

The Tasmanian Conservation Trust Inc



Photo: Andrew Ricketts

The TCT's Position Statement on the Tasmanian Forests Statement of Principles

What is the Tasmanian Forests Statement of Principles?

'Tasmanian Forests Statement of Principles: To Lead To A Final Agreement' (the Statement) is a document that was signed on 14 October 2010 by representatives of three conservation organisations (The Wilderness Society, Environment Tasmania and the Australian Conservation Foundation), six forest industry organisations and the Construction, Forestry, Mining and Energy Union (CFMEU).

The Statement was the result of discussions among the signatory organisations from May to October 2010.

We understand that the discussions that led to the Statement were initiated by the CFMEU, Gunns Ltd and possibly other industry groups, in response to the crisis in the Tasmanian forestry industry.

The Statement was presented to the former premier David Bartlett on the 19 October 2010. The state government issued a media release on that date which clearly implied that it was developing a response to the Statement and intended to undertake 'broad community consultation' in developing this. No such consultation has taken place and the state government still has not issued a formal response to the Statement.

The TCT was not a party to the discussions – despite seeking to be involved – nor was it a signatory to the final Statement.

The Statement is not an agreement but a set of principles, which the signatories claim will guide negotiations toward a final agreement. The aim of the Statement, and any formal agreement that results from it, is: 'to resolve the conflict over forests in Tasmania, protect native forests, and develop a strong sustainable timber industry'.

The Prime Minister, Julia Gillard, issued a media release on 7 December 2010 in response to the Statement, which avoided any substantive policy commitments but announced that it was the intention of the state and Australian governments to appoint an independent facilitator to attempt to form a final agreement, based on the Statement, by the end of June 2011.

On 15 December 2010 both governments announced that Bill Kelty had been appointed as the independent facilitator. The Kelty process commenced in early February 2011.

At the TCT's only meeting with Mr Kelty, on 8 February, he explained that his job was to determine whether a final agreement between the parties could be achieved.

On 11 March he released a preliminary statement regarding a moratorium on logging of high conservation value forests (HCVF) as defined by the conservation groups who are signatories to the Statement.

On 6 April 2011 Mr Kelty's 'Tasmanian Forests: Interim Report for Consideration' was publicly released. The report, including the 11 March statement, is available at:

<http://www.environment.gov.au/land/publications/forestpolicy/tasmanian-forests-interim-report.html>

The full text of the Statement can be accessed at:

http://www.premier.tas.gov.au/__data/assets/pdf_file/0009/134991/draft_principles.pdf

The TCT's response to the Forests Statement of Principles

On 20 October 2010, the TCT issued a media release announcing that it had decided not to endorse the Statement. However, we did not reject it. We stated then, and still believe, that the Statement can be built upon to deliver a truly comprehensive outcome for forest conservation, the forest industry, regional communities and landholders.

The TCT wrote to the former premier David Bartlett on 11 November 2010 outlining our concerns and recommendations. This letter, reprinted in the *Tasmanian Conservationist* #321 in full (<http://www.tct.org.au/support/newsletter.htm>), constitutes the TCT's complete policy response to the Statement. A summary of the recommendations made in the letter is included at the end of this document.

A copy of the Bartlett letter was sent to the Australian Government with a request for a response to our concerns and a commitment that funding required to deliver on the Statement would be provided. A copy of the letter was also the TCT's primary input to the Kelty process.

The TCT wrote to David Bartlett on the understanding that the state government was preparing a response to the Statement, presenting it as an initial input to the promised public consultation process. No public consultation process has taken place and the state government has only issued broad statements supportive of the forestry industry but no similar support for forest conservation.

What is good about the Forests Statement of Principles?

The Statement establishes considerable common ground between the industry and the conservation groups who are signatories; this is a good basis for further negotiation. The Statement promised a positive outcome for the protection of high conservation value forests on public land, mainly in wilderness areas, and the TCT strongly supports this ambition.

What are the key shortcomings of the Forests Statement of Principles?

The Statement is NOT, however, a complete plan for the conservation of Tasmania's forested landscapes. The TCT has identified a number of important issues that need to be addressed in parallel with any efforts to implement the Statement if a truly effective and comprehensive conservation outcome is to be achieved.

If implemented, the Statement will not achieve its own admirable goal, 'to resolve the conflict over forests in Tasmania, protect native forests, and develop a strong sustainable timber industry'. Not only because of the many serious omissions, but also because it is inconsistent and contradictory in claiming to honour all existing wood licences while allowing for the protection of high conservation value forests (HCVF) and an eventual transition away from all logging of native forests on public land.

