

Submission to the Legislative Council

January 2013.

From: John Hawkins,

Bentley, Mole Creek Road, Chudleigh, 7304, Tasmania.

Overview

The terms of reference noted that the Committee had been convened to inquire and report upon –

- 1. The Tasmanian Forests Agreement Bill 2012 (No. 30)**
- 2. Any other matter incidental thereto.**

This submission looks at the Bill but it also looks at the Tasmanian Forest Agreement which sits behind the Bill.

The Bill is complex, the Tasmanian Forest Agreement is complex not for what it says in both cases, but for what is not said; what remains hidden but is present.

Is an understanding of the complex history behind the Bill and the way it is written, beyond the intellectual ability of our elected Legislative Councillors?

The Legislative Council must have a vision, a goal in terms of where they wish the inquiry to end up.

The TFA and its Act now before the Legislative Council is a unique opportunity, for Tasmania to fundamentally and profoundly change forest industry management, practices as they have been carried out for the past four decades.

The Tasmanian forest industry is seen to promote the worst conflict, to be the most divisive in the nation. It is structured towards native forest wood chipping as the primary end “product”. It has self regulated and self managed plantations spread across the state which affect other major types of land use (e.g. farming, tourism) and the entire community. No other state in Australia for example has Private Timber Reserves. PTRs travel with the title; that is they are a mechanism unlike others, which can determine future land use. No other state in Australia has Forest Practices Plans, which can't be seen by the public, which are the copyright of the company or organisation which “owns” them and in which only the “housekeeping” page is archived by the Forest Practices Authority. Plans which are a moving “feast” in so far as alteration across time. In no other state is forestry exempt from all heritage legislation, and further, in the interests of forestry there is no landscape legislation. Such irregularities and dysfunction (and there are countless others) are endemic to this state, with an industry brought to its knees by world markets, by its inability to change direction, by “product” which is high volume, low value, price taker (not price maker) trying to compete with countries such as Brazil, (and others) who have millions of hectares in plantations.

It is not the Greens who have brought Tasmania's forest industry to its knees, the industry itself has done that by its sheer bloody mindedness NOT to change direction. It is time for the "them" and "us" mentality of this state to stop. It's time for those at the critical decision making levels of the forest industry to be brought to account. Yet we see many of them as the signatories on the TFA.

What is on the table for Legislative Council consideration is NOT supported in any measure by this submission (and its three parts).

It is time to restructure forest legislation and to recommend policy which contains responsible ecological forest best practice.

The words like "sustainable" what do they mean in respect of forestry? David Lindenmayer called it a weasel word.

The Legislative Council – working on behalf of ALL Tasmanians – must confront what sustainable forestry means. They could adopt the definition as espoused by the internationally renowned forest ecologist David Lindenmayer (2007, *On Borrowed Time*),

'ecologically sustainable' forest management involves 'perpetuating ecosystem integrity while continuing to provide wood and non-wood values; where ecosystem integrity means the maintenance of forest structure, species composition and the rate of ecological processes and functions with the bounds of normal disturbance regimes.'

They could adopt the definition of ecologically sustainable best practice from the ***Land Use and Planning and Approvals Act of 1993***.

Schedule 1. Part 1.

In clause 1(a) "sustainable development" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which people and communities to provide for the social, economic and cultural well-being and for their health and safety while,

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Such integrity, a long term forest vision of ecological sustainability into perpetuity is not met by the present TFA document and its Tasmanian Bill /Act.

The Tasmanian Forest Agreement and the Tasmanian Forests Agreement Bill/Act will NOT deliver peace in the forests because hidden in the documents is an intent to carry on business-as-usual.

A different set of “clothes” but business-as-usual.

It is not what is said that is at issue. It is what has NOT been spelled out clearly, concisely and with emphasis on fundamental change.

The real “intent” of the TFA (or the Bill /Act) is NOT necessarily about reservation, about placing High Conservation Forest hectares into highest order non loggable “very secure” reservations. There is potentially a different agenda, but it’s hidden.

This only comes to light when documents, their words, phrases etc are analysed, and analysed very, very carefully: these are The Tasmanian Forest Agreement (TFA), the Tasmanian Forests Agreement Bill /Act (2012) (TFAA) in association with other Acts. For example it is necessary to consult the Commonwealth’s Carbon Credits (Carbon Farming Initiative) Act 2011 [CC(CFI) A 2011] because it is referred to in sections of the Tasmanian Forests Agreement Bill/ Act, 2012. One has to question closely why this has been included in the Tasmanian Act. For example at,

Section 10 (8) from the proposed Tasmanian Bill /Act. p.22.

