

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON THE TASMANIAN FORESTS AGREEMENT BILL 2012 MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON WEDNESDAY 6 FEBRUARY 2013.

Mr MICHAEL MANSELL, CHAIR, **Ms SARA MAYNARD**, TASMANIAN ABORIGINAL CENTRE, AND **Mr CLYDE MANSELL**, CHAIR, ABORIGINAL LAND COUNCIL OF TASMANIA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Harriss) - Welcome. You are familiar with parliamentary committees and that you are protected by parliamentary privilege while in here but not so outside these hearings. Clearly, if asked by the media for comment, you need to be cautious about how you respond to questions, or initiate your own comments with regard to the hearing. Michael first, please?

Mr MICHAEL MANSELL - Thank you, Mr Chair, and thanks everybody for giving us the time to present to you a bit of an overview of how the Aboriginal community became involved in the talks about the forestry agreement in the first place, and what we had hoped to gain by that involvement, and where we are now as a result of the things that have taken place.

In late 2011 we thought that the forestry agreement would probably require Forestry Tasmania, or the forestry industry, asking for Forest Stewardship Council certification. We understood at the time that was an internationally recognised body, and therefore the certification that came from it attaching to forest products would be of benefit to the industry. I wrote to Forestry Tasmania as a starting point of wanting to have talks with industry. I can't remember the content of the letter, but I think I essentially said that the Aboriginal community had an interest in this. The lands that are being discussed between industry and the environment and government are the lands that Aboriginal people still believe are ours. I don't know if I put it in the letter or I spoke to them later but I said that the trees that were grown on those lands were nurtured by our people hundreds of years ago and therefore they are not just trees.

Anyway, that was the beginning of our involvement and the opening meeting with Forestry Tasmania was really to explore whether there was any interest in the forest industry in coming and holding talks with the Aboriginal community on the basis that they were looking for an outcome in the forestry agreement and we were looking for industry to uphold their responsibility as a corporate citizen in the state and therefore their responsibility, we thought, and we argued, to at least engage with Aboriginal people.

The initial talks with Forestry Tasmania were encouraging and subsequent to that meeting we met with other representatives of industry and we laid our cards on the table. We wanted ownership of the land that was to be reserved for conservation purposes or set aside as forest areas and/or we wanted management of both of those categories of land. The industry's response was equally frank.

Laughter.

Mr MICHAEL MANSELL - They said that ownership of land was a matter for the parliament. They understood the land return process, which involved this House and the government, and they indicated that they could be supportive of the idea of Aboriginal ownership, but that was a matter that we had to negotiate with the elected representatives

On the issue of management they were very open to explore the possibility of management through the Aboriginal Land Council because the Aboriginal Land Council, as was explained to them, holds parcels of lands that have been returned through the Aboriginal Land Act and the land returns process.

On each of those lands, which include the muttonbird islands, Oyster Cove, Risdon Cove, Preminghana on the west coast and Irapuna (Eddystone Point) on the east coast, the land council prepares management plans, which are funded by the commonwealth government under the indigenous protected areas process.

It was something that the land council has had experience doing and is funded by the commonwealth, to achieve the management of those lands. We estimated that if the \$7 million that the commonwealth was talking about then - which I now understand has gone up to \$9 million - for management of these lands was handed over to the land council we could employ at least 60 Aborigines directly in the management of these lands. It would upgrade the skills of Aboriginal people beyond simply administering the lands that have been returned, so it was a real prospect of employment.

Of course, when we talk about the reconciliation process, why wouldn't such an arrangement have mutual benefits - not only for Aboriginal people but for the broader community in the sense that forestry, we had anticipated, get what they want, the environmental movement gets what they want, and instead of Aborigines being sidelined, the Aboriginal community gets some practical benefit, which is all part of the process of increasing the prospects of reconciliation.

There was no commitment from the Aboriginal delegation. We could not commit to what we put before industry at the time because we had not had an Aboriginal community meeting to get a mandate to continue with the discussions. Industry also made it clear that they had to go back and talk to their members.

In the meantime, we then went and spoke to the Tasmanian Wilderness Society and, through other contacts that Aboriginal members had, with other environmental groups that are, well, I suppose, non-aligned. We put our cards plainly on the table for the environmental groups as well.

When we met with the Wilderness Society, their response was probably guarded or reserved - it was certainly not enthusiastic for the idea. In hindsight, we can now see why, but we thought that the environmental movement, which had for so long relied on the existence of Aboriginal heritage as a basis for nominating world heritage areas, and promoted the protection of Aboriginal heritage as a basis for increased funding for conservation, would be openly supportive.

At any rate the environmental groups wanted to go back to their members and then come back with a final determination. In those two approaches - to industry and the

environmental groups - we made it plain in each of the meetings that we were not trying to strike any deals, and we were not interested in playing one group off against the other. I made it plain to industry, because I have some prominent friends in the environmental movement, that I would be talking to them and telling them what we were talking about.

That did not go down too well, and the environmentalists were not too happy about us talking to industry, but we made it plain that, as representatives of the Aboriginal community, it was our responsibility to put the Aboriginal position on the table without trying to make any deals that the Aboriginal community did not know about.

When those groups agreed to go back and talk to their members we then held a statewide Aboriginal community meeting at the elders' council in Launceston, which was very well attended - it was a good cross-section of the community. Out of that the mandate was given for us to proceed further and to come back to the community with some concrete proposals.

On the basis of that, we then met with the Premier and Deputy Premier, I think from memory, on 27 January, with industry -

Mr VALENTINE - Is this last year?

Mr MICHAEL MANSELL - Yes, 2012. We laid out the proposition for the government and the Premier and Deputy Premier said they would take the matter to cabinet to consider further. I am sure we held subsequent meetings with the environmental groups and industry and as a consequence of meeting with industry we developed a draft memorandum of understanding, a copy of which we gave to the government. Things were developing reasonably smoothly but part of the difficulty was that if you have been open in the Aboriginal community there are people who have their own particular interests and some of the Aboriginal members are very strongly aligned with the environmental movement. When you are being open about negotiations with the industry, you know the material you are being open about is going to go back to the environmental movement. We were trying to be open and you can't have your cake and eat it too.

On 2 March, the environmentalists got wind of the possibility that industry would have some sort of general agreement with Aborigines so that Aboriginal people would get a benefit out of the very process the environmental movement and industry was involved in. The upshot of it all was we were saying, 'If industry and the environmental movement agree that is the status of that land and that is the status of that land, we would be bound by that outcome', but we then wanted to manage the land that was agreed to between those parties. We were not interfering with the IGA process, we were simply saying, 'Whatever the outcome is, involve Aboriginal people in the final result.'. The environmental movement came out particularly strongly in the media on 2 March and roundly condemned the Aboriginal proposal we had initiated with industry.

I have said in the written submission that we were particularly disappointed with Nick McKim. They say they are very supportive of Aboriginal people but at their first opportunity to publicly come out and say, 'This is how we support Aboriginal people', they condemned us and told us we were being used and were naïve. The language being used I thought was particularly aggressive and unnecessary and of course with their

influence on government I had no doubt from that day on that that was the end of that agreement. Forestry understandably then shifted its focus to deal with the difficulties the publicity caused for it.

The upshot of that history is that we don't think all is lost. It seems to us there are three main players here: government, members of the IGA process and the Legislative Council. Government has walked away from involving Aboriginal people in any sense, despite our correspondence. The best they have offered to us is, 'Come and talk to us after the event', without any promise of any direct involvement. Industry and the environmental movement have moved off and are trying to convince the Legislative Council to approve the agreement with some minor amendments. This body here has the possibility of at least regaining some ground so that the process involves the Aboriginal community who, for political reasons, have been shut out.

The best way we could see this happening is with an amendment to clause 16(8), I think it is, that deals with reserves. I think that section states that any reserved areas would be declared under the Nature Conservation Act 2002. We would be happy if there was an amendment to say the 'Nature Conservation Act 2002 or the Aboriginal Lands Act 1995.' That doesn't mean that the government has to do it but at least it provides the ability for government to declare certain areas of reserved land to be managed by the Aboriginal community.

One of the chief reasons we think Aboriginal management of some of these forested areas and conservation areas is vital is because of the amount of Aboriginal heritage contained there. I sent the members a badly-developed map. No matter what we tried to do we couldn't get it off the same shape, so in the finish the Aboriginal Heritage section of Land Management prepared this map that shows -

CHAIR - That's Maatsuyker Island, isn't it?

Mr MICHAEL MANSELL - The top one over at the left here? On this map if you do get a copy, it gives you a guide to show that all of the areas in green, which are already conservation areas, heritage areas and so on, Parks and Wildlife, are full of Aboriginal heritage. For example, on the west coast the middens there have to be 80 metres high and they're just such a massive historical, cultural icon that why we don't collectively show the rest of the world what we have on our doorstep I will never know. I do know that the government's proposal is usually that if you hand over management of Aboriginal heritage areas to Parks and Wildlife they will involve one Aboriginal person on their committee. They go along to a couple of meetings, realise they're being completely ignored and so give up, so there is no Aboriginal representation as far as I'm aware on any of these committees.

There are some very sensitive things. On a recent trip to the west coast we reburied in a traditional ceremony the remains of William Lanney, for whom we had to fight for 20 years to get back from the United Kingdom. We took him back to his traditional area and didn't tell people the location of it, of course, but the Aboriginal community knows where it is, yet on a recent visit I saw that Parks and Wildlife management of it allows cows to walk straight over the burial site and shit all over it. I just couldn't believe it. When you go further down the west coast between Couta Rocks and Sandy Cape you can see that the public are trying to do the right thing with these Aboriginal middens. The

old track goes straight across through the middens, straight over them. Parks and Wildlife have made a little wire across some of them, mostly to keep the four-wheel bikes out, but in the rest of them there is nothing to discourage the public from going straight across them and yet the public, because of their own awareness, you can see where they have driven around the middens and made new tracks. When I spoke to people around there about it, they obviously knew who I was and were a bit nervous, but they were terrific and were saying, 'Why would we drive across the middens?'. I thought there is no Aboriginal involvement here -

Ms FORREST - That's not quite true, Michael. There is Aboriginal involvement in our conservation area.

Mr MICHAEL MANSELL - Is there?

Ms FORREST - You just don't recognise those people, that's the problem there, isn't it?

Mr MICHAEL MANSELL - Is this a matter of Aboriginality?

Ms FORREST - We don't need to go to that now, but I don't think it's quite fair to say there is no Aboriginal input in this area. There is quite a strong Aboriginal community in the Circular Head area that does take great interest in the Arthur-Pieman Conservation Area.

Mr MICHAEL MANSELL - I think it is this Aboriginality thing. We want to promote some people as being Aboriginal when the basis for it is disputed. Anyway, we won't get into that.

Notwithstanding the member's comments, the Aboriginal community would strongly advocate that there is no Aboriginal involvement down there whatsoever. If the current practice of Parks and Wildlife of doing things their way is going to be allowed to continue on these other areas, there will be no Aboriginal involvement; there will be no protection of Aboriginal heritage. In some of these places it was hard to work out exactly where the new boundaries are. It is not on this map, but with the new proposed extension of the world heritage area that has recently been agreed to by the federal government, it is hard to work out exactly where that is. We do know that it goes very close to the burial sites of the great warriors from the tribal days. One of them is buried in a cliff face that is very close to this area. We do know that further up around the Great Western Tiers, there are probably - although I cannot say for sure - Aboriginal burials in those cliff faces.

It is such a sensitive issue for all people - their burials and what you do with their dead. To have Parks and Wildlife in charge of that is completely insensitive to the Aboriginal community and to Aboriginal involvement. It is for that reason that we think that section 16.8 could be amended to include the Aboriginal Lands Act.

Some people have mentioned to us in private that in this special council that the government are talking about establishing post the act being made law, there could be a role for the Aboriginal community to be involved in where the minister could appoint an Aboriginal to that committee. Again, it is after the event. We think that we have gone to such much effort and engaged with industry on such a level that they were supportive of the concept and saw nothing wrong with Aboriginal management of the conservation

areas. It is a big shift in their position so it would be a shame if we were not able to get something out of this act that gave some formality to the subsequent process instead of saying, 'We will leave it to the minister to, maybe, appoint an Aboriginal person to sit on the committee'.

