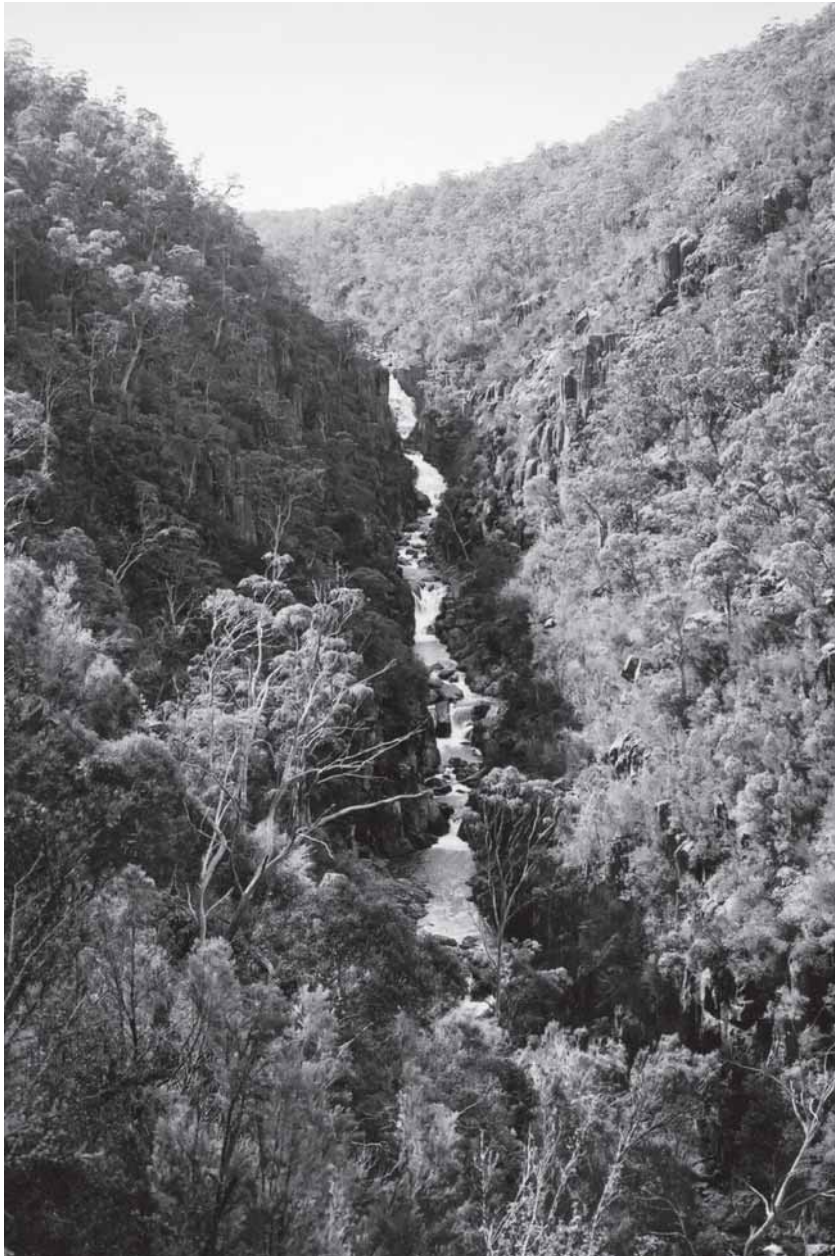


Caring for Tasmania since 1968

THE TASMANIAN
CONSERVATIONIST

Number 316

April 2009



Your
taxes
should
not
dam
this
river

*St Pauls River, Puzzler Gorge
Mt Puzzler Forest Reserve*

The Tasmanian Conservationist is the regular newsletter of the
 Tasmanian Conservation Trust Inc,
 2nd Floor, 191-193 Liverpool St Hobart 7000.
 ABN: 63 091 237 520
 Phone (03) 6234 3552 Fax: (03) 6231 2491
 email: tct6@bigpond.com
 website: <http://www.tct.org.au>

Acting Director: Peter McGlone
 President: Bob Graham

The views expressed in this newsletter are not necessarily those of the Tasmanian Conservation Trust Inc (TCT).

We permit photocopying of all original material in *The Tasmanian Conservationist*. Feel free to make use of our news and articles, but please acknowledge the source.

Contributions: We encourage our readers to submit articles of interest for publication. Articles should preferably be short (up to 600 words) and well illustrated. Please forward copy on computer disk or by email if possible. Guidelines for contributors are available from the TCT office. We reserve the right to edit contributions.

Deadline for next issue: 29 May 2009

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Front cover: St Pauls River in flood, flowing through Puzzler Gorge, Mt Puzzler Gorge Forest Reserve. The Meadstone Dam is proposed to be constructed on the St Pauls River, downstream of the Puzzler Gorge, and would flood its lower reaches, destroying numerous threatened species. Funding for the proposed dam would come in part from your taxes via the Australian Government and in part from the sale of the Hobart Airport, formerly owned by the Tasmanian Government.
Cover Story: Drought-proofing Tasmania Program. See page 4.

Contents

Director's Report	3
Staff Changes	3
Drought-proofing Tasmania Program	4
ET Formulates Forest Policy	6
Tasmanian Devil Roadkill Will Increase	7
Weeds: Time it Right!	7
Why We Need a Tasmanian Parks & Wildlife Authority	8
Gunns Pulp Mill - Will it or Won't it Get Built	10
The Pulp Mill - Effluent Update	11
Recreational Vehicle Advisory Group	12
Proposed Changes to Tasmania's Planning System	13
The Bruny Marine Bioregion MPA Fiasco	14
Gambusia Update	15
Review of Crown Lands Act 1976	15

North-West Branch

Tasmanian Conservation Trust

Meetings of the North-West Branch of the TCT are held on the first Wednesday of each month.

The venue for the meeting is the
Penguin Railway Station at 5pm

All members of the North-West Branch are invited to attend to discuss conservation issues in the area.

Editing

Proofreading

Specialising in conservation issues.
 Reports, management plans,
 newsletters and books.

Janice Bird

BA (Hons) Literature
 Member of Society of Editors (Tas),
 Tasmanian Writers' Centre, Society of Authors.
 Phone (03) 6234 6569
 Email birdj@aapt.net.au

Director's report

It is a great honour and an exciting opportunity to be appointed as the Acting Director of the Tasmanian Conservation Trust. It is a very challenging time for all conservation groups, with financial difficulties coming at a time when we are faced with an ever-growing list of environmental problems to address. On the positive side, the TCT has a great reputation and, most importantly, highly skilled and dedicated staff, councillors and members to help the organisation take on these problems. I also believe there are many opportunities to progress conservation even in these difficult times.

For those readers who don't know my background, I have been employed at the TCT for the last eight months as the Biodiversity Campaigner. Before that, I was employed by World Wide Fund For Nature as the Tasmanian Coordinator of the Threatened Species Network since 1991. In the TSN role I was based in the TCT office so my entire conservation career has been closely linked with the TCT.

One of the great opportunities we have is to build a more productive and collaborative relationship with Environment Tasmania (ET). ET was launched in 2006 and it is fair to say that the TCT and ET had a difficult relationship in the first few years. During 2008 the TCT developed a productive relationship with ET, most notably working closely together on the Marine Protected Areas campaign.