Further more, the Statement fails to:

- address the broader need for protection of native forests for biodiversity conservation – where almost all priority issues and areas are to be found on private land
- address concerns about Gunns' Bell Bay pulp mill and instead gives tacit approval to its construction by virtue of it being the only pulp mill currently proposed for Tasmania
- make an appropriate commitment to reform land-management agencies in Tasmania, especially Forestry Tasmania (to recognise internal conflicts of interest) and the Parks and Wildlife Service, to address the consequences of a much expanded reserve estate in Tasmania (likely to be more than 50% of the state, if the reserves promised as part of the Statement are included)
- establish an appropriate, science-based process to create prudent timetables for a transition of logging out of disputed public native forests
- commit to identifying and commercially exploiting the carbon benefits of protecting and restoring native forests.

Has anything changed since the Forests Statement of Principles was signed in October 2010?

The short answer is, no. Nothing has been achieved since the Statement was signed in October 2010. Neither the state nor Australian governments has issued a formal response to the Statement and the TCT's concerns remain unchanged.

On numerous occasions, the former premier David Bartlett and current premier Lara Giddings have confirmed the state government's support for the forest industry (the emphasis has been on retention of jobs, maintenance of wood supply and support for the Gunns pulp mill) but have made no commitment to forest conservation.

The conservation groups who are signatories to the Statement have allowed the state and Australian governments to comfortably sit on the fence over the last six months. Without commitments to delivering the Statement, the governments are safely positioned to ignore recommendations of the Kelty process.

All of the TCT's concerns, as outlined in the letter to former premier Bartlett, remain unaddressed. Neither government has responded to them, instead referring all our correspondence to the independent facilitator, Bill Kelty. The governments claim that the Kelty process must conclude before they can make any commitments.

While the TCT had hoped that Mr Kelty could progress the positive elements of the Statement and respond to our additional concerns, our involvement in the Kelty process has been unsatisfactory and we are not optimistic it will deliver a successful outcome.

On 11 March 2011 Bill Kelty announced the establishment of a supposed 'moratorium' on logging in 600,000 hectares of HCVF for six months; however, Forestry Tasmania (FT) is allowed to continue logging in these areas. Worse than this, in the absence of a state government commitment, the Kelty announcement fails to guarantee that FT will permanently protect a single hectare of forest after six months. For these areas to be permanently protected the state government must write to FT, issuing it a legally binding directive.

The government's only instruction to FT (Bryan Green's letter dated 9 March 2011), merely orders them to talk with conservation groups about a moratorium. Minister Green's letter makes it perfectly clear that FT is not obliged to reserve any forests or cease logging in any HCVF, that it is not bound by Kelty's six-month deadline and FT is left to decide which forests are HCV.

Not surprisingly, this was viewed by the TCT and many other conservation groups as a 'Claytons' moratorium. Two key high-profile protest groups, Still Wild Still Threatened and Huon Valley Environment Centre, withdrew their support for the Statement and the ongoing Kelty process because of the state government's failure to implement a true logging moratorium.

On 23 March Mr Kelty publicly announced what the TCT and some other groups had feared since the Statement was being negotiated. He stated that as long as the state government refused to support compulsory buy-backs of wood licences and Gunns is the only forestry company offering to voluntarily sell its wood licences, conservation groups will only achieve more forest protection by accepting that the Gunns Tamar Valley pulp mill must be built.

Given the incomplete and corrupted process that led to approval of Gunns pulp mill by the state government, the TCT opposes a 'forests for the pulp mill' deal and urges all other conservation groups to explicitly oppose it. We have always believed that forest conservation can be advanced without the Gunns Tamar Valley pulp mill proceeding, even if this means Gunns being bought out as a result.

On 5 April 2011 Bill Kelty publicly released 'Tasmanian Forests: Interim Report for Consideration' (the Kelty Report). The TCT supports the Kelty Report's call for the state and Australian governments to commit to reserving identified HCVF on public land. However, the Kelty Report does not address the most serious flaw of the Statement ie the lack of recognition for the need to protect the biodiversity-rich HCVF on private land.

The Kelty Report recognises the serious and unresolved community and conservation-group opposition to the Gunns Tamar Valley pulp mill. However, the recommendation that a review of the pulp mill assessment process be undertaken appears to be pointless while Gunns has all the required permits.

What will the TCT do now?

The TCT will continue to work with other conservation groups and the local Tamar Valley community to stop the construction of the proposed Gunns Tamar Valley pulp mill. The TCT opposes a 'forests for the pulp mill' deal and will continue to urge the conservation groups who negotiated the Statement to actually campaign against the Gunns mill, rather than just say they do not like it.

