



FOREST PRACTICES AUTHORITY

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Tasmanian Forests Agreement Bill 2012 Committee
Legislative Council
Parliament House
tfacommittee@parliament.tas.gov.au

Re: Submission of the Forest Practices Authority to the Tasmanian Forests Agreement Bill 2012 Committee

The Forest Practices Authority (FPA) is pleased to submit evidence in relation to the Tasmania Forests Agreement Bill 2012. In doing so, the FPA confines its comments to those aspects of the Bill that potentially affect the operation of Tasmania's forest practices system.

1. The FPA notes that the Tasmania Forests Agreement seeks to end conflict within the Tasmanian community over the management of its forests by increasing the area of public forest in reserves and by decreasing the planned timber harvest from remaining public forests. This approach is based on the following assumptions-
 - (1) That the conservation of forest values is best achieved by the broad scale exclusion of public forests from resource use rather than by adaptive management through appropriate prescriptions and buffers etc.
 - (2) That the Tasmanian community will accept a continuation or intensification of wood production regimes such as clearfelling within the native forests that are available for the harvesting of timber.

The FPA is not aware that these assumptions have been fully tested or that full consideration has been given to other approaches, such as a move towards higher value/lower volume timber harvest from an extensive forest estate managed under enhanced regulation.

The FPA also notes that above approach only deals with public forests and it excludes privately owned forests, which contain many conservation values that cannot be adequately protected solely on public lands.

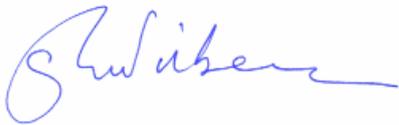
2. The FPA was not involved in the analyses or negotiations under the Forest Agreement process that led to the proposed targets for reservation and timber harvest in public forests so we are not able to comment on the extent to which the Agreement could lead to an intensification of harvesting regimes in forests that are outside of reserves. However, the

FPA believes that commercial factors are already exerting pressure on environmental outcomes, as evidenced by-

- a trend towards more locally concentrated and intensive harvesting regimes; and
 - increasing opposition by some elements of the forestry sector to proposed upgrades to the management prescriptions for the conservation of biodiversity under the Forest Practices Code because of economic concerns.
3. The FPA notes that clauses 53 and 54 of the Tasmanian Forests Agreement 2012 seek to require the FPA to explicitly consider social, economic and environmental outcomes in its decision-making processes, including in the revision of the Forest Practices Code and associated planning tools. The FPA is strongly of the opinion that the requirement to take account of consider social, economic and environmental outcomes is already implicit in the Forest Practices Act. The FPA has always developed and applied the Forest Practices Code and made decisions with respect to the certification of forest practices plans with this in mind. The relevant provisions of the Act are as follows-
- The statutory objective of the forest practices system is to *achieve sustainable management of Crown and private forests* (Schedule 7, Forest Practices Act 1985). ‘Sustainable forest management’ is not specifically defined in the Act but it widely taken to cover social, environmental and economic values (for example see the extract from the Australian Forestry Standard in attachment 1).
 - The Forest Practices Tribunal (and hence the Board) must *in making a determination under [the] Act, have regard to the financial effect of its determination on the parties* (s.37(12) of the Act).
4. The FPA is of the view that the requirement to take account of social, economic and environmental outcomes could be made more explicit in the Act by specifically adding it to the statutory objective of the forest practices system (Schedule 7 of the Act) together with a reference to a definition of sustainable forest management.
5. Whilst the FPA supports the notion of making the requirement to take account of social, economic and environmental outcomes more explicit in the Act, the FPA notes that this in itself will not provide any greater guidance as to how the FPA should give weight to these matters.
6. The FPA understands that some elements of the forest industry are seeking to give weight to wood production outcomes through amendment of the Tasmania Forests Agreement Bill 2012 to require the FPA to have regard to the wood production obligations of the Forestry corporation. The FPA is of the view that an obligation to have regard to the wood production obligations of the Forestry corporation but not those of other forest owners could be seen to be unfair and prejudicial to the interests of other forest owners. Furthermore, any consideration of wood production obligations should not be made in the absence of policy guidance with respect to environmental and social outcomes, but as part of a holistic and sustainable approach to the achievement of all of the objectives of forest management across all tenures.
7. For the past 20 years the FPA has faced the challenge of achieving a reasonable balance between wood production and conservation outcomes through its decision-making processes under the Forest Practices Act. It has sought to do this in consultation with forest managers, scientists and other stakeholders through a cooperative approach to the development of management prescriptions and planning tools. However, in recent years there have been increasing tensions between environmental, social and economic factors for a number of reasons, including improved scientific knowledge, community pressure for

increased environmental protection and a decline in the commercial value of some forest products. The FPA is strongly of the view that these tensions can no longer be adequately resolved under scope of the Forest Practices Act in the absence of an overarching policy framework that better defines the contribution that wood production forests should make to the conservation of natural and cultural values on both public and private land.

