

Submission to the Legislative Council Select Committee on the Tasmanian Forests Agreement Bill 2012

Dear Committee Members,

We, the undersigned forest scientists, believe that the Tasmanian Forests Agreement Bill 2012 (the Bill) currently before the Parliament of Tasmania is inherently flawed, and fails to deliver the best possible outcomes for the people of Tasmania in terms of its biological, social and economic outcomes. We believe that the Bill is flawed, amongst other things, because:

- there was a complete lack of scientific rigour in the assessment process that led to the current reserve proposals. In particular the independent verification group failed to undertake a scientifically rigorous assessment of either the claimed high conservation values or the claimed heritage values of the reserve proposals. There has been no independent peer review of any of the IVG reports.
- the reserve proposal put forward in the Tasmania Forest Agreement 2012 (TFA) assumes that nature conservation can be served well through a protection-or-production model, wherein the large reserve system proposal meets all the States conservation needs. Current world conservation thinking is clearly opposed to this view, and regards the best model as one where timber production is part of a larger landscape in which nature conservation and timber production co-occur in a complex mosaic.
- there is no recognition in the process leading to this Bill, of the very significant investment by the State of Tasmania and the Commonwealth of Australia in what is regarded as one of the world's best forest practices systems. The current system is administered by an independent Forest Practices Authority, which takes advice from biological specialists from throughout the State and nationally and internationally as appropriate, including from the threatened species section at DPIPW.

There are many other issues that we could address, such as the potential loss of forest management and research expertise, the loss of a well resourced fire fighting force, the additional costs of managing additional reserves and wildfire, the merits and perils of forest certification schemes, and so on, but here we will address only the three points above.

It is notable that the Bill does not in any way refer to any particular area of land designated for protection. The Bill refers to a protection order to be published by the Minister in the gazette, but makes no reference to which area of land is under consideration.

The original ENGO claim (December 2011) was approximately 560,000 ha. The area put forward for reservation in the TFA comprises approximately 504,000 ha. We refer hereafter to the reserve proposal as comprising some 500,000+ ha.

High conservation value forests?

The claimed ‘high conservation values’ of the proposed reserves have not been demonstrated.

A scientifically objective approach to addressing this objective would start with a Statewide, “tenure blind” assessment of the distribution of conservation values across Tasmania, followed by one of two alternative steps. If the objective was to optimise the representation of high conservation values in reserves across Tasmania, the next step would be to identify which, as yet unreserved, parts of the State would contribute most to the building of a more comprehensive, adequate and representative reserve network (as was done in Tasmania for the 1997 Regional Forest Agreement, for example). If the objective was constrained (e.g. by political considerations), to the evaluation of a particular area, as in this case to State forests, the next step would be to analyse the extent to which those identified conservation values that were not yet adequately reserved across Tasmania occurred within the ENGO-nominated areas. Only then could the ENGO’s claims be evaluated.

The IVG did not take this approach. The IVG analysis of the ENGO claim was done on the basis of 270 separate polygons, which range in size from less than one hectare to 60,000 ha and which together made up the total area of the original ENGO claim of c. 560,000 ha. The size of the ‘average’ polygon is therefore about 2100 ha. Following the methodology of the IVG process, the conservation values of polygons of 2100 ha each, centred on Hobart and Launceston respectively, were assessed using the same information available to the IVG. The Hobart polygon contains threatened flora and fauna, Aboriginal sites, historical sites, old growth and mature forest. The Launceston polygon has all the same values except for old growth forest. It is likely that any polygon in Tasmania of similar size contains some conservation values. This analysis demonstrates that it was entirely predictable that most of the ENGO polygons contain some conservation values. This in no way demonstrates that all of the forest that is part of the ENGO claim is of high conservation value, as not all of the forest has been assessed. The IVG analysis simply shows that somewhere within most of the

polygons, there are conservation values. These values are known to all that are involved in planning forest harvesting operations and are taken into account in the planning process.

Numerous changes to the reserve proposal from the time of the IVG investigation to the present mean that some areas within the TFA reserve proposal have not been assessed at all.

Heritage Values

The claimed heritage values of the reserve proposals are based on IVG report 5A, Verification of the Heritage Value of ENGO-Proposed reserves, prepared for the IVG by Peter Hitchcock.