The TCT will continue to advocate that any buy-back of Gunns' public forests licences must be done on condition the Company gives up its intent to build a pulp mill in the Tamar Valley and that the state government revokes the Pulp Mill Assessment Act.

The TCT will continue to urge the state and Australian governments to address the numerous serious shortcomings in the Statement, as outlined in our 11 November letter to former premier David Bartlett.

We are expecting the Kelty process to break down before the anticipated deadline of June 2011 because the majority of stakeholders have too little to gain. However, if the process does continue, it will probably

fail to deliver a complete plan for the conservation of Tasmania's forests, reform of the forest industry and resolve Tasmania's conflict over the forests.

The TCT will now focus its efforts on obtaining a commitment from the state and Australian governments to provide a better deal, one that delivers a truly comprehensive outcome for forest conservation, forest industry reform and Tasmanian communities.

What is needed to make the Forests Statement of Principles a complete plan for the future of Tasmania's forests?

The TCT wrote to the former premier David Bartlett on 11 November 2010, providing a detailed critique of the Statement and making recommendations for a more complete and achievable plan for the future of Tasmania's forested landscapes while providing a more realistic future for the forest industry. This letter, reprinted in full in the *Tasmanian Conservationist* #321 (<http://www.tct.org.au/support/newsletter.htm>), constitutes the TCT's complete response to the Statement. Below is a summary of the recommendations contained in the letter to David Bartlett. If quoting the TCT's position on these issues please refer to the complete response and not this summary.

Private land biodiversity

- Establish a private forest conservation program to offer a range of financial incentives for landholders to voluntarily protect from logging areas of HCVF on private land and manage them in the long-term.
- Require landscape-based property management plans and certification by Forest Stewardship Council as the basis for regrowth forestry management on private land.
- Improved regulatory framework including an amendment to the Forest Practices Code to ensure biodiversity conservation commitments are met for all land tenures, comprehensive land-clearing legislation for all native ecosystems and a policy commitment to introducing legislation to end the use of 1080, or any other poison, for control of native animals.
- Provision of state and Australian government funding to deliver a package of private land conservation programs identified above.



Gunns Bell Bay Tamar Valley pulp mill

- Should funding be provided to Gunns as part of a final forests agreement, as payment for its public native forest wood licences, it must be on condition that it abandons its efforts to establish a pulp mill in the Tamar Valley and that the state government revokes the Pulp Mill Assessment Act.
- The state government should in no way attempt to obtain funding for Gunns from the Australian Government unless it abandons its plans for a pulp mill in the Tamar Valley. Government support for development of alternative processing options and opportunities, however, would be an appropriate use of public funds.

Transition of logging out of public native forests

- If logging is to be halted across all State Forest it must be done on the basis of a scientific identification of HCVF and not an arbitrary opposition to 'commodity-scale logging'. The basis for negotiations should be to seek a transition out of high conservation value public forests while leaving open the possibility of continued Forest Stewardship Council certified logging of regrowth forest.

Reform of Forestry Tasmania

- Forestry Tasmania should be established as a state-owned company with a mandate to harvest wood resources on public land from available regrowth forests with terms and conditions set by a Stewardship Commission or similar institution.
- A Speciality Timbers Commission should be established that would be responsible for harvesting speciality timbers from appropriately designated areas of forest with a mandate to maintain an orderly supply of wood to the craftwood users of Tasmania.
- Establishing a Public Lands Stewardship Commission with a mandate to manage those lands set aside for extractive use management (viz regrowth harvesting by Forestry Tasmania and speciality timber harvesting by the Speciality Timbers Commission).

Public reserve management

- A Parks and Reserves Authority should be established as an independent statutory authority with a mandate to maintain the parks and reserves system in Tasmania as a world-class natural, recreational, scientific and economic asset.
- The state government must provide a dramatic increase in funding for a new Parks and Reserves Authority, especially to expand its capacity for on-ground management and enforcement.
- The state government should seek funding assistance from the Australian Government to assist with the additional reserve management responsibilities which will result from implementation of the Statement.

Carbon

- The state government should encourage forest managers to protect HCVF by ensuring that they can benefit from protecting the carbon stores that such forests represent from degradation by logging or any other degrading activities.

Biomass

- The state government should establish as a matter of policy that the wood derived from public native forests is not an acceptable feedstock for biomass burning.
- There is a need for the state government to explicitly indicate to the Australian Government that the Mandatory Renewable Energy Targets regulations be amended to clearly establish that such wood derived from native forest sources is an ineligible energy source for the issuing of Renewable Energy Certificates.

*Peter McGlone
Director
Tasmanian Conservation Trust*

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