

NOTES
to the
COMMITTEE of the LEGISLATIVE COUNCIL
into
Tasmanian Forests Agreement Bill 2012

Dr Julian Amos

Former Chairman, FIAT
Former Chair, Industry Reference Group
Director, Tasman Management Services P/L

The Council has been condemned by many for taking this course of action, and yet...

it was the correct course of action because:

the bill was deficient

people have been excluded from the process

The Council has been asked to agree to the Bill for a number of reasons:

1. ***It is said*** it is purely a framework! (*Not if the recent Gov amendments are accepted*)

But a framework for what? Obviously for an INTENT to place forests into reserves.

And that is the fundamental question? Should more land be placed in reserves?

To answer that question, first we need to ask another question.

What is the objective here, and for whom?

2. ***It is said*** it will bring "Peace" – the real objective behind this legislation

All else flows from this policy position

Yet it is acknowledged to be illusory, even for existing players

NB Canadian experience

Great Bear Rainforest Agreement.

Boreal Forests Agreement

On this basis alone, why do it?

(1)

3. ***It is said*** it will guarantee a continuing wood supply

For existing industry maybe - but what about *future* options?

Wood supply already assured in existing legislation– NB 300,000 cub m

FT data illuminating (2007 5-year review)

An opportunity arose when Gunns withdrew from native forest

(2) (A)

4. ***It is said*** it is a response to changed markets

The market changed for Gunns, and THAT was for woodchip

Gunns problems affected Tasmania

Woodchips from elsewhere in Australia did not suffer to the same degree

5. ***It is said*** the Agreement has the support of the signatories

All signatories suggest a level of unhappiness

Placed under duress to sign - none had unanimous internal support

6. ***It is said*** the signatories represent the broader wishes of the community

So, who do they represent?

- i. Industry - a (recent) historical perspective (3) (B)
 - Original Melbourne (FSC?) group
 - The issue was the Gunns pulpmill
 - Bartlett Round Table post-election 2010
 - Industry Reference Group (4) (C)
 - Tasks, appointment of reps, modelling*
 - Correspondence with Premier, Wilderness Society* (D) (E)
 - Effect of negotiating under duress - the threat of reprisals* (5)
 - Effect of Gunns' departure from native forest*
 - Statement of Principles –signed by **Individual Groups (see doc)**
 - Other Industries NOT represented
- ii. Environmentalists perspective
 - ET running around, trying to gather support
 - Some groups were never represented eg TCT
 - Others have since left (eg within ET) (6)
- iii. Union perspective - one Union

7. **It is said** it will help maintain markets

In what way does this legislation help our *market* situation
FSC?

- FSC is a competitor with AFS (PEFC) (7) (F)
 - We are being required to take sides in a marketing war
 - There is no national standard NB the Vic experience
 - FSC requires community acceptance - it will be a continuing issue
 - FSC is a corrupted process, if it now accepts state forest practices
 - Lobby groups won't continue to protest?
 - It's not what they say

8. **It is said** more forested area requires conservation.

- i. **More** area, what about the present area? (8) (G)
 - RFA process 1999
 - UNESCO World Heritage Centre 2008 (9)
 - why were they wrong?
 - What analysis was done on the present area?
- ii. Conservation for what?
 - A differential value system perhaps
 - environmentalists cf *conservationists*
 - wilderness, majestic, landscape, iconic, hcv vs biodiversity
 - or is it just an ideology
- iii. HCV issues - a part of the Statement of Principles
 - Failure of the West Verification Group
 - Critique of Mackey and Hitchcock approach (10)
 - all forest has some conservation value.
 - Still no definition

9. *It is said* the Bill reflects the Tasmanian Forests Agreement 2012

Apparently not entirely true

Cttee has heard from the signatories on this issue

Sovereign risk, forest management practices, etc

Amendments have now changed the architecture

10. *It is said* the Bill will deliver:

Land into Reserves

A total of 505,000 hectares (PLUS...) (cf 600,000 ha, then 545,000 ha) (11)

(280,000 ha production forest – 174,000 ha informal reserves, 40,000ha other)

a. 123,650 hectares immediate application for World Heritage listing Cl. 37 (12) (H)

present classification - does this require legislation, or can Commonwealth act unilaterally

Other areas now added (175,000 ha) – a subterfuge? - why the rush? (I)

Told this does not effect MPZ's, but it does (13)

Evidence of Vica Bayley, fudging figures

c. A later amount of (395,199 -123,650) ha, subject to what exactly? Cl.35 a

Durability issues – “negative durability” reports – how bureaucratic

Cttee has already heard so much about the fragility of this concept

How is durability measured, and what is the trigger – 1 action, 2 actions etc.

d. An even later amount of 108,813 ha, subject to continuing durability Cl.35b

What is the penalty if durability not achieved

Mechanism for reversion of reserved land to multiuse

Return of Commonwealth funds?

e. PLUS an extra bit seemingly not acknowledged as a gain (25,183 ha) Cl.39

f. Continuing management of these reserves?

