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Submission on the *Review of the biodiversity provisions of the Forest Practices Code*

The Tasmanian Conservation Trust (TCT) strongly supports the recommendations contained in the Biodiversity Review Panel's (the Panel) report, *Review of the biodiversity provisions of the Tasmanian Forest Practices Code* (the Report), submitted in April 2009 to the Forest Practices Authority (FPA).

The TCT urges the FPA to institute a formal review of the Forest Practices Code (FPC) with the aim of incorporating the recommendations made in the Report.

The FPA web site states that the Report will be considered by the Forest Practices Advisory Council (FPAC) and FPA Board as part of the ongoing review and improvement of the FPC. The TCT requests that copies of our submission be provided to members of the FPAC and FPAB for their consideration.

Our comments relating to each of the Report's recommendations are attached. Due to time and resource constraints this is a fairly elementary response but we would welcome the opportunity to provide a fuller response during the formal review of the FPC.

The TCT has reviewed the Report and, apart from a few issues that the Panel omitted from their review and several recommendations that could be clarified or strengthened, we believe the Report's recommendations ought to be implemented. Many of the recommended changes are long over due and if implemented would significantly improve the conservation of forest biodiversity through the Tasmanian Forest Practices System.

Where possible we have included examples based on our knowledge and experience that support and expand on the Report's recommendations.

The TCT suggests the recommendations be prioritised according to importance and urgency. Some recommendations address crucial issues and/or are urgent whereas others would be beneficial but are not as important or time-critical. We have made suggestions regarding the priority of some recommendations.

To improve coherence and readability we have suggested that recommendations 8, 13, 15 and 36, that relate to levels of forest management planning, be incorporated.

The Panel may wish to review the March 2009 *Auditor-General Special Report No.78 Management of Threatened Species* and the State Government's proposed response, and assess how they may relate to recommendations 34-37 of the Report that deal with threatened species. The Auditor-General's report reviewed only the Resource Management and Conservation Division of Department of Primary Industries and Water but there is undoubtedly some relevance to the FPA and overlap with particular recommendations of the Report. The TCT have provided no assessment here but if requested can provide our submission on the Auditor-General's report.

Where we have recommended new or additional work by the Panel this should not be used as a reason to delay the FPC review process but where possible it should feed into it.

The TCT commends the FPA for instituting this review and congratulates the Panel for its excellent work. We look forward to participating further in the review process and assisting with the incorporation of the Report's recommendations into a revised and improved FPC.

Yours sincerely,

Peter McGlone
Acting Director

Attachment:

Review of the biodiversity provisions of the Tasmanian Forest Practices Code:
Specific Comments by the Tasmanian Conservation Trust.

Review of the biodiversity provisions of the Tasmanian Forest Practices Code: Specific Comments by the Tasmanian Conservation Trust

Abbreviations used

Report = *Review of the biodiversity provisions of the Tasmanian Forest Practices Code*

Panel = Biodiversity Review Panel

FPA = Forest Practices Authority

FPC = Forest Practices Code

FPS = Forest Practices System

DPIW = Department of Primary Industries and Water

NFPS = National Forest Policy Statement

Forest Practices Act: The Forest Practices Act is not abbreviated to avoid confusion with the Forest Practices Authority.

Issues not addressed by the Report

Browsing animals

The Report makes no assessment of the impacts on forest biodiversity of browsing animals or the methods used to control them in the forest industry. We understand this may be due to limitations of the Panel's terms of reference.

Control of browsing animals in Tasmania is a significant biodiversity issue as current control methods, in particular the use of 1080 poison, are known to have impacts on non-target mammal species such as the Tasmanian bettong and long-nosed potoroo which are not highly abundant and may be considered potentially threatened species in Tasmania.

Through DPIW's Alternatives to 1080 Program it is becoming increasingly apparent that the browsing animals themselves may be causing significant impacts on biodiversity, particularly where their numbers are elevated and available control methods are not feasible such as King Island.

The 'Alternatives to 1080 Program' was established under the provisions of the Tasmanian Community Forestry Agreement (an amendment to the Tasmanian Regional Forestry Agreement) and as such we assumed that issues relating to browsing animals and their control methods would be addressed in the Report.

The TCT recommends the Panel assess the use of 1080 poison in the forest industry and any other browsing animal control methods that may also be of concern. Additionally, an assessment should be made of current and likely impacts of browsing animals on biodiversity in areas subject to forestry practices.