In recent months, the two organisations have held discussions on how we can work together to maximise our effectiveness and minimise potential for duplication of effort or conflict. These discussions culminated in the TCT writing to ET in December stating clearly that historic conflicts (whether real or perceived) are in the past and we believe we can build a positive relationship. Importantly, the letter stated that the TCT will maintain its charter, focus and ways of operating, and we cannot at this stage amalgamate with other organisations, including ET. This does not rule out circumstances changing in the future that may make amalgamation a more attractive option. For the time being, the TCT would prefer to focus on other approaches that will further cooperation and potentially joint action between our organisations.

Some other opportunities for good conservation results in 2009 and beyond include increased resourcing of the Parks and Wildlife Service and getting better reserve management outcomes. While times are tough and we do not expect an increase in the PWS budget for the coming year, Minister Michelle O'Byrne has flagged a process to establish a 10-year plan for PWS and is keen for the TCT to be involved (see article 'Why we need a Tasmanian Parks and Wildlife Authority', p.8).

Water management looks like a very depressing issue currently (see article 'Drought-proofing Tasmania Program – just when you thought it couldn't get worse!', p.4) but there is some scope for optimism. As I point out

in the article, while the government is running an aggressive and poorly thought-out approach to irrigation development, some sectors of the irrigation industry also recognise the government's failings and have significant areas in common with the TCT.

The third area for optimism is with the review of the biodiversity provisions of the Forest Practices Code. We expect the report of the panel of independent experts to be released for public comment very soon and it is likely to provide a good opportunity to encourage better protection and management of biodiversity in forests.

I have instituted a new column for the TCT newsletter for guest-written feature articles. Writers must be accepted experts in their particular area. The first two articles will be prepared by Jon Marsden-Smedley on fire management and Emma Riley on the Tasmanian planning system.

We want independent views, so there are very few conditions. Articles must:

- be written by an accepted expert
- address conservation issues in Tasmania
- be around 1500 word (but can be more or less).

Writers are free to say things that the TCT disagrees with and we will only ask to edit on the basis that articles are too long, or meaning needs clarification, to conform to house style etc.

If you would like to write an article for the TCT newsletter, please contact me first.

Peter McGlone
Acting Director

Staff changes

As part of the process of implementing the Strategic Plan, a comprehensive review of the TCT's operation has been undertaken over the past six months. It has become apparent the financing of our ongoing activities is becoming increasingly difficult through reduced funding of non-government organisations by both the public and private sectors.

As a result, the TCT Council has decided to implement changes to the organisation's structure. The most obvious change will be in overall staffing. Council has decided to abolish the position of full-time CEO, and replace this position with a part-time Director's position. This position will be for a period of six months only. At the AGM in September the staffing arrangements will be further reviewed in the light of budget and operational considerations.

These changes mean that Christian Bell will no longer be employed as CEO. The temporary part-time Director's position will be filled by Peter McGlone until September.

Council regrets having to make these decisions. However, they are necessary to ensure the long-term security and viability of the TCT.

In making this decision, Council acknowledged the commitment and dedication of Christian, and thanked him for his contribution to the TCT and to conservation in Tasmania during his time as CEO.

Bob Graham
President

Drought-proofing Tasmania program

...just when you thought it couldn't get worse!

It seems the Tasmanian and Australian Governments only want certain vested interests to have a say in critical decisions regarding major irrigation dams and water pipelines that have the potential to devastate rivers and irrevocably change landscapes that have never been irrigated. In 2007 the State Government amended legislation to effectively remove third-party appeal rights and removed independent scientific assessment processes in relation to major dam projects (see opposite page). Similar changes have recently been mooted by the State Government in relation to water pipelines that were previously to be assessed under normal planning processes. As well, the responsible ministers at both state and national level either refuse to respond to letters and requests for information or they send dismissive responses. No information has yet come out through Freedom of Information requests.

The TCT wrote to the Tasmanian Minister for Primary Industries and Water, David Llewellyn, in October 2008 regarding the Drought-proofing Tasmania Program and, despite our numerous requests for replies and assurances from the government that a reply would be provided, we have yet to receive one.

To his credit, Premier David Bartlett has responded to the TCT's letter regarding the climate change implications of the Drought-proofing Tasmania Program. His letter did provide valuable detail about the Sustainable Yields Project that is investigating the likely water yields on a catchment-by-catchment basis in Tasmania in 2030, given four different climate scenarios. The Premier did not respond to our request that he instruct Minister Llewellyn to wait for the outcomes of this research before seeking any approvals for the Drought-proofing Tasmania projects.

As reported in the December 2008 *Tasmanian Conservationist*, in October 2008 the TCT wrote to the Australian Minister for Climate Change and Water, Penny Wong, and received a positive response – albeit from the Irrigation Efficiency Northern Branch within the Department of Environment, Water, Heritage and the Arts (DEWHA) and not Minister Wong. It described in general terms the conditions that would be placed on the provision of Australian Government funding of the Drought-proofing Tasmania Program. We replied to the Irrigation Efficiency Northern Branch seeking further details of the funding conditions and raising concerns regarding the lack of appeal rights and appropriate scientific assessments, and were told in no uncertain terms to 'butt out'. The Branch's letter stated that it was unable to address our concerns specifically and that once a funding 'agreement has been reached, the details will be made publicly available'. We interpret this to mean that we should not bother raising our concerns as the government will not listen.

The letter from the Irrigation Efficiency Branch also patronisingly advised that we should remain in close contact with the Tasmanian Government – which has so far failed to reply to our letters.

For many months the Tasmanian Greens have been attempting unsuccessfully through the Freedom of Information Act to obtain information regarding the Drought-proofing Tasmania Program. No explanation for the delays has been given and we understand that the matter is likely to be forwarded to the Tasmanian Ombudsman's Office.

On 10 February 2009, in answer to a question asked on notice by Senator Christine Milne (Senate Question No. 776) on 7 November 2008, Minister Wong said little more than that the funding for the Drought-proofing Tasmania Program would be provided on conditions already agreed to in the National Water Initiative. She had already stated as much in the parliament and media reports. The commitments from the minister are particularly weak and unconvincing. They include promising that 'A process for public consultation on projects will also be required' but not specifying what form this would take or if existing Tasmanian processes would be acceptable. The minister also stated that 'a comprehensive business case' including 'detail of technical, environmental and social impact assessments' would be required, but didn't provide details of these processes.

In December 2008 the TCT also wrote to the Australian Minister for the Environment, Heritage and the Arts, Peter Garrett pointing out that Australian Government funding was likely to be spent on irrigation projects that would impact on Environment Protection and Biodiversity Conservation Act (EPBC) listed values. We also pointed out that, due to the legislative changes outlined opposite, the Tasmanian Government could not be trusted to assess the potential environmental impacts or provide an appropriate public consultation process. We asked that the minister instruct his department to work with the Irrigation Efficiency Branch to address these concerns. We are yet to receive a reply; however, we believe that efforts must be focused on Minister Wong as she is responsible for approving funding for the Drought-proofing Tasmania Program.

