



tasmanian conservation trust inc

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16 February 2012

Dear Professor,

TCT Submission to the Independent Verification Process under the Tasmanian Forests Inter-governmental Agreement

The Tasmanian Conservation Trust wishes to provide its views regarding the Tasmanian Forests Inter-governmental Agreement (IGA).

To our knowledge, the Independent Verification Panel (IVP) has not solicited submissions and nor has it provided any guidelines or timeframes for those wishing to make submissions. The TCT provides the following comments and suggestions in the hope that they are helpful to the IVP and are taken into account in preparing advice to the Tasmanian and Australian governments. The TCT's recommendations to the IVP are included in bullet form and we ask that these be recorded in the IVP's report which will be provided to the state and Australian Governments.

The TCT has not been formally involved in the development of the IGA or the Tasmanian Forests Statement of Principles (FSOP) despite repeatedly offering detailed written submissions and briefings, during the period May 2010 until the present, to the state and Australian governments, Bill Kelty and non-government conservation and industry organisations. We have recently provided some documents and comments, by phone, to Virginia Young, who is working with the IVP, but do not believe that that interaction constituted satisfactory or comprehensive consultation. We ask that this submission be considered by the IVP.

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Main recommendations to the IVP

- The TCT urges the IVP to state in its report to the Australian and state governments that the IGA has the potential to achieve only a modest forest conservation outcome, i.e. the reservation of up to 572,000 ha of public forests mainly to protect wilderness and world heritage values, and that the IGA will achieve very little for the conservation of forest biodiversity.
- We also urge the IVP to report to the Australian and state governments that the IGA, if implemented unchanged, will lead to the perverse and unacceptable outcome where there is an intensification of logging on unreserved public and private forests therefore causing significant loss of biodiversity and other forest values. The governments must rectify this major flaw in the IGA and this submission contains many suggestions as to how this may be achieved.

1. The IGA and FSoP are not complete plans for forest conservation

We are greatly concerned at failure of the IGA and, before it, the FSoP to provide a complete plan for forest conservation and the forestry industry. The attached document 'The TCT's Position Statement on the Tasmanian Forests Statement of Principles' states what we believe are the positive and negative aspects of the FSoP and what is needed to make it a complete plan for the future of Tasmania's forests.

- This submission does not aim to restate all the problems with the FSoP and IGA but the TCT believes it is vital that the IVP report to the state and Australian governments that neither agreement constitutes a comprehensive plan or lasting 'peace deal' for Tasmania's forests. Such a recommendation will at least ensure that the governments are able to put in proper context the forest conservation outcomes of the IGA and what remains to be done.

We also provide a copy of the TCT's Forest Policy which sets out many of our positions and principles in regard to forestry and forest conservation. We believe that combined with the practical policy recommends contained in the above mentioned document ('The TCT's Position Statement on the Tasmanian Forests Statement of Principles'), the principles and positions contained in our policy could constitute the framework for a truly complete and deliverable plan or peace deal for Tasmania's forests.

2. The IGA will achieve little for conservation of forest biodiversity

As stated above, if the IGA is implemented unchanged it will achieve very little for the conservation of forest biodiversity. The IGA offers the possibility of up to 572,000 ha of public forest being formally reserved but more realistically 430,000 ha or even less. This reserve proposal contains very little forest which is a high priority for the conservation of biodiversity and there are no other non-reserve outcomes recommended in the IGA which will assist with conserving forest biodiversity.

This failure to address biodiversity conservation is due largely to the IGA ignoring conservation values of privately owned forests and public forests

outside of the 572,000 ha proposed to be reserved. The IGA also focuses solely on achieving conservation through formal reservation and ignores the need for improved management of forests outside of formal reserve system.

Undoubtedly the forests with the highest biodiversity values are outside the areas recommended for reservation. This narrow focus on public forests with wilderness values and the obsession with reservation over management is reflective of the small and unrepresentative group of ENGOs which had input to the FSoP and the IGA.

- We certainly hope that the IVP is able to acknowledge the importance of all forest values, that very significant forest values (and most priority biodiversity values) are found outside the areas proposed for reservation and that conservation of these forests should be achieved through management and reservation.

2.1. Biodiversity conservation on private land

Most forest biodiversity priorities in Tasmania are found entirely or predominately on private land however the IGA totally ignores private land. The FSoP only made token reference to private land.

