

Do Forests Matter?

The Evolution of Legislated Obligations for Forest Areas in Victoria

A Brief Summary: 1800 - 1992

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The story of the progressive removal of Victoria's forests, and the evolution of legislative and bureaucratic strategies to better understand, and to protect what remained, and to facilitate sustainable timber harvesting and fire management mirrors, and at times impacts significantly on the economic and social history of the Colony/State.

Pastoral squatting in the 1840s, gold rushes of the 1850s, a succession of *Land Acts* in the 1860s (which were designed in part to '*...facilitate the alienation of the waste lands of the Crown...*'), and the continued expansion of the transport network all combined, by the early 1900s, to produce a geographic distribution of forests that is similar to that of today. It was in 1907 with the passing of the *Forests Act*, and in 1908 with the creation of a State Forests Department, that the first significant steps were made towards the conservation of the State's forests. That task continued and expanded during the 1900s.

What follows is a brief history of that evolutionary process.

- **1800 to 1872**
- **1872 to 1918**
- **1918 to 1939**
- **1939 to 1970**
- **1970 to 1987**
- **1987 to 1992**

1800 to 1872

1800 – European sealers and whalers now active around Bass Strait. The Aboriginal population of the future colony of Victoria is now estimated to have then been between 30,000 – 70,000.

1834 - First permanent European settlement in Victoria established at Portland Bay by the Henty brothers. Sheep runs established.

1835 - John Batman seeks to acquire around a quarter of a million hectares (ha) between Port Phillip and Corio Bays from the Wurundjeri and Wathaurong Tribes. The initiative is rejected by Sydney-based Governor Bourke and the British subsequently issue an instruction for the appointment of magistrates at Port Phillip, and for the sale of land. The following two years see pastoral runs spreading as far as Winchelsea, Inverleigh and Bacchus Marsh in the west, and Woodend and Kilmore in the north. Increasingly conflict with Aboriginal communities ensues.

1839 - First timber licence regulations under the *Lands Act* (largely ineffective).

Mid-1840s – Squatters' influence reaches the Gippsland Lakes in the east, Echuca in the north, and the Wimmera in the north-west. Conflict with local Tribes now also widespread.

1851

- 6th February – 'Black Thursday'. Under conditions of extreme wind and high temperatures all of what will become Victoria, except the Mallee Region, experiences bushfire.

- 1st July – Victoria proclaimed a separate Colony: non-aboriginal population estimated to be 77,400.
- Discovery of gold: Relatively benign environmental impact of the early pastoralists ends. Massive influx of migrants demands timber for mine props, firewood and for building. The need for food stimulates intensive agricultural development. Forest clearing begins in earnest in the immediate vicinity of the goldfields (Ballarat, Castlemaine, and Bendigo) and spreads. (Population estimates rise to 236,800 in 1854, and 408,600 in 1857).

1852 - Second timber licence regulations (*Lands Act*).

1856 – November – First meeting of the Victorian Parliament.

1860 - *Nicholson Land Act*: Releases 0.33 million hectares of land for settlement. Provokes continuing controversy with the squatters. Subsequent Acts in 1862 and 1865 release a further 2.2 million hectares.

1862 - First provision in *Lands Act* for sawmill licences.

1865 – The *Amending Land Act* details the first powers to proclaim reserves for ‘...*preservation and growth of timber...*’

1866 - Earliest authentic map of Victoria's forest cover compiled (revised and printed in 1869). Reliability of the map considered to be high. Reveals 20 million ha (or 88%) of Victoria covered by forests and woodlands. (By comparison, a Departmental publication in 1987 describes 8 million ha/ 35% of Victoria - covered by forests and woodlands).

1867 - Around 46,400 ha declared State forests and Timber Reserves. Cutting banned in some areas of the You Yang's to allow regrowth.

1869 - First truly economically successful *Land Act* passed; 4.7 million ha surveyed and selected. The State's agricultural capacity rapidly expands. New Section 6 of *Land Act* allows the Governor to ‘...*reserve from sale any Crown Lands which were required for the growth and preservation of timber...*’

1870s - First recorded concerns at Government level about remaining forests. Minister for Lands and Agriculture presents (1874) report to Parliament on ‘Forest Conservancy’. Report deals with remaining forests and, in reviewing government action in recent years concludes ‘...*no more effectual method of legalising the destruction of timber could be devised...*’

1871, 1873, and 1879 - provisions in *Land Act* to grant exclusive rights to cut timber.

1872 - First State nursery established (at Macedon) to assist in the replanting of cut over areas.

1872 to 1918

1878 - First surplus of food produced in the colony. Some 40% of the Colony now alienated.

1879 - First ‘Forest’ Bill brought before Parliament to create forest reserves, management powers etc. This Bill and subsequent ones (1881, 1887 and 1892) never enacted.

1887 - Indian Forest Service Conservator inspects Victoria's forests. Report is scathing. (Government decides not to publish report).

1888 - First ‘Conservator of Forests’ appointed (officer of the Lands Department).

1890 - *Land Act* provides power to forbid timber cutting on any area.

1893 - First royalty regulations made - under the *Lands Act*.

