Attachment 4: Copy of a response to a Question on Notice from the hearing of 15th January 2013 of the Legislative Council Select Committee on the Tasmanian Forests Agreement Bill 2012 (provided as part of a combined response from DIER):

Clarification of the process to verify the conservation values claimed under Schedule A of the amended Bill

The values identified under Schedule A of the amended Bill for proposed Tranche 1 and 2 reserves, have been drawn from the legislated values and purposes in Schedule 1 of the *Nature Conservation Act 2002.*

Schedule 1 of the *Nature Conservation Act 2002* (NCA) sets out eight classes of reserves on public land and identifies the values and purposes that equate to each class. These values and purposes are legislated criteria and, as such, provided the key ruleset used to classify each of the TFA proposed reserves. This is consistent with the Bill, which requires the Nature Conservation Minister, as part of the reserve making process, to recommend proposed reserves be a class of reserved land under the NCA that gives effect to the boundaries, values and purpose accepted by Parliament for the proposed reserves (see clause 16(8) of the Bill). A copy of Schedule 1 of the NCA is provided for your reference.

One of the purposes of the Bill, as publicly articulated in Government Fact Sheets and the Second Reading Speech, is not to unduly impact on non-forestry activities, such as mining, infrastructure, tourism or recreational uses or rights.

The process of assigning values and purposes to reserves proposed through the Tasmanian Forest Agreement consequently applied the legislated criteria for NCA reserves, in the context of the purpose of the Bill. So, for example:

- Areas that were predominantly in a natural state, and occurring within legislated Strategic Prospectivity Zones, or under an existing mining lease or mineral exploration licence or identified in Mineral Resources Tasmania datasets as having moderate-high or high mineral prospectivity, were assigned purposes and values equivalent to Class 7 (ie Regional Reserve) under Schedule 1 of the NCA. Schedule 1 of the NCA prescribes this classification for "an area of land- (a) with high mineral potential or prospectivity: and (b) predominantly in a natural state" and assigns a purpose of "Mineral exploration and the development of mineral deposits in the area of land and the controlled use of other natural resources of that area of land, while protecting and maintaining the natural and cultural values of that area of land".

- Areas that were covered by infrastructure, and predominantly not in a natural state, have been excluded from the proposed reserve areas (either by general description in the definition of "land" or, in a small number of cases, by excising the area from the maps), as these do not meet the legislated classification.

- Areas not included in the above categories, that had significant existing tourism or recreational use, but still in a predominantly natural state were assigned purposes and values equivalent to class 5 Conservation Area or Class 6 Nature Recreation Area.

- Areas that did not fall into the above categories and that were large natural areas (or contiguous with existing national parks to form large natural areas) were assigned purposes and values equivalent to Class 1 National Park.

Note that the ruleset was applied in as practical a manner as possible in the short timeframe available. For example, where there was no conflict with legislated values and purposes, other issues, such as adjacent land tenure, were also taken into account.

Clearly, in the time available, there was no capacity to field check some 500 000 hectares of proposed reserve land, nor to finesse boundaries to ensure appropriate management boundaries have been identified.

It is expected that the reserve making process, where detailed Central Plan Register (CPR) Plans will be prepared for each individual proposed reserve, will enable appropriate management boundaries to be identified for each new reserve, including verification of the purposes and values assigned under the Bill. This process is anticipated to make use of existing datasets, advice from land managers, and other relevant information, including expert advice, information provided by the community or interest groups and the Independent Verification Group Report.