While the implementation of the IGA promises an excellent outcome for protection of wilderness and World Heritage values on public forests (which the TCT supports), the failure to address conservation needs on private land will mean the IGA will deliver very little for biodiversity conservation.

The attached document, 'The TCT's Position Statement on the Tasmanian Forests Statement of Principles', makes a series of recommendations regarding private land biodiversity conservation. In summary, the TCT recommends strengthening the forest practices code (to apply to both private and public forests), implementation of comprehensive land-clearing legislation, banning the use of 1080 poison for controlling browsing native animals, voluntary incentive programs to encourage and support land owners to conserve and manage high conservation value forests (HCVF) and funding assistance to seek FSC certification of forestry operations.

- The TCT urges the IVP to recommend to the state and Australian governments that funding be provided to deliver this package of private land conservation programs.

2.2. Biodiversity conservation on public forests outside of current reserve proposals

The IGA offers the possibility of up to 572,000 ha of public forest being formally reserved but more realistically 430,000 ha or even less. In addition to concerns regarding private native forests (discussed above), there is no recognition in the IGA of the need for assessment and protection of HCV public native forests outside of the areas currently proposed for reservation. In terms of biodiversity there is no reason to believe the forests inside the proposed reserves have higher biodiversity values than the public forests outside.

- The TCT urges the IVP to ensure that reservation of public forests only occur following a full assessment of the values of all unreserved public forests.

3. The IGA may have serious negative impacts on forest values

The IGA offers the possibility of up to 572,000 ha of public forest being formally reserved but more realistically 430,000 ha or even less. This reserve proposal contains very little forest which is a high priority for the conservation of biodiversity and there are no other non-reserve outcomes recommended in the IGA which will assist with conserving forest biodiversity.

Additionally, the IGA may also lead to the perverse and unacceptable outcome where there is an intensification of logging on unreserved public forests and an intensification of logging, clearing and grazing on private forests, therefore causing significant loss of biodiversity and other forest values.

The Forest Practices Authority's submission to the IVP (attached) claims that:

'From a significantly reduced area of state forest (resulting from the IGA reserves), Forestry Tasmania cannot meet both the TFIGA wood targets and the requirements of the current Forest Practices Code. That is, either the wood targets would need to be substantially reduced or Forestry Tasmania would need to be given an exemption under legislation to operate at a lower environmental standard than currently applies. This would have serious implications for the conservation of important values, including threatened species habitat, karst, water catchments and visual values.' (pages 2-3)

- The TCT strongly recommends that the IVP supports the IGA proposed reserves and opposes an intensification of logging activity and granting of exemptions to the Forest Practices Code as this would have disastrous outcomes for forest values on public land and may further damage the forest industry's reputation. The IVP should recommend to the Australian and state governments that, instead, Forestry Tasmania's wood supply targets should be substantially reduced.

The Forest Practices Authority's submission to the IVP also states that:

'Uncertainty about the future of resource use in native forests and a declining processing sector is putting pressure on landowners to liquidate their assets in the short term by adopting more intensive harvesting and grazing systems. There is likely to be diminishing incentive, other than the fear of penalties, for landowners to manage their forests to maintain good regeneration and to control weeds and fire. More will seek to convert their forests to other forms of land use. This will inevitably put considerable pressure on governments to either water down the current constraints on land clearing or face the challenge of protecting important conservation values in private forests without incurring an unsustainable management cost on either the landowner or the public.' (pages 3)

The FPA paints a very bleak future for the biodiverse private forests and for the potential for landowners to earn an appropriate income from those forests. The TCT agrees that if the IGA is implemented unchanged there will be an intensification of logging on private land, an increased rate of clearing and conversion of forests and other ecosystems and less effort by landowners into

managing forests which will further degrade their values. The TCT asserts (see below) that the state government has already responded to concerns from the private forest owners to the existing downturn in the forest industry and has weakened the state government's policy governing the regulation of clearing and conversion of native forests.

3.1. Review of the Forest Practices Code

Not only should we not go down the path outlined by the FPA, the TCT had good reasons for expecting that, because of changing scientific knowledge and community expectations, environmental standards, in particular forestry practices, would continue to improve.