Wood Supply

a. 137,000 cub m of sawlog (cf 155,000)

b. 160,000 tonnes veneer log (cf 265,000)

c. ??? for special timbers (cf 12,500)

Headroom?

11. *It is said* there has been an Agreement, but for whom?

Effect on other industries, without consultation? – sovereign risk for them

Past difficulties obtaining information eg maps

12. *It is said* that good things will happen if it does pass

a. Carbon story

Too complex, too ephemeral, too “maybe”, too “something for nothing”

What if a change of government federally?

b. To gain access to Commonwealth funding

You do the sums –paying to put people out of work

(14)

c. To have "Peace"

No Plan B? What about Plan A?

New groups and projects will always arise (15)

13. *It is said* that bad things will happen if it does not pass

Ta Ann will not invest further in the State, and leave

Commonwealth funds will not be made available – Min. Burke still making noises

There will be civil unrest

So 2 questions

Is this the right environment in which rational decisions are made – under duress?

Will this stop the bad things anyway?

14. **What of the Future**

For Environmentalists

More campaigns eg ALL native forest, "Tarkine" (16)

For Industry

Plantations? Not the present ones.

The Southwood model

An integrated approach

Any industry requires a critical mass for investment

R and D

A chronic lack of funding

CRC, CSAW

yet CRC closed

Growth options – why close the door?

A realistic Plan B

Query the lines on maps approach – strategy vs objective.

Landcare is a holistic model

See submission from Simon Groves

SUMMARY

On each of the 14 matters considered in this presentation, the legislation fails to pass muster

NOTES (ATTACHMENTS IN RED)

- 1 The Canadian Model
"Wake-up call for boreal alarmism – Comment". Article in Financial Post 18 Jan 2013
- 2 FT - Wood Supply Projections
Forestry Tasmania – Land Use slides
Forestry Tasmania - Sustainable High Quality Eucalypt Sawlog Supply
– 5- yearly RFA Wood Review 2007 (A)
- 3 A Timeline Graph
Amos J A timeline of events (B)
- 4 Industry Reference Group – some data
Attendance Register (C)
Excerpts of a letter from Amos to Bartlett 6 Jul 2010 (D)
Letter from Amos to Oosting 15 Aug 2010 (E)
Statement of Principles Document
Proposed Project Governance Framework
- 5 "Under Duress"
Letter from ENGO's to Private Forests?
From Powerpoint Slide
- 6 The Conservationists' View
Submission from Upper Meander Catchment Landcare Group
Media from Peg Putt Bob Brown
Submission from Vica Bayley (influence – yes, control – no)
- 7 Forest Stewardship Council Issues
Forest and Wood Products Research and Development Corporation - A Review of Forest Certification in Australia Sep 2006
ITS Global 2011 Forest Certification – Sustainability, Governance and Risk
Kiernan S, in Proprint. "Greenpeace and Wilderness Society slam PEFC as "signing off forest destruction" (F)
- 8 The Expansion of Reserves over the last 30 years
Amos J, The "Red" Powerpoint slides (G)
Forest Practices Authority 2012 State of the Forests Tasmania 2012
- 9 Report of UNESCO Mission 2008
World Heritage Committee – Report of Reactive Monitoring Mission 2008
Amos J – A Cover Note on the visit of the World Heritage Mission
- 10 High Conservation Value - The Mackey Approach – a critique
Groves S, submission to the Legislative Council Committee

11 The Sacrifices

The Reserves – Data = Figures Maps Tables

12 World Heritage issues

Map C, with overlay of Schedule B coupes

(H)

TasMS Newsletter

(I)

Map – 170,000 hectares to be nominated for World Heritage

From George Harris – Extension of Tasmanian Wilderness World Heritage Area

13 Mineral Prospectivity

The Prospectivity Map

From Vica Bayley submission – the fudge

14 Government funding packages

Payment to Contractors (\$22.4m)

IGA Funding (\$277m)

Forest Agreement Funding (\$102m)