A report of the Panel's findings should be released for public comment as part of the formal FPC review but if this is not possible it must not be used as a reason to delay the review process.

Climate Change

We note the comment made in recommendation 13 that the FPA should "include discussion on strategies and processes to deal with emerging issues such as the effects of climate change" (page 13) as a part of a discussion paper on off-reserve conservation. Recommendation 13 is supported, however it defers any consideration or action on this most important and urgent issue. The Panel should have been able to make some assessment and recommendation on climate change, the likely effects on forest biodiversity and the implications for the FPC. We note with some shock the comment in the Report that "The FPC currently does not mention climate change" (page 70).

The TCT recommends the Panel assess the effectiveness of the FPC in addressing the likely impacts of climate change on conservation of forest biodiversity and make recommendation for improvements in this area. This action should not hold-up the review of the FPC.

Responses to the Report's recommendations

NOTE: To make it easier to cross reference the TCT's responses with the Report's recommendations we have included the Report's recommendations prior to our response. However, most of the Report's recommendations have been summarised or abbreviated and we hope this does not incorrectly represent the Panel's intent or meaning.

Legislation and policy

Recommendation 1: FPA establish state-level principles and objectives for off-reserve management of forest biodiversity.

The TCT acknowledges the importance of off-reserve land for conservation of biodiversity and in regard to some values such as threatened species it may currently be more important than reserved land. The TCT supports the recommendation for establishment of principles and objectives for off-reserve management of forest biodiversity as a key means of measuring the success of the FPS and other off-reserve management systems. The FPA should take the lead to progress implementation of this recommendation and in particular the FPA should coordinate the involvement of other off-reserve managers.

In support of this recommendation we wish to make the following points related to some existing off-reserve management programs operating in Tasmania.

The lack of objectives and guidelines for management of unallocated Crown land were noted as a concern in the *Crown Lands Act Review Issues Paper* produced by the DPIW in April 2009. We will send a copy of the Report to the Information and Land

Services Division of DPIW along with our submission and specifically flag recommendation 1 as being relevant to their review.

The TCT is concerned at the lack of any standards for informal property management plans, game management plans and property management agreements that are being increasingly used to guide management of biodiversity on private land in Tasmania. These are being developed primarily by Natural Resource Management regional groups and DPIW with funding from the Australian Government.

The TCT is also concerned that the DPIW have made the preparation of property management plans a prerequisite for land owners making applications to purchase licences for water from State and Australian government funded irrigation schemes. There appears to be no defined standards and no rules requiring expert input. The assessment and approval process is non-statutory and not clearly defined, but will probably be done by the Assessment Committee for Dam Construction, which is not independent.

Recommendation 2: Legislation and policy changes to allow for inclusion of measurable objectives in the FPC.

The wording of this recommendation is unclear but we understand it is saying the FPA, through the FPS, should take the lead in defining principles and objectives for off-reserve management beyond areas subject to forestry activities and this would require legislative and policy changes requiring collaboration of other agencies of the State Government.

If this is the meaning of the recommendation the TCT supports it and requests it be reworded to clarify the Panel's intent.

We are concerned that if this recommendation were implemented through a review of the Nature Conservation Strategy, based on the time the existing strategy took to develop (and other similar government strategies), this could delay the required changes by years. If the Panel's recommendation is to be followed, we recommend a narrow terms-of-reference and strict timeframe be given for the review of the strategy, so that the specific issue of off-reserve conservation is addressed as a matter of urgency.

We strongly support the FPA taking the lead role in revising the Nature Conservation Strategy.

Recommendation 3: State Government to ensure a more integrated and coordinated approach to conservation of biodiversity across all relevant agencies.

The TCT supports the recommendation. We refer to our comments in support of recommendation 1.

Forest Practices Code in state biodiversity conservation context

Recommendation 4: Include biodiversity conservation as a specific objective in the FPA and include objectives, sub-objectives and measurable outcomes in the FPC.

The recommendation is strongly supported. The existing FPS has many admirable processes and is strongly orientated toward ensuring appropriate scientific inputs to these processes. However, whether these deliver appropriate outcomes for biodiversity is perhaps the greatest weakness of the system. This has been known by FPA staff for many years but not properly acknowledged until now.

Recommendation 5: Reporting on progress towards these objectives and outcomes should be formally linked to the FPA annual reporting and/or State of the Forests reporting.

