they have put this afternoon cause a problem from an agency point of view. Two of those were legislative; two of them were not. Essentially they said that they want to be recognised in the legislation as a co-dependent industry. I might raise the second one as well—that schedule 2 (17) be modified so that it includes and recognises beekeeping as part of forestry organisations that might be authorised and regulated by the integrated forestry operations approval [IFOA]. Those are the two reasonably similar asks—essentially headline recognition in the legislation so that they can, in their own minds, deal on a more equal footing when it comes to negotiating access to forestry with Forestry.

I think the Committee's view—without speaking for all Committee members—is that they put a pretty strong case this morning. What is the agency view about whether that sort of amendment might cause a problem for the operation of this bill?

**Mr HOOD:** Sorry, can you clarify your question?

**The Hon. JOHN GRAHAM:** My question is: If the Committee recommended that we supported the view that was put to us by the apiarists, as amendments to the bill, would that cause an operational problem from an agency point of view?

**Mr HOOD:** Obviously, the question of what happens with any recommendations is one for the Government, not for us as public servants, but I just reflect that the intent of removing beekeeping from the IFOA was, essentially a deregulatory one. It was to not have regulation that is designed for regulating the cutting down trees and associated activities covering beekeeping, and to see it treated in a way that is commensurate with the nature of the activity.

**The Hon. JOHN GRAHAM:** What is the view of the Department of Primary Industries?

**Mr STONE:** I guess I agree with what Mr Hood said. The IFOA is still under consultation until 29 June. So if there are concerns around how the IFOA may affect that industry, it is free to engage in that process.

**The Hon. JOHN GRAHAM:** This is specifically about the legislation rather than the IFOA.

**Mr STONE:** As Michael said, this is an issue for Government in respect of changes but—

**The Hon. JOHN GRAHAM:** In the interests of time I might move on to the other two issues, which you may be able to help with. They essentially asked for inclusion of representatives from their organisation in the consultation, and that a database be developed of co-dependent industry contacts so that everyone knows what is going on. Those are not matters for the legislation but we did commit to raising them with the agencies. Are you able to commit, today, to those things being applied?

**Mr STONE:** No, I do not think so. To put it bluntly, we need more time to consider those issues.

**The Hon. JOHN GRAHAM:** If that is the case—obviously we cannot put this question on notice—I ask that you give consideration to those requested commitments being included in the second reading speech.

**The Hon. MICK VEITCH:** It will be read a second time in the Legislative Assembly.

**The Hon. JOHN GRAHAM:** Certainly it could be raised in the debate. It would be appropriate to convey those commitments in the debate, as it comes through the Parliament. That is probably a better way to put it. Could consideration be given to that? Are you happy to take that back?

**Mr STONE:** Sure.

**The Hon. JOHN GRAHAM:** On the issue of consultation we have had mixed views about whether four weeks is long enough for either the PNF codes or for the IFOAs. The coastal IFOA has been running for four or five years. How do we seriously talk about four weeks as a consultation period?

**Mr HOOD:** I would reflect that under the current legislative arrangements there are no requirements to consult on a new IFOA or to consult on a new PNF code. So these provisions are new provisions to open the opportunity for consultation on those actual instruments. We are currently out on exhibition with the IFOA at the moment. That is out for a six-week period of consultation.

**Mr HOLZ:** I would like to add something. In relation to the PNF code, it is important to recognise that this legislation is machinery in nature. It is not changing the substantive terms of the actual code itself. That has been foreshadowed, arising from the original biodiversity reforms that there should be a review of the PNF Code. The Government intends, in relation to the contents and the settings of the code, to initiate a review commencing this year.

**The Hon. JOHN GRAHAM:** On the view that has been put this morning that six weeks is inadequate but four weeks would be more inadequate, do you have anything to add on that consultation question which applies not just to the PNF codes?

**Mr HOLZ:** Has to.

**Mr HOOD:** Nothing more to add. It is a question for government.

**The Hon. PAUL GREEN:** I was just at the National Parks Association and Nature Conservation Council. A concern that it had was that the power to make PNF codes has been moved from environment Minister to the Minister for Lands and Forestry. Although it acknowledges that concurrence of the environment Minister is still required, the concurrence of the Minister for Primary Industries is also required, creating what it says is a clear imbalance. Its suggestion is to recommend that the PNF codes be made by the environment Minister with the concurrence of the Minister for Lands and Forestry and to recommend that the concurrence of the Minister of Primary Industries be removed. What is your comment on that?