15 The Appearance of New Environment Groups

A list of groups active in the forestry debate

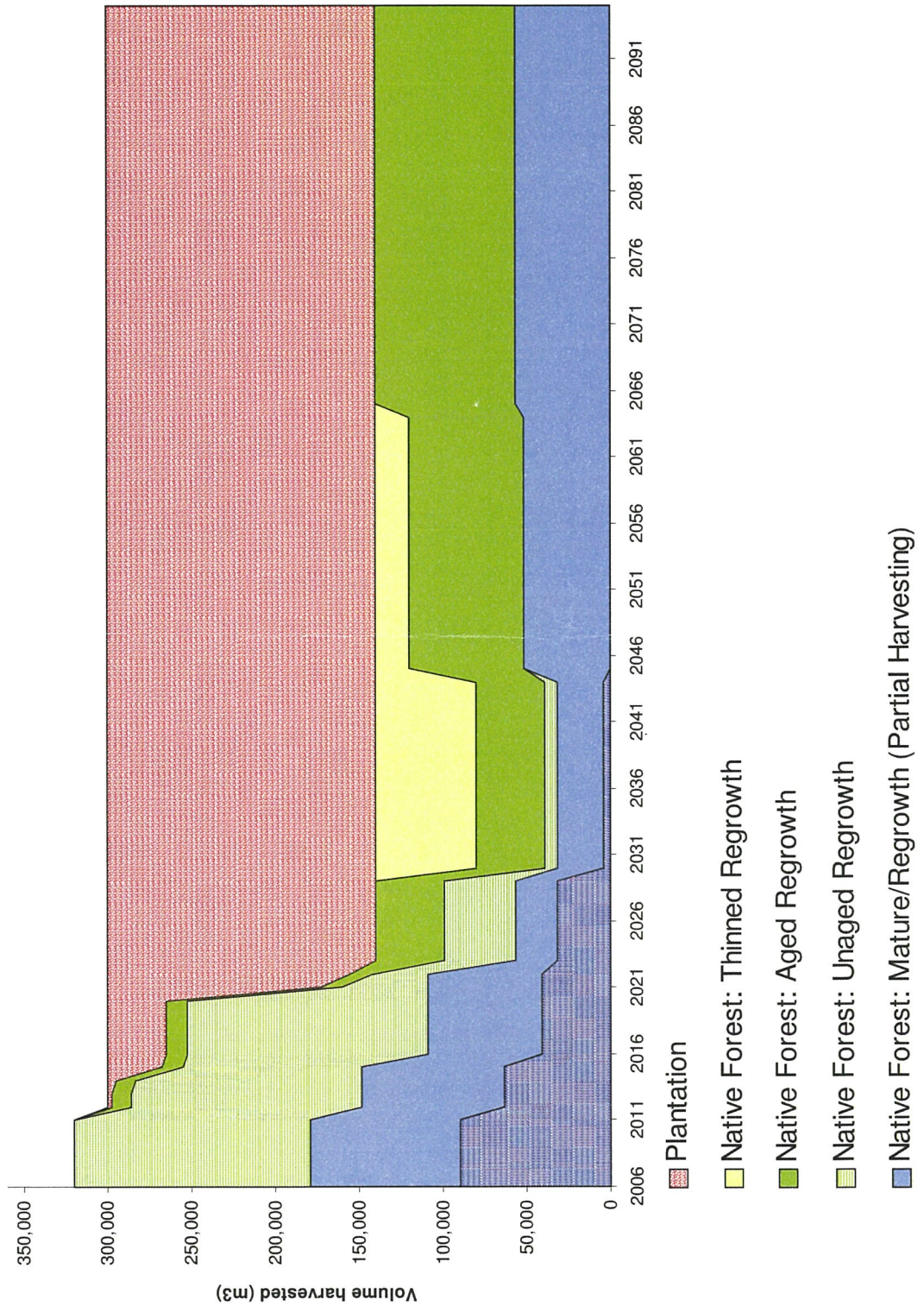
16 Future Campaigns

The Tarkine

ATTACHMENTS

- A** ***Forestry Tasmania Sustainable High Quality Eucalypt Sawlog Supply
– 5- yearly RFA Wood Review 2007***
- B** ***Amos J A timeline of events***
- C** ***Industry Reference Group – Attendance Register***
- D** ***Excerpts of a letter from Amos to Bartlett 6 Jul 2010***
- E** ***Letter from Amos to Oosting 15 Aug 2010***
- F** ***Kiernan S, in Proprint. “ Greenpeace and Wilderness Society slam PEFC as “signing off
forest destruction”***
- G** ***The “Red” Maps – Growth in Reserves***
- H** ***World Heritage issue - Map C, with overlay of Schedule B coupes***
- I** ***Amos J - TasMS Newsletter 1302***

Sustainable High Quality Eucalypt Sawlog Supply (HQSL) - 2007 5-yearly RFA Wood Review