The recommendation is strongly supported.

We also endorse the Panel's comment that the consultation process required to further develop several sub-objectives identified by the Panel should not be used to delay implementation of measurable objectives.

Recommendation 6: Incorporate the NFPS definition of sustainable forest management into the FPA and revise the objectives of the Forest Practices Act accordingly.

The recommendation is supported however we wish to make a point of clarification.

The glossary of the NFPS includes a definition for "ecological sustainable development". In that definition it specifies "three requirements for sustainable forest use". Appendix three of the Report uses the NFPS term "sustainable forest use" (page 185) however the Report's recommendation then refers to "sustainable forest management" (page 11). We suggest the recommendation be corrected to include the NFPS term 'sustainable forest use'.

Given the importance of the NFPS in guiding so many aspects of the forest management in Tasmania, it is disappointing that the Forest Practices Act and the FPC have not yet incorporated the policy's definition of such a basic term as 'sustainable forest use'.

Recommendation 7: Fully implement the RFA and RFA review recommendations.

The recommendation is supported.

Recommendation 8: FPS should increase its capacity to plan and manage strategically to provide more effective landscape level guidance for planners.

The reliance on coupe-by-coupe assessments has been a fundamental limitation on the FPS and the TCT supports the recommendation to use four levels of forest management planning.

Through the TCT's membership of the National Swift Parrot Recovery Team, we have been informed of the FPA convened Fauna Strategic Planning Group's strategic planning project for swift parrot nesting and foraging habitat. The Panel were probably aware that the Group is taking a state-wide landscape approach to identifying key habitat for the swift parrot and it is perhaps a model for 'state-wide' level conservation planning. While this project has the potential to deliver

conservation of considerable areas of viable swift parrot nesting habitat across its Tasmanian range, there are several major limitations. The Group's work would benefit from more investment in survey work, greater resources to support state government staff participation in the process, clear and agreed timeframes and, most importantly, support from land managers for implementation of the Group's recommendations.

In developing the four levels of forest management planning, the FPA needs to consider establishing more formal processes to ensure significant outcomes that are timely and scientifically supportable and measures to ensure adequate resources.

Adaptive management

Recommendation 9: The concept of adaptive management should be formally recognised in the Forest Practices Act and FPC so changes can readily be made.

The recommendation is support but the key components of adaptive management should be explicitly listed in Forest Practices Act and FPC.

Tools and prescriptions

Recommendation 10: Sufficient resources should be made available to allow for maintenance of adequate databases, mapping and GIS facilities.

The recommendation is support but the Report should have made specific suggestions or options for providing additional funding e.g. increasing fees for preparation of forest practices plans and directing a proportion of FPA income to maintenance of these resources (including income provided through fines if this is legally permitted).

Research

Recommendation 11: A review undertaken into ways of increasing research capacity to support the FPS.

The recommendation is support but we wish to emphasise the point made in the Report that the problem is more than just a lack of funding for the FPA but also a lack of coordination of the resources of FPA and other relevant research bodies.

As with the previous recommendation, the Report should have made specific suggestions or options for providing additional funding e.g. increasing fees for preparation of forest practices plans and directing a proportion of FPA income to research (including income provided through fines if this is legally permitted).

Monitoring

Recommendation 12: The FPA actively review and upgrade a systematic program of effectiveness monitoring for biodiversity conservation.

Effectiveness monitoring, to determine whether management actions required under the FPS achieve the intended outcomes and whether this is a result of that

management, will be essential for the FPA to ensure it is implementing its legislated objectives as recommended elsewhere in the Report.

While the recommendation is supported we repeat our concerns from the previous two recommendations that measuring outcomes will incur considerable costs and all possible avenues for sourcing additional resources should be investigated.

Biodiversity conservation planning

Recommendation 13: FPA et al to prepare a discussion paper on its role in provision of strategic level planning, with a view to informing government on the conservation of biodiversity outside of reserves. Include discussion on strategies to deal with climate change.

While the recommendation is support it could have been incorporated into or followed recommendation 8. This would have presented a more coherent and readable set of points in relation to concepts such as ‘strategic level planning’ which can appear very abstract and difficult to understood. Our comments on recommendation 8 should also be considered here.

Recommendation 14: The panel notes that the Wildlife Habitat Strip provisions apply to both state and private lands where relevant. They encourage the further development on private land where this is achievable.

The recommendation is supported.

