



tasmanian conservation trust inc

Greg Hall MLC
Inquiry Chair
Legislative Council Government Administrative Committee "A"
Parliament House
Hobart Tas 7000

19 April 2011

Dear Mr Hall,

'Inquiry into Public Native Forests Transition'

Thank you for providing the Tasmanian Conservation Trust with an opportunity to make a presentation to the Legislative Council Government Administrative Committee "A" 'Inquiry into Public Native Forests Transition'.

As promised, attached is a written submission based on the TCT's presentation to the committee plus digital versions of the documents referred to in the submission and tabled at the committee hearing.

Also attached is a digital copy of the report 'Review of the biodiversity provisions of the Tasmanian Forest Practices Code' which was mentioned but not tabled at the committee hearing. As this is a vast document we recommend the committee members only read the 'Overview of key findings and recommendations' section of the report, pages 1-19. We have also enclosed an article which summarises the report's background, recommendations and the TCT's response to it.

As discussed, the TCT would appreciate an additional opportunity to provide input to the committee. In particular we would like to present our views on the implications for reserve management of a public native forest transition as we ran out of time to cover this issue. We would also like to elaborate on our views of the Forest Practices Code and approaches to conservation of forests on private land.

Yours sincerely,

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**Tasmanian Conservation Trust submission to the
Legislative Council Government Administrative Committee "A"
'Inquiry into Public Native Forests Transition'**

19 April 2011

1. Background

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

The TCT was not a party to the negotiations which led to the Statement - despite seeking to be involved - nor was it a signatory to the final Statement.

On 20 October 2010, the TCT issued a media release (attached) announcing that it had decided not to endorse the Statement. However, the TCT did not reject the Statement. 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 in relation to the Statement. This letter (attached) constitutes the TCT's policy response to the Statement. The letter was also sent to the Australian Government requesting a response to our concerns and a commitment that funding required to deliver the Statement would be delivered. The Bartlett letter was also the TCT's primary input to the Kelty process.

2. TCT position on proposals for a transition of logging out of public native forests

The Statement seeks a total transition of 'commodity-scale logging' out of native forests on public land while only leaving open the possibility of small scale logging for furniture and craft industries. This is in effect a ban on commercial logging of native forests on public land in Tasmania but the Statement provides no justification for such a move. We have tried without success to obtain a justification from the conservation negotiators.

The insistence by some conservation groups on ending logging of native forest on public land constitutes a moving of the goal posts in the forestry debate from the previous commitment to protection of high conservation values in forests.

This stance is also inconsistently applied as the cessation of logging of native forests has not been sought for private forests and the differing approaches has not been explained.

Environment Tasmania's position, as stated in its draft forests policy at the end of 2008, focused on protection of high conservation value forests but by the time of the March 2010 state election, ET and Our Common Ground had refocused to ending commodity logging (as stated in media releases and their respective election documents and web sites).

Ceasing all logging of native forests on public land may have a disastrous environmental impact by shifting significantly more native forest logging to private land (in particular for commodities such as woodchips). Such a dramatic change would also impact on the forestry sector by threatening the economic viability of processing facilities, such as saw mills or veneer mills, if they are reliant solely on timber supplies from private forests.

The TCT believes that logging of regrowth native forests on public land can be acceptable and in fact desirable if appropriately planned and managed. Not only will it reduce the pressure on private forests and maintain the viability of private forest sector, there are positive environmental advantages to this form of logging, if done responsibly and if restricted to younger regrowth forests.

Native forests also provide some products which currently cannot be produced from plantations.

The following is the TCT recommendation as made to the state and Australian governments and issued to Mr Bill Kelty.

- The TCT's view is that if logging is to be halted across all State Forest it must be done on the basis of a scientific identification of high conservation value forests and not an arbitrary opposition to 'commodity-scale logging'. We suggest that the basis for negotiations should be to seek a transition out of high conservation value public forests (this has to be done on a precautionary basis given the lack of information available) while leaving open the possibility of continued FSC certified logging of regrowth forest and where possible that these forests should be used for high value products.

3. Biodiversity and interests of private land holders ignored in obsession with public land

The Statement fails to include a comprehensive and scientifically based definition of High Conservation Value Forests (HCVF) or outline a process for the identification of HCVF. If not addressed, this failure will undoubtedly leave much of Tasmania's HCVF, predominately the high biodiverse forests on private land, unrecognized and unprotected.

