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Mr Stephen Palethorpe
Committee Secretary
Environment and Communications Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Via email to ec.sen@aph.gov.au



Dear Mr Palethorpe

Thank you for the opportunity to respond to adverse commentary by Professor David Lindenmayer in his submission to the Inquiry into the Nature Repair Market Bill 2023. The areas of particular concern are quoted in the boxes below. I have then set out my response.

DL submission page 5

*In both responses, Ms Dawson explicitly questioned / asserted an inability to understand the basis of scientific claims and research **showing unequivocally that there was in fact widespread breaches of logging codes of practice as demonstrated in the peer-reviewed scientific literature** (Taylor and Lindenmayer 2021) (Taylor and Lindenmayer 2022)).*

Response

The implication that I have been in any way dishonest or disingenuous in my evidence is offensive and unfounded. I am an experienced public service executive and have at all times conducted myself with honesty and integrity.

Professor Lindenmayer's claim that the cited papers are research showing "unequivocally that there was in fact widespread breaches of logging codes of practice" is inconsistent with the actual findings and conclusions of the cited research.

My evidence before the Committee was that the results of the analysis conducted by VicForests using both its own methodology and the methodology understood to be used by Taylor and Lindenmayer in the 2021 paper did not yield the same results and did not justify the claim that breaches were "widespread". This is still my view.

Indeed, the finding in the 2021 paper that slopes exceeded the regulator limit in 15.4% of harvested areas cannot reasonably, accurately or objectively support a claim that breaches were "widespread". In any event, VicForests' analysis using the methodology we believed to

have been used by Taylor and Lindenmayer found that the potential level of non-compliance was 2%.

I was not at that time in a position to comment on the 2022 paper as it was published a year after I gave my evidence. Having now had reason to examine the 2022 paper I make the following observations:

- The paper compares four techniques all producing different results.
- The areas selected by the authors for analysis are a subset of all harvested areas and appear to be skewed to steeper blocks. VicForests analysis is of all areas harvested in the catchments.
- While in both the abstract and the 'Comparisons with previous analyses' section the paper refers to "widespread breaches of codes of practice" this does not accord with the results of the authors own analysis in the paper which found 7.1% at most in one water catchment and 4.9% in the other. This is a significant reduction in the level claimed in the 2021 paper.
- The authors own analysis using the 5 metre aggregation method found a result that was similar to VicForests' results (3.1% and 1.8% respectively in the 2 catchments examined). As the 2022 paper also found that this method produced results that were most similar to the field measurements undertaken by the Office of the Conservation Regulator, this method should have been used as the basis of the paper's conclusions.
- In any event, whether the level is 2%, 3.1% or 7.1% there is no justification for Professor Lindenmayer's claim that breaches were widespread. Indeed, this is not a claim that is made in the actual conclusion in the 2022 paper which states "Our results have shown that logging operations in these areas have not always been compliant with existing forest laws and codes of practice". I have no quarrel with this conclusion and note I have never claimed that VicForests operations have always been compliant.
- Importantly, the regulatory rule relates to the planning of an operation. Field surveys of heavily vegetated areas prior to harvesting cannot reasonably be expected to yield the same results after harvesting as vegetation masks the true ground level and harvesting itself creates some variations to the ground level.
- VicForests has publicly and transparently released all data in relation to this issue including an analysis of the small number of areas that apparently exceeded the threshold. Most of these were roading coupes that do not attract the same regulatory rule. This is available at this link: [VicForests welcomes ACMA's investigation report that ABC breached broadcasting rules](#)

*In order to understand the basis of this clear refutation by Ms Dawson of that research and reflection on my standing as a leading researcher in the area, **I made repeated requests, under FOI, for the 're-created analysis' and 'very different results' that had been specifically referred to. Those requests yielded no result, with no documents identified as existent at the relevant time produced by VicForests.***

*To so question a reputation under parliamentary privilege ought to be supported by evidence, that exists at the time. Hence, it would be reasonable to expect that Ms Dawson would have had briefing notes, spreadsheets and physical evidence of spatial analysis. However, **it is now clear that Ms Dawson's statements were not so supported by any such material.***

[DL submission page 6]

Response

As Professor Lindenmayer made two Freedom of Information requests the use of the word "repeated" is inaccurate and an exaggeration. Contrary to Professor Lindenmayer's claim, VicForests granted full access to the information sought in the first request, save for the redaction of a small amount of personal information in one document.