Recommendation 15: Biodiversity conservation should be considered at each of the four scales (Recommendation 8) at the planning stage and integrated with other non-wood values.

While the recommendation is supported, this recommendation could have been incorporated into recommendation 8.

Recommendation 16: Gene conservation issues such as the current management to ameliorate exotic gene flow from *E. nitens* to *E. ovata* should be included in the FPC.

The recommendation is supported.

Biodiversity conservation principles and objectives

Recommendation 17: The following elements should be incorporate into the FPC principles:

- change flora and fauna in the FPC to biodiversity to include the three levels of biodiversity: genes, species and ecosystems;
- planning should consider appropriate temporal and special scales and integrate relevant terrestrial and aquatic systems.
- adoption of more surrogate habitat approaches with individual prescriptions where needed. CEFEV database is an existing tool that would allow for such an approach.

The recommendation is supported.

Land clearing

Recommendation 18: FPA should become the repository and owner of data relating to monitoring and reporting of non-forest vegetation losses, both threatened and non-threatened. This may require legislative change and adequate resourcing.

The recommendation is supported. The Report has identified a serious failure of the existing regulatory system for vegetation loss and urgent action is required to address it.

Forest practices planning tools

Recommendation 19: FPS planning and information support tools should be captured in a web based Biodiversity Decision Support System.

The recommendation is supported.

Forest practices plans

Recommendation 20: The history of management of the conservation of biodiversity values under the FPS should be formally recorded to aid future decision making.

The recommendation is supported however there is perhaps little urgency for this to be implemented and where possible resources should be obtained from outside the FPA. A great deal of this work could be done through university post-grad projects.

State-wide native forest retention

Recommendation 21: The state should immediately review the implementation of its Permanent Native Forest Estate Policy because clearance levels are approaching thresholds.

The recommendation is supported but it should be flagged as a high and urgent priority requiring immediate attention.

Bioregional, CEFEV catchment and harvest level biodiversity conservation

Recommendation 22: Maintain forest areas so that a 50% loss since 1750 on a bioregional basis is not approached. In areas where this is being approached or has already been exceeded, maintain all viable forest areas.

We support the recommendation as a minimum response. As the panel acknowledge, this “threshold should not be viewed as an acceptable target but as a biodiversity ‘fail-safe’ for those areas where significant forest loss has already occurred” (page 15).

Recommendation 23: Native forest community bioregional thresholds should be set at a threshold of maintaining 75% of the 1996 area or 2000ha, whichever is the greater.

As recommended by the Panel (Page 15) we strongly urge the pre-1996 clearance be taken into account in determining native forest community bioregional thresholds.

Recommendation 24: The FPC should explicitly recognise the importance of maintaining old growth attributes in the forest and of maintaining structural diversity across the landscape.

We support the recommendation but there should be specific reference made to the importance of old growth elements for fauna species. The recommendation should emphasise the need for a precautionary approach to protection of old growth elements as they can be difficult to identify in the field and many of the functions and values are not yet to be fully identified or understood.

Recommendation 25: To maintain structural diversity in the forests no more than 15% of the native forest area of any CEFEV catchment should be harvested by CBS methods in any 10 year period.

We support the recommendation. We note with some horror the extraordinary rates of clearing that have taken place in some catchments. In just a nine year period 39.24% of the forested area of the Cam catchment and 40.31 % of the Emu catchment was clearfelled and converted to plantation (page 150). These figures emphasise the importance of catchment based retention thresholds.

Recommendation 26: Aim to maintain at least 30% of native vegetation with a focus on trees with mature and old growth elements currently available at all four spacial scales.

We support the recommendation as a minimum response.

Recommendation 27: The FPC should recognise there are a number of ways of achieving structural habitat retention and flexibility of prescription application should be used to meet this objective.

We support the recommendation with the caveat that more specific and rigid prescriptions should be considered to account for the significant lack of knowledge of many fauna species dependent on specific structural elements such as hollows.

Plantations

Recommendation 28: The FPS and FPC should take appropriate account of biodiversity conservation in the context of planning and management of plantations.

The recommendation is supported however it is not a high priority.

Recommendation 29: The outcomes of the workshop Fauna Issues and Plantation Design held in 2000 provide a set of principles and recommendations which could be incorporated into the FPC.

The recommendation is supported however it is not a high priority.