**Mr STONE:** The addition of the Primary Industries Minister is twofold in a sense. Formerly, it is because he is the Minister responsible for the Local Land Services Act. The same person is consulted as Minister responsible for the threatened species aspects of the Fisheries Management Act. So I would make the point that it does not dilute any approvals. It is concurrence, after all; it is not consensus by majority. It equates to an additional layer of approvals for the PNF codes.

**Ms DAWN WALKER:** We have had a discussion with other witnesses about third party enforcement rights. Do you feel this would be a more robust bill if third parties were able to actually participate through legal rights of enforcement?

**Mr HOOD:** That matter is a question of government policy and government policy is expressed through the bill that is retaining existing policy which has been in place for nearly 20 years. So I am not at liberty to comment as a public servant on that.

**Mr HOLZ:** I might add that in relation to the PNF code, essentially by transferring the code framework into the Local Land Services Act, there is a relationship with the Biodiversity Conservation Act that does provide for standing for third parties in relation to civil compliance mechanisms. So this bill will facilitate third party standing in relation to the PNF code.

**Ms DAWN WALKER:** Mr Stone, did you want to add something?

**Mr STONE:** No, nothing.

**Ms DAWN WALKER:** On the Environmental Protection Authority, I am curious as to what will now happen to outstanding complaints of breaches of the current IFOAs with the transition to the proposed new draft Coastal IFOA? Will the ones that you have on the books at the moment be dealt with?

**Mr HOOD:** Absolutely, they will be dealt with. There are provisions in the bill to allow us to continue to deal with those under the existing rules until the statute of limitations has passed. So they will be dealt with. No change.

**Ms DAWN WALKER:** Mr Holz, I am interested that your agency, the Local Land Service, will now be a regulator of PNF. Do you think a public register of approved PNF plans would help in your role as a regulator?

**Mr HOLZ:** First, we are the regulator insofar as approvals are concerned. I reinforce that the EPA is the regulatory authority in relation to compliance enforcement. The public register issue, I understand, is certainly raised by a range of stakeholders. It presently is not provided for, although there is a different linkage now consistent with biodiversity reforms where private native forestry approvals would be published as sensitive areas on the regulatory map, which is public information. I think it is an interesting question that I suspect will be considered in detail through the review of the PNF code.

**The Hon. RICK COLLESS:** My question refers to bees. Under the new IFOA, bees are removed from that list as has been discussed. Where do the permits for bee sites sit at the moment? Is it within the forestry regs?

**Mr STONE:** It sits in the forestry Act. There is a provision that covers a range of permits that Forestry Corporation can issue for non-forestry purposes.

**The Hon. RICK COLLESS:** Given that they are not going to be included in the IFOA, would they remain exactly where they are and be administered exactly the same way as they have been for years?

**Mr STONE:** That is right. Existing permits can continue and new permits can be issued.

**The Hon. RICK COLLESS:** Returning to the issue of penalties for PNF breaches, under the previous Act, PNF was regarded as clearing. Is that correct?

**Mr HOOD:** Yes, that is correct.

**The Hon. RICK COLLESS:** Does the status quo of the new penalties remain the same as for the penalties that existed under that previous PNF condition?

**Mr HOOD:** It remains the same as it does now. The penalties were changed as all penalties were changed across the land management and biodiversity framework back in August of last year with the commencement of that piece of legislation. The penalties will roll over under this new bill. There is no change from now going forward.

**The Hon. RICK COLLESS:** The key change there is that PNF has been removed from the definition of clearing.

**Mr STONE:** That is correct.

**Mr HOOD:** That is right. If you have a PNF plan or approval, you have a defence to any prosecution as a clearing matter. So it is to pull it out of there.

**The Hon. RICK COLLESS:** I return to the issue of consultation. There has been talk about four weeks not being long enough and about it being no good at six weeks. The remake of the IFOA process has been going on for four to five years and there has been consultation through all of that period, has there not?