Year	Date	PreProcess Event	Industry Process	Guns	Dollars	Campaigns
	Nov 24		Govts announce exit package	Close northern woodchip mills	\$22.4m to Contractors	
	Dec	Feds agree to independent facilitator				
2011	Feb		Kelty process			
	Mar 30		Kelty Reports			
	Jun 22		Signatories Agree			
	May 11					Harvey Norman targeted
	Jul 14			Sale of Triabunna		
	Jul 24		Heads of Agree			
	Aug 8		IGA		± \$277m	
	Sep		West IVG	Compo. package of \$23m		
	Oct 17					Ta Ann targeted in Japan
	Nov 9					Ta Ann targeted in UK
						Ta Ann targeted on internet
2012	Mar		West reports			
			Signatories keep meeting			
			Bill into Parliament			
	Sep			Into Voluntary Admin		
	Oct		An Interim Agreement			
	Nov		Agreement collapses			Bunnings, Kand D lobbied
	Nov 22		Agreement reached			
	Dec				\$102m	

ATTENDANCE REGISTER

Person		Square Table	Reference Group				
			1	2	3	4	5
Julian Amos		√	√	√	√	√	
Terry Edwards		√	√	√	√	√	X
Alan Ashbarry		√		√	√	√	
Mike O'Connor	CFMEU	√	√		√	√	
Jim Adams	TCA	√	√		√	√	
Alan Hansard	NAFI		√		√	√	
Greg L'Estrange	Gunns	√	√	√	√	√	
Arnold Willems	Norske	√					
David Ridley	Ta Ann	√	√	√	√	√	
Glenn Briton	Brittons	√	√	√	√	√	
Bernard McKay	McKay	√					
Robert Torenius	TCSF	√	√	√	√	√	
Ike Kelly	TCSF	√					
Ed Vincent	TFCA	√	√	√	√	√	
George Harris	Specialty	√					
Ian Dickenson	TFGAV	√	√	√	√	√	
Jan Davis	TFGA	√	√		X	√	
Rupert Gregg	TFGA	√					
John Lord	TFGA						√
Barry Chipman	TCA	√		OBS	OBS	OBS	OBS
Scott McLean	CFMEU	√	√	√	√	√	X
Travis Wacey	CFMEU	√	OBS	OBS	X		OBS
Mick Stephens	NAFI	√					
Bob Gordon	FT		√	√	X	X	
Hans Drielsma	FT			√	√	√	

Excerpts from a note to Premier 6 July 2010:

A series of meetings of certain interested parties was held on the mainland in response to the decision by the State Government prior to the State election to support forest contractors. These meetings were designed to "test the waters" between industry and the environment movement to see whether any lasting agreement could be reached, which could then be taken jointly to government.

After the election, and in response to the Premier's suggestion of a round table between industry and environmentalists, further meetings of the mainland group were held. Finally, in response to a number of enquiries concerning these discussions, a meeting of Tasmanian pro-industry people was called to enable a proper briefing to occur. This meeting was held on Jun 1

At that meeting, it was agreed to establish a (reference) committee to consider in some detail issues that may be relevant to any discussion with other parties, and to establish a whole-of-industry view on those matters.

This committee - now known as the State Reference Group - first met on Wed Jun 9. It considered it appropriate to continue a dialogue with the ENGO's, determined the range of issues that required detailed consideration, ..., arranged for papers to be drafted around a number of issues, and called for some specific resource data.

...

The committee met for a second time on Fri 18 Jun as part of an ongoing process of deliberation and appointed three persons to act on its behalf at any formal discussions or negotiations with ENGO's. The Committee will provide support for this team.

The persons appointed to the negotiating team are Glenn Britton, Ian Dickenson and David Ridley. Julian Amos will act as convenor and co-ordinator of the Reference Group.

...

FIAT has been asked to organize and coordinate the functions of a Secretariat.

15 August 2010

Paul Oosting

Wilderness Society

Paul

Our Reference Group met on Friday 6 August, after which a delegation of four persons, including 3 of our 6 negotiating team, sought a meeting with your group to explore with you some details regarding a proposed agreement surrounding the "Statement of Principles".

I have been advised that they met with you and Phil Pullinger only, and that they advised you that although industry was interested in reaching an agreement the current set of words produced some difficulties, and that they wanted to hear and understand directly from the ENGO negotiators why the words in that document had been framed the way they were.

My advice is that you responded by stating that you would not engage in side negotiations and that any issues our delegation wished to raise should be submitted in writing to be discussed within the larger negotiating group. The only issue you advised you would be prepared to discuss was biomass as that remained unresolved but the rest of the document you considered to be agreed.

I note that since that time there have been a number of meetings at which not all of our negotiating team have been present or had been made aware of. The question remains in my mind as to what you consider to be a side negotiation, and why some of these discussions occurred with you without our full team being present.

I am now confronted with a document which I am told has the agreement of the negotiating team, and yet which has not had the "GO" from at least 3 of our 6 negotiators. I am aware that the matters that were of concern at that meeting of 6 August have not yet been resolved. Further, we are being asked to get sign-off on this document.