They are the matters that I wanted to raise and I am happy to answer questions if I can.

CHAIR - I am myself down first. Michael, you would be aware that in the Tasmanian Forests Agreement there is that clause, clause 51, which suggests that 'the signatories recommend that the Australian and Tasmanian governments open up good faith negotiations with Aboriginal Tasmanians to progress a fair reconciliation of their claims regarding sovereignty of Tasmanian land'. Is there anything that has commenced?

Mr MICHAEL MANSELL - Nothing. I did not mention that meeting, but Sarah, Clyde and I were the ones who met with the industry and the environmental groups here in Hobart. Industry again at that meeting indicated their support for some practical outcome. I think the effect of that provision is that whilst at the time we welcomed at least some acknowledgement by the groups, it clearly is not sufficient. The government also was given a copy of that. I wrote to the federal government, to Tony Burke, and I also wrote to the Premier and said, 'These groups are saying, "Hold talks"' and the only response I got back was from one of the secretaries in Canberra saying, 'Don't call us; we'll call you'. The Premier in very polite terms said, 'Come and see us after the event' - and that's probably too late.

Mr GAFFNEY - How many of the Aboriginal community are currently employed by Parks and Wildlife?

Mr CLYDE MANSELL - I don't know the exact number, but I understand there are four trainee rangers and two field officers who take on designated roles as Aboriginal workers in Parks and Wildlife. The view is that in future those trainee rangers will be involved in managing Aboriginal heritage.

Mr GAFFNEY - That would be the group that was specifically chosen because of their Aboriginal heritage? There would be others perhaps in Parks and Wildlife who would be of Aboriginal descent who would be there just because they were selected for the job?

Mr CLYDE MANSELL - That I don't know. In relation to the people I mentioned, they were chosen because of their Aboriginality.

Ms MAYNARD - My sister and brother applied for a job and a traineeship with Parks but they ended up leaving last year because they were so disappointed with the daily destruction of Aboriginal heritage and not having a voice.

Mr GAFFNEY - \$9 million sounds a lot and initially when Tony Burke came down here it was \$7 million; then he met with the Legislative Council and it has gone to \$9 million. It would seem to me that a lot of that money may not be well used - and this is not your group. If any other group tried to set up a structure that Parks and Wildlife already have - they have management, machines and processes already in place - don't you think it would be unwise to say, 'Can you manage this now?'. It is such a large tract of land. We already have the processes here in Tasmania with Parks and Wildlife, and if

members of the Aboriginal community want to be involved, go through that structure that is already set up? As Nick Mooney said, it sounds like a lot of money but there's a huge area for them to cover. I have some reservations about what you are requesting, mainly on a practical monetary sense.

Mr MICHAEL MANSELL - Regarding the administration of the land - I think it is 70 000 hectares that has been returned through this process - the Land Council already has an administrative process set up for that. The land management program employs, I think, about 8-10 people on the islands. Until recently, I think there were three or four people employed by the Tasmanian Aboriginal Land and Sea Council. We have the mechanism and organisations to employ people. When we talked with industry, and Forestry Tasmania in particular, about management, we understood - and we had detailed discussions and exchange of documents - that the \$7 million at that stage wasn't just to employ 60 Aborigines; a lot of it would be used to maintain roads and for fire fighting. We understood FT would maintain its forest firefighting equipment and if the Land Council had to rely on that, they would require payment for it.

The expertise of FT would also be partly paid out of that money and also they would show some goodwill. In addition to that, we knew we would have to go to other agencies, such as Parks and Wildlife, both state and federal, and scientists, including all the organisations for park users, recreational users and so on. There would have to be a lot of engagement with people and the money would have been stretched, we thought, from the detailed workings we had. It wasn't \$7 million or \$9 million to employ 60 Aborigines; a portion of that would directly involve Aboriginal people in carrying out works, preparing management plans. They would have to consult with the broad community and all people who wanted to use the land. They would have to consult with agencies which had administrative or legal responsibility including Parks and Wildlife and other government agencies, local councils and so on. We knew there was a lot involved in it but we did not put anything up that we did not think we could manage.

Ms MAYNARD - Currently we have 12 Aboriginal people in the community who are doing training in conservation and land management and specialising in Aboriginal heritage. It is the pilot program for Australia so we have 12 people who will complete this traineeship in September this year.

Mr GAFFNEY - Thank you.

Mr WILKINSON - Mick, I take it you are not asking for a great deal. All you are asking for is an amendment to section 16(8). Can you run me through what that amendment would do?

Mr MICHAEL MANSELL - At the least it would allow the environment minister or whatever, the DPIWE, it would allow that minister to declare Parks and Wildlife manager of some reserved lands under the conservation act but it would also as a result of negotiations allow the minister to declare some reserved lands to be administered under the Aboriginal Lands Act by the Aboriginal Land Council.

The land council has the legal power to accept any interest in land and if an interest comes by way of management with a whole range of conditions - you are not allowed to

do this, that and the other - that is not unusual because the lands we get back are subject to public access, local government laws and so on, so it is not unusual.

It is the same with Eddystone Point - the lighthouse historic site is imposed on the title, as I understand it. It would simply enable the minister to say he does not have to give the whole lot to Parks and Wildlife, he can also give appropriate areas to the Aboriginal Land Council.

Mr WILKINSON - Can you have joint management of it - both Parks and Wildlife and yourselves? This would mean that there has to be a coming together of both parties.

Mr MICHAEL MANSELL - That has been explored over years. Parks and Wildlife's proposal is that they run the whole show. They employ the workers, they administer the funds, it is done under their auspices but you have an Aboriginal on the committee or you can have two. It is very superficial involvement.

We had a meeting with the Premier probably more than 12 months ago where we raised this and said if joint management did not mean what Parks and Wildlife offers to us we will come and talk to you, but it was not offered.

I think the reality is that unless someone says to Parks and Wildlife no, no, no it does not mean that, it means meaningful and real joint management, then Parks and Wildlife will simply invite one of us onto the committee.

Mr WILKINSON - Therefore there would have to be a definition of 'meaningful joint management' as opposed to just using those words because for yourselves and Parks and Wildlife the meaning could be different.

Mr MICHAEL MANSELL - As a result of the Brighton bypass debacle the government regularly writes to us and says as a result of meaningfully and effectively involving Aboriginal people in heritage decisions we have just decided to destroy another site. We write in to them and say they need to do more work, thank you for your meaningful and effective involvement. There is a problem getting them to grasp what the meaning of these words is.

Mr WILKINSON - As I understand it, you are asking from this whole process for a seat at the table, but a meaningful seat, so your views can be heard and if there are some areas which you believe are of real significance a proper case can be put forward supporting the significance of that area. Is that fair?

Mr MICHAEL MANSELL - It is.

Mrs TAYLOR - There are occasions, though, where the Aboriginal Land Council is working with Parks and Wildlife. I am thinking of Wybalena, for instance, at the minute. I believe that there is quite a lot of cooperation going on between those two.

Mr CLYDE MANSELL - Yes, and that has come about because of the trainees that I mentioned before. We have tried to ensure that their training is meaningful and we said let us have an involvement so that we can make sure they get the right sort of training. We are working with Parks on that occasion but it is -

Mrs TAYLOR - Is that informal or formal?

Mr CLYDE MANSELL - It is informal to a degree and that is mainly because we talk to the trainee rangers and the local ranger. For us to go into anything broader than that would be difficult because if you take it to the next level they tend to then say that they will make the decisions. We have a working relationship with Parks through the trainee ranger program.

Dr GOODWIN - You mentioned that the ENGOs came out and strongly condemned your proposal on 2 March and that minister McKim also had a bit of a go as well. Do you know what the basis of their opposition to that proposal is and why are they so strongly opposed to it?

Mr MICHAEL MANSELL - I don't think they trust Aboriginal people and I think they probably have a genuine belief that they are the true conservationists and anybody outside their circle has to be looked at and scrutinised very carefully. Ever since the Franklin dam, I remember Pierre Slicer and Harry Dirkley [TBC] were lawyers with the Aboriginal Centre and they were members of the Wilderness Society. They were trying to negotiate a document that the Wilderness Society acknowledged that the land belonged to Aboriginal people and Aborigines had been dispossessed of it but they couldn't get it through the Wilderness Society so they resigned. It is an historical battle. I should quickly add there are many environmentalists, some prominent and some not prominent, who are very open about recognising the Aboriginal right to land and how we have lost it.

When we were talking to industry we believed that industry required certainty for themselves and their products. The environmental movement was going to supply some form of certainty and then, suddenly, Aborigines come along and say, 'We can supply that certainty on the basis that the environmental movement would support Aboriginal management and involvement in this process. We can go internationally and say we have the involvement of indigenous people at the local level and we haven't rail-roaded, we have gone through this process and we are involving Aboriginal people' and therefore it was a very strong selling point internationally. That probably was seen by some in the environmental movement as tending to undermine their cause which they, I think, genuinely believed in. They were halfway there and they didn't want to risk anything and I think that has been their position ever since.

Dr GOODWIN - There aren't any land management practices that the Aboriginal community would use that they would have concerns about that you are aware of and it is not so much a land management issue?

Mr MICHAEL MANSELL - No. I think most Tasmanians believe we should go back to the Aboriginal land-burning practices after recent events. I am not aware of any specifics because industry, when we spoke to them, would come out and say what their concerns were, which is why I am very happy for the member for Murchison. It is good that you raise these things because they are issues and we need to deal with them. We want to involve as many Aboriginal people as possible and if people are Aboriginal they should be involved so these issues need to be raised.

With the industry we had the same approach. They would raise directly points of issue, whereas when we talked with the Wilderness Society it was more of a dull response. We were never quite sure exactly what their problem was but I think it was more to do with their believing they are the keepers of the faith of the conservation areas and neither Aborigines nor anyone else knows as much about it as they do.

Dr GOODWIN - So you haven't had any further dialogue with them after they came out in March and condemned your proposal?

Mr MICHAEL MANSELL - That was pretty much it.

Mr DEAN - Just a couple of questions, Clyde. I am referring to your submission where you made the acknowledgement that the final report of the round table group recommended the government consult with Aboriginal communities and you discussed that. Are you saying that to date, there has been nothing from the government whatsoever in relation to that?

Mr CLYDE MANSELL - Nothing whatsoever.

Mr DEAN - Have you taken that up with the government yourself? Have you queried it with them and said, 'When are you going to consult us and what are you doing about this?'

Mr CLYDE MANSELL - No, we haven't, Ivan, because the ball was in their court and it was part of the thought that they would do that. Sometimes we knock on the door too much and still don't get anywhere but there has been no consultation with us whatsoever. I suppose that was the basis of my submission to the committee.

The key to this from an Aboriginal perspective and the Aboriginal Council's point of view is that here you have a group of people whose connection to the land, as we all know, goes back thousands of years, and there is an opportunity under the IGA to reinforce the philosophy of returning land to Aboriginal people to ensure that our future is involved in that land. It is the economic and cultural benefits that will come out of this that the Aboriginal community is looking forward to trying to be involved in.

The Aboriginal Land Council has over the last 17 years developed processes to deal with management of land. We talked about our involvement with outside agencies. When we don't have the expertise we go out and purchase it, so a lot of our management involvement is putting money back into the broader community. If you take, for instance, the Furneaux Islands, over the last 17 years a lot of the money that comes out of Aboriginal involvement of management of land goes back into the broader community. We have that ability to make sure that we involve people.

Mr DEAN - I think there are 295 proposed reserve areas coming out of the TFA. Are you aware of these? Were you consulted in any way in relation to those proposed areas? How many of those areas would directly impact on your heritage and so on? I think Michael said quite a lot would. Are you aware of those reserves now? Have you looked at the maps and identified some of those areas and your position with regard to some of those potential reserve areas?

Mr CLYDE MANSELL - Again, Ivan, in my submission to the committee I didn't want to go as far as to say we want these parcels of land. I was very broadly identifying areas that I knew had Aboriginal significance and would leave it open to further negotiations on what those significant things were and how we would go about developing a management approach.