The Forest Practices Code is significantly out-of-date and has been under review by the FPA since 2007. However, this review has been suspended since July 2011 because of, in the TCT's view, the unjustified intervention of the Minister for Resources Bryan Green. Despite our continued requests for an explanation, the minister has refused to provide a convincing reason for holding up the Forest Practices Code review. The minister simply dismissed our concerns with statements that the FSoP and IGA may change the context within which the code review will take place (the TCT's letter and the Minister's response are attached). Following the public release of the FPA submission to the IVP, we now believe that the suspension of the code review is because of the IGA and the likely reduction in the area of state forest available for Forestry Tasmania.

The TCT supports the strengthening of the Forest Practices Code and the introduction of more effective and comprehensive regulations relating to clearing and conversion of forest and other ecosystems on all land tenures.

- The TCT recommends that the IVP recommend to the Australian and state governments that the review of the Forest Practices Code be completed and recommendations implemented as soon as possible and exemptions to allow more intensive forestry operations not be considered by the state government.
- The TCT recommends that the IVP recommend that the state government should introduce comprehensive land clearing legislation for all native ecosystems.

We have attached the April 2009 Biodiversity Review Panel's report to the Forest Practices Authority, 'Review of the biodiversity provisions of the Tasmanian Forest Practices Code', plus an article from the TCT newsletter which summarises the reports background, recommendations and the TCT's responses to it.

3.2. Clearing and conversion of native forests

The TCT asserts that because of the existing down-turn in the forest industry and the likely negative impact of the IGA on rural communities generally, the state government recently weakened the Permanent Native Forest Estate Policy (PNFE Policy) to make it easier for private land owners to clear and convert native forests to enable expansion of other agricultural industries. This will lead to potentially disastrous environmental outcomes and, we assert, is in contravention of the Tasmanian Regional Forests Agreement.

There is an urgent need for a more comprehensive and effective regulatory regime relating to clearing and conversion of native forests and other ecosystems in Tasmania. While the FSoP and IGA failed to address this issue the state government's recent amendments to PNFE Policy has the potential to lead to an acceleration of clearing and greater clearing of threatened and regionally depleted forest communities.

Attached are the TCT's letter to the Minister for Resources, Bryan Green and his reply regarding the amendment of the PNFE Policy.

4. Alternative directions for the forestry industry

It is not the TCT's role to propose alternative exploitative uses for native forests or other means of processing them. However, we do acknowledge the need to address the economic problems which private forest owners in particular are facing or expect to face and to ensure that forest values are not degraded or lost due to economic factors. The package of private conservation measures outlined above would provide some financial assistance while seeking conservation outcomes for private forests.

The FSoP and IGA have failed to address the need for the state government to establish policies to encourage native forest managers, public and private, to take advantage of the potential to earn income through managing native forests to maximize carbon retention, including through the foregoing of logging intact native forests.

The TCT opposes the burning of wood material from native forests for industrial-scale energy production and this should not be considered as an alternative use for waste or low value wood material.

The TCT believes that Forestry Tasmania is largely to blame for preventing the Tasmania forestry industry from undertaking new and sustainable directions and for preventing conservation of publicly owned forests. The TCT believes that there is a fundamental conflict of interest in Forestry Tasmania's roles as a manager and conservator of forests on the one hand, and on the other its role as a provider of wood resources for the forestry industry. There is an urgent need to reform the administration and legislation governing the management of publicly owned reproduction forests to address this conflict.

- The TCT urges the IVP to recommend to the state and Australian governments that:
 - The state government, as a matter of urgency, establishes policies to encourage native forest managers to take advantage of the potential to earn income through managing native forests to maximize carbon retention, including through the foregoing of logging intact native forests.
 - The burning of wood material from native forests for industrial-scale energy production should not be considered as a use for waste or low value wood material.
 - There is an urgent need to reform the administration and legislation governing the management of publicly owned production forests.

5. Gunns proposed Tamar Valley pulp mill

The TCT has attempted without success to obtain a firm commitment from the state government that it will not re-issue permits for the Gunns proposed Tamar Valley pulp mill in the event the current state permits are found by the Tasmanian Supreme Court to have lapsed (see attached the TCT's letter to the Premier and the reply).

Furthermore, we have also been unable to obtain clarification from the Australian government regarding its position in regard to ongoing support for the Gunns proposed pulp mill. The attached letters to the Prime Minister (copied to ministers Tony Burke and Simon Crean) claim that the only statement issued by the Australian government was one by Senator Stephen Conroy, speaking on-behalf of Minister Tony Burke, saying the government would not provide any direct financial assistance to the Gunns project. We have never received replies from the Prime Minister or ministers Crean and Burke, so we cannot be certain that Senator Conroy was reflecting the government's true position. As stated in our letters, the Australian government has never ruled out providing Gunns indirect financial assistance or non-financial assistance to help Gunns with construction of its proposed pulp mill.