And with respect to this document, I am told that regarding "Biomass", a matter that is still unresolved, you have presented a take-it or leave-it position, that plantation residues are OK if a plantation-only clause is considered, but plantation residues are NOT OK if the clause was to refer to plantations and a broader base, in fact under this latter circumstance you would oppose all biomass including plantation material.

It would be useful if you could confirm your position on this issue.

I am also aware of comments made at these negotiations where members of our negotiating team were singled out and threats made to them regarding their businesses. I remain unconvinced that such a tactic, used against people who entered into these negotiations in good faith, will encourage those people to support the outcome you desire. If these negotiations are to continue, then they should be conducted without such pressure, ultimatums or threat of retribution.

I have been concerned also that the negotiations have not involved the three local negotiators as much as had been anticipated, and yet it will be local people who are now being asked to sign off on this document

I will be endeavouring to hold two meetings during the coming week to get acceptance of the document, but would be keen to have your response to the comments above prior to these meetings taking place.

Your response to these matters would be appreciated.

Regards

Julian Amos
(Chairman)

Greenpeace and Wilderness Society slam PEFC as 'signing off forest destruction'

18 Oct 2011 | [Steven Kierman](#) | [Comment now](#)

The war of words between paper certifications has escalated after FSC backers Greenpeace and The Wilderness Society published a scathing report calling PEFC "greenwash for bad forestry practices".

The report '[On the Ground 2011](#)' is a follow-up to a report published earlier this year, now with input from Victorian conservation group My Environment.

PEFC claimed the report was published "by a set of organisations who all have close links or vested interests in FSC" - which is a commercial rival of PEFC.

The report's author, Anna Jenkins, is a former director of FSC UK. On a local level, the FSC Australia board includes Sean Cadman from The Wilderness Society.

Greenpeace has apparently downplayed this connection by saying "neither FSC nor any of its employees had anything to do with the production of the report", according to PEFC.

In a press release sent yesterday, the local arms of Greenpeace, The Wilderness Society and My Environment slammed PEFC and its Australian affiliate, AFS.

Reece Turner, forests campaigner for Greenpeace Australia Pacific, said that "behind the green-looking label, the PEFC in many cases signs-off on the destruction of tropical rainforests in places like Chile, Borneo and Indonesia and ignores the concerns and complaints of indigenous and environment organisations".

According to Warrick Jordan, national forest campaigner for The Wilderness Society: "It is increasingly clear that the PEFC and AFS logos cannot be trusted by consumers to deliver high environmental and social standards for forest products.

"PEFC and AFS must fundamentally change their approach if they are to become anything other than greenwash for bad forestry practices," added Jordan.

Sarah Rees, spokesperson for My Environment, said: "The PEFC standard is greenwashing bad forestry practices all over the globe, from the tropical forests of Indonesia to the majestic ash forests of Victoria's Central Highlands."

PEFC countered with [its own statement](#), saying it "believes that collaboration beats confrontation every time".