The main reason for my submission is to put to this committee that there is a wonderful opportunity. We are embarking on a whole new approach to forest management and wouldn't it be a wonderful outcome if the Aboriginal community was involved in that in a meaningful way? The return of land to the Aboriginal community in the past by previous governments has been on the basis that cultural and historic connections to the land are there. We could use this process to further develop it.

Mr DEAN - My other question relates to the amendment. Have you clearly articulated that amendment to the government, to the bureaucrats and to the officials within government?

Mr MICHAEL MANSELL - No.

Mr DEAN - You haven't at all, so we are really the first approach for that amendment?

Mr MICHAEL MANSELL - Yes, we always go straight to the top.

Laughter.

Mr DEAN - Thanks, Michael, we appreciate that. So you haven't taken that up with the government in any way at all, or any of the signatories to the agreement?

Mr MICHAEL MANSELL - I think when we talked to the signatories around winter last year, we said to them we have now moved on six months after the killing of the proposal, so land ownership is out and we are now talking about management. We don't want Parks and Wildlife to manage this, the very things we wanted without actually mentioning clause 16(8), so we were saying the management of these areas should go to the Land Council.

Mr DEAN - Did you put anything in writing to that effect?

Mr MICHAEL MANSELL - It was all verbal, I think. I don't recall using those words in correspondence with the Premier, I'm pretty sure I didn't get to that stage.

Mr DEAN - Just so I'm clear, you've had no feedback on your position in relation to 16(8) in the bill at all this time?

Mr MICHAEL MANSELL - I think in the letters I sent to the Premier around September-October last year I mentioned that the Aboriginal community wanted management of these lands and were strongly opposed to Parks and Wildlife managing them. We were clearly talking about the issue of the Nature Conservation Act being used and I may have mentioned the Aboriginal Lands Act, but I just can't remember actually mentioning 16(8). I doubt that I would have.

Mr DEAN - In relation the release last week of the World Heritage listings and so on, was there any consultation with you, Michael, or your people in relation to this?

Mr MICHAEL MANSELL - Not from the state government, the federal government or the ENGOs at the working group. About three or four years ago Bob Brown came to our office, sat down and talked about an extension to the World Heritage Area, but I don't think it was the same proposal that is before this committee. I'm pretty sure it was in the south-west. The difference between Bob Brown and the Wilderness Society is that he may not get what he wanted to hear but he would come and talk to us, whereas the ENGOs don't come near us.

Mr DEAN - Thank you.

Mr VALENTINE - You have mentioned a few things on the way through and I just want to get back to this issue of involvement in management. You said you considered that ownership was out of the question and that obviously wasn't going to happen, you talked about joint management and being involved in a meaningful way. Bearing in mind that a lot of the areas now being set aside are either in national parks or World Heritage Areas, obviously there are guidelines associated with the management of those. Presumably you are saying that if you were involved you would manage them in the context of those established management regimes and practices, but it is the 'meaningful way' that I want to dig down a little deeper into. If you had a representative at the table you would be very much in the minority, whereas 'joint' means to me a different thing, that you have equal say. Are you saying an equal say is what you want, or are you saying simply a voice at the table?

Mr MICHAEL MANSELL - On some things, Rob, like where you have Aboriginal burials, we wouldn't want representatives sitting in a joint committee making decisions about how to preserve and guard those burial grounds, because once the community got wind of that there would be all hell to pay.

Mr VALENTINE - Sorry, your community?

Mr Michael MANSELL - Yes, the Aboriginal community. It might be different in areas, for example, the easiest ones are down the west coast, the area at Woolnorth where they ran 30 people off the cliff and killed them. There are some very sad memories there but still, Woolnorth VDL are saying the Aboriginal communities have open access there.

We thought, 'Well, that's positive'. Then you've got Preminghana and West Point and the other Aboriginal sites, then you have somewhere down at Temma, I think, there is this massive great hut depression area - it's about 40 metres wide - you could rebuild the hut that was there. How about that for people to come - people like to see visuals. They like to see things. Then if you go down further and you have somebody show them the middens - not just show them but explain to them when those middens were made and why people did what they did, you've really got something going.

If you had some sort of joint management of that, apart from the burials that we know about, then that's the sort of thing that we'd be able to talk about but the model that's always offered to us is a seat at the table among scientists, university people, four people

from government all agreeing with each other and one representative from the community.

Mr VALENTINE - Really, what you are talking about is that you need to do an MOU which strengthens your say in critical areas that of importance to your community and some participation in the other aspects, whether it be tourism or whatever else?

Mr Michael MANSELL - Yes.

Mr VALENTINE - I wanted to clarify that. It's not just a voice at the table, it's much deeper than that, isn't it?

Mr Michael MANSELL - Yes, it's the sorts of things we are talking with industry about with the MOU between the Aboriginal community and the forest industry and developing a relationship based on a basic set of principles that would accommodate a range of Aboriginal interests while they still went on and did what they had to do.

Mr VALENTINE - It is clear that World Heritage certification or whatever you call it doesn't preclude absolutely every activity and there may indeed be ways of being able to have a win-win.

Mr Michael MANSELL - That's right. If you are going to protect a culture you can't freeze it at any point in time and say the tribal people back in 1844 stopped that practice so therefore you're not allowed to continue that. If you want continuity of culture, you've got to allow people to practise it.

It's not all bad news for Parks And Wildlife. They do allow Aboriginal people free access to eat the kanigong [?] or eat the native currants, or get the shogaffels [?] and the grass tree bread as native foods. The only places we can go to practise that is in the national parks. Years ago they were stopping Aboriginals at the gate saying, 'Where's your pass? Where's your money?' and of course you can imagine what the reaction was. So we had an arrangement so that people could have access and that's what would have to happen with these World Heritage areas.

You've got to give Aboriginal people access to, once again, reconnect where these burial grounds are and where the walking tracks were. Those walking tracks are all grown over but we know, roughly, where they were.

In discussions I should involve you more in this stuff at Woolnorth because the VDL company are saying, 'Look, if you have to push the boundaries of where the fences are now and push the cows out of the way, and bring the native vegetation back ...' - we wanted them to reintroduce the walking tracks down to where the people used to visit what the wrongly call 'Suicide Bay' - it wasn't a suicide, people were murdered there - and go across to The Doughboys to get the muttonbirds and bring them back and eat them down at the bottom.

Now that would be great, to involve not just the Aboriginal community but the public, the schools. What would the kids say about going to something like that? They would love it. Here you've got a private developer working with the Aboriginal community on this sort of thing but you can't get Parks and Wildlife to do it. They just won't do it.

Mr WILKINSON - You have also got your seal hides around there which are worth seeing.

Ms FORREST - Just on that point, Chair, all the things you have talked about don't require the passage of this legislation or the failure of this legislation, do they?

You talk about this whole new - and this is the point Rob was making about this, you claim there is this new forest practices approach. We're not actually seeing, as I believe it, any change to forest practices. There will be ongoing review of the code and things like that but we're not seeing a change to practices so I'm not really sure why this is imperative as part of this discussion of this committee in relation to the bill because all the things you have talked about can, and possibly should, be happening anyway.

I would like to see some relevance back to the term of reference here in relation to the bill we are dealing with.

Mr Michael MANSELL - Yes, I take your point. There are a couple of things. The current practice does not accommodate the very things we are talking about.

Ms FORREST - That's a separate issue to the bill. You are talking about the current forest practices, aren't you?

Mr Michael MANSELL - The current practices of involving Aboriginal people in these forest areas, in protection -

Ms FORREST - Separate to the bill.

Mr Michael MANSELL - Yes, separate to the bill, they are not happening at the moment. They are not happening. They could have happened through another potential source of legislation which was the new Aboriginal Relics Act but that is worse than the current one and so it's clear that that's - I don't know what has happened with that but it's not going to produce a result.

Our view is that whenever you are dealing with some legal interests in relation to forestry or land or conservation, it will affect Aboriginal people and Aboriginal interests, so why should you defer that to some other piece of potential legislation that we never see? Why shouldn't each piece of legislation that does deal directly with that subject matter, why doesn't that also accommodate the interests of Aboriginal people in that area, like this is dealing with the environmentalists, Forestry Tasmania, the governments, and bee keepers.

Ms FORREST - I take you back to the point I was making, Michael, is that this is an agreement between the forestry industry and the ENGOs and it's to deal with cutting down trees or not cutting down trees. The reserve status of 330 000-odd hectares will be regional reserve, which means you can still mine, you can still build roads, you can still do everything except harvest trees. You can still cut down trees, you just can't harvest them in a harvest operation.

That doesn't change access for Aboriginal people, it doesn't change the ability to manage burial sites or for Aboriginal people to visit those sites, it doesn't change any of that.

Again I come back to the point that all of the things you have talked about are part of the current arrangements and, as I understand it, will continue to be part of the arrangements.

I hear the voice or the concern about having a seat at the table on the special council that would be developed under this legislation and then become a stakeholder council in the future and that may be a very valid way to engage but I can't see how the issues you are raising need to be specifically addressed in the consideration of the bill as it stands. Do you see what I am saying? All of the things you are talking about -

Mr Michael MANSELL - Yes, I do, yes.

Ms FORREST - The term of reference is about the bill.

Mr Michael MANSELL - Yes, and there is a section in the bill that says the management of these conservation areas will be vested in this body. We say: well, why invest it in that body? Why not make the Aboriginal community also a relevant party to vest that management in? The current bill is saying Parks and Wildlife will be the beneficiary, no-one else, just Parks and Wildlife. Forestry Tasmania will, as I understand it, manage the - what do they call them?

Ms FORREST - There is still some work going on around that, there are a few, yes.

Mr Michael MANSELL - Yes, commercial areas. Forestry Tasmania manages the commercial areas and in this bill it says that for the conservation areas, whoever drew up this bill has decided that management will go to Parks and Wildlife. We say, 'Why isn't that bill opening up so that Aboriginal people could also be a potential beneficiary of the management?'

Ms FORREST - It doesn't exclude them, though, does it? You were talking about Parks engaging Aboriginal people as part of a team that determines how land is managed, so it doesn't exclude them either.

Mr MICHAEL MANSELL - In theory, but in practice it has always excluded Aboriginal people. Parks and Wildlife say that they have had the capacity, legally and through their models, to involve Aboriginal people since 1975 or 1976 when the Aboriginal Relics Act came in and yet there has been no serious involvement of Aboriginal people in Parks and Wildlife, and something needs to trigger them to rethink.

Ms FORREST - That is a separate issue to this bill, I would say, and it needs to be dealt with through Parks and Wildlife itself.

Mr MICHAEL MANSELL - This bill is dealing with conservation areas that contain an enormous amount of Aboriginal cultural heritage, and this bill says it is appropriate to give that to Parks and Wildlife. We dispute that. We say that would be the last body you would give it to, and you should give it to the Aboriginal community. You shouldn't give it to the environmental movement, who are supporting Parks and Wildlife. This should go to the Aboriginal community, and there should have been more broad-based community involvement in this. We had talks with beekeepers, recreational users and a whole range of other people who were saying to us, 'If you do get management of these

areas, how are you going to allow us access to this, this and this?', and we were working through those issues.

It is not just Aborigines who are saying, 'Hang on, there is a whole range of users who are involved so why would you allow a bill to pass through that says Parks and Wildlife and Parks and Wildlife only' and leave it entirely at their discretion to involve the Aboriginal community. Based on their past record, they would never involve us.

Ms FORREST - Can you accept that up at Preminghana, the land management has been less than ideal - I showed some photos here during a debate not that long ago showing the gorse that was completely out of control, rubbish was everywhere and that sort of thing. I know there is a sign up there that says you are not allowed to take photos there any more so we can't have any more pictorial evidence - maybe it is improving and hopefully it is, and understand it is, which is good. But when you see that sort of land management - and you are saying that we should hand all this extra reserve area back to the Aboriginal people, presumably under the Aboriginal Lands Council - you can understand there would be some concern, perhaps, from Parks' point of view.

Mr CLYDE MANSELL - Maybe I could answer that question. In relation to Preminghana, I think it is unfair to label the Aboriginal community or the Aboriginal Land Council as mismanagers of that area. The gorse has been there for a number of years prior to it becoming Aboriginal land, and it was in terrible condition. In fact, Parks were happy to get rid of it. We have done a lot of work there but it may not be visible to the naked eye. If you go up there, there is a lot of work being done at Preminghana. We have spent a lot of money there. It is a very difficult area. We may not be the best managers but we are doing a reasonable job.