Almost all biodiversity priorities are to be found on private land.

Private land has not been given sufficient attention in the Statement yet private forests contain the majority of unprotected threatened species habitat, threatened and under-reserved forest types and freshwater ecosystems, and over-cleared landscapes.

Although public forests contain some biodiversity values, it is not an exaggeration to say that, by ignoring private land, the Statement has failed to address forest biodiversity conservation problems.

Nearly 40% of Tasmania's unreserved forests are found on private land and yet the Statement makes only cursory mention of it. The Statement fails to identify the crucial importance of private land for biodiversity conservation, fails to commit to specific conservation strategies, tailored to private land, and fails to acknowledge the vital need for governments to provide funding to facilitate these strategies.

On 5 April 2011 Bill Kelty publicly released the 'Tasmanian Forests: Interim Report for Consideration' (the Kelty Report). The TCT's initial assessment of the the Kelty Report is that, while we support its call for governments to make a commitment to reservation of identified HCVF forests on public land, it repeats the most serious flaw of the Statement by failing to address the need for conservation of the biodiversity rich forests found mainly on private land.

See attached TCT media release, 15 June 2010, 'Protection of forests on private land critical to forestry deal', 15 June 2010.

TCT has provided advice/recommendations to state and Australian governments and the Kelty process regarding strategies for private land. These include the following.

- Disappointingly, the Statement does not identify the important and urgent need to provide private forest growers with an expanded range of opportunities to earn an income from the protection of the non-wood values of their forests, including options which involve conserving biodiversity. In particular, the TCT would like to see the Tasmanian Government approach the Australian Government with a view to using experience gained since the RFA was signed in 1996 to launching a new, long-term, market-based financial mechanism that can reward landholders for choosing to pursue best-practice conservation management over and above their duty of care obligations.
- One positive element of the Statement is that it states that protection of forests on private land will not be 'mandated' or legislated, as landholders' consent and cooperation are vital in most circumstances to ensure active and appropriate management arrangements are introduced and maintained.
- The Statement also acknowledges the need for private landholders to obtain government assistance in order to seek certification of their forestry operations. Without a commitment to best practice, however, much of any such assistance could be wasted.
- Failure to deliver proactive private land conservation programs, coupled with the likely increase in logging pressure on private land if there is a substantial transition away from logging of native forests on public land, will lead to dangerously perverse outcomes whereby Tasmania's most threatened and poorly reserved forest types and

threatened species habitats will be lost at an ever-increasing rate. This doesn't sound like a 'forest peace deal' that any conservation group could embrace.

4. Importance of defining High Conservation Value Forests

The focus on public forests over private forests and wilderness over biodiversity is a result of who has been involved in development of the Statement and the failure of the Statement to define what HCVF in an objective manner.

In her 7 December 2010 media release, Julia Gillard, announced that, as part of the proposed due diligence assessment of the Tasmanian forestry industry, there is need for clarification of 'detail and definitions contained within the Statement of Principles including High Conservation Value forests'.

Given the Prime Minister's request, it is unacceptable and perplexing that Bill Kelty failed to define HCVF in his interim report. He didn't even attempt this crucial task, despite the TCT discussing this issue directly with him and providing detailed submissions on the subject. Mr Kelty simply accepts the reserve proposal provided by the groups which are signatories to the Forests Statement of Principles as representing all HCVFs.

The consequences of Kelty's failure is that we may see a final forests deal which delivers a great outcome for forests in wilderness areas (a goal which the TCT fully supports) but fails to protect forests which are most important for biodiversity.

The TCT's concerns regarding the approach taken to HCVF in the Statement are broadly supported by many scientists working in this field however most have not been consulted or feel able to comment. Rod Knight is one scientist who has ventured an opinion – see attached article by Rod Knight 'Forest peace deal piecemeal on high conservation value', pages 7-8, *Tasmanian Conservationist*, March 2011.

As explained in the article Mr Knight has spent the last twenty years running a consultancy business that 'specializes in principles and processes for the identification of conservation values'.