We thought this situation could not get worse but on 3 March Premier David Bartlett announced further funding for irrigation projects in the form of low-interest loans to farmers and the establishment of a new process for projects of regional significance that we assume will assess the water pipelines proposed under the Drought-proofing Tasmania Program. Minister for Primary Industries and Water David Llewellyn has stated emphatically there will be no third-party rights of appeal under this new process.

Where to next with the Drought-proofing Tasmania program?

Recently we have written to both the Australian Greens and Australian Liberal Party spokespeople for water and the environment, requesting their assistance to put pressure on the Australian Government to put strong conditions on provision of funding for the Drought-proofing Tasmanian Program. As well as raising environmental concerns, we have briefed them on the lack of appropriate public consultation processes, appeal rights and scientific assessment processes. Although these changes were introduced in 2007, the Tasmanian public and the Australian Government are largely not aware of how severely flawed the dam assessment processes are. The TCT believes that the Australian Government must use its funding leverage to reverse these changes.

In a sign that there is some sanity in the 'drought-proofing' world, farming representatives have come out publicly identifying similar concerns to those held by the TCT regarding the direction of irrigation in Tasmania. Premier Bartlett made grandiose statements in his State of the State Address on 3 March that Tasmania will become the 'food bowl of the nation' and will turn 'dry plains' and 'degrading soils' (a reference to the Midlands) into 'productive farm lands'. However, this contrasts dramatically with the Coal River Product group's Chris Gunn's assessment that, 'I would advise property owners in soon-to-be-irrigated areas to look at the figures carefully,' and that, 'Turning dry land into intensive food production takes considerable capital and management' ('Call to assist existing food producers first', *Mercury*, 5 March 2009).

Both Mr Gunn and Don vegetable grower Richard Bovill, who spearheaded the Fair Dinkum Foods campaign, said 'the water supply in existing farming areas needed to be assured before new areas were opened up to cropping through irrigation infrastructure'. This accords with the TCT position that there are enormous environmental risks in opening up new areas to irrigation and that our preference was to plan carefully the expansion of traditional irrigation areas.

Richard Bovill said the 'Premier's grand plan needed to be backed up by a master water strategy which supported existing farming areas in changing climatic times'. The TCT has been trying for six months without success to get answers as to why the State Government wants to invest \$220 million into 'drought-proofing' projects mainly in the north-east but has largely ignored the parched south-east. Why was the Coal River Valley ignored for so long? Now the irrigators have also identified the State Government's irrigation policy vacuum.

The TCT will be challenging the State Government to take heed of these statements and reconsider its priorities for the Drought-proofing Tasmania Program.

We are also investigating whether the recently announced low-interest loans proposed by the State Government could be seen as anti-competitive actions under the National Competition Policy.

Probably the highest priority for the TCT is to overturn the draconian legislative changes that have locked the Tasmanian public out of decision-making on major irrigation projects. Every Tasmanian should call on their State Government to overturn this legislation.

Removal of appeal rights and independent scientific assessment of irrigation projects – *the legislative changes in detail*

In 2007 the Tasmanian Government passed two pieces of legislation, the *Forest Practices Regulations 2007* and the *Dam Works Legislation (Miscellaneous Amendments) Act 2007*, both of which received Royal Assent on 30 April 2007. The following three specific changes concern us most.

Dam Works Legislation (Miscellaneous Amendments) Act 2007

On 15 March 2007 Minister for Primary Industries and Water David Llewellyn tabled the *Dam Works Legislation (Miscellaneous Amendments) Bill 2007* for its second reading. The minister's opening comments in the second-reading speech explain, unashamedly, the purpose of the amendments:

'The primary purpose of this bill is to amend the *Water Management Act 1999*, the *Threatened Species Protection Act 1995* and the *Inland Fisheries Act 1995* to streamline the approval process for a permit to undertake dam works.'

Appeal rights

Section 35 of the *Dam Works Legislation (Miscellaneous Amendments) Act 2007* states:

Section 276 amended (Appeal to Appeal Tribunal)

Section 276 of the Principal Act is amended by inserting after the subsection (3) the following subsection:

(4) However, an appeal under subsection (1) or (2) in respect of the grant or refusal of a permit under Part 8 may only be instituted, heard and determined on the grounds that the process by which the decision or determination appealed against was procedurally incorrect or unfair having regard to the requirements of this Act and natural justice, not on the grounds that any technical information taken into account in making the decision or determination, or that any technical finding made in reaching the decision or determination, was incorrect as a matter of fact.

(5) In this section –

'technical finding' includes an economic, engineering and scientific finding;

'technical information' includes economic, engineering and scientific information.

In summary, these amendments restrict appeals against a decision to issue or refuse a permit for dam works to grounds of procedural fairness (i.e. failure to advertise

the application, not considering representations etc) and the public will now not be able challenge a permit on issues of economic, engineering or scientific fact.

If the TCT were to make an appeal on grounds of procedural fairness, it is our experience that the department would simply go through the process again and correct any error. These amendments restrict our capacity to appeal on an issue of substance. For example, we cannot appeal if we believe the environmental impacts are too significant or if we consider that the proposed dam would be technically unfeasible, i.e. that it would not hold water. This is so even if we could provide convincing environmental or engineering evidence supporting these claims.

It is also the case that an affected farmer or irrigator group could not appeal against the refusal of a dam works permit, although applications are unlikely to be made that have any chance of being refused.

In conclusion, the public of Tasmania now has no meaningful rights of appeal against a decision to issue or not issue a permit for dam works under the *Water Management Act 1999*.

Threatened species

Part 5 of the *Dam Works Legislation (Miscellaneous Amendments) Act 2007* states:

45. Principal Act

In this Part, the *Threatened Species Protection Act 1995** is referred to as the Principal Act.

46. Section 51 amended (Offences relating to listed taxa)

Section 51 of the Principal Act is amended by inserting after subsection (3) the following subsection:
(4) A person undertaking dam works in accordance with a dam permit granted under the *Water Management Act 1999* after the commencement of Part 5 of the *Dam Works Legislation (Miscellaneous Amendments) Act 2007* may take, without a permit, a specimen of a listed taxon of flora or fauna.* No. 83 of 1995

Forest Practices Regulations 2007

Section 4 of the *Forest Practices Regulations 2007* states in part that:

4. Circumstances in which forest practices plan, &c., not required

For the purpose of section 17(6) of the Act, the following circumstances are prescribed:

(d) the harvesting of timber or the clearing of trees on any land, or the clearance and conversion of a threatened native vegetation community on any land, for one or more of the following purposes:

(i) dam works authorised by a dam permit granted under the *Water Management Act 1999*;

In summary, the amendments to the *Threatened Species Protection Act 1995* and *Forest Practices Regulation 2007* will lead to biased threatened species and vegetation clearance assessments. After these legislative changes, the same committee that issues permits for dam works, the Assessment Committee for Dam Construction (ACDC), will now also issue permits to destroy threatened species and to clear threatened vegetation communities listed on the *Nature Conservation Act 2002* – some of these may also be threatened communities recognised under the Tasmanian Regional Forest Agreement (RFA).