Ms FORREST - That is why I am saying it needs to be a collaborative approach where you have Parks' and Aboriginal input, and this doesn't stop that happening. The bill, as it is described, doesn't stop that happening.

Mr CLYDE MANSELL - From an Aboriginal Lands Council perspective, what we are trying to say to the community is that there is a wonderful opportunity in this bill to further the process of reconciliation, by involving Aboriginal people in the ongoing management of these landscapes.

Mr MICHAEL MANSELL - There is no incentive in the bill for Parks and Wildlife to do anything with the Aboriginal community. They were set to go on business as usual, and that is the problem.

Ms MAYNARD - We tried to talk to Parks and Wildlife last year about putting toilets on an Aboriginal site up at St Helens and they ignored us. They did not listen. Then they put toilets for campers on an Aboriginal site, and that was last year.

Mr VALENTINE - Chair, if I can finish with one last question

Mr VALENTINE - The amendment you're asking for is - 'has been declared under the Nature Conservation Act 2002 AND the Aboriginal Lands Act 1995' - or is it, 'OR under the Aboriginal Lands Act 1995'?

Mr MICHAEL MANSELL - 'Or the Aboriginal Lands Act 1995'.

Mr VALENTINE - You were saying the minister has discretion. Is that what you're really after?

Mr MICHAEL MANSELL - The minister would still have discretion. I don't think the effect of that amendment would be imposing on a minister an obligation to do it, but he would have to address his mind to the point.

Mr VALENTINE - It's an opportunity for that to take place?

Mr MICHAEL MANSELL - Yes.

Dr GOODWIN - I want to get a bit of clarification. You are saying that at the moment Parks has the management of these areas and you can't get the sort of access you want. You can get some access but you're not in a position of being able to manage areas and have as much involvement as you would like. So, you have absolutely no expectation that if this bill goes through as it is, you will have the opportunity to do that for these new reserved areas. You're saying you would like to see some provision in the bill, so there would at least be an opportunity for that to occur? It is highly relevant to this bill we're debating at the moment and I guess that's the statement I am making, that I agree with what you're saying. My question is about the fact that there are 295 lots within these proposed reserved areas. You wouldn't be anticipating you would want to manage all those 295 lots, are you? Would there be some that are not particularly significant to the Aboriginal community?

Mr MICHAEL MANSELL - From a commonsense and practical point of view that would probably be the case, but we could manage the lot of it. We managed the whole of the state 200 years ago and didn't do too badly, so give us another crack at it.

Laughter.

Mr MICHAEL MANSELL - I can tell you're a lawyer because you've put your point so much more succinctly than I did, about exactly what we are after. I no longer practice and haven't for a long time.

Dr GOODWIN - Neither have I, but I am trying to get some clarification about that because I think it's important.

Mr MICHAEL MANSELL - I think, Vanessa, if there was something in there that prompted the minister, or Parks and Wildlife, to address their minds to the issue of Aboriginal management, it would be a matter of the land council talking to the minister and Parks and Wildlife and saying, 'Not that one, but what about this one', and working it through. Without any leverage we expect, and there are reasonable grounds to expect, that Parks and Wildlife, if the bill goes through unchanged, would simply go about its business and would not involved the Aboriginal community one way or another.

Dr GOODWIN - So it would be business as usual and you'd be in the same boat you're in now?

Mr WILKINSON - A bit like turning the lights off, I suppose. If you had two lights on - Parks and Wildlife and Aboriginal Land Council - you have to consider turning them both off, turning one off or keeping them both on.

Mr CLYDE MANSELL - It engages the switch.

Ms RATTRAY - In relation to the management of any potential areas, a committee of this parliament had some information in recent times that it was difficult for Parks and Wildlife to manage what it had in existing areas. Hence the minister upped the ante a little bit when that report was shown to them. I think it went from \$7 million to \$9 million per annum. Would there be any opportunity, if there were some success on your part to get some management of extra areas, to use commonwealth funds as well? You said you already gain some commonwealth funding for management, so would there be any opportunity? I am always concerned that there is never enough money to manage the areas that we already have in addition to extra reserved areas. Is that something that would be able to be accessed through the federal government?

Mr CLYDE MANSELL - Yes, there would be because we have the Indigenous Protected Area funding. Once the land becomes designated then we can apply to the commonwealth under those sorts of programs and they can give additional funding for on-ground works and so on. The land council is now turning its mind to how we as a body can set up land endowment funds for future management of lands and so on. We're starting to move forward and thinking about having money set aside for future management.

Mr MICHAEL MANSELL - Clyde is probably right on that point. I just note that the land council would acquire an interest, which will be management, rather than ownership. Clyde would know better than I, but that could qualify for Indigenous Protected Area funding - I don't know. I don't know whether you have to own it or have an interest in it.

Mr CLYDE MANSELL - For some funding there would need to be ownership, but there are other areas. With IPA, you don't need to be owners; you only have to have management interest in it.

Ms RATTRAY - A formal arrangement?

Mr CLYDE MANSELL - A formal arrangement, yes.

Ms RATTRAY - The concern will be that the commonwealth might say, 'We have already given over \$9 million a year for management, therefore there isn't any more', but that would be an issue we would have to deal with.

Mr MICHAEL MANSELL - I think that's very likely; you know what they are like.

Ms RATTRAY - Regarding the draft of the Aboriginal Heritage Act; you are not sure where that's at?

Mr VALENTINE - Is that the replacement of the Relics Act?

Ms RATTRAY - Yes. It's called the Aboriginal Heritage Act.

Mr MICHAEL MANSELL - Public comment closed on 13 December and we haven't heard anything since.

Ms RATTRAY - You stated that you really don't believe that the draft form of that act is going to address the issues of the Aboriginal community on heritage?

Mr MICHAEL MANSELL - No. The sorts of things we are talking about here, where there is something more than relics at stake, are not covered under that new bill. Where they are, you have to convince the minister that they ought to be protected. Under the Aboriginal Relics Act at the moment they are automatically protected once you point to them. Although walking tracks, massacre sites and bush foods are not covered under the Aboriginal Relics Act, I'm pretty sure that they are not covered under this new bill, from memory.

Mr VALENTINE - That was exactly your submission, that it didn't cover all areas and was under the general heritage act, not the Aboriginal heritage act.

Mr MICHAEL MANSELL - Yes.

Ms RATTRAY - You talked somewhat about the great opportunity for tourism. We've already seen this week that tourism doesn't appear to be holding up in all areas of the state. We're talking about some fairly remote areas that would need to be accessed to gain these experiences. Do you still hold firm to that view that your experience would be greater than the Abt Railway? I mention that because it is a bit topical. Is that something that you still hold, that there is this great tourism opportunity?

Mr MICHAEL MANSELL - If the government had given us \$20 million and Parks and Wildlife had backed off and we worked in with the Circular Head Council, and the member for Murchison, the Circular Head Council did very good work down at Preminghana when there was a dispute about driving cars onto the beach. If you engage with the local councils you can get some positive outcomes. Clyde was involved with a lot of the four-wheel drivers and the other people who all want to protect that heritage. If you had the wherewithal to rebuild things that are not there now, like the infrastructure that our ancestors used, they are the things that attract people. You could have a tour that when the boat came in they could turn right instead of left and go up through VDL. They could see the rock carvings at Preminghana. They could go further down to Temma and see the rebuilt hut. They could four-wheel drive down towards Sandy Cape - they don't have to go right down there - and see these massive middens.

Ms FORREST - There are people down there doing that now, so that is happening.

Mr MICHAEL MANSELL - You do it on a bigger scale.

Ms FORREST - You have to be careful about the overuse of the tracks then. This is the whole fight up there, isn't it?

Mr MICHAEL MANSELL - I think it can be done. You can give people greater access without destroying what you have there. It takes a lot of work.

Mr CLYDE MANSELL - In terms of the tourism aspect, the land council has been heavily pursuing the development of a tourism venture in your local area.

Ms RATTRAY - On a gravel road too, Clyde.

Mr CLYDE MANSELL - In the national park, including Nucalena(?) which is now with Mt William, and the Larapuna Lighthouse, we have done a lot of work and we are encouraged by the Tourism Council of Tasmania. They are saying there is a group of tourists who come to Tasmania who want to experience both the environmental aspects of this state and the Aboriginal connection to this state. We are pursuing the development of those sorts of things at this very time.

Ms RATTRAY - A committee of this House is going to hear a lot of these really good, potentially great, ideas in the future so I won't pursue it anymore. I was just wondering whether you still held firm to your view that tourism was a great white hope?

Mr CLYDE MANSELL - I think it is a way forward.

Mr GAFFNEY - I am still a bit concerned about this dual management role because the greatest percentage of the 295 proposed lots are extensions of parcels of land that are already reserves or parks. If you were to assume responsibility and the management role of that, that means one of the practices you said earlier about the cows walking across an area. If in a section that is already managed by Parks and Wildlife they have a different set of rules and regulations and then you come along with your, 'No, you can't do that now', there is a domino effect there. Okay, we put up a fence that is 200 or 300 metres long to keep the stock out. I don't see how this could work when you have a group that is already in control of 500 000 hectares here, then suddenly the Aboriginal group comes along with another 100 hectares here, so you have got two groups managing it. It makes sense to this group to manage the whole lot because it is the same practice.

I see some practicality issues about what you are suggesting. Specific lots I think could be potentially okay, but I think to come in and say we think we could manage the 500 000 or whatever is just not practical, possible and would not be beneficial to the Tasmanian community nor the Aboriginal community as part of that community. I just do not see it working. I do not know how you would get your head around that.

Mr MICHAEL MANSELL - If you take your example about the cows and the burials, you do not necessarily have to put fences up. You could withdraw permission for the cows to go into that area. It is possible to leave things in their natural form, and that is a form of management. You do not have to have fences.

Yes, you are quite right about bits and pieces. It would look queer for someone to drive 100 kilometres to manage 300 hectares when there is someone living on the spot, but that can work both ways. If you had resources, a portion of that \$9 million, you could employ one or more Aboriginals in that region who would carry out a whole range of functions, including as land managers and also people doing on-ground works, which would include involving and talking to a whole range of other interests in that area. It would be a matter of common sense. I take your point that there is no clear line where you say that there but not this here. It would be a matter of sitting down and working it out, but the difficulty is that there is nothing to trigger those discussions with the minister at the

moment because he will simply say that the bill has gone through, so Parks and Wildlife can manage all that and we put out a press statement saying we missed out again.

CHAIR - Thank you both very much.

THE WITNESSES WITHDREW.

Mr RODNEY IVAN KNIGHT, CHIEF EXECUTIVE OFFICER, NATURAL RESOURCE PLANNING, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Harriss) - Rod, thank you very much for accepting the invitation to appear before the committee. You would be aware the invitation was extended because of reference to your work in other arenas - I think through the IVG process, and Peter McGlone has also referenced some of your work. Would you like to make some introductory comments and provide some context around that which you are being credited with?

Mr KNIGHT - With your permission, I would like to give a bit of background as to who I am and then comment on some of the major issues that the references to my work have brought up.

I have run an environmental consulting business for the last 20 years. We have particular emphasis in what I do on systems for identifying and prioritising conservation values. I spent much of the early 1990s doing baseline flora and fauna surveys in western New South Wales to identify national estate values. With the development of the RFA in Tasmania in the late 1990s, I was contracted to the Public Land Use Commission to organise the input of conservation groups to the RFA process. From 1998-2006 I sat as an independent scientist to the private forests reserves program where I was responsible for prioritisation systems for securing private land for reserves and also for strategic planning of scenarios to pursue that program. With the arrival of the Forest Conservation Fund at the end of the PFRP, I did a similar role as part of a group of people developing the conservation value assessment systems for that program. Those two programs between them resulted in the investment of something like \$80 million of commonwealth money into private land reserves in the state.

Our business also did the bulk of the data processing of all the properties that came through that program, which involved about 300 separate properties. I was responsible for the development of the conservation prioritisation systems for the conservation of the freshwater ecosystems values project, which the state government uses as part of water management planning. I have also done work for the Forest Practices Authority preparing statewide data sets for some of the strategic planning issues it is currently trying to address.