The IVG Summary Report of Conservation Values prepared by Brendan Mackey notes (page 9) that the Heritage Report (Technical Report 5A) ‘does not constitute a formal heritage assessment as provided under processes established under the EPBC Act and World Heritage Convention, respectively’. Despite this, the report is extensively quoted in the IVG summary report of conservation values, where National Heritage values are claimed for many of the ENGO proposed reserves and where carefully chosen words are used about World Heritage values e.g. ‘are very likely to meet World Heritage criteria’, ‘significant conservation values with respect to National Heritage and World Heritage criteria’, ‘The majority of ENGO proposed reserves meet one or more National or World Heritage criteria’ and so on. This allows the use of the words ‘World Heritage’ over and over again, without ever actually claiming that the proposed reserves have those values.

In the heritage assessments, much is made of the manifold reports from IUCN and World Heritage bodies that make comments about reserved design and boundary ‘issues’ although the details are sparse. The most recent report on the World Heritage Area, the UNESCO Report of the Tasmanian Wilderness Reactive Monitoring Mission 2008 (Rao *et al.* 2008), which found that there was no need to make any changes to the boundaries of the WHA, except perhaps to include some existing and adjacent National Parks, is not cited.

Rao *et al.* (2008) found that there was sufficient reservation of tall eucalypt forests of all main species, including old-growth within the TWWHA and good management of those forests in both production and reserved forests outside the area. They made the following recommendation:

Recommendation 7: 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.

Landscape level conservation

The TFA is a significant move away from contemporary best-practice in forest conservation science, particularly at the landscape level.

The TFA has ignored the principles of comprehensiveness, adequacy and representativeness that guided reserve selection under the Tasmanian Regional Forest Agreement. The strong bias towards protecting iconic rainforests and tall eucalypt forests, as negotiated by the signatories to the agreement, provides little relief in addressing conservation priorities in other forest ecosystems. In this, the agreement duplicates a key deficiency, identified by eminent conservation scientists, of the Southeast Queensland Forests Agreement (McAlpine *et al.* 2007).

In Federal Agriculture, Forestry and Fisheries Minister Burke's Ministerial speech "Preparing our Forest Industries for the Future"¹ to Australia's parliament on Wednesday 24 June 2009 he recommitted the Australian Government to "ensuring the conservation and sustainable management of Australia's forests and supporting our forest industries and jobs into the future". His speech emphasised that:

- The right balance between conserving and sustainably using our forest resources has been an enduring principle for forest policy;
- The 1992 National Forest Policy Statement was the cornerstone and framework for striking the right balance for the conservation and sustainable management of our forests;
- Regional Forest Agreements deliver the right balance between conservation and sustainable production in native forests and the Government remained fully committed to RFAs as the primary mechanism to sustain jobs, support industry, ensure high conservation values, and for the protection of biodiversity and threatened species;
- Agreements were developed on the back of the largest scientific assessment and stakeholder consultation process ever undertaken for Australia's forests and that the

¹ Hansard House of Representatives transcript Wednesday 24 June 2009 pages 7041-45.

Agreements delivered significant environmental outcomes including Australia's world class forest reserve system;

- Central to these agreements are their sustainable forest management frameworks that deliver environmental protection and sustainable use of forest resources;
- Regional Forest Agreements have realised and implemented the Prime Minister's intent that management of forests must be ecologically sustainable and economically clever.

The TFA is likely to worsen conservation outcomes by engendering a public expectation that the agreement, in protecting asserted "high conservation value forests", is addressing the state's priority conservation needs. This provides a real risk that the agreement will dampen the appetite for the Tasmanian and National public to support the funding of other conservation programs identified as State or National priorities through rigorous scientific evaluation as dictated by Tasmania's Natural Heritage Strategy, released as a Consultation Draft in October 2012 (Department of Primary Industries, Parks, Water and Environment 2012). Critically, many of the State's highest nature conservation needs are on private land, which has not been considered in the present process at all.