Recommendation 30: FPA should develop water-specific planning tools to maintain a proportion of unharvested headwater catchments and to maintain the special and temporal integrity of river headwater networks.

The recommendation is supported. We understand Dr Leon Barmuta from the University of Tasmania has recently completed a review of research on the subject of Tasmanian headwater streams for the Australian Water Commission. This report does not appear to be referenced in the Report. Dr Barmuta's report should be obtained by the FPA and used to assist with implementing this recommendation.

Rehabilitation and restoration

Recommendation 31: Rehabilitation to become a 'should be considered' requirement in general and 'a will' requirement where required to meet specified ecological objectives.

The recommendation is supported however it is not a high priority.

Remnants

Recommendation 32: FPS should specifically address the retention and management of remnant vegetation with the emphasis on remnants of high conservation significance.

The recommendation is supported however it is not a high priority.

Management of genetic resources

Recommendation 33: An aspirational objective be included for the management of genetic resources in areas covered by the FPS.

The recommendation is supported however it is not a high priority.

Threatened species

Recommendation 34: FPC emphasises importance of ensuring that species currently not threatened do not become threatened through forestry actions.

The recommendation is supported as a prudent means of reducing the impact on particular non-threatened species (a gain for biodiversity conservation in it self) and through preventing species becoming threatened and therefore reducing the chance of extinction and the future cost of recovering them.

Recommendation 35: FPA should ensure there are clear links between biodiversity conservation measures and processes and the requirements of the threatened species recovery plans and listing statements.

The recommendation is supported. Through the TCT's years of involvement with numerous recovery teams, providing submissions to draft recovery plans and assisting with their implementation, we can endorse the need to provide clear links between the biodiversity elements of the FPS and recommendations contained within recovery plans and listing statements. We suggest however that an investigation be made into whether the Forest Practices Act and/or the Threatened Species Protection Act should be amended to assist with this process. For example, the EPBC Act binds the Australian Government in regard to recovery plans and section 268 specifically states

that “A Commonwealth agency must not take any action that contravenes a recovery plan or a threat abatement plan” (Volume 2, page 3).

Recommendation 36: The FPA should encourage the development of strategic level planning tools and processes relevant to threatened species.

The recommendation is supported however it is probably duplicating the recommendations 8, 13 and 15.

Recommendation 37: Relevant authorities should progress programs to integrate threatened species into landscape level planning using multi-species approaches where appropriate.

The recommendation is supported. Through our many years of involvement with recovery teams and the recover planning process, we can attest that many opportunities have been missed to progress threatened species conservation because of DPIW’s failure to provide information and expert assistance to landscape and other programs (e.g. vegetation management, catchment management and weed control programs etc) of DPIW, other agencies and non-government groups. Only some of this failure could have been attributed to lack of staff time and resources. In recent years there has been a noticeable improvement by DPIW in this regard, but more needs to be done to ensure continuation and improvement in their information sharing and collaboration with agencies of government, NRM groups and non-government groups.

Priority species

Recommendation 38: A formal, regular and transparent process should be adopted for review and update of forest and non-forest species which potentially could become threatened.

We support the recommendation and suggest that the existing Threatened Species Scientific Advisory Committee be provided with additional resources and an expanded terms-of-reference in order to take on this role.

CBC harvesting regime, coupe dispersal and size

Recommendation 39: FPC encourages the move away from reliance on large and extensive CBS harvesting systems in native forests and that maximum CBS coupe size should generally not exceed 60 hectares.

We support the recommendation however we strongly recommend 60 hectares as the *maximum* coupe size. We note the comment made in support of this recommendation that data collected at Warra and elsewhere “suggest that the CBS regime itself, and *in particular large coupe sizes*, are suboptimal for biodiversity conservation (page 83, our emphasis).

Recommendation 40: That the FPC incorporate provisions on the size and dispersal of coupes in relation to both plantations and native forests to ensure the maintenance of structural diversity.

We support this recommendation however it should have gone further to recommended a framework by which the FPC would determine the “size and dispersal of coupes”.

We note the statement in the Report that “Tasmania has by the far the largest coupe size of any jurisdiction and this was considered by them to be one of the few areas where Tasmania performed less well than the other jurisdictions” (page 83).

Other recommendations

Recommendation 41: That the current revision of the FPC evaluate and where relevant incorporate the auxiliary recommendations as well as the suggestions made by the panel on existing biodiversity provisions of the FPC.

These auxiliary recommendations were not reviewed.