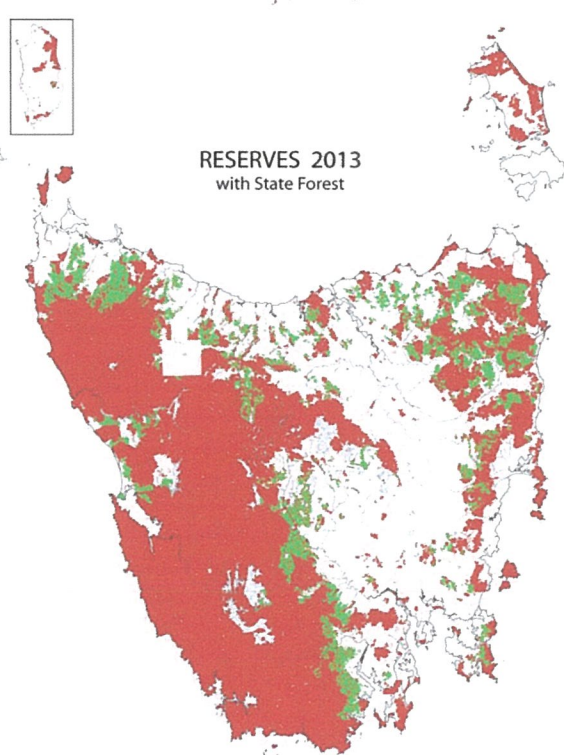
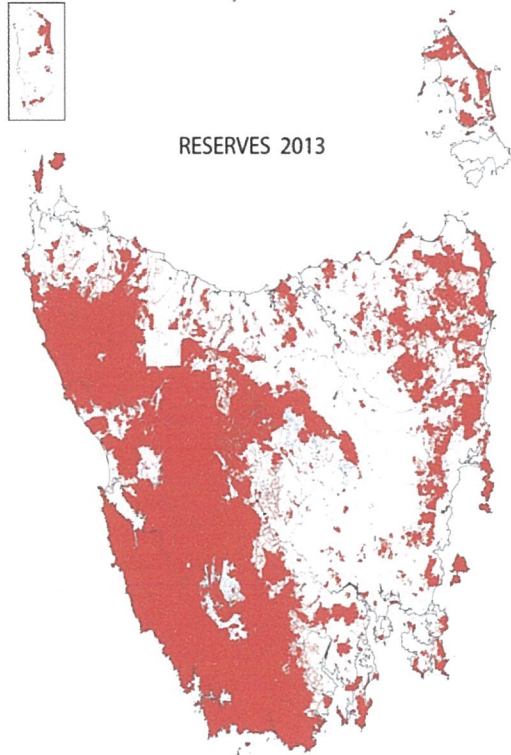
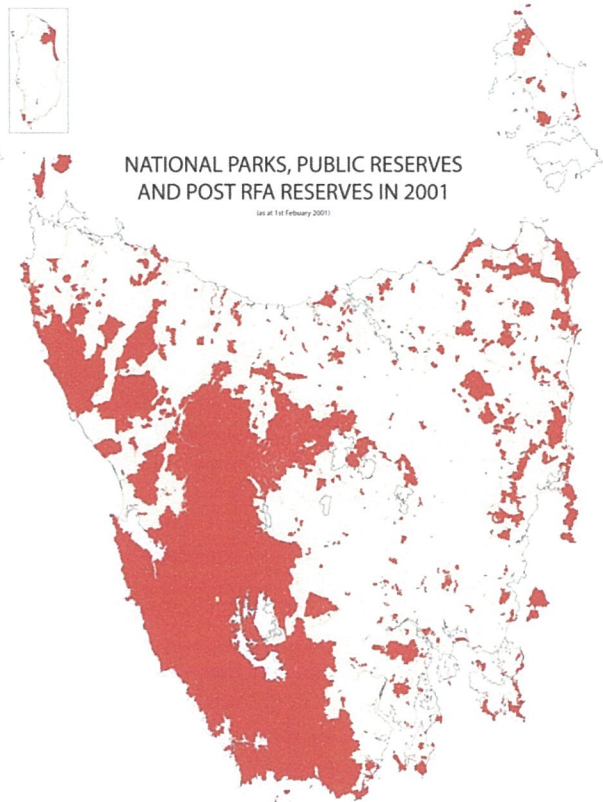
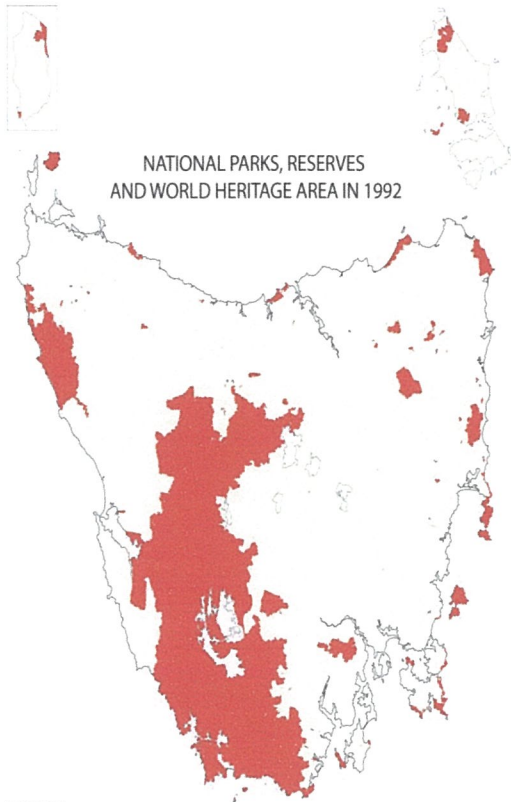
"We take all criticism regarding our organisation very seriously and endeavour to cooperate fully with those who seek to understand or enquire of our work and achievements.

"Any form of dialogue between stakeholders, however, must be held in an open, transparent and truthful manner, and be based on the best intentions in order to be constructive and bear fruit," said PEFC.