1897 - Royal Commission on forestry commences investigation.

1900 - Royal Commission urges '*...appropriate legislation, policy and bureaucratic support... to ensure effective management and conservation of forests...*'

1907 - First *Forests Act* passed. Comprehensive treatment of most 'forest-related' matters. Far reaching by previous standards.

1908 - State Forests Department formed under a new Minister of Forests. Timber royalties result in a profit in the Department's first year of operation. Political motives for Department seen as to keep high quality forests in public ownership, reduce dependency on timber imports, and some concerns with fire.

1910 - Victorian School of Forestry (Creswick) accepts first trainees.

1911 - Experimental State timber seasoning works opens at Newport.

1912 - First area set aside for '*...the preservation of flora and fauna...*'

1918 - Battles continue over land alienation. 'Forest estate' now around 1.6 million ha. Forests Commission established, to administer the Act and manage the Department. New *Forests Act* - provides basis for the current one (1958).

Commission principles of establishment were:

- the conservation, development and utilisation of the indigenous forests, based on sound forestry principles;
- the establishment of adequate plantations of exotic softwood species;
- the prosecution of essential research work concerning the natural products of the forests; and
- The need for an effective fire prevention and fire suppression organisation.

These principles derived from the earlier *Forests Act*.

1918 to 1939

1919 - Forestry Fund established (allows Commission to keep half income obtained from royalties etc.). Implied 'independence' significant.

1920 - First Premier's Conference to consider forest matters. Concludes 9.8 million ha nationally should be permanently reserved as forest, to secure timber supplies. (Victorian component 2.2 million ha).

1920s - Land tenure battles continue for forest reservations; experiments with eucalypt pulp and timber treatment processes; concerns about imports of timber (from interstate and overseas) continue; eucalyptus oil distillation plant established by Commission; forest-based unemployment relief camps become a feature in late-1920s.

1928/29 - British Empire Forestry Conference held in Australia. Helps focus attention on forest matters, and the need for more permanent forest-reserves.

Early 1930s - Unemployed relief works widespread in native forests and in eucalypt and softwood plantations. Much silvicultural work undertaken in all forest types (and related research).

- By 1931 it is estimated that 80% of flooring laid down in Melbourne is kiln-dried Mountain Ash.
- Reforestation of the Otway's commences.

1936 - Agreement reached between Australian Paper Manufacturers (APM) and the Commission to establish a paper-making industry. The pioneering and long-term *Wood Pulp Agreement Act 1936*

incorporates 'sawlog driven' and 'sustained yield' principles. Operations to be governed by 'plans of utilisation' to be drawn up by the Commission.

1939:

January - Massive forest fires ('Black Friday'). 71 lives lost. Over 2 million ha burnt. Townships obliterated. Most destructive fires since 1851. Subsequent Royal Commission dramatically changes non-metropolitan fire Service provisions (basis of current arrangements).

August - Conference of all State forest authorities and Commonwealth, convened by the Victorian Premier resolves that:

- The jurisdiction of the Forest Authority should be extended to embrace a protective belt of land on the margins of State forest and timber reserves.
- The Forest Authority, assisted by a committee of experts of land and water supply departments, should prepare a code of management for all watersheds and catchment areas in mountain regions, and take over full control, including control of grazing in such areas.
- A Rural Fire Brigade Board be instituted on which shall be represented all fire-fighting organisations to advise on fire protection measures on private lands.

Forests Act (1939) extends Commission's fire protection responsibilities to national parks, other public lands and to lands within 1.5 km of both State forests and National parks. (Commission responsibility thus grows from 2.4 million ha to 6.5 million ha).

Salvage of fire killed timber commences - salvage ceased in 1950, some 15 million cubic metres of timber being recovered. Current Central Highlands forests are good examples of the subsequent regeneration achieved.

1939 to 1970

1939/45 - War years. Establishment of 'Commonwealth Timber Controller'. War needs saw significant advances in utilisation, processing and 'value adding'.

1941/52 - State Emergency Firewood Committee to provide alternatives to rationed gas, electricity and other fuels. 500,000 tonnes of wood required annually.

1945/50 - Post-War housing boom commences. Record harvests of timber from both public and private lands.

- reforestation of Strzelecki Ranges commences (1945/6);
- assessment of the largely un-roaded central East Gippsland forests commence;
- major roading of many forest areas underway. By 1948 the State network exceeds 5,000 km.;
- timber sources start to shift to the east and north-east;
- plantation program proceeding at a modest rate;
- 'Equated' royalty determination comes into operation on 1/1/50. (remains the basic timber royalty system used in Victoria);
- Commission continues to lobby for reserves of forest to be increased.

1955 - Significant increase in forest estate (total rises to 2.2 million ha).

1956 –A National Parks Authority is constituted to provide co-ordinated management of the National Parks already reserved under the *Lands Act*.(The Authority’s development is slow for some years. The Authority becomes the National Parks Service in 1970).

1958 - *Forests Act* 1958 (still in existence) expands many previous sections of the Act, redesignates the Forestry Fund, establishes *Section 50* for special purpose reserves (scenic, recreation etc.); and provides for the appointment of Committees of Management. (*Section 50* legitimatises some 20 years of previous active involvement in this area).