We believe that the ACDC has a clear conflict of interests and cannot be expected to assess requests for permits to destroy threatened species or threatened communities in an unbiased and scientific way.

We have an additional concern that the independence of the Forest Practices Authority has been undermined by the Tasmanian Government removing its authority to issue or refuse permits for clearing of threatened vegetation communities where this involves dam works and that this has implications for the Tasmanian Regional Forest Agreement. This may lead to RFA priority forest communities being destroyed in contravention of the agreement and, perhaps more alarmingly, it signals the Tasmanian Government's willingness to weaken the Forest Practices System when it suits them and without Australian Government approval.

Peter McGlone
Acting Director

Environment Tasmania formulates forest policy

Environment Tasmania Inc. (ET) and its member groups (over 25 environment groups from right across the state) work on a range of conservation and environment issues in Tasmania, including forest conservation, climate change, water issues, marine conservation, parks and reserve management, amongst many others. We are in the process of working on a number of conservation policy priorities amongst our member groups and supporters of conservation.

For example, Environment Tasmania is working jointly with our member groups, TCT, Ocean Planet and other environment groups on a collaborative marine conservation campaign, which has been a very exciting and productive process. Another one of the key projects being undertaken at the moment is the formulation of an up-to-date Forest

Conservation and Forestry Policy Document, which will aim to clearly articulate the position of Tasmania's conservation movement on the conservation needs of Tasmania's forests.

If you would like to find out more about the Forest Policy, get involved or help out, we'd love to hear from you – please don't hesitate to contact our office or visit our website; www.et.org.au.

Simon Branigan
Policy Coordinator
Environment Tasmania Inc
PH: 6224 6319; 0409 087 278
simon.branigan@gmail.com

Tasmanian devil roadkill will increase if Tarkine Road proceeds

Several inaccurate media statements have been made recently regarding the potential for the so-called Tarkine Tourist Road to affect the number of Tasmanian devils killed on roads, based largely on monitoring of roadkill on the Arthur River Road before and after its sealing in 2003.

Legislative Council member for Murchison, Ruth Forrest, has written to two newspapers (*Mercury* 7 March and *Examiner* 1 March) claiming that the 'risk of increasing roadkill with the sealing of this tourist road is disputed by a recent study conducted on a similar road in Circular Head. The fact that this road would be travelled at low speeds of 40–60kmh and less travelled at dawn and dusk would suggest an increase in roadkill is highly unlikely'.

Member for Braddon, Bryan Green, made similar inaccurate claims in an interview with Hillary Burdon on the ABC Radio on 11 March, saying 'the Arthur River Road has shown that roadkill has not increased since sealing'.

Ms Forrest and Bryan Green are referring to the 12.8km stretch of road between Arthur River and Marawah sealed in 2003. The study she refers to was prepared for the Circular Head Council by consultant Don Thomson and presented to Council on 19 February, and is not yet publicly available. Ms Forrest's statement is in response to a report in the *Circular Head Chronicle* on 25 February about Don Thomson's study. The following edition of the *Chronicle* on 4 March confirmed that Dr Thomson's report found there had been an increase in the number of the endangered Tasmanian devils killed but that he claimed this was not significant.



I have recorded the Tasmanian devils killed on the Arthur River Road for four years before its sealing in 2003 and for six years since, and provided this vital data for Dr Thomson's report.

I'm not sure what Dr Thomson considers a significant change. As a layman I interpret the approximate 100 percent increase in devil deaths in some post-sealing years compared to pre-sealing years as significant. The average number of devils killed per year before sealing of the road was 19 and after sealing it was 25. This seems significant for an endangered species.

Sealing roads enables people to drive faster and this is probably the single biggest factor in causing roadkill of any kind. It would be nice to believe drivers would stick to the speed limits for the Tarkine Road, as suggested by Mrs Forrest, but it is likely that many Tasmanians will drive at night and would not slow down, as you could expect tourists to.

If there is any statistical doubt about the likely impact of sealing the Arthur River Road then we must continue our monitoring for many more years before trying to use these findings to justify the Tarkine Tourist Road. Dr Thomson has called for pre-construction monitoring of the existing parts of the Tarkine Road to be done for at least five years before construction and we fully support this.

Let us not forget that 5km of the proposed Tarkine Road will be new road pushed through virgin forest channelling night-time traffic into an area that has never seen a car. The pre-construction road deaths are currently zero and this area is currently one of the few sanctuaries for devils.

Geoff King

Weeds: Time it Right!

The Tasmanian Farmers and Graziers Association (TFGA) has produced a new wall chart that identifies agricultural weeds and how to control them. It was launched at the Tasmanian Weed Society conference in Launceston on 16–17 October. The TFGA is sending the chart free of charge to its members but it will also be available to the general public from TFGA House or from the TCT office.

The chart will be of particular interest to gardeners and hobby farmers. It identifies all the major agricultural and environmental weeds confronting land managers in Tasmania, including Paterson's curse, ragwort, capeweed

and gorse, several of which are poisonous to stock. It also provides critical information about their germination and flowering, and the most economical control measures, including appropriate timing.

The wall chart is a collaborative effort by the TFGA's standing committee on weeds, the Department of Primary Industries and Water, Cradle Coast NRM, NRM North and NRM South with funding from the Australian Government.

Phil Reader
Chairman

TFGA Weeds Committee: 0407 049 720

Why we need a Tasmanian Parks & Wildlife Authority

The following is an edited version of a letter sent by the TCT to Minister for Environment, Parks, Heritage and the Arts Michelle O'Byrne on 24 December 2008

Dear Minister,

At our 15 October 2008 meeting we promised to provide further information about our proposal that the Parks and Wildlife Service (PWS) should become an Authority and this letter deals mainly with that issue. We also wish to offer our support for your proposal to prepare a PWS 10-year plan and express our very strong desire to be involved in its preparation. We would appreciate more information about how the plan is being developed and how we may be able to participate in that process.

As we have stated in our budget submission, the resources and administrative structures that currently exist within the Parks and Wildlife Service are insufficient to deliver on policy commitments, reserve management plans, Tasmania Together benchmarks, RFA milestones (for a world-class parks and reserves system) and community and visitor expectations. In addition to increased resources, an independent Parks and Reserves Authority needs to be established with a legislated long-term mandate to protect and promote the conservation of natural and cultural values for which areas of public land were reserved and the authority should not be subject to the vagaries of policy priorities of passing governments and vested interests.

All authorities are established under their own legislation and therefore each is structured and operates slightly differently, but common factors are that an authority:

- is established under a stand-alone act;
- is a separate entity (i.e. not influenced or restrained by being in a larger agency of government where different sections with different objectives compete or have to be balanced);
- is governed by a board of management and therefore not subject to the direction of a minister/government in relation to the performance of its functions;
- has board members who are appointed by the minister or the governor at the minister's recommendation;
- has a board that delegates day-to-day responsibility for operations and administration to an executive officer and other executive staff.

The minister would still be responsible for appointing board members, initiating legislative changes, general policy direction and sourcing the budget. The authority would be required to monitor its activities and performance – including auditing implementation of management plans and carrying out research to determine effectiveness of management practices – and provide reports to the minister.