Before the making of the protection order the Minister is to obtain the durability report referred to in subsection (7) and advice in writing, from the Minister administering the Carbon Credits (Carbon Farming Initiative) Act 2011 of the Commonwealth as to whether any changed management practices on land referred to in subsection (4) (d) when reserved under this Act, constitute a project that is not required to be carried out under a law of the State for the purposes of section 41 of the Carbon Credits (Carbon Farming Initiative) Act 2011 of the Commonwealth.

And more at Part 6.: The Making of Reserves, Section 16, (10) (a, b, c, d, e, f,) and 11.

(f) identify whether the reserve is being declared for the additional purpose of removing carbon dioxide from the atmosphere by all or any of the following means:

- (i) sequestering carbon in native forest;**
- (ii) avoiding emissions of greenhouse gas attributable to changed forest management practices including the clearing or harvesting of native forest.**

6. For the purposes of subsection 10(f) –

***greenhouse gas* has the same meaning as in the CC(CFI)A, 2011 of the Commonwealth,**

***native forest* has the same meaning as in the CC(CFI)A, 2011 of the Commonwealth.**

Is the aim of the Bill to see another round of highly industrialised forestry with the same management practices as previously?

This time for biomass?

Why the fuss? We want more carbon sequestered, we want to cut Australia's carbon emissions, what is wrong with biomass, and more plantations snaking across our land as noted in the TFA document.

And just how long can the "The Special Council" stall on actual reservation ; there are no time lines given for decision making. How "secure" is secure where reservations are proclaimed? The type of reserve to be "reserved" is not articulated anywhere, I suggest that this is intentional.

If there was real intent with integrity, real intent to change direction, real intent to secure the highest status of reserves for the areas under consideration, would we need sections from the Commonwealth Carbon Credits (Carbon Farming Initiative) Act 2011 [CC(CFI) A 2011] to be included? Why is there the need for the TFAA to include a clause for "inconsistency," and for the Bill /Act to take precedence over other quite specific Tasmanian Acts (below); those primarily concerned with land management?

At **Part 1** is Section 5. (p.8). This Act states,

If any provisions of this Act are inconsistent with any provisions of the-

Nature Conservation Act 2002, NPWS Act 2002, Forestry Act 1920, FPA Act 1985, Forestry Rights Registration Act 1990, Crown Lands Act 1976, LUPAA 1993, Land titles Act 1980, Local Government (Building and Miscellaneous Provisions) Act 1993,

The provisions of this Act prevail to the extent of the inconsistency.

This submission sees an industry that wishes to continue being self regulated, to have dominance over other jurisdictions for purposes of land management, just as in the past. This has to stop given the tremendous challenges that we now face such as climate change.

The Tasmanian problem when Land Management is considered

Tasmanian legislation in respect of land management and land management policy lags a long way behind what happens elsewhere. The challenges ahead of us are immense (e.g. climate change, more intense fire activity, more often, water

dependency, food security, lack of suitable land), at a time when forestry's dominance, its unfettered self regulation in the land use debate is easily spotted. It has never been reigned in by successive Tasmanian governments; always exempted – as in the proposed Tasmanian Forests Agreement Bill /Act 2012 yet again. That dominance – seen in the State's planning Template and with the iniquitous PAL policy both insisting that a plantation and trees constitute a "crop." Very subtle, devious this; it's a "crop" like any other in agriculture except that we can't eat it, it can't be manufactured into food, the "crop" competes unevenly for agricultural / pastoral land if not prime farming land, resulting in widespread plantation spread (for short term gain) across Tasmania, (think MIS, 2020 Vision).

Potentially a second wave of planting trees this time for biomass and energy requirements is poised to take off again (like the 2020 Vision) but without – as before – appropriate and rigorous legislation, policy, but with dominant industry control.

Will we see the M. L. C.s NOT walking through the front door so all can see due process in action, as all Tasmanians would like or will they allow the currently devised legislation to sneak in via the back door?

That is the real issue.

M.L.C.s you have got your way now read, mark and inwardly digested the material in these attachments and let us have a proper, rigorous, even handed debate.

A debate for a change, that has integrity as a fundamental construct.

Stop Press. 16 January 2013.

On the 15th January it was announced that the Government had presented 'almost 160 pages of amendments' to the Bill.

In addition, Councillors were told that a 'study had already been commissioned by the Commonwealth' expected to be completed by the end of the month.'

What is happening can be likened to the recent wildfires, in that change and rapidly moving energy is the only constant. It diminishes process to the point where it becomes meaningless. The new material is not apparently to be made public; this submission and all others are now affected as the goalposts have been moved.

The process must now be halted in its tracks so that all parties have access to the new material and all have an equal chance of commenting on all documents placed before the parliament.

On day one without any notice or agreement Gunns and Forestry Tasmania took their money and ran and not a squeak was heard from either House of our colluding Parliaments.

The Game was then over.