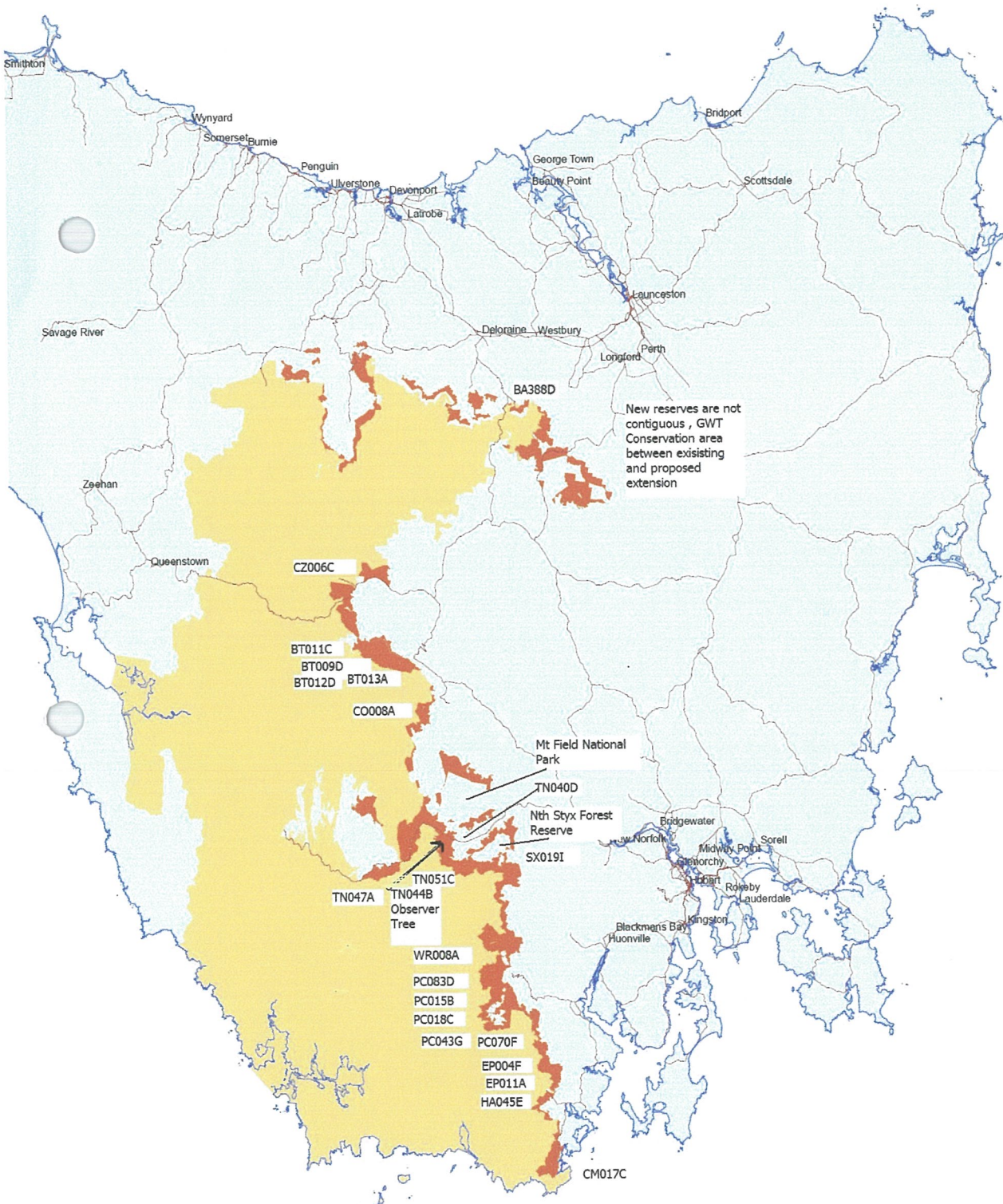
AFS national secretary Richard Stanton told *ProPrint* that he believed there was another agenda behind the 'On the Ground 2011' report, but added "we don't buy into commenting on FSC. We just focus on making sure our standard is as rigorous as possible.

"We meet the standards set by Standards Australia. We focus on that. There isn't a lot of value of getting into a slanging match with FSC."

"There is a lot of product that isn't certified to either standard, and that should be the focus, not having an argument about the relatively small percentage that is certified," added Stanton.



This is a compilation of MA? C
 and Schedule B of the W? submission (p130)



ISSUE 1302

"In Support of Progress" Newsletter

In this issue

Date: 3 February 2013

World Heritage

On Nominating "property" for World Heritage

Last Thursday, Federal Environment Minister Tony Burke announced he would be proceed to nominate a further 170,000 hectares of Tasmania for World Heritage. Tasmania already has 1.4 million hectares so registered. He said he was only doing so on the invitation of industry. An interesting and rather dissembling construct, considering his expressed desire to do so and the ramping up of pressure he was applying to participants and others over the preceding days.

What does World Heritage listing mean exactly?

The process followed is that a country will nominate "property" to be considered of world significance to the World Heritage Committee, an organ of the UN body, UNESCO. The Committee will formally consider and assess the nomination against a set of criteria, and may lay down a range of conditions, agreed to by the nominating country, before listing the nominated "property" on a register. Such a process is regarded as an International Agreement. Minor additions to an existing listed property may not need to undergo the same rigorous assessment as the original nomination.