We believe that greater independence from ministerial control will require an improvement in professionalism of staff, including higher standards of qualifications and training and better oversight of activities and staff performance, to ensure the best possible scientifically based

management methods and outcomes are achieved. Greater independence will also require a greater focus of resources and activities on implementation of approved management plans.

Today, many of the functions of PWS rangers and some other staff can be equated to the functions of personnel in the police, emergency services and health services. Rangers, police, fire fighters, nurses and doctors perform certain functions that require a high level of expertise, skill and experience, and they must be left to perform these functions without interference or fear of repercussion. While a minister, senior public servants or members of the public would be unlikely to try or succeed in influencing how the PWS operated a life-and-death matter such as a search and rescue or fighting a fire, we assert that many other areas of park management must also be left up to the professional judgement and skills of the PWS rangers.

Throughout its history, we believe the Tasmanian PWS has suffered from interference from vested interest groups in the community, business and other arms of government who demand action by PWS staff that may not be appropriate, a priority or scientifically based. When staff fail to respond to such demands the interest group will often lobby the minister or director/general manager and get what they want indirectly. This culture has embedded itself in the PWS to the point where staff know the consequences of resisting these demands and normally do not resist. The absence of reserve management plans (discussed below) for many reserves makes it easier for vested interest groups to have this type of influence, as management directions and priorities have not been formally set.

It is vital that the views of the public, industry and other agencies are heard and incorporated into setting park management objectives, priorities and methods. The primary means for obtaining this input is through the statutory reserve management planning process, which is strictly defined and operates transparently.

Another problem that has become particularly evident over the last 10 years is that the government has instructed the PWS to focus staff and resources toward satisfying the demands of the tourist industry, or what the government of the day believes will benefit the tourist industry. Field staff are allocated to tourist icons such as national parks to the detriment of managing reserved land that attracts few visitors.

We understand that the PWS planning section is under instructions to respond to applications for tourism-related developments as a priority over the statutory role of drafting and revising reserve management plans. This, and a historic under-resourcing of the planning section of PWS,



Tasmanian Parks and Wildlife staff implementing an ecological burn in button grass.

has resulted in statutory plans being finalised only for a small number of reserves, mainly the national parks and other tourist-focused reserves. As stated in our presentation to the Budget Sub-committee of Cabinet, out of the 423 Nature Conservation Act reserves managed by the PWS, 370 reserves comprising 850,000 hectares of land do not have management plans. Although the reserves that do have approved plans (predominantly national parks), make up a large proportion of the area of reserved land, resourcing dedicated to these reserves is still overwhelmingly focused on visitor management and it is easy to point out vital land management work that does not get done. There are also examples of national parks such as Mt William National Park that attract few visitors and consequently receive few resources.

Although we cannot yet describe in detail the consequences for the reserve system of this culture of interference and competing demands, it is clear that myriad land management, enforcement and planning tasks are delayed or never done. Work such as fire management planning and implementation of ecological burns, weed and feral animal control, track management outside of national parks and enforcement is habitually put off to the next month or next year, or never done.

While safety of staff and visitors is arguably the PWS's highest priority, directing resources away from land management will increase the hazards associated with working in or visiting reserves. In the absence of adequate fire planning and preparations for controlled burning, uncontrolled and dangerous fires will become more common. In the absence of funding for walking and vehicular track management, more accidents will occur and responses by emergency services will be made more difficult.

Given the very important role that the PWS plays in managing 40 percent of Tasmania, there is a vital need to

review the institutional arrangements that we believe will prevent Tasmania from ever having a truly world-class parks and reserves system

Parks Victoria, the Forest Practices Authority and Port Arthur Historic Site Authority are all examples of existing public authorities. We recommend that these and others be investigated to inform our discussions toward establishing a Tasmanian Parks and Wildlife Authority. Some aspects of Parks Canada should also be looked at, particularly the impressive statement of goals contained in the *Canada National Parks Act 2000*.

We would welcome an opportunity to meet with you to discuss these matters further. We can also provide additional written information if requested.

Yours sincerely
Peter McGlone

Postscript

On 24 February 2009 Minister Michelle O'Byrne responded to the TCT's letter. Given the nature of our proposal and its implied criticism of many aspects of the PWS, we were very pleased with the minister's positive response. Her letter says in part that:

'As was discussed at our meeting, I am keen to progress the development of a 10-year plan for the PWS. The development of this plan will involve consultation with the PWS's many stakeholders. This consultation would be the ideal time for you to detail your proposal.

'I will keep your letter on file and ensure that it will be made available to the 10-year plan project team when it commences its research and investigations.' ■

New members on our books

We have TCT membership forms that need to be distributed to the four corners of Tasmania.

Can you help by dropping some off at your local library, cafe, bookshop or the notice board at your local shop?

And don't forget about introducing us to a friend; we'll give them 15 months membership for the price of 12 (to the end of June 2010).

Now that's a great offer!

Call Trish on 6234 3552

Gunns Pulp Mill - will it or won't it get built?

So, does Gunns actually have the cash and will its pulp mill be built before we all die of old age?

Recent media reports indicate that Gunns is struggling financially. Really struggling. Demand for woodchips is down, to the point where the unthinkable happened and there were actually rolling closures at all three Tasmanian chip mills, starting at the end of February this year. It appears that around 1000 people were affected by Gunns' decision to shut down operations. In addition, the company recently issued a note for \$15 million. This was presumably a mechanism by which it could get some quick cash to cover operating costs. Both the mill shut-down and note issue indicate that Gunns may have a real problem with cash flow.

It couldn't come at a worse time for the company. Apart from all the other problems associated with the global financial crisis, demand for woodchips and pulp are down and negotiations are expected to start between Gunns and its Japanese woodchip buyers in what appears to be very much a buyer's market.

Gunns share prices have fallen so low that, if we can believe the company's valuation of its forestry assets, it would be ripe for a hostile takeover if economic conditions were anywhere near normal. But times aren't normal and Gunns has some breathing space for a little while longer.

All this means that it is even more unlikely for Gunns to make progress with the mill by itself than was obviously the case last year. Notwithstanding recent announcements by Gunns, a genuine financial partner in this project is looking less likely as the global economy sinks further into recession. Recent claims that a joint partner was about to be announced around the end of April are looking a bit shaky.

So why isn't the decision being made by the government (state or Commonwealth) to withdraw approval and return some certainty? Or why doesn't Gunns itself just pull the plug and move on to something more constructive and beneficial to shareholders?

Some cynics suggest that the apparent limbo status of the pulp mill actually assists Gunns' bottom line. The theory goes that, if Gunns were to abandon this project, it would have to write off about \$100 million. In this context, Federal Environment Minister Garrett's decision to approve all permits apart from some related to hydrodynamic modelling of effluent in Bass Strait turns out to have been the best possible outcome from Gunns' point of view.

This assessment may come as a surprise, because at first glance Garrett's decision seemed harsh for Gunns. While the minister approved most required permits for the mill, he made critical permit approvals relating to the release of effluent into Bass Strait conditional on further hydrodynamic modelling and survey work that could be expected to continue well into 2010. This meant that no hard decisions had to be made, money invested in the project would not have to be written off, the shortcomings

in previous government assessments of effluent in Bass Strait would not become obvious, and the pulp mill, along with the rest of the Tasmanian community, would be left in an indeterminate state. In other words, it would be business as usual for the government and Gunns.