I had a lot of involvement with the Forest Stewardship Council. I am a foundation member of FSC Australia. I have done a number of projects for FSC Australia around the issue of forest certification and high conservation values. In 2010, we were able to deliver the first full-scale certificate of native forest management under the FSC system in Australia. That was on Peter Downey's property in the central highlands. Previous certificates to that date in native forests were a category called 'SLIMF' - small, low-intensity managed forest - which is a streamlined assessment system. At the time it was not uncommon to hear from both industry and environment groups that there would never be FSC certification in native forests in Australia.

I have done a number of projects for FSC Australia around the issue of certification including development of management planning templates for private forest owners in

New South Wales to assist in becoming FSC certified. That project was undertaken ultimately for the New South Wales office of Environment and Heritage. I have also developed a directory of information sources for high conservation value assessments in Australia for FSC Australia. That tool will become a standardised list for the information sources that people pursuing certification would need to consult. I have also worked for an organisation called Accreditation Services International. That is FSC International's organisation that is set up to accredit and approve organisations to conduct FSC assessments on behalf of FSC International. My work for ASI has been in the capacity as, effectively, an auditor of auditors.

I have done a number of works for Tasmanian forestry companies over the years - for Gunns, prior to them going into administration. We have developed a large spatial database of their Tasmanian freehold estate of some 300 000 hectares which was specifically designed to assist them to assess high conservation values as part of their approach to becoming FSC certified.

I have done similar work for Norske Skog examining aspects of forest management relating to high conservation values and past activities such as clearing for conversion, clearing for plantations and recent management approaches such as replanting and repairing vegetation.

I have also been working for a company called P F Olsen who is the land manager for some of the former Great Southern plantations here in Tassie. They act as the land manager for U Forests which owns a lot of the plantations which are changing hands at the moment.

I was the author of three of the environment technical reports for the IVG. That was report 1A on comprehensiveness which I will talk about in a bit of detail; report 1B looking at representativeness; and report 3E which is a reliability assessment of predictive data on hollow-dwelling species habitat - and I will not talk about that because it would bore you to tears.

I am a member of two professional associations - the Ecological Society of Australia and the Society for Conservation Biology which is an international organisation. I also sit on the Conservation Science and Policy Advisory Council of the Tasmanian Land Conservancy.

Ms FORREST - And in your spare time?

Laughter.

Mr KNIGHT - I love gardening. It keeps me sane. I would like to comment on two areas which I understand are probably relevant for me to give input on. The first relates to the referencing of my work from report 1A in relation to criteria for establishing conservation reserves and the second is around the potential implications of the TFA for management of production forests and for FSC certification. For my sins, I have had the dubious privilege of having spent much of the last 15 years working with a document called the JANUS Criteria.

Ms RATTRAY - We met that yesterday.

Mr KNIGHT - Did you?

Ms RATTRAY - We did.

Mr KNIGHT - Can you tell me the acronym?

Ms RATTRAY - No.

Ms FORREST - I have just got it written down somewhere.

Ms RATTRAY - It is a long one.

Mr KNIGHT - The work I did for report 1A is based on an analysis against part of the JANUS criteria. I can actually say it - it is the Joint Australian New Zealand Environment Conservation Council and Ministerial Council on Forestry Fisheries and Aquaculture National Forest Policy and Social Implementation Subcommittee.

Mr DEAN - That is right.

Laughter.

Mr KNIGHT - That was developed as part of the national forest policy statement and used in development of RFAs. As such it is part of the national and state policy framework on forests.

I will table a copy of the summary of the JANUS criteria. The critical area of JANUS is that it consists of eight criteria for forest eco-systems and associated conservation values - two for old growth forests; and one for wilderness.

What we did with report 1A was to assess existing and proposed reserves against three of the forest eco-system criteria, so three of the eight; one of the old growth criteria; and part of the second of the old growth criteria. The reason that these were assessed on that basis is that they have quantitative targets that are easily measured.

What report 1A shows is that many of the forests that are proposed for additional reserves are relatively well-reserved against that set of that subset of the criteria and I think that was the point that has been made here before. The important point to consider is that that assessment against those criteria is only half of the criteria that make up the whole JANUS set. The other criteria are largely qualitative and they define the quality and range of variation that the reserve system should comprise. The result of that is that other values such as wilderness values, critical habitat for threatened species, which may need or benefit from being included in reserves, only add to the area of land you need to meet the criteria. The quantitative criteria that we assessed in 1A effectively is the floor and it only goes up to there, it doesn't really go down.

The effect of that is, and this point is relevant to 1A, is while the majority of the forests that are proposed for additional reservation may appear to be well reserved, there can still be perfectly justifiable reasons within the existing policy framework of JANUS as to

why you have much higher levels of reservation than that simple subset of JANIS might lead you to believe.

My view in relation to the matter before you is that the problem is that we don't really have the information to be able to make an informed decision as to whether JANIS has been completely exhausted or used as a framework for the additional reserve proposals. My view is that the IVG reports, and I am an author of the three, collated a really large amount of information that is relevant to assessing particularly qualitative components of the JANIS criteria, but it did not get connected with the existing policy framework. That effectively means that it is very difficult at this point in time to reliably say to what extent the proposed new reserves contribute to satisfying those criteria.

There are a few reasons for that; one is that there was a fairly clear restriction on the projects that were undertaken for the IVG that their assessments were limited to the areas of land that the ENGOs had proposed for reservation. My assumption relating to that is that that was designed to avoid the conservation equivalent of Mission Creek, but that's just my view.

Report 1A is actually an exception to that because to do any of the work and any of the analysis that it presents, you have to have the whole picture before you can even start. It is one of the few that actually does have some context. I will just sum that up. My view at the moment is it is not possible to determine the extent to which the proposed new reserves contribute to meeting the JANIS criteria as an integrated set. You can say certain criteria have been considered, but you can't say how much it contributes to meeting that existing instrument.

Mr WILKINSON - Are you therefore saying it is deficient because it has to be as an integrated set as opposed to separate parts of that set?

Mr KNIGHT - I think the opportunity to assess it as an integrated set was missed. Probably partly based on experience, a lot of the ENGOs didn't feel they got all out of the application of JANIS during the development of the RFAs. That is not surprising because it did very much get reduced in the political process to an assessment against numbers against targets. That whole issue about how you flesh out the qualitative components in the reserve system wasn't really addressed in the RFAs and probably still hasn't been addressed now.

Mr WILKINSON - What has to be done to do it properly and how long will that take?

Mr KNIGHT - That is an interesting question. On an unrelated matter I am doing some work at the moment in an honorary capacity for Tas Land Conservancy. We are looking at exactly that question, but we don't know the answer to it yet. We are basically trying to find ways in which you can take those qualitative elements and come up with very practical ways that you can measure them.

Mr WILKINSON - Even though you are given a set of circumstances that you have to deal with, I think everybody is endeavouring to do the best thing that they believe appropriate in relation to the landscape, the environment, the biodiversity, conservation, the social aspects of it, et cetera. What other information do we need to do a proper job as opposed to a half-baked one?

Mr KNIGHT - If there was one thing that would be done simply would be to take existing IVG reports and assess them against the criteria.

The other thing we need to look at is the need to put this issue also on its head because the logical implication of having a base target which you can only go up from is that anywhere where you haven't met the base target you actually are definitely short, so if you can't say you are adequate in instances where you have met the target, but if you are short on any of them you are short.

I would like to again table a table from the same data that I used to prepare report 1A and I hope this will go to the crux of your question. That table provides a breakdown of broad forest types for a range of land tenure categories in the state existing and proposed. They are the same categories that were used to generate report 1A and also to do the analysis of a whole range of other environment reports done by the IVG.

If we look at the third row there, which is the extent of under-reserved forest communities, communities that have not met their targets to the full extent that you can notwithstanding social and economic considerations, there is something of the order of 630 000 hectares of that in the state. Now you don't need all of that to get to the reserve targets that you need, but that is the extent of them.

When you look at the tenure breakdown of that, about 135 000 hectares of that is protected on public land and 35 000 hectares on private largely as a result of investments made by the two previous private land conservation programs. The proposed reserves would add another 40 000 hectares of under reserve forest communities to the reserve system but that would leave 102 000 hectares of under reserve forest on other public land which is outside the reserve system and that is also notwithstanding the fact that you still have then another 330 000 hectares but under reserve communities on private land to make progress on, and it is very important to do it. A lot of them are under threat and well-funded programs are needed to be able to do it. It does need to enable landowners to participate in those programs on a completely voluntary and equitable basis so they get fair reward for effectively the opportunity cost of what they choose to do.

There is a fairly modest contribution to that aspect of the JANIS criteria from the reserves that are being proposed. When you look at the distribution just on public land it certainly would have been possible to do a lot better at least from a biodiversity conservation perspective.

There is also the relationship amongst forest management, forest practices and FSC certification, and I have the experience - I am with the FSC - to talk about this, and am happy to take questions. During the development of the forest process there was a lot of talk about this notion of headroom in relation to having flexibility of wood supply. To summarise the issue, it basically says that as you have increased reservation levels leading to increased intensity of harvesting to maintain the wood supply this reduces your flexibility.

I am aware that the Forest Practices Authority made submissions to Professor West during the process and that submissions were public and that was the concern the authority was addressing. Forest Practices currently sits with the recommendations of the

expert panel reviewing its biodiversity provisions unimplemented, despite their completion in 2009. The TFA envisages that forests on public land will become certified under the FSC system as a result of the changes this legislation would facilitate rather than provide for.

The important thing from the signatories' perspective and generally is that FSC is now seen as critical to resolving the sensitivity in wood markets to certain forest operations. I don't think you have to look much further than the casualty of Gunns to realise that. In the context of FSC, the critical thing is demonstrating responsible management of all aspects of the forest you are dealing with - land, water, soils and biodiversity, including but not limited to high conservation values. There is an overemphasis on high conservation values.

Many of the recommended improvements to the Forest Practices Code would benefit both biodiversity generally and high conservation values in particular. The recommendations form a high-level view of what best practice forest management might entail from a very highly qualified panel of experts. I consider the improvements to the code fairly important. I am concerned that the failure to implement the review recommendations may leave the ambition of certification of public forests somewhat uncertain. The reason for this is if the provisions of the code review aren't implemented you can still satisfy principle 1 in the FSC system, which is compliance with existing laws and regulations. You can have the worst code in the world and still satisfy the criteria. It is really a principle for developing countries where just getting people to behave within the rule of law is a challenge.

To be certified under the FSC system forest management has to comply with all 10 principles of FSC International's principles and criteria and whatever standard is being used to assess compliance. I am concerned that leaving recommended best practice improvements unimplemented in order to meet with supply from a much more restricted area managed more intensively will present challenges in the context of FSC certification on public forests. To me that appears to be a contradiction in the way the package has been formulated. I think it raises some risk to the durability of the outcomes the signatories are achieving and adds potential doubt about whether FSC certification under those circumstances would get the acceptance in markets that people are hoping it would.

Mr WILKINSON - Do you get a grading with FSC? Can you get a tentative FSC certification?

Mr KNIGHT - Yes. I think they have changed the name but they used to be called CARs - corrective action requests. Generally speaking, if you had a major CAR you could not be issued with a certificate but if you had a minor CAR a certificate could be issued subject to your committing to taking action to address it.

Mr WILKINSON - So because of the intensive CAR over a small area, would that be a major CAR or a minor CAR?

Mr KNIGHT - Depending on the whole context of the forest management system, it may be a major CAR.

Mr DEAN - You have answered a couple of questions as you have gone along and touched on a couple of my points. I don't know how much of the evidence you might have listened to that was given to this committee, but there was some evidence given yesterday that when they were looking at the reserve areas because there wasn't sufficient in it, the pen was taken and comments were made along the lines of, 'We'll have this, we'll have that, we'll have something else.' What is your position in relation to the process that was gone through to identify these 295 proposed reserve areas, and do you believe the right people were consulted in your view and your opinion on the evidence you have and the processes they undertook? Do you have a position on that?

Mr KNIGHT - My background on this issue is very much from the field of systematic conservation planning, which if you read the scientific literature on ecology and biology, systematic conservation planning is a sizeable chunk of it. My observation is that the development of the reserve system proposals by the NGOs does not appear to have followed an approach which reflected a lot of the principles which arise from systematic conservation planning. That is why, for example, we still have most of the unreserved forest of public land outside the reserve proposals rather than inside them.