- The Australian and state governments still support the Gunns proposed Tamar Valley pulp mill and neither has ruled out providing additional assistance to help with the construction of this most environmentally damaging and divisive project. The TCT believes that construction of this pulp mill is the wrong direction for the Tasmanian forest industry and the ongoing uncertainty over government assistance to Gunns threatens any possible forest peace deal. We urge the IVP to advise the Australian and state governments that they should make a clear and binding commitment to NOT provide any further support, financial or other wise, direct or indirect, that may assist with construction of the Tamar Valley pulp mill.

6. Public reserve management

The amount of funding promised under the IGA for the Parks and Wildlife Service (PWS) to manage new reserves is calculated at the same dollar per hectare rate as they are currently funded and clearly this is not adequate. The IGA also fails to recognise the structural and legislative problems which currently prevent the PWS from performing adequately and seems content to throw more money at an ineffective and inefficient land manager.

For many years the area of land in formal reserves and managed by the PWS has expanded but the resources allocated for protection and active management have failed to keep pace. At the same time, the role of the PWS has become more demanding with new challenges such as climate change, new invasive species and more people visiting reserves. Successive governments have not only failed to provide adequate funding they have pressured the PWS to focus on delivery of visitor services and the demands of developers rather than protection and management of natural and cultural values.

On top of these challenges, the IGA promises to deliver between 430,000 and 572,000 ha of largely forested land being reserved and under the management responsibility of the PWS. Apart from the normal management responsibilities with new reserves, the PWS will be presented with an additional and largely new challenge of managing these large densely forested areas for bushfire risk. This will require the PWS having substantially increased fire planning and research staff as well as fire fighting staff plus specialist equipment. Currently the PWS only small areas of dense forests and consequently have little experience managing fire in such environments.

The injection of substantial additional funding and reorganisation of the PWS as an independent authority (to ensure it is focused on its core conservation objectives) are urgently needed. This is necessary to maintain the parks and reserves system as a world-class natural, recreational and economic asset and to enable it to finally achieve its Tasmania Together targets and meet visitor expectations.

- The TCT recommends that the IVP recommend to the Australian and state governments that, to ensure that reserved public native forests and other values are appropriately and actively managed, there needs to be a significant increase in funding for the PWS and a reform of its structures and legislation.

The attached document, 'The TCT's Position Statement on the Tasmanian Forests Statement of Principles', addresses this issue in more detail and makes a series of specific recommendations regarding the structures, legislation and funding of the PWS. Further information can be provided.

Yours sincerely,



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Enclosed:

1. 'The TCT's Position Statement on the Tasmanian Forests Statement of Principles', April 2011.
2. 'TCT's Forest Policy', 14 February 2012.
3. 'Forest Practices Authority submission on the IGA to the IVP', 6 December 2011
4. TCT letter to Minister for Forests, Bryan Green, 'Completing the Review of the Forest Practices Code', 6 October 2011.

5. Minister for Forests, Bryan Green letter to TCT regarding the review of the Forest Practices Code, 8 November 2011.
6. Biodiversity Review Panel's report to the Forest Practices Authority, 'Review of the biodiversity provisions of the Tasmanian Forest Practices Code', April 2009.
7. TCT newsletter article summarising the Biodiversity Review Panel's report to the Forest Practices Authority, June 2009.
8. TCT letter to Minister for Forests, Bryan Green, 'Changes to the Permanent Native Forest Estate Policy', 26 September 2011.
9. Minister for Resources, Bryan Green letter to TCT regarding the Permanent Native Forest Estate Policy', 11 October 2011.
10. Letter to the Prime Minister, Julia Gillard (copied to Ministers Tony Burke and Simon Crean), Payment of Australian Government funds or provision of other support to progress the Gunns pulp mill, 29 August 2011.
11. TCT letter to the Premier Lara Giddings, 'Permits for the Gunns Tamar Valley pulp mill, 9 September 2011.
12. Premier Lara Giddings reply to the TCT regarding permits for the Gunns Tamar Valley pulp mill, 7 November 2011.