So what is the likely outcome? There can be no certainties, but it seems probable that, if a joint partner is announced in April, the relationship will be very unequal, with Gunns acting more as a figurehead than an equal, providing access to Tasmania's forest resources and not much else.

If an announcement about a joint partner is in fact made in April, it will be interesting to see whether that will be associated with any concrete progress in the construction of the proposed pulp mill, or if it will simply be some kind of memorandum of understanding to proceed with the mill when the global economic situation improves.

A more likely outcome is that nothing will happen and the Tasmanian community will be left waiting for further developments at some undefined time in the future. This is clearly a bad situation if, like me, you live in the Tamar Valley and want to plan your future.

In my opinion, unless the unlikely happens and the State or Commonwealth Governments wake up and recognise the disaster for health, the environment and the economy that this pulp mill represents, the various approvals required by the mill will be given. The lack of financing and global economic problems will then mean that the whole project will just end up on the shelf in the hope that when demand for pulp recovers a foreign company can take it over, no doubt after a lucrative buyout of some key shareholders. Of course this is all speculation. Who knows what really goes on in the minds of the directors of Gunns and their political friends.

But make no mistake, there is still a slight chance that Gunns will make significant progress towards building this pulp mill. Despite the company's difficult financial situation it does have four great advantages that must help it survive during difficult economic times, and may even help it proceed with the pulp mill. First, a huge proportion of its workforce is made up of contractors who would be expected to have no way to claim redundancies or other payouts if the company decides to scale back or cease operations once their contracts expire. Second, Gunns has special access to a significant state-owned forestry resource at what appears to be below market costs. Third, the company's business operations are subsidised, if not directly then via the operations of Forestry Tasmania itself. Finally, Gunns has a unique relationship with supportive and compliant Tasmanian and Commonwealth Governments that seem willing to do just about anything to promote this company's perceived interests, and clearly show no real concern for the opposing interests of the citizenry they are supposed to represent.

The real mystery associated with this pulp mill is not whether it will be built or not, but how such a relatively

insignificant financial entity such as Gunns can have so much apparent influence with Tasmanian and Commonwealth politicians.

Jon Bryan
TCT Marine Campaigner

Disclaimer

Jon Bryan has no expertise in economics or pulp mill financing and welcomes readers ignoring the opinion piece above, although he would like to point out that, unlike most people with more relevant economic expertise, he has had all his investments in cash since before last year's crash.

Woodchip Factoid #1

We often hear supporters of Tasmania's forest industry claiming that huge numbers of jobs depend on the forestry industry in Tasmania and, in particular, the woodchip component of that industry. It is not unusual to hear claims that 5000 to 12,000 jobs would be lost if the woodchip industry was closed down.

Gunns itself provided some interesting data when it closed all three of its woodchip mills in late February/early March this year. Highly inflated and questionable predictions of the job losses that would result if logs for woodchips were no longer available were quickly reduced to a more reasonable figure of 1000 contractors being put out of work due to the company's own temporary shutdown. Clearly jobs are important, but given the history of job losses as other industries have restructured, and the number of jobs associated with the shutdown of all Tasmanian chip mills, job losses associated with rationalising the Tasmanian forestry industry and removing its dependence on woodchips should not be an insurmountable barrier.

Woodchip Factoid #2

Why do we hear about forest contractors and not employees working in the Tasmanian forestry industry? Well, it is simple. A huge proportion of the workers operating machinery in the forests and actually involved in tree-

falling operations or driving log trucks are not employed by Gunns or any other large company but are either independent contractors or employed by those contractors. Many contractors don't have the same security or entitlements as employees of a large company in terms of sick leave, holiday pay or other benefits. It also means that the responsibility of capitalisation and getting financing and insurance for much of the plant and machinery used by the Tasmanian forestry industry falls on the shoulders of individuals or very small businesses.

This must be a great advantage to a company such as Gunns because it does not have to worry about looking after numerous employees or financing much of the plant and machinery essential for chopping down and transporting our native forests. And if the economy happens to go pear-shaped or demand for woodchips declines for any other reason, instead of having to worry about paying out redundancies for loyal employees the company can simply choose not to renew contracts. Economically, and more importantly politically, this is a great advantage and removes much of the normal risk associated with the forestry industry for the company that makes the most money.

An interesting question to consider is why the unions who were supposedly looking after the interests of forestry workers allowed this situation to develop.

Jon Bryan

The Pulp Mill effluent Update

The so-called Herzfeld report was finally released into the public domain at the end of January this year. *The Preliminary Hydrodynamic Modelling of the Bell Bay Outfall Briefing Document for the Independent Expert Group* (Herzfeld 2007) was produced by Dr Herzfeld, a CSIRO scientist and member of the Federal Government Independent Expert Group on the pulp mill.

Despite being a preliminary investigation based on hydrodynamic modelling, it provides the best and most objective information yet about what might happen to effluent released into Bass Strait from the proposed Tamar Valley pulp mill. It is not reassuring.

The report states, amongst other things, that '...the model indicates that the plume assumes the character of a long ribbon extending many kilometres from the outfall ...' and that '... plume frequently undergoes extremely large, rapid, variations in position'. In addition, when current speeds are low, the report indicates that the effluent is likely to pool at the surface so that effluent remains at high

concentrations within the plume, and as current speeds increase, '... the effluent is not simply mixed back to low concentrations, but rather transported many kilometres from the outfall by the currents as a coherent pool of high concentration'. The report goes on to state that previous modelling appears to have underestimated the extent of the mixing zone around the outfall.

The Herzfeld report briefly looks at one criterion prescribed in the State Pulp Mill Permits, and notes that '...maximum effluent concentration for Chlorate (the most prescriptive constituent in terms of mixing zone extent) ... during the periods simulated the effluent dispersion would be in breach of the State permit conditions on an almost daily basis. There is every reason to expect that the mechanisms responsible for these exceedances would apply in other periods'. In addition the report suggests that there is '... the possibility for high concentrations to be carried significant distances from the source, and will certainly

Continued on page 12

Recreational Vehicle Advisory Group

A Recreational Vehicle Advisory Group (RVAG) has been formed and the Tasmanian Conservation Trust will be represented by its vice-president Geoff King along with six government and eight non-government members.

An increase in recreational vehicle management issues on public land in recent years led the Parks and Wildlife



Sandy Cape, north-west Tasmania. All tracks were made since last high tide – so in 6–12 hours. Photo: ©Louise Blight, c/- Birds Tasmania.

Service to hold a ‘Value Management Workshop on Recreational Vehicle Usage on Public Land’ in April 2008. One of the main recommendations from the workshop was the establishment of a peak body to provide advice on recreational vehicle management issues. In August 2008 the Minister for Environment, Parks, Heritage and the Arts, Michelle O’Byrne, approved the establishment

of the RVAG and the TCT was invited to provide a representative for the group.