1961 - Federal and State governments agree on a major expansion to the nation's softwood resource. Victoria agrees to establish 2000 ha/year for the next 40 years.

1962 - Significant numbers of special purpose reserves now established (59 areas, 7,500 ha).

1964 - Establishment of the ‘Australian Forestry Council’. One of the Council's first decisions sets a target, nationally, of 1.2 million ha of softwoods to be in place by the year 2000. (Victoria to increase its annual establishment rate to 2400 ha). Commonwealth provides loan monies.

Mid-1960s – FCV research capacity now well established and includes specialist expertise in entomology, pathology, hydrology and genetics.

1966 – ‘Farm Forestry’ program commences.

1969 - Commission oversees the establishment of the ‘Timber Promotion Council’. (Via an amendment to the *Forests Act*).

1970 - Controversial proposal by Minister for Lands to develop 0.2 million hectares of mallee vegetation in the Little Desert leads to the formation of the Land Conservation Council (LCC-1971).

1970 to 1987

1971:

- Crown grant to the Lake Tyers and Framlingham Aboriginal Trusts – the first Land Rights legislation in Australia.
- *Forests (Bowater-Scott Agreement) Act* facilitates the establishment of the first fully integrated softwood processing industry.
- Commission initially establishes a ‘Recreation Branch’ which soon becomes a ‘Forest Environment and Recreation’ Branch. Significant resources now being devoted to non-timber and non-fire related issues.

1973 – A Ministry of Conservation is formed with the objective of co-ordinating those aspects of Government concerned with conservation and environment protection. It brings together the Environment Protection Authority, the Fisheries and Wildlife Division, the Soil Conservation Authority, the Land Conservation Council, and the National Parks Service.

1974/75 - National ‘Forwood’ Conference (AFC initiative) produces national ‘Forestry Development Plan’.

1976 – First female students commence studies at the Victorian School of Forestry (Creswick).

1980 - As a result of LCC activity the Commission now manages 26 State and Regional parks and numerous other special purpose reserves. Significant forest and woodland areas now National Parks. Recreational visits to State forests now estimated to exceed 6 million per year.

1983:

- January. ‘Ash Wednesday’ fires. 47 persons killed. 120,000 ha burnt.

- August. Following widespread reviews of public land and natural resource managing agencies the State Forests Department (together with the Lands Department, the Soil Conservation Authority, and much of the Ministry of Conservation – including the National Parks Service and the Fisheries and Wildlife Service) is incorporated into a Department of Conservation, Forests and Lands (CFL). (The FCV continues to exist in law for several subsequent months).
- December. Establishment of a Board of Inquiry (Ferguson) into the timber industry. Inquiry guidelines include:
 - the introduction of regional sustained yield;
 - the need to minimise adverse impacts on employment and dependent communities; and
 - the need to ensure continued viability of the industry.

The Inquiry's scope is, arguably, the most detailed since Royal Commission of 1897.

1985 - May. Following widespread consultation and investigation Ferguson Report provided to Government.

1986 - August. State government releases a 'Timber Industry Strategy' (TIS), which is based significantly on the Ferguson Report. The TIS signals Government acceptance that '*...wood production was an integral part of the future management of State forests...*' The Strategy's intention is to '*...balance environmental values, the social and economic needs of the community, and the capacity of those forests that are available for timber harvesting to provide for sustainable levels of all forest values, both timber and non-timber...*'

The Strategy proposes major changes to previous policies including:

- 'regional sustained yield' based harvesting;
- greater emphasis on 'value-adding';
- significantly changed planning procedures;
- the development of a 'Code of Practice for Timber Harvesting';
- the introduction of long-term produce licences;
- major re-direction of research priorities;
- improved financial management for the industry; and
- Proposals for a legislated 'flora and fauna guarantee'.

1987 - Clearing of public native forest for softwood establishment ceases.

1987 to 1992

1988 - September. *Flora and Fauna Guarantee Act* proclaimed.

1989:

- May. *Code of Forest Practices for Timber Production* endorsed by State Parliament.
- September. *Timber Harvesting Regulations* made, giving effect to 'the Code' on public land.

1990 - *Forest Timber Harvesting Act* establishes regional sustained yield.

1990/91:

- Softwood supplied from public land exceeds hardwood volume for the first time.
- National Plantations Advisory Committee Report released.
- State Plantation Impact Study Report released.
- CFL becomes the Department of Conservation and Environment (DCE).

- DCE places on exhibition proposals to control and encourage timber growing on private land.

1992:

- Federal Resource Assessment Commission releases major report on Australia's forests and forest industries.
- The High Court of Australia's decision in the Mabo case. (In 1993 the federal parliament enacts the *Native Title Act 1993* (Cmwth) to give statutory effect to the High Court's decision).
- Since the mid-1980s the area of National and other parks in Victoria has increased from 3.8% to 12% of State's total land area.
- State Government announces intention to 'corporatize' the State's softwood plantations.
- First commercial accounts for public forestry released.
- First of new forest Management Plans released - for the Otway's.

Sources include:

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