Key comments by Mr Knight include:

- The Statement refers only to HCVF that have been identified by some environmental non-government organizations (ENGO) and there is a clear role for the scientific community in this regard.
- Some ENGO defined HCVF may not be HCVF and some that is not identified may HCVF.
- There is a over reliance on mapping values and protection by reservation.
- Many conservation values cannot be broadly mapped. The protection of these values will depend on 'forest management systems (FPC) and continuing evolution of scientific knowledge rather than reservation'.
- Reserving forests with little value will increase the political and economic cost of protecting those which need this type of protection.

5. Forest Practices Code

Not all biodiversity or other forest values can be identified, managed and protected through ceasing logging and managing them in formal reserves.

The Statement fails to acknowledge the need for an ongoing process to assess conservation values of forest areas which remain available for logging, incorporating new knowledge regarding forest values and the impacts of logging.

In addition to properly planned and managed reserves the TCT recommends an improved regulatory framework including amendment to the Forest Practices Code to ensure biodiversity conservation commitments are met for all land tenures. Other regulatory changes have also been recommended but not addressed here.

The biodiversity provisions of the Forest Practices Code have been subject to a process of revision since 2007. The Forest Practices Authority commissioned a group of independent scientists, the Biodiversity Review Panel, to undertake a thorough scientific review as part of the code review.

In April 2009 the Biodiversity Review Panel provided the FPA with the report, 'Review of the biodiversity provisions of the Tasmanian Forest Practices Code'. As this is a vast document we recommend the committee members only read the 'Overview of key findings and recommendations' section of the report, pages 1-19.

We have also enclosed an article which summarises the report's background, recommendations and the TCT's response to it.

In July 2010, the FPA suspended the review of the Forest Practices Code while it sought clarification from the state government on matters of future forest policy. The state Minister for Forests, Bryan Green, notified the Greens MP Tim Morris in a 17 March 2011 letter, that these issues cannot be addressed until the Bill Kelty led process is completed. The reasons provided by the Minister are not convincing and it is the TCT view that the state government should stop holding up this vital review.

The Biodiversity Review Panel report was produced by a group of eminent and independent Tasmanian forest ecologists and forest managers. The TCT believes that the changes recommended in the report, if implemented, would provide a much improved framework for the identification and conservation of forest biodiversity (key elements of HC VF) through the Tasmanian Forest Practices System.

On 12 January 2011, the TCT wrote to Prime Minister Gillard (attached) recommending that her government work with the state government to address the forest policy matters which have held up the Forest Practices Code review and that the review is re-started and completed as soon as possible. Our correspondence has not been answered but instead all correspondence to the Australian Government has been forwarded to Mr Bill Kelty.

6. Implications for reserve management if proposal for a total transition were successful

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

On top of these challenges, the Statement promises to deliver a minimum of 600,000 hectares of largely forested land (and potentially more than one million hectares if there is a transition out of all public forests) being reserved and under the management responsibility of the PWS. Apart from the normal management responsibilities with new reserves, the PWS will be presented with an additional and largely new challenge of managing these large densely forested areas for bushfire risk. This will require the PWS having substantially increased fire planning and research staff as well as fire fighting staff plus specialist equipment. Currently the PWS only manages small areas of dense forests and consequently has little experience managing fire in such environments.

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

The State Government's response to the Statement provides a historic opportunity to address these long-term and entrenched problems, while taking advantage of the opportunity of obtaining funding from the Australian Government to facilitate the changes.

Attachments:

- TCT media release, 'TCT response to the Forest Statement of principles', 20 October 2010.
- TCT Letter to the former Premier David Bartlett, 'Urgent need to address short-comings in the Forests Statement of Principles Agreement', 11 November 2010. Published in *Tasmanian Conservationist*, December 2010, pages 2-7.
- TCT media release, 15 June 2010, 'Protection of forests on private land critical to forestry deal', 15 June 2010.
- Article by Rod Knight 'Forest peace deal piecemeal on high conservation value', pages 7-8, *Tasmanian Conservationist*, March 2011.
- 'Review of the biodiversity provisions of the Tasmanian Forest Practices Code, report to the Tasmanian Forest Practices Authority, April 2009.

- 'Review of the biodiversity provisions of the Forest Practices Code', *Tasmanian Conservationist*, June 2009.
- TCT letter to Hon Julia Gillard MP, Prime Minister, 'Tasmanian Forests Statement of Principles Agreement: Biodiversity Review Panel report provides a potential process for defining High Conservation Value Forests', 12 January 2011.