The aim of the RVAG is to assist in delivering a whole-of-government and community approach to addressing the serious and increasing safety and environmental issues arising from off-road recreational vehicle use on public land. The committee has met twice, in December 2008 and in February 2009, and discussion to date has involved determining the terms of reference and attempting to understand the multitude of issues surrounding recreational vehicle use in Tasmania. Briefings have been given by member organisations and some other topics covered have been crash statistics, the issue of underage riders and pilot recreational vehicle areas.

One of the functions of the group is to provide a forum for the community and to report back on relevant issues to members networks.

What you can do

The TCT’s representative, vice-president Geoff King, has extensive experience with recreational vehicle issues in the north-west. During his time on the committee Geoff has gathered important information from northern groups but wants to know more about recreational vehicle issues on the east and south coasts. He is also keen to understand what members want from their reserves. Please send emails to the TCT office: tct6@bigpond.com titled ‘recreational vehicle issues’. Be as expansive as you want; and comments can be used in confidence if this is requested. ■

Continued from page 11

reach Commonwealth waters (and the coast) under conducive forcing conditions’. In other words, modelling indicates that pollution from the proposed pulp mill’s effluent outfall would exceed state permit conditions under normal operating conditions almost every day, in that effluent may well reach Commonwealth waters and the Tasmanian coastline.

The way this report reached the public domain is at least as much of a concern as its findings. It appears that, if it were up to our government, the report would never have been released for public scrutiny. Considerable pressure from the Greens, notably Senator Christine Milne, was needed before the report was made public after months of requests. It is interesting that, at about the time the Herzfeld report was finally released, Gunns appears to have indicated in the local media that the report had been superseded and that all permit conditions relating to effluent pollution would be met. That claim was particularly interesting when you consider that the hydrodynamic

modelling and real-world surveys required to justify that claim are unlikely to be completed before the end of this year.

Jon Bryan
Tasmanian Conservation Trust

References

Herzfeld, M (2007) The Preliminary Hydrodynamic Modelling of the Bell Bay Outfall Briefing Document for the Independent Expert Group, downloaded on 13/3/2009 from <http://www.gunnspulpmill.com.au/permits/epbc/CSIRO%20Preliminary%20Hydrodynamic%20Modelling%20of%20the%20Bell%20Bay%20Outfall.pdf>

Pulp Mill Permit (2007). Pulp Mill Assessment Act 2007, Appendix 2A.
Tasmanian State Government

Proposed Changes to Tasmania's Planning System

On 5 March Premier David Bartlett announced that the government intended to 'reform' the state's planning system with two major changes: the introduction of a new 'projects of regional significance' process and the amalgamation of the Resource Planning and Development Commission with the Land Use Planning Branch of the Department of Justice to become a new Tasmanian Planning Commission. This announcement was in response to the government's review of the planning system which took place over the last 12 months. The government is currently drafting the required legislation and has signalled its intention to introduce these changes in the winter sitting of parliament. Although the legislation is assured of passage through the lower house, little is known of the likely attitude of the Legislative Councillors. Our guess is that they would be likely to side with the government and let the changes pass.

The Tasmanian Conservation Trust has mixed feelings about the Premier's proposed changes to the planning system and believes that an opportunity to improve the system has been missed.

The TCT welcomes and applauds the decision to retain the independence of the Resource Management and Planning Appeals Tribunal and resists pressure for its amalgamation with the resource Planning and Development Commission.

On the other hand, the government's announced changes will make little or no difference to the fundamental problems underlying Tasmania's planning system. These problems stem from the fact that planning has been grossly under-resourced at both state and local level since the introduction of the Resource Management and Planning System in 1993.

The new planning arrangements will have no impact on the vast bulk of development proposals. We will still be saddled with an inefficient and ineffective planning approvals process for housing, small business, commercial development or industrial developments. These approvals make up over 90 percent of development in Tasmania; housing and related development alone accounts for over \$1.5 billion in investments by Tasmanians annually. Inefficiencies in the planning approval system can add thousands of dollars to the cost of a new house and one could say that the Premier's hyperbole about these changes is not matched by a commitment to significant action.

The system still continues to produce bad environmental and conservation outcomes. The failure to properly manage urban growth results in continued loss of farmland, bushland and pressure on critically important coastal and marine environments. In addition, major government agencies such as roads and water supply are not properly integrated with the planning system as required under the 1993 legislation, and this produces development outcomes that have adverse environmental impacts.

Tasmania has a good planning framework based on the 1993 legislation. It is just that successive State Governments have refused to properly resource it and have

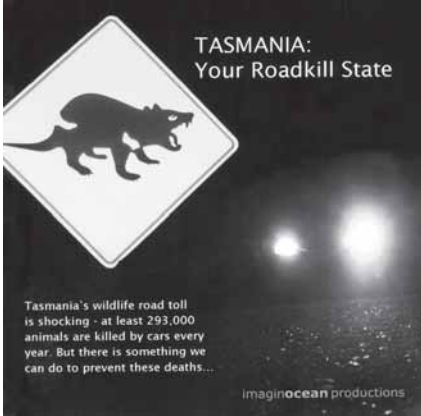
not overseen its effective implementation. For example, we still have only three state policies, several councils are still operating planning schemes that were drawn up over 20 years ago, urban growth continues to chew up rural and bushland areas at the fringes of our towns and cities and infrastructure is little better than third-world standards in some areas.

The TCT calls on the State Government to immediately release the final report on the review of the planning system and specifically provide answers to the following:

- What will be the detailed roles and functions of the new State Planning Commission?
- Will there be a commitment to providing adequate resourcing for both state and local planning?
- Who will be responsible for the previous role of the RPDC in resource planning, i.e. development of state policies, inquiries into Marine Protected Areas, Review of Reserve Management Plans and Water Management Plans?
- Will the government make a commitment to integrate all decision-making of state agencies as set out in the 1993 legislation?

The TCT will also be demanding that the government reverse its decision and include third party appeal rights in the new regional planning processes so the community can challenge decisions made by the panel of experts.

Bob Graham
President
Tasmanian Conservation Trust



TASMANIA:
Your Roadkill State

Tasmania's wildlife road toll is shocking - at least 293,000 animals are killed by cars every year. But there is something we can do to prevent these deaths...

imagineocean productions

imagineocean productions in association with the TCT has produced a documentary on the catastrophic roadkill count in Tasmania. But research is available to help combat this shocking loss of native life. Find out about the latest findings while helping save the endangered Tasmanian devil. The DVD is available for \$5, plus postage, and is well worth the purchase. Contact the TCT office on 6234 3552 or email tct.administration@gmail.com

The Bruny Marine Bioregion MPA *Fiasco*

The Tasmanian Government's recent announcement that it would create 14 Marine Protected Areas (MPAs) within the Bruny Bioregion might sound like a big win for the marine environment, but even a superficial look at the details reveals that it is anything but.

While it appears that two small additions to the existing Tinderbox and Ninepin Point marine reserves will be protected from fishing, every other new area allows this activity to continue. Claims that these new reserves will protect biodiversity are completely unfounded as the main threat to biodiversity, at present, is fishing.