Mr DEAN - I think that puts it fairly succinctly that you don't believe the right people were consulted. I just want to go onto another area; I don't know if anybody wants to make any comment.

Mr KNIGHT - Can I just make one more point before you go on? I made reference to the JANIS criteria quite extensively because I have worked with them a lot for a lot of years. What is generally not known is that they are actually drafted largely by Professor Jamie Kirkpatrick from the University of Tasmania, so as well as being a national set of criteria they have been developed very much from a Tasmanian perspective so have a very high degree of relevancy.

Mr DEAN - With the position we are now in of having to make a determination on these matters through the parliamentary process, what advice would you give to us in relation to the proposed reserve areas and so on? Would you be saying that the process isn't right and we need to go back to the drawing board, that there needs to be further consultation and work done to identify and establish the very reasons for these areas identified being placed into reserves? What would your advice be?

Mr KNIGHT - You certainly don't need to start over from scratch. The IVG did assemble a whole mass of information. The point I am making is that it was assessed to integrate that into coming to final proposals for reserves, which then go into the negotiation process. It wasn't referenced to the existing framework that JANIS provides. I think there is an important piece of work that actually needed to do that. I think one of the problems you have in addressing this issue is that there has been a perceptual bias in the development of the reserve proposals to date, and this is an observation rather than any evidence, in that it tends to assume that a forest logged is a forest destroyed and reservation is the only form of management that can be applied to conservation values in forests. I think that is a perceptual bias in the way the things have been put together and it really denigrates the value of forest management as a means of achieving these things. I will leave it at that.

Mr DEAN - That happened to be another one of my questions. I had written down here, is there a need to lock it up to achieve all the conservation values and so on and can't the two go together, that is logging to some degree and the conservation that is necessary or wanted from those areas?

Mr KNIGHT - The critical question that needs to be asked is what values need to be in a reserve in order for them to be adequately managed? That is quite a complex question because as you intensify your harvesting you probably need to have more in reserves than if you had dispersed harvesting over the whole landscape. So, it is a circular system, which has got to a point where it is very squeezed.

Mr DEAN - That is a good point. The other question I had was with regard to the private forest situation. There has been quite a lot of evidence given to this committee that they should probably have been involved in this whole process as well. One should not be considered to the exclusion of the other in Tasmania. Do you have a position on that?

Mr KNIGHT - Well I certainly know from some landowners that I have dealt with over the years that there is a concern. There are concerns in a number of areas, obviously, about wanting to be involved because, historically, wood production from private land in Tasmania has been a bigger percentage of the total wood flow than in just about every other state. I think it got up to about 40 per cent at some point. It has declined in recent years.

I think the other thing, from the perspective of private landowners, is whether by taking too much of the public forest out of production you have a flow-on effect across the whole industry, where certain things become sub economic. You basically reduce the scale of the industry to the point where products that have traditionally formed part of the industry become sub economic to produce. So you get a flow on.

Mr DEAN - Thanks Rod.

Ms FORREST - We touched on some of this, I think, Rod. Right at the beginning of your presentation - I may have misheard you, so just correct me if I am wrong - you said it was part of your work with the IVG process and the key reports, that the existing and proposed reserves were considered, because one of the criticisms that we have heard is that this has been done in isolation. You went on to say there were some limitations, but one of the criticisms was that if you don't consider what is already reserved when considering the proposed reserves, you don't know what you are really reserving or the values you are trying to reserve. In fact, are we reserving a whole heap of an area that already has that biodiversity value in another area of the state? You also acknowledged that a lot of the important biodiversity is on private land. It is right then? Did you consider all the public estate and reserve in addition to the proposed reserves when you wrote your reports?

Mr KNIGHT - For the report 1A, yes. For the other reports I wrote, no. I could give you an example.

Ms FORREST - Yes, if you could do that. I want you to tell me exactly what 1A involves, and the value of that report as opposed to the others, and why. If you could flesh out those three reports a bit better for me.

Mr KNIGHT - I will try not to bore you with it. Report 1A takes the forest classification for Tasmania, breaks it down into each of the constituent forest communities, and into the old growth component of each forest community, and then divides those up across each of the nine bioregions in Tasmania. It then goes through a process that incorporates considerations about the pre-1 750 extent of each of those communities, which is a way of determining how much of them has been lost. That leads to a process from which you calculate reservations targets, on that sub-set of the criteria, and you then assess the target against the existing reservation, and also what adding these areas would change. So that is the process of it. The point I was trying to make is that to do that analysis, where you get to the point of being able to say what benefits or otherwise adding more means to the reserve system, in terms of those criteria, you have to have the whole picture. You have to have that whole flow of data right through it, and you cannot just restrict your assessment to a sub-set of areas that have been proposed for reserve because you then can't answer the question.

Ms FORREST - Which you didn't for 1A.

Mr KNIGHT - That is right.

Ms FORREST - So, the criticism - that it has been done in isolation, particularly with regard to report 1A - is incorrect. It said it didn't look at private landowners.

Mr KNIGHT - We documented the 10-year breakdowns, but obviously 1A does not make any recommendations. It is really just a presentation of methods and analysis and it is up to others to interpret it.

Ms FORREST - The other two reports?

Mr KNIGHT - Report 1B was looking at representativeness against two indicators. One was trying to find areas that were more representative of areas of high biological productivity because they often tend to harbour different elements of biodiversity and often have higher resilience characteristics as well. The data was generated from a set of statewide criteria but there was no analysis of the distribution of those across the tenure. We were simply documenting, basically, a weighting of indicators of representativeness in each of the proposed reserves, but without any reference to the extent to which they were already reserved and also without any standardisation of the size of each of the reserve proposals as well, which was a significant issue because some reserve proposals in the data we were assessing were 60 000 hectares in size and some were two. That is an instance where there was no contextual analysis.

Ms FORREST - The third one?

Mr KNIGHT - The third one was basically a field-based assessment of the reliability of data that the Forest Practises Authority produced from Forestry Tasmania - their photo interpretative data, which gives a prediction of the relative abundance of mature eucalypts, as habitat for hollow-dwelling species. That has no connection to any contextual analysis - it was more a case of looking at that very relevant issue. Management policy on species habitat is highly relevant to forest conservation and management and that report was simply an attempt to say, 'How reliable is the data that is

available to do that?'. That was basically a field survey and a reliability assessment and I didn't do any further work on it.

Ms FORREST - To flesh this out a little bit - we did have an inquiry into the Jonathan West report - his report as opposed to the whole IVG process. He made it pretty clear at the time that he felt the terms of reference in that were perhaps inadequate and flawed. What we have here is a political decision in many ways, an agreed position of compromise. It is not just about conservation, and everyone has acknowledged that - the signatories have acknowledged that, and we have acknowledged that.

The request for the IVG group and thus your work, as I understand it, and correct me if I am wrong, was that it was really to establish the areas that the ENGOS have identified as of value to them, and which they would like reserved. The job of the IVG was to say, 'Yes, there is value in these areas', or 'No, there isn't'. I would argue that almost anywhere has value - the parliament lawns have value in my mind.

Mr KNIGHT - You can pick up scientific papers that will tell you every forest has conservation value.

Ms FORREST - Correct, and every tree just about, in some respect, would have value, unless it is dead and about to fall over.

Mr KNIGHT - They have a particular value.

Laughter.

Ms FORREST - It depends what value you are talking about. I am talking about conservation value. The process was always going to reflect conservation value, so what we are looking at here is a negotiated agreement of compromise from both parties, and there are conservation aspects. Many scientists would agree that reserving forest improves conservation but also there are areas that need disturbance to promote the biodiversity, or promote ongoing species. You say perhaps it was a flawed process but in view of that, is it really flawed?

Mr KNIGHT - I think it has strengths and weaknesses. There is no doubt that some aspects of what is being proposed for reserves, for example, extensions to the World Heritage area, have very clear and defensible criteria - you can put them in a global assessment context. A lot of the other areas have values and I don't know that they are well documented. My concern is that when you look at the range of conservation values that need active management in this state, even if you just restrict your assessment to the public land estate which is what this exercise is doing, there is a lot of stuff which is very important for conservation which is not in this.

There is a real bias in the reserve proposals because they have been drawn up on what I would call on a 'what is left' basis. It is again reflecting this notion that if something has been logged, it is not really important. So what you have is actually that the types of land you are going into, additional reserves, are largely the same types of land that have already gone into reserves - just more of it.

That tends to be different to the stuff which has historically been more easily accessible. It has different components of biodiversity on it. As a result, we still have got a very significant chunk of the issues around threatened species, and threatened vegetation communities which is outside of what is being proposed to be protected.

Ms FORREST - And predominantly on private land.

Mr KNIGHT - I think you will find on public land it is also an issue as well. That point I made about the amount of under-reserve forest that will remain on public land, 100 000 hectares unprotected, is a significant thing.

Ms FORREST - When you say 'unprotected' - I find that an interesting word to use, because -

Mr KNIGHT - Sorry, 'unreserved' I will use.

Ms FORREST - Yes because I mean in the Western Tiers there is an area of land that has been harvested more than once, I understand - I am not familiar with the area particularly - but it is now considered to be of world heritage value. 'Unprotected' is an inflammatory word, in my view.

Mr KNIGHT - Okay, I agree. My concern is actually about the balance of things and the conservation needs, what has been left out, are not going to go away. They remain as important and they are just as likely to emerge as issues from other conservation groups in the future that actually potentially place the durability of this at risk.

Ms FORREST - Until we have the whole state locked up, some people will never be happy. We have got about four per cent of us that fit into that box; we do not need to go there, though. Thanks, Chair.

Dr GOODWIN - Can you tell us how many reports you were actually asked to produce as part of the IVG process? Was it just these three that have been published or were there more that you have produced?

Mr KNIGHT - I performed a number of roles for the IVG. I wrote these three reports which is what I was commissioned to do. I generated a range of data sets which were used internally throughout the process. I generated a land tenure layer which was suitable for analysis. If you can call them metadata that is attached to work like that, then that is additional information. I produced a similar layer intersecting the existing land tenure with the entire Conservation and Freshwater Ecosystems Values Database which was the (inaudible - coughing) report but I understand it was never written. I also did two other small reports after the IVG was completed looking at scenarios for how far to go in steps.
11.48

Dr GOODWIN - What do you mean by 'how far to go'?

Mr KNIGHT - The scenario reports were basically saying that if we add for example world heritage extensions to the reserve system, what does that do to our reservation targets? Then let us add another tranche and another tranche and another tranche until we have got the whole of the ENGO area in. So I assume it is trying to say, 'Okay, these are

hypothetical cut-off points from the perspective of a particular stakeholder in the process'.

Dr GOODWIN - Those reports have not been published?

Mr KNIGHT - No. My understanding is that they were for use internally by the signatories.

Dr GOODWIN - Are you able to say who actually commissioned those two reports?

Mr KNIGHT - The invoices ultimately went to Professor West of IVG. My communications came through Bob Rutherford in Infrastructure Energy and Resources.

Dr GOODWIN - So your instructions came through him, is that what you said?

Mr KNIGHT - Yes.

Dr GOODWIN - He basically told you what the reports were meant to cover?

Mr KNIGHT - Yes.

Dr GOODWIN - But Professor West paid for them?

Mr KNIGHT - The commonwealth ultimately paid for them.

Dr GOODWIN - What would be the process if we wanted to have a look at those reports? How would we get hold of them?

Mr KNIGHT - I can table them if you request them.

Dr GOODWIN - Can I request them then?

Mr KNIGHT - I will table them. They don't say anything more than something that report 1A addresses. It is mainly a case of providing a breakdown of progress towards reserve targets that would be made if you did these things. I guess the difference between 1A and these reports is that for these reports I was asked to provide some comment and qualitative analysis of what they said. I can summarise that for you.

There were two reports. One was in May. As I did with the presentation to the committee, I discussed the fact that analysis of reservation targets is not the only thing JANIS is about. I pointed out there is a whole raft of reasons why you'll end up with reservation levels above the minimum target levels. I talked about the need to develop manageable boundaries. I will read out the paragraphs:

The capacity of any or all of the scenarios to significantly enhance overall the protection of under-reserved forest communities is limited by a number of factors. The largest areas of under-reserved forest communities occur on private land and they're only likely to achieve significant progress towards targets through the continuation of voluntary conservation schemes of private landowners.