**Mr HOOD:** There was a discussion paper that was put out for consultation back in February or March 2014. There was also a field trial that took place later in 2015 and that involved some engagement with some key stakeholders. But where we are up to now with the current consultation process, this is the first time that since then with the actual document. But that is also the first time—the current legislation actually does not require the document to be publicly exhibited if the Government has chosen to do so for a period of six weeks.

**The Hon. RICK COLLESS:** People who have had an interest in this process have known that it has been in place, have they not? They would be aware that the process has been ongoing for some years.

**Mr HOOD:** They are certainly aware of that but they have not had the opportunity of commenting on the detail or provisions because it is only become publicly available of late.

**The Hon. NATASHA MACLAREN-JONES:** I have a couple of questions. The first is in relation to bees. This morning witnesses raised that they had two concerns in relation to being removed from the current Act. The concerns relate to their exemptions, having access to fire tracks and clearing sites. I want to get your opinion about the process for them to get exemption, whether or not it would be made more difficult or whether there other avenues for them to ensure that they can maintain these exemptions?

**Mr STONE:** To my understanding, and, Michael, I am inviting you to jump in, the IOFA only covers restrictions, if any, in terms of from a regulatory compliance point of view and that is what is being transferred to the regulations. The exemptions would be covered under the permits that they are issued by the Forestry Corporation, and that is not changing.

**The Hon. NATASHA MACLAREN-JONES:** They also raised more about the process of public consultation and alerts being made through newspapers and also websites and flagged that they felt that that would be difficult for them to maintain because of the small size of their organisations. Can you elaborate on that and how that would be alleviated?

**Mr STONE:** Those requirements are really just removing a restriction around newspaper advertising and acknowledging that in the modern age increasingly there are other avenues of communication with stakeholders that are more effective in terms of reach. So it is designed to broaden, not restrict any publication.

**The Hon. NATASHA MACLAREN-JONES:** You are confident you can alleviate their concerns, that it will not impact on—

**Mr STONE:** That is right. There will be more channels available, more or less.

**The CHAIR:** Would you be able to elaborate on that a bit more? Is there a subscription service where people can be fed information by email or such, rather than them having to check periodically?

**Mr STONE:** In the IOFA context, I know there has been a wide range of proactive consultation.

**Mr HOOD:** We maintain a sort of stakeholder list and we have certainly sent out to all the people that we know who have had an interest in the IOFA proactive email information about the commencement of consultation on the IOFA. We do that now.

**The Hon. NATASHA MACLAREN-JONES:** In relation to the submission put in by the National Parks Association, they have said that they have concerns that environmental protections will be effectively weakened. Can you please elaborate whether or not that is the case, or are they going to be strengthened in the legislation?

**Mr HOOD:** As Mr Holz pointed out before, the bill does not change the settings for logging on either public or private land; those are set either by the IOFA or by the code of practice. All the bill does is provide the architecture for those. The changes that are made, particularly in relation to public land, will, in fact, increase the ability for the EPA to regulate in accordance with the rules and ensure that it has reduced complexity and ensure that instruments are much easier to be understood and therefore implemented. So I would say that it will increase the ability for the existing environmental standards to be delivered on the ground.

**The Hon. JOHN GRAHAM:** Just returning to that broad consultation issue separate to the length of time, one of the views that was put to us by some of the witnesses was it is also the scale of the paperwork—hundreds of pages. I am interested in your view about whether that is the case or whether they might have been getting excited about it. It sounded pretty persuasive that this is a lot of paperwork to get through if you are out on a farm or in an environment group or in a community.

**Mr HOOD:** As I said before, the bill does not affect those instruments. The IOFA consultation that is going on is separate to the bill, but there is a comprehensive website which has—

**The Hon. JOHN GRAHAM:** Does the bill not set the consultation period for IOFAs though?

**Mr HOOD:** The bill does set that, but we are currently consulting on the IOFA, obviously under the current legislative arrangements.