In creating its new system of MPAs in the Bruny Bioregion, the Tasmanian Government has ignored recommendations by its own Resource Planning and Development Commission (RPDC). The RPDC undertook the inquiry into MPAs in the Bruny Bioregion using terms of reference provided by the government. The RPDC's recommendations were based on the Tasmanian Government's own marine protected areas strategy and were an example of a robust statutory planning process underpinned by science and broad community consultation. If accepted, the RPDC's original recommendations would have seen the creation of a system of marine protected areas in the Bruny Bioregion that provided comprehensive, adequate and representative protection for almost all significant marine communities found in this region in south-east Tasmania.

The fairness and effectiveness of the RPDC's involvement in the development of marine protected areas has been previously demonstrated during the creation of new marine protected areas in the Kent Group in Bass Strait and in the Port Davey/Bathurst Harbour region in south-west Tasmania. As an indication of the validity of the process, the marine protected areas that were recommended by the RPDC and subsequently created by the Tasmanian Government appear to have been quickly accepted by all major stakeholders.

The need for marine protected areas in Tasmanian waters has never been greater. Environmental problems such as increasing numbers of *Centrostephanus* urchin barrens, declining giant kelp forests, overfishing and the need for representative reference areas to assess the impacts of fishing activities and climate change provide good justification for a representative system of no-take marine protected areas in Tasmanian waters. As well as being necessary for protecting biodiversity, MPAs are essential to provide reference areas so that impacts of fishing and climate change can be properly understood and managed, and ecosystem processes investigated.

The Bruny Bioregion has great biodiversity, including the last significant remnant giant kelp forests left on Tasmania's east coast north of Tasman Island. There is also a great range of interesting marine life including endemic species such as the critically endangered spotted handfish. This part of Tasmania has many great dive sites, including areas of deepwater sponge gardens and

spectacular geomorphological features such as the caves at Waterfall Bay. The marine biodiversity of Tasmania deserves the same level of protection that we give to our land environment.

The recent government decision on MPAs in the Bruny Bioregion was laughable and a huge waste of taxpayers' money. There is no point creating marine protected areas to protect biodiversity when fishing, the most serious threat to our marine biodiversity (at least until climate change really gets under way), is permitted to continue. The decision to allow fishing in these MPAs has also excluded many benefits to fisheries management. For example, there will now be no useful representative reference areas in the Bruny Bioregion so assessment of fishery impacts will be less accurate and it will be more difficult to manage fisheries to protect the marine environment and ensure that fish stocks are maintained for fishers.

The Tasmanian Conservation Trust understands that the Australian Government provided significant funding to the Tasmanian Government in the early 1990s so that a system of marine protected areas would be created to protect marine biodiversity. Until the recent decision, it appeared that Tasmania was making slow but steady progress towards that goal. By ignoring the findings of its own planning body, the RPDC, the Tasmanian Government appears now to have abandoned prior commitments to create meaningful marine protected areas.

The TCT has long been an advocate for a system of comprehensive, adequate and representative no-take marine protected areas in Tasmanian waters. While Tasmania has relatively good fisheries management, this is not enough to properly manage the marine environment and its biodiversity, or even protect against overfishing in some areas or for some species. The TCT is currently reviewing the way it is working towards making a system of comprehensive, adequate and representative no-take marine protected areas in Tasmanian waters a reality.

Jon Bryan
Tasmanian Conservation Trust

The Tasmanian Conservationist via email

The newsletter is now available in PDF format for members who would prefer an electronic version.

Please send us an email at tct.administration@gmail.com including your name and home address and the email address you would like to use, and we will send your newsletter via email.

Gambusia update

The focus of the current gambusia project, funded by the Threatened Species Network, is the removal of gambusia, with a particular emphasis on the protection this gives to our threatened green and gold frog. The new Threatened Species Network funding has allowed us to procure new, more effective and time-efficient trapping equipment, making it possible to shift from high-maintenance battery-powered dive torches to solar-powered lights. Previously the torches needed to be turned on and placed in the water each night, then removed and turned off in the morning; batteries had to be removed and charged every three days. The new solar lights automatically switch on and off and recharge themselves. This means traps can be left longer between servicing and left in the water during the day rather than only at night, meaning greatly increased trapping time, with less work! We have also been able to order more new, improved traps designed by David Maynard of the Australian Maritime College, which can hold more fish and have much larger intake areas to increase catch rates.

Trapping has been conducted at Tranquility Gardens, Tamar Island, Landfall and Windermere. The largest trapping efforts have been at Tamar Island and Landfall due to the excellent contribution of volunteers at these sites.

Members of the Tamar Island Wetlands Wildcare group have been a great help at Tamar Island. Tamar NRM volunteer Mick



Trapping equipment for the removal of gambusia. Photo: Grant Scurr

Thrush has also made a big contribution at this site with trap removal and catch-data recording. This has dramatically reduced the gambusia population at Tamar Island, to the extent that eradication within the site looks likely. At the Landfall site, Fishcare volunteers have been trapping two to three times a week and recording catch data. This trapping has had a marked localised effect on gambusia numbers. However, it is a large site that has an extensive network of channels and large areas have not been subjected to trapping as yet.

Volunteers at Tamar Island have helped with trap construction work. All the volunteers at Tamar Island have been involved in recording green and gold frog presence since early December, recording when the frogs are heard calling and when sightings are made. This will give us an indication of the impact gambusia removal is having on the frogs.

The ongoing community and volunteer involvement has been very pleasing and has been essential to the project's success so far. As we receive more of the new traps and solar lights that are currently on order, the trapping effort will expand, particularly at Landfall, Tranquility Gardens and Windermere.

**For further information contact Grant Scurr,
Gambusia Project Manager (0400 923 967)**

Review of Crown Lands Act 1976

The TCT recently attended the first meeting of the Crown Lands Act Review Project Reference Group (CLARP). CLARP has been established by the Department of Primary Industries and Water to review the *Crown Lands Act 1976* (CLA) and 'develop a contemporary legislative framework to manage Crown land for the benefit of the Tasmanian community' (Draft Crown Lands Act Issues Paper). This review follows the Crown Land Assessment and Classification project completed in 2006 that has recommended most high conservation-value areas of Crown land be reserved under the Nature Conservation Act. Approximately three percent of the State remains as Crown land and will continue to be subject to the CLA and legislation that supersedes it.

The CLA is now over 30 years old and was written for a different set of circumstances and a different environment than exists today. The CLA provides little guidance to assist in decisions to retain, lease, license or sell Crown land. The concept of public benefit is not currently recognised in the act.

There are concerns by some that current licence provisions are overly prescriptive and limit appropriate use. Administrative arrangements for the sale of Crown land are seen as fragmented, with sales managed across several departments. This can result in a lack of strategic oversight in relation to the value and use of the land to the State Government.

There is a need for more active management of Crown land, e.g. control of weeds, improved access and fire management, as well as better planning and guidance for managers. While there is provision for management plans in the Crown Lands Act, none have ever been prepared.

Penalty and enforcement provisions are weak.

The DPIW website states that the new legislation will seek to deliver:

- sustainable management of public land
- more consistent and transparent decision-making in relation to public land
- economic returns for private or commercial use of public land
- maximum public use and enjoyment of Crown land.

In the coming months, CLARP will be releasing an issues paper and will call for submissions from the public. The TCT has provided brief comments on the draft issues paper and will make a more extensive submission when it is released for public comment. ■

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