The lack of a systematic process for selection of the ENGO-proposed areas is also likely to have led to limitations on the ability to make significant progress towards reservation targets. Some 131 000 hectares of under-reserved forests communities occur on unreserved public land, though not all is necessarily needed to meet the JANIS targets. These forests are likely to be distributed more in areas of higher intensity management closer to settlement and access, which is largely outside the ENGO-proposed areas due to an apparent focus on what's left.

It goes on to say I identified a number of instances within the scenarios where there is substantial progress. I think I made a similar comment in the second report, where I said:

The overall changes in reservation of threatened vegetation communities and under-reserve forests are, however, on the whole relatively small. This arises in large -

I wrote this without much sleep, it should say 'measure' -

due to the restriction of the IGA-assessed areas to those nominated by the ENGOs. As noted in the original scenario report, the lack of a systematic approach to identification of areas for inclusion in reserves, including through lack of attention to some non-target elements of the JANIS criteria -

By that I mean the qualitative element -

may have negative consequences for biodiversity beyond any decision on reserves from the IGA. This arises due to the bulk of the unprotected threatened vegetation and under-reserve forests on public land occurring outside the ENGO-nominated areas and the overwhelming occurrence of these communities on private land.

Dr GOODWIN - When you alluded to the lack of sleep, was that because the time frames were fairly short to produce all this work?

Mr KNIGHT - Yes.

Dr GOODWIN - So there was lots of pressure to get it done very quickly?

Mr KNIGHT - Yes.

Dr GOODWIN - In relation to the three published reports, were you satisfied your reports were adequately taken into account in the summary report of conservation values?

Mr KNIGHT - What I have talked about in the context of report 1A is the analysis against the JANIS criteria and report 1A actually did include two sets of analyses: one was against JANIS and one was against a set of other criteria relating to a thing called the Aichi Target, which was a revised target for reservation based on 17 per cent of the existing area of (inaudible) well-connected landscapes. That arises from a recent

amendment to the provisions of the convention on biological diversity from my point of view. I think the Aichi targets were what was preferred in the summary report. Report 1A covered both.

I am somewhat concerned about using Aichi over JANIS because by benchmarking your reservation targets against the current extent you are losing the context, particularly in a developed country like Australia where we have lost probably 50 per cent of our forests. We are looking at ignoring the fact that a lot of what has already gone actually has an impact on your ability to protect diversity. The general comment I made about JANIS criteria not being well utilised in the process applies equally to that.

CHAIR - Rob, we are on a strict time frame with Jacki Schirmer coming by phone.

Mr VALENTINE - It was suggested yesterday by certain presenters that we are basically being asked to take part in a campaign exercise between compliance authorities and it is basically a bidding war, one or the other. Can you give me your opinion on this? How real is the imperative of FSC as opposed to PEFC/AFS? Could you perhaps demonstrate the extent of international demand?

Mr KNIGHT - My impression is that FSC is preferred in certain markets and the magnitude of that market shouldn't be underestimated. I think the last figure I saw indicated something like 140 million hectares of forest around the world are currently certified under the FSC system, so the presence of FSC product in markets is quite substantial. Equally I think there has been a lot of concern about the AFS and the PEFC probably being seen as a bit of a rubber stamp of existing management practices. My personal view is that there are aspects of the AFS that are probably better than FSC, but it doesn't provide a room in which stakeholders actually try to sort out their differences.

Mr VALENTINE - One is industry and one is -

Mr KNIGHT - One is a process-based component, that is PEFC and the AFS, and as soon as you add disaffected stakeholders it means you have a problem of trust, which will persist. FSC is designed to be more inclusive. Having said that, you still have to meet, under FSC, you still have to comply. It is just that there are more opportunities for issues to be presented and discussed. I will give you an example -

Mr VALENTINE - There are three parts to the FSC, isn't there, economic, social and environmental.

Mr KNIGHT - And in some countries an indigenous chamber as well. In some countries there is always the option for indigenous people to form a chamber of their own. For example, when we were doing FSC for Peter Downie's property in the Central Highlands, one of the biggest qualities of that was that we engaged very proactively in the consultation with stakeholders who might otherwise have been antagonistic. Even though at the end of the day you don't get unanimity of support, you do actually establish probably more support than you would otherwise have had if you just went straight through a 'ram it through' type process. You will probably get more trust, overall, that things are going to be managed reasonably sensitively. They are two very different styles.

Mr VALENTINE - I guess what I am getting at is the push for FSC is not just a bidding war. It does have other advantages associated with it.

Mr KNIGHT - Yes, but the main thing is market access. It does not necessarily guarantee you premium prices.

Mr VALENTINE - The FSC doesn't?

Mr KNIGHT - No.

CHAIR - Thanks very much, Jim.

THE WITNESS WITHDREW.

DISCUSSION WITH Dr JACKI SCHIRMER

CHAIR - Jacki, thanks for the report which you have provided to us.

Dr SCHIRMER - I do very strongly believe, and I have stated multiple times in the media and anywhere I can, that a thorough socio-economic impact assessment is needed of the Tasmanian Forest Agreement and to all the processes that have gone before. However, and this may seem a bit contradictory, one of the issues that I think is becoming more and more urgent is simply for people to get certainty, because having uncertainty about your future actually creates its own social and economic impacts.

From the evidence coming in and evidence we gathered almost two years now, we know that the ongoing uncertainty for a lot of people in a lot of Tasmanian communities is creating so many negative social and economic impacts that this whole process should not be held up just for a socio-economic impact assessment. There may be other very good reasons outside my area of expertise to hold it up but it should not be held up to complete some sort of exercise in social and economic assessment if that means that people end up experiencing more severe socio-economic impacts as a result of uncertainty. We have so many people unable to tie into their futures at the moment, who are effectively living in limbo or who have lost jobs because the uncertainty has led to problems with markets, timer et cetera. I know those are issues you have been hearing from other people.

That doesn't mean, though, that a full social and economic impact assessment should not be done. Good impact assessments should not be done just before a change happens; the impact should continue being assessed after a decision has been made and as it is being implemented. That good impact assessment should be used to influence policy makers and to help make decisions about things like distribution of funding. Another of my key concerns is that in some of the distribution of funding for community development I don't personally feel there has been a lot of reference to which communities have been most impacted so far by the downturn in the forest industry. We have seen some communities who have been very severely impacted not having received much funding and others with less impact that have. There are arguments for and against that but my main concern is that we are not seeing impact assessment integrated and actually used. I'm an academic, I love doing impact assessments but I want them to actually make a difference and so for me it's critical that if a good impact assessment is done it needs to actually be used to make a difference.

The final point I would make is that an impact assessment that is done needs to go beyond just estimating jobs lost and I have been saying this for quite a while now. I have participated in lots of the estimates of how jobs are changing in the forest industry but that is just one part of social and economic impact assessment. We have to start going beyond that to looking at how things like inability to sell a house because of the house market in a local community affects whether someone can go and find a new job elsewhere; to looking at the psychological impacts on people, on their lives and how we can support them through that, and there is still very much that need for that more in-depth assessment that can then be used to target things like mental health counselling support services or education services, training - all those sorts of things.

That's my brief summary and I will leave that there.

CHAIR - Thanks very much, Jacki. We have a question from Jim Wilkinson.

Mr WILKINSON - Hello, Jacki, and thanks for your help. I quoted you in a debate prior to Christmas when you said that the forest industry - and I think that was back at the start of 2012 - was employing 2 000 people and it was worth approximately \$700 million. Previously, I believe, you had stated that it employed about 5 000 people - and please tell me if I am wrong - and it generated \$1.48 billion each year for the state. Are you able to give us an up-to-date estimate now as to what are the jobs and what does it do economically for the state as far as the money is concerned - \$1.48 billion to \$700 million - what is it now?

Dr SCHIRMER - Unfortunately, I can't provide up-to-date figures because we don't have funding at the moment to do up-to-date jobs figures. The most recent that we produced were published as part of the CRC for Forestry work before the CRC closed down; I'm just looking at the fact figures now so I don't get them wrong -

Mr WILKINSON - Were these the ones at the start of 2012?

Dr SCHIRMER - At the start of 2012 that's the figures we produced for the independent verification group. What that did was it took the work we did in May 2011 for the CRC for Forestry and that CRC for Forestry work was also used by the federal government as part of its due diligence assessment prior to the independent verification group being set up. We updated those May 2011 figures but we weren't able to do it thoroughly for early 2012. We knew that there had been jobs lost, quite a few between those two periods, because there had been such ongoing job losses but we weren't able to do a thorough and complete survey for the whole industry at that point.

Mr WILKINSON - Can you give us any figures or your last figures, please, just to see whether they match up with the ones I have?

Dr SCHIRMER - I'm not sure which ones you are looking at from the IVG process because we produced a couple. The most recent figures that we published for the May 2011 ones and then for the IVG we updated the figures a little and so it was estimated, from memory, there were about another 600 job losses on top of that, so I'm just not quite sure which figures you are looking at.

Mr WILKINSON - Can you please give us your last figures? That would be beaut.

Dr SCHIRMER - I'm just looking up the IVG report and I will have that up in a second. It's not opening right now, unfortunately.

Mr WILKINSON - It's always the way.

Dr SCHIRMER - Yes. The basic picture is of substantial decline in employment and ongoing and unfortunately I just don't have the figures since. Even since early 2012 I know employment will have declined and I have certainly got lots of reports of what has going on but because I haven't been able to match that up with everyone across the whole industry I can't say what the actual figures have been since then. For the IVG I can't find that figure you are referring to of 2000 - what was it?

Mr WILKINSON - It may have been 3 000. I'm just trying to throw my memory back to where it was, it was either 2 000 or 3 000 jobs the industry was generating when it was last looked at and it was worth \$700 million a year to the Tasmanian community. They were the last figures I know as I read them myself.

Dr SCHIRMER - The last very certain ones that we published were for the middle of 2011 and were about 3 500 jobs - and the census which was done around the same time suggests just about 3 400 jobs a couple of months later. That was before Gunns entered into receivership and before quite a lot of other job losses had happened so it's definitely a small amount.

Mr WILKINSON - Are you able to give an estimate or not really?

Dr SCHIRMER - No, not really. I wouldn't want to because I haven't done the full survey of each sector and one of the things we do find is that sometimes we are aware of these big job losses but sometimes some of the smaller, less publicly known businesses are actually doing better and so they may have actually been going a long time, so no, I'm not willing to try to estimate what the exact number of jobs is now.

Mr WILKINSON - That's fair enough. Thank you.

CHAIR - Jacki, it's Paul here. I'm reflecting on the fact that you put together a model for the IVG process as to the 'what if' scenarios with regard to jobs and the like and the impacts on communities. Was that model ever activated?

Dr SCHIRMER - With that model I was involved up to the point where it was developed but I then actually withdrew from the IVG process. It was certainly used to inform the report that Bob Smith put into the independent verification group but I'm not aware of how and whether it has been used since then. My understanding is that it's currently being used in the assessment that's going on but I don't know much detail about that and I'm not directly involved in it.

CHAIR - Yes, I was going to ask you whether you were aware if it is currently being used. You have answered that.

Dr SCHIRMER - Yes.

Dr GOODWIN - Jacki, your last answer just prompted another question. When you said you withdrew from the IVG process, why was that?

Dr SCHIRMER - I withdrew because I was really unsatisfied with the level of assessment being done and with the way it was being commissioned. I was asked to come on board the IVG process to work as part of the group in, from memory, about December 2011.

We were asked to produce an assessment by January or February, or a very short time frame, and given a very restricted set of parameters that we could assess. There were a lot of reasons for that. I spent my time in there trying to convince people we should do something more comprehensive, similar to what I have stated publicly, and when I was

unsuccessful in doing that I decided to withdraw from the process because I felt I was not going to be able to get the type of assessment done that I felt needed to be done.

Dr GOODWIN - Thanks, Jacki. The other question is around best-practice approaches to socioeconomic impact assessment. I am having a look at page 3 of your submission. You say that socio-economic impact assessments are often conducted as a desktop exercise; that it is done without involving the communities affected by a change.