Under an arrangement with the States, the Commonwealth will ONLY nominate property which has already been determined a reserve by the State. In other words, World Heritage is an overlay on a pre-existing reserve status. Tasmania's World Heritage Area is made up of a number of pre-existing reserves - Tasmania has a number of reserve categories, including National Parks, Conservation Areas, regional reserves etc.

It would appear from the legislation that the Commonwealth can nominate "property" without the consent of the State Government, if it chooses to do so. World Heritage status obliges the State to conform to the conditions laid down by the World Heritage Committee. For example, no dams, no mines, no forestry.

Readers will recall that the long-lasting forest negotiations ended with an agreement last November, and the basis of that agreement is presently before State parliament. A part of that agreement was to accept that 123,500 ha of forest should be put forward for World Heritage nomination as a minor extension to the existing listing. Interestingly, not all of these areas were contiguous, ie they did not abut the existing the property. For example there were areas surrounding the Mt Field National Park which were nominated, even though the park itself was not on the world heritage register.

The Minister's announcement was extraordinary for a number of reasons, and raises a number of issues and questions:

Has he received express support from the State Government to nominate this area? If so, in what form was that support given, and does it require any approval from Parliament? If not, why not?

He nominated 170,000 hectares – the forestry agreement recommended 123,500 hectares. The extra hectareage involves pre-existing reserves – a matter not discussed publicly at any time during this process. In this regard, nominating non-contiguous forest areas seems to have enabled a larger hectareage to be nominated than was otherwise considered, presumably to ensure a contiguous boundary. A classic case of bracket creep and subterfuge?

The 123,500 hectares covers areas presently managed by Forestry Tasmania. They are not in reserves, so therefore there is an obvious breach of previous agreements to only nominate from existing reserves.

This same hectareage contains forest coupes recently harvested, coupes that are presently being harvested, and coupes that are planned to be harvested. So therefore the nomination is in breach of the "no forestry" rule.

It is proposed that the 170,000 hectares be treated as a "minor addition" to the existing "property" on the register. It takes a somewhat fertile imagination to regard 170,000 hectares as a "minor addition".

The nomination has been considered within the confines of forestry. What of other activities? The nominated area contains areas of mineral prospectivity, and this was specifically recognised during the earlier verification process following the Intergovernment Agreement. Vica Bayley, from the Wilderness Society, when questioned recently by the Legislative Council Committee on this topic, stated:

"... If you unpick and look underneath the large assessments of the prospectivity for the World Heritage area extensions - it is possible to paint a different picture with weighted versus maximum indexing in terms of mineralisation and so forth. An argument or analysis in that context will show that many of those areas that overlap with the World Heritage minor extension are not as prospective as they look in some of the reports".

In other words, if you fudge the data, things can appear as you want them to appear.

Further, Bayley was rather vague when it was put to him that present mining activities presently operating would have to cease in reserve areas where mining was a permitted use. However, the World Heritage is quite explicit when it comes to mining. It requests the Commonwealth

"...not to renew the existing leases for mineral exploration and exploitation within the property and immediately adjacent to it after their expiry and to rehabilitate the areas concerned and to incorporate them into the World Heritage property. Further, no new mining licenses should be granted within the property or in the areas which are being recommended for addition..."

From Clause b 32COM 7B.41

Mining interests and their employees will be making their own judgements about this decision, and it will not be favourable to either government.

In fact an approvals process for any development to be considered within the boundaries of the Heritage areas, including a tourism development, will have to undergo a complex, arduous, lengthy and expensive approval process involving both governments and their agencies. The reality is that it won't happen.

The inordinate haste with which the Minister has driven this agenda for inclusion of more area to be nominated for World heritage raises a whole lot of questions, such as Why?

In fact he has ridden this agenda hard, even before State Parliament has considered the matter. It is well known that for a decision to be made by the World Heritage Committee this year it will have needed to have a nomination placed before it by 1 February. However, what's wrong with doing it next year?

I suspect the World Heritage Committee will recognise that certain matters remain unresolved when they come to deliberate this nomination. They may even defer a decision, or send another mission to consider the matter. In making that decision, they will probably take into account the fact that they sent an investigating commission to the State in 2008, a mission that was heavily lobbied by conservation groups at the time, and that mission concluded that there was no need to expand the boundaries of the World Heritage Area in Tasmania.

"The area managed under the TWWHA management plan provides a good representation of well-managed tall Eucalyptus forest and there is similar forest outside the property which is also well-managed, but for both conservation and development objectives. The threats to these forests from production forestry activities are well managed and there is no need for the boundary of the property to be changed to deal with such threats."

Finally, what if State parliament does not pass the legislation?

All in all, this bears all the hallmarks of a right royal stuff-up.

This newsletter is supported by Tasman Management Services.



Further information is provided at www.julianamos.com.au

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