Contemporary global best practice for conservation science has shifted emphasis towards sustainably managed landscapes rather than an over-reliance on large protected areas to maintain biodiversity (McAlpine *et al.* 2007; Kareiva and Marvier 2012). This shift is reflected in Tasmania's draft Natural Heritage Strategy (DPIPWE 2012). For production forests, this shift in emphasis recognises that forests need to be managed at many different scales from large landscapes through to individual harvest units (Gustafsson *et al.* 2012). The Tasmanian Regional Forest Agreement (RFA) recognised this and provided for it through the establishment of formal and informal reserves, with complementary management outside reserves provided for through forest practice provisions. A globally significant study, just completed in Tasmania, has verified that this approach to forest biodiversity conservation is working, at least for three groups of forest-dwelling species – birds, plants and beetles (Wardlaw *et al.* 2012). Importantly the study found that production forest landscapes managed under the RFA had comparable biodiversity as found in landscapes that were largely natural. By contrast, landscapes that had higher levels of disturbance as the result of past wildfires and early timber harvesting conducted well before the introduction of the RFA had diminished biodiversity values.

The Bill proposes the further transfer of large areas of tall eucalypt forest into reserves, with wood production being concentrated into a considerably smaller area. This 'protection or

production' approach is clearly at odds with current world thinking that has shown that a management approach wherein production forests are maintained within a complex landscape mosaic of formal and informal reservation, (as applied through the RFA) is a better approach to landscape level forest management in terms of maintenance of conservation values.

World's best practice - The Tasmanian Forest Practices System

The IVG reports failed to evaluate the extent of the marginal gain in conservation benefit from the proposed reservation of an additional 500,000+ ha. They also failed to adequately consider the possibility that many identified conservation values could be adequately maintained through other management mechanisms, including those inherent in independently certified sustainable forest management systems. Indeed, throughout the IVG process there has been a complete lack of recognition that forest management can be and is conducted in a manner that enables conservation of biodiversity whilst still allowing timber production. Rather, the assumption throughout has been that only through reservation can conservation be enabled.

The current Tasmanian forest practices system is the product of many years of development, refinement and adaptation. The forest practices system was established by the Tasmanian Parliament through the [*Forest Practices Act 1985*](#). The current Forest Practices Code (Forest Practices Board 2000) for Tasmania, is the result of a series of revisions of the first published code. At each revision there is a public consultation period. The Forest Practices Authority manages a complex forest management system, which includes the Forest Practices Code, but which also takes into account other legislation such as the Threatened Species Protection Act 1995. Forest Practices Officers when preparing a Forest Practices Plan have to be cognisant of a range of important factors; consideration of threatened fauna species alone is underpinned by a draft Threatened Fauna Advisor background document, currently under review, which runs to 400 pages. The complex forest planning system that underpins timber harvesting thus takes account of the requirements of threatened species, whilst also managing for timber production.

That the Tasmanian Forest Practices System is world class is recognised by the United Nations, who have engaged the Tasmanian Chief Forest Practices Officer to advise them on the development of Codes of Practice and Forest Management Planning principles in 14 different Asia-Pacific countries; the same countries incidentally, that currently supply much of Australia's demand for hardwood timber. A study of Tasmania's forest practices (McDermott *et al.* 2007) found, "Tasmanian policies for public lands are among the five most

consistently prescriptive of the case study public ownerships and among the three most consistently prescriptive of the case study private ownerships. Tasmanian performance thresholds are most comparable to those of western North America.”

Recommendations

A sufficient State forest land base that allows for wood production and nature conservation to be managed simultaneously in a well designed landscape is our preferred approach. This is in line with current world best practice for sustainable wood supply and nature conservation. This would require completion of an integrated assessment of nature conservation and heritage values across all land tenures using a scientifically rigorous, transparent and repeatable process.

This process would also serve to identify areas that are truly suitable for addition to the reserve system, whilst also identifying areas that are best managed extensively for both wood production and nature conservation.

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Signed

Dr. Mark Neyland, MIFA
New Town, Tasmania

Dr Peter Volker, FIFR RPF
Berriedale, Tasmania

Dr Tim Wardlaw, MIFA
Molesworth, Tasmania

Dr Dean Williams
Lindisfarne, Tasmania

Dr Paul Adams, MIFA RPF
Geilston Bay, Tasmania