**The Hon. JOHN GRAHAM:** I understand, but it does matter for the future.

**Mr HOOD:** The bill does set four weeks as the minimum for a consultation period for IOFAs.

**The Hon. JOHN GRAHAM:** What has the consultation been on IOFAs in the past? Have you got an example?

**Mr HOOD:** There is no requirement for consultation on the actual document.

**The Hon. JOHN GRAHAM:** I understand. You have made that point.

**Mr HOOD:** There are consultation requirements around the review periods. There are five-yearly reviews. There was a 10-year review in the early 2010s—

**The Hon. JOHN GRAHAM:** How long was that consultation?

**Mr HOOD:** I am sorry, I do not know off the top of my head; I was not involved in that review. Then there was a consultation conducted on, as I recall, the red gum IOFA, so it is western New South Wales, not part of the coastal IOFA change. There was a form of consultation—I think it was a targeted consultation on the actual IOFA, and that was back in about 2011.

**The Hon. JOHN GRAHAM:** But you do not know how long that went for?

**Mr HOOD:** No, sorry, I cannot tell you.

**Ms DAWN WALKER:** I was interested in your comments about the environmental protections. Could you clarify with the IOFA—because certainly what the community is expressing is a fear that it is going to mean more intensified logging, certainly on the North Coast, that it will open up old growth forest logging, that the buffers on the headwater streams will be reduced—can you confirm that those things will be taking place once this coastal IOFA is passed?

**Mr HOOD:** I am here to talk about the bill. The bill does not make any of those changes. There is nothing in the bill that changes the rules around any of those things you have listed—old-growth, buffers on streams, et cetera.

**Ms DAWN WALKER:** The IOFA is attached to the bill and what we are looking at with the bill is, obviously, the coastal IOFA and its process. Surely it must have some relevance to our discussion about the bill.

**Mr HOOD:** The bill sets up the architecture for a future IOFA, but the IOFA consultation and the IOFA remake process is being developed alongside the bill rather than relying on the bill necessarily.



**Ms DAWN WALKER:** Just to confirm, you are not here today to talk about what will be happening with the IOFA, which is the opening of old growth forest for logging and clear-felling methods being brought to the north coast?

**The Hon. RICK COLLESS:** Point of order: The line of questioning that the member is pursuing is outside the terms of reference.

**The CHAIR:** We are to stick with the terms of reference, which is this particular bill, bearing in mind the short time frame for this inquiry.

**Ms DAWN WALKER:** Which will facilitate the coastal IOFA, which obviously there is great concern.

**The Hon. NATASHA MACLAREN-JONES:** Point of order: The Chair has made a determination. I ask you to call the member into line and to come back to the bill that we are talking about.

**The CHAIR:** I will ask you to move on. I am conscious of time. The Hon. Mick Veitch has another question. If you would like to return to the bill or we can move on.

**Ms DAWN WALKER:** No. I think I have got the picture.

**The Hon. MICK VEITCH:** Gentlemen, have you had a chance to look at the Legislation Review Committee's comments around this piece of legislation? If not, it talks about matters being deferred to regulations, particularly subsections 39 (4) and 45 (4), so subject to regulation. How much work has been done on the regulations for this bill within the departments? You do not have to tell me what is in them, I just want to know how much has been done towards them.

**Mr HOOD:** I think I am correct in saying no work has been done yet towards the regulations.

**The Hon. MICK VEITCH:** Have you had a chance to look at the Legislation Review Committee's—

**Mr HOOD:** I have briefly viewed it, but I do not have it in front of me, I am sorry, and I cannot recall all the details of it.

**The Hon. JOHN GRAHAM:** We have taken evidence today about concerns, particularly on the North Coast, about the previous decisions in 2004 meaning the wood supply is over-allocated in those areas. I am interested in the EPA's view about whether or not it shares those operational concerns.

**Mr HOOD:** Wood supply is not subject to this bill. The bill does not set the wood contracts or anything like that. It is not what I was asked to come here and talk about today.

**The CHAIR:** Thank you for making yourselves available this afternoon. As we noted earlier, there are no questions on notice. However, the secretariat has let me know there were a few documents that were discussed earlier. If you could make those available to the secretariat as soon as possible, preferably within hours, if that is possible, or Monday morning. If you could liaise with the secretariat to see if we can make those available and distribute them amongst members. Thank you.

**(The witnesses withdrew)**

**The Committee adjourned at 14:59 p.m.**