I certainly have some concerns about the socioeconomic impact assessment that has been done partly at our request but partly because it was also committed to in the agreement and that that may well be just a desktop exercise without any community consultation or involvement. Would you like to talk about some of the consequences of that sort of assessment?

Dr SCHIRMER - Yes, absolutely, because it has been a very big concern of mine. The challenge of social and economic impacts is that they change depending on how people are involved in the process of impact assessment.

If you can involve people in it they can actually think up creative new futures for their communities, they can actually discuss their ideas about how you can move things forward during a difficult change, whether it be the decline that the forest industry has already seen or whether it be a substantial new declaration of reserves et cetera et cetera.

To date there has not really been that sort of community consultation. Some of the signatories engaged in consultation with their particular groups and have done that in a very genuine way but there hasn't been that broader engagement of the Tasmanian community and particularly in communities that have a really high dependence on forest industry employment.

People need to feel like they have been able to have their voices heard and also had a say in how people are going to respond and navigate these sorts of changes. I hate to get academic but when we look at research, when you look back 10 years after changes such as the Regional Forest Agreement, the people who have experienced the most negative changes, who have found it the most difficult to move on with their lives or really think about the future outside an industry they used to love, the ones who found it hardest were the ones who felt the process was unfair and didn't get to have a say in it. It has profound psychological implications for people if they don't get to have their say.

CHAIR - When you withdrew from the IVG process, do you have a view as to the current process then as to the economic and social analysis that is being undertaken?

Dr SCHIRMER - I don't know all the details of exactly what they are doing, but I was contacted in December to ask if I would be interested in taking part in it. My understanding was it was very much focused on estimating changes in jobs in the forest industry. If it is not going beyond that, my concern is that it is not a socio-economic impact assessment; it's a jobs assessment. That is still quite limited because we don't know which businesses will close and where. I am sure what's done will be high quality but it is whether it addresses all the issues and interests, and my personal view is it probably won't.

CHAIR - When you were asked in December to consider a contribution, I take it you declined?

Dr SCHIRMER - I declined because it seemed clear there would be a fairly limited assessment done and that there wouldn't be the scope to do the full assessment or the community consultation I would want to be part of.

CHAIR - Did you give any indication that if the scope was expanded you would be interested in providing your expertise?

Dr SCHIRMER - I have said that at multiple points, including when I withdrew from IVG process. I advised I would be happy to advise on what would be a good impact assessment, or a thorough one. I put that in my IVG report and that's been published on the website. I have communicated that all the way along at all these different points.

Mr HALL - On page 7 you talked about 'failing to address the need of genuine consultation as part of the IGA will result in a worsening of social impacts and also an opportunity to address the prolonged conflict occurring in some communities will be missed'. I haven't been aware anywhere, particularly in my electorate, that there has been any consultation by the people doing this socio-economic study. That is a real concern to me.

Dr SCHIRMER - I would agree with you.

Mr VALENTINE - In reading your submission, the second dot point, you are saying decisions regarding progress in the Tasmanian Forests Agreement Bill 2012 should not be delayed in order to conduct a more comprehensive SEIA. I am assuming what you're saying is that the bill should be passed but that doesn't mean a proper assessment shouldn't take place at some point?

Dr SCHIRMER - It means a decision should be made, whether or not that is the bill being passed or not, I don't know. The psychological and economic impacts of ongoing uncertainty can't be underestimated. What I don't want is a delay to assess impact causing so many more impacts that it is counterproductive. That is my key concern there. As to what is the right decision to make to get some certainty, I can't comment on that because that is not my area of expertise in terms of what's right for forests and people.

Mr WILKINSON - Jacki, when we look at the evidence we have obtained over the weeks that we have been looking into it, when we look at the scientific evidence it does not seem to support the fact that it is environmentally good legislation and therefore one looks at do we support it or don't we. Part of my concern is jobs. I accept what people say in relation to the environment and biodiversity but if we haven't got any ticks as far as they are concerned then one has to look at what it is going to do for jobs in Tasmania. If we have not got that socio-economic study it is very difficult to say what would happen with jobs.

Dr SCHIRMER - It is a difficult situation because it makes that decision very hard. We do know that the uncertainty has been contributing to job loss. We do know that ongoing environmental conflict has not been positive for jobs in the forest industry. The one thing I do feel confident in saying is that in the long run there is not going to be secure and

permanent jobs in the industry unless some kind of resolution of the environmental conflict over forest is resolved. Whether it is resolved in a way that everyone agrees is ecologically most appropriate, that resolution of these problems that are causing loss of markets is utterly critical to keeping jobs. I guess that is the one sense in which I would be willing to say that reaching some agreement is going to be a more positive thing for jobs than not reaching an agreement. I think that is almost a dead certainty. Going back to endless negotiation is going to lead more job losses.

Mr WILKINSON - The last witness we had implied that if FSC could not be obtained because of the problems with the scientific basis then what this legislation is about may well mean the same effect. That is, because you cannot FSC certification therefore the market is still going to be a problem and therefore we are going to be no better off whichever you go.

Dr SCHIRMER - Certainly FSC and other certification schemes affiliated with it, but particularly FSC, are becoming globally much more important and much more commonly required. So in terms of having a future, particularly for higher value products - and a lot of the Tassie forest industry that remains is very focused on that - being able to get that certification is really important.

Ms FORREST - Jacki, I appreciate your view that we need some certainty here and that is what we are hearing from the industry because of the impact on ongoing employment as well as the communities that are effected by this. This is a negotiated agreement. It is an agreement of compromise. It is not focused entirely on conservation. We have heard all these things. I am sure you are well aware of that. You make the point very strongly that this process should not be held up while we wait for a full socio-economic assessment. We do not know what the outcome of the Bob Smith process is going to be at this stage because that has not been made available yet. You say we do need an agreement of some sort. If we get the Bob Smith assessment and it doesn't go to the extent of assessing all the critical issues as you see them with regard to the impact on communities, like being able to sell your house not to move on to other employment, you hold a view that we should move on and deal with this one way or another. Then that ongoing work of the socio-economic assessment can be done as well as perhaps the ongoing work some of the scientists have suggested should be done in regard to the conservation issues. Is that a fair comment?

Dr SCHIRMER - That is a fair comment. I have actually struggled to come to that point. Before making my submission I was thinking is it really right to say that you should make a decision and just get moving, even if that may not be the ideal decision. You have not been able to take into account all of the things that a good assessment could tell you, but I just kept looking back through all of the data - and also the people whom we surveyed who still ring up saying, here is what is happening to me. I get those stories on a regular basis. They are struggling. Even a bad decision that gives them some certainty is probably going to be better than having a lot more uncertainty before reaching a good decision; I am just using that as a hypothetical.

What you said is fair and I do believe that a good socio-economic impact assessment can still happen as a decision is being implemented but a critical thing that often doesn't happen is making sure it is linked to the decision-making processes on things like providing support to communities. It absolutely has to be linked to those.

Ms FORREST - So not only do we need this assessment now, whether it might not be comprehensive enough or whatever, but we also need to have an ongoing review of the impacts into the future?

Dr SCHIRMER - Absolutely, and that ongoing review has to be used to adjust any assistance strategies that have been put in place. It has to be done on an ongoing basis and adjusted because we always find surprises when these things happen. People always end up surprising us with the amazing things they come up with - how they can change their businesses and their employment. They are released to do that once they know what the future holds for them. Good or bad they can then think, 'What is it I can do that gives the best outcome?'. By having ongoing monitoring you can say, 'We have seen some really good things happening over here, so what's the support we can give to actually enhance that? Over here we're seeing more negative impacts than we expected so what can we put in place there that might actually help turn that around?'. Having that ongoing process is far better than having something done before that guesses at what was going to happen. We might have got some parts wrong, we always do. It is not a science but a bit more of an art sometimes. It is absolutely critical to have that ongoing assessment and to link it to what people put in place on the ground.

Mr GAFFNEY - Most members have received correspondence from or had discussions with sawmillers and people who work in the industry who are really hanging on to an exit package. They think if the fund goes through that there is a chance that they will be able to get rid of some of their debt, pay off some of the workers and that sort of thing. In my conversations they are the ones that I feel are most vulnerable in this process, so I am concerned. If it doesn't go through, how do we offer support or something for those groups that are expecting that they might see some silver lining and financially might be able to exit with some dignity? That is the group that I am very concerned about.

Dr SCHIRMER - That is a really significant concern because a lot of people are holding on and hoping for some assistance out of this. When we talked to people back in 2011 about the things that have helped them practically when they had times in the past, including some of the early parts of the global financial crisis, they said it was things like working with groups like AusIndustry to think of new markets, new ways they could think about the products they are producing; that was the thing that really helped them. So trying to find things that help generate jobs again comes back to providing some support and assistance, not grants or something but actual links to markets and ways of developing new business opportunities for people who are struggling. There are things like actually having some help with getting finance. A lot of people have difficulty getting finance. They come up with a great business idea but there is no way they can get it financed. They need help in overcoming that barrier so that they can actually put some investment into something good in an industry which has a reputation of, you would not want to go there and invest. That would be critical - turning around that reputation which it has at the moment of, 'Who would go and invest in this? Who would actually build this industry up?'. That is absolutely what needs to be turned around to help these people, or to find alternative places they can work. If you don't have that funding to exit out of the industry then try to turn it around to actually find ways that someone with very good ideas and very creative people could actually use those energies to build something good.

Mr GAFFNEY - How do we get the message out there regardless of which way this decision goes? It is usually the partners or the family and friends of the person who is most affected that sees the pressure and tension. What is a good way of getting that into the community, more so than headlines on the front of the paper, with all due respect to the media? With my local government background I tend to think that messages that come through at a local level from the community are probably taken on board with more assurance that there is help. What is your view of that sort of community support?

Dr SCHIRMER - There are a lot of lessons to be learnt from what helped farmers during the drought and what has helped other people in stressful situations. What really helped was trying to strengthen social networks in a lot of those communities. People go into financial stress because they have fewer work hours or are in high debt. They stop going to social events because they can't afford a nice set of clothing to sit at someone's dinner table or can't afford the petrol to visit someone. That loses people the social support that is absolutely critical to helping them get through these hard times. In the drought they found that things such as providing support for people to get together and talk about what was happening to them was absolutely critical. When you talked to farmers afterwards they would say that helped them more than a lot of the more formal support, just having the ability to keep up their social networks. That is how they heard about this job going here or that business opportunity there. Trying to support those social networks and that social capital in communities which are threatened by all these problems is hard. How do you get to that wider community recognition of what's going on? I am not quite sure.

Mr DEAN - I have listened to your comment that we need to bring this matter to a conclusion fairly quickly for the benefit of many people. However, I have real concerns about the long-term ramifications of a bad decision concerning this matter. That is the issue that really reflects on me; that is the matter that has been brought to my attention by many people out there in the work force - how is this going to impact? They fear it will continue to come back; there will be not be peace in the forests and the harm is going to continue to occur. I have grave concerns in supporting a bad decision. We have a lot of evidence before this committee now from very professional people - scientists and foresters who have worked in this area all their lives - that this is not a good position for the state of Tasmania moving forward. Do you wish to comment on the long-term ramifications this could have in coming to a bad decision?

Dr SCHIRMER - This is challenging for me because, not being an expert in a lot of the areas around wood supply et cetera, I don't feel able to comment on those things you are having to balance up, which is absolutely critical. The one area I can comment on is the issue of achieving lasting peace. My comment that it is better to move forward or to make a decision and get going only applies if you're confident it will achieve some peace in the forests. If it is not going to achieve peace, those benefits won't happen.

Mr DEAN - We certainly can't be confident of that.

Dr SCHIRMER - That's the challenge; is there durability in resolving conflict? If you believe there is a chance it can resolve conflict, that in hand will help stimulate investment. I would say to some extent it would be that, despite having some limitations on the ecological side and wood supply side, but I don't know how far you can go down that road and how you make those decisions as to what you trade off there.

Unfortunately my expertise is on that jobs front and not on the what's the right wood supply or the right reserve.

CHAIR - Thank you very much for your time, Jacki.

DISCUSSION CONCLUDED.