Professor Lindenmayer then made another, virtually identical, request because he did not accept the decision on the first request. This appears to be because of the date of one of the documents produced.

VicForests, like many modern workplaces, largely operates digitally. It has been explained to Professor Lindenmayer that I had reviewed data in a digital spreadsheet form and was otherwise orally briefed by the Director of Spatial Analysis prior to my appearance before the committee.

Professor Lindenmayer did not accept that the document produced in response to his application was the relevant information sought by him because it was dated at the time that it was produced as the information was otherwise only available through interrogation of a digital repository. However, in simple terms, no such document existed until it was printed.

As Professor Lindenmayer has been provided with the material that I used to inform my evidence his assertion that I had no such material is unfounded.

Following **investigation** by the Office of the Victorian Information Commissioner (OVIC), it is apparent that **Ms Dawson had no documents before her to support her response** to the Committee and her questioning of my scientific claims and research, but what she relied upon is said to have existed alternatively in **the mind of one of VicForest's junior officers** or earlier on her computer screen.

This claim is also unfounded. The "investigation" referred to was the management of a complaint by Professor Lindenmayer to OVIC. This complaint was closed with the consent of Professor Lindenmayer after OVIC again explained to him that the analysis and results did not exist in documentary form at the date of Professor Lindenmayer's request but were distilled into documentary form for provision to him and that I was otherwise orally briefed.

The officer referred to by Professor Lindenmayer is an expert in spatial analysis and a highly skilled and experienced member of the VicForests' executive. The use of the pejorative word "junior" is offensive and appears to be intended to discredit the quality of the advice.

Fourth claim by submitter of concern:

*This reflects bad science and its implausibility is more manifest following the fact that the data that was provided by VicForests, that was created after Ms Dawson's response to the Committee, was analyzed **with precisely the same results as my initial analysis.***

*Indeed, we have now published results in a peer-reviewed international journal **indicating precisely this outcome** (Taylor, C., Lindenmayer, D.B. 2022. The use of spatial data and satellite information in legal compliance and planning in forest management. PLOS One, 17(7), e0267959.*

<https://doi.org/10.1371/journal.pone.0267959>).

These statements are also untrue. The VicForests data, which existed prior to my appearance and was then provided to Professor Lindenmayer and has also been transparently published, found 2% potential non-compliance compared to Professor Lindenmayer's initial analysis which found 15.4%.

Further, the 2022 paper finds four different results, with the conclusion finding different results to the 2021 paper. The methodology that should have been used as the basis of the conclusions as it is closest to field measurement did find results that were similar to VicForests own analysis.

This example of widespread illegal logging on steep slopes serves to highlight that agencies charged with responsibility to comply with regulations and codes of practices sometimes fail to do so (see also (VAGO 2022)). This highlights that regulation, transparency and compliance is essential to successful natural resource management and in terms of this submission, the successful operation of any market, including a Nature Repair market.

Professor Lindenmayer continues to make these claims even though an investigation conducted by the Government regulator investigated these matters and found “no systemic and widespread breaches of slope prescriptions had taken place” and that “The overall proposition raised by the [ANU] report that there is systemic and widespread breaching of slope prescriptions could not be substantiated. The allegation was found to be based on modelled data and insufficient in-field sampling to be able to make a valid inference.”

As the subject of this part of Professor Lindenmayer’s submission has very little relevance to the subject matter of this inquiry, I believe it has been included for the purpose of attempting to discredit VicForests and myself. If it is published I would ask that my response also be published to ensure fairness.

Sincerely

Monique Dawson
Chief Executive Officer