8. The FPA is strongly of the view that a Forest Policy should be developed as part of Tasmania's overarching legal and policy framework to provide a definition of sustainable forest management for Tasmania and objectives for the range of goods and services that the Tasmanian community seeks from its public and private forests. A clearly articulated Forest Policy would provide a framework to guide the decision-making processes of the FPA under the Forest Practices Act, as well as providing a broader basis for guiding long term forest management planning and investment decisions within the public and private forestry sectors.
9. The FPA believes that a Forest Policy should be developed by government through a consultative process, including public participation. A suggested framework for a Forest Policy is provided as attachment 2. Once a policy is in place the FPA expects that it would be able to review the Forest Practices Code in accordance with the overarching policy and issue a revised code shortly thereafter.
10. The FPA is happy to elaborate on any of these matters. The FPA will be represented at the hearing by the Chair of the Board of the FPA, Professor Gordon Duff, and the Chief Forest Practices Officer, Graham Wilkinson.



Graham Wilkinson
Chief Forest Practices Officer



Gordon Duff
Chair of the Board, Forest Practices Authority

Attachment 1 – Definition of sustainable forest management (extract from the Australian Forestry Standard)

Whilst there are a number of definitions of sustainable forest management, the following was based on concepts enunciated in the Forestry Working Group on Ecologically Sustainable Development (1991) and the National Forest Policy Statement (1992):

The integration of commercial and non-commercial values of forests so that both the material and non-material welfare of society is improved, whilst ensuring that the values of forests, both as a resource for commercial use and for conservation, are not lost or degraded for current and future generations.

On the basis of this definition, and in common with other efforts to define sustainable forest management, there are three principles to sustainable forest management that are embraced by the AFS:

Ecological sustainability

This entails maintaining the ecological processes within forest ecosystems—the formation of soil, energy flows, and carbon, nutrient and water cycles—and the biological diversity of forests so as to maintain viable and functional ecosystems. The ecosystem needs to support healthy organisms, whilst maintaining its productivity, adaptability and capability for self renewal. Forest management needs to respect, and build on, these natural ecological components and processes.

Social sustainability

This entails maintaining and enhancing the net social benefit derived from the mixture of forest uses while maintaining options for the future. This includes sustaining the relationship between cultural ethics, social norms and development. An activity is socially sustainable if it conforms to ethical values and social norms, or does not exceed a community's tolerance of change.

Economic sustainability

This entails optimising the economic benefits for income, employment, goods and services from the mixture of forest uses within ecological constraints. It requires that benefits to the groups in question exceed the costs incurred, and that some form of equivalent capital is handed down from one generation to the next so that our use of the forest does not preclude or foreclose on future use options by future generations.

Attachment 2 – A Forest Policy for Tasmania

1. Background

Tasmania does not have a comprehensive and integrated statement of forest policy. In administering the Act the FPA has been guided by the principles of the National Forest Policy Statement 1996, which established three tiers for managing natural and cultural values within private and public forests-

1. A permanent native forest estate (PNFE)
2. A reserve system that is comprehensive, adequate and representative (CAR)
3. The complementary management of forests outside of reserves through regulation and codes of practice.

Tasmania has a policy for the maintenance of a permanent native forest estate. The policy is made by the Minister and the FPA is required to implement the policy under s.4C(fb) of the Forest Practices Act .

Tasmania does not have a policy with respect to the establishment of a CAR reserve system. The reserve system created under the RFA was based on nationally accredited, scientific and systematic criteria but recent proposals for additions to the reserve system have not been based on such criteria and there is no comprehensive strategy for securing areas of high conservation value on private land. The forest practices system has no role in the establishment of a CAR reserve system. However, the policies relating to the establishment of a CAR reserve system are relevant to the FPA because it must take account of the conservation status of species, including the adequacy of reservation, when determining prescriptions for the management of habitat in forests outside of reserves.

Tasmania's forest practices system is widely recognised as an effective mechanism for delivering a contribution to the conservation of natural and cultural values in forests outside of reserves. However, operational devices such as the Forest Practices Code need to be developed and maintained in the context of an overarching policy framework and there are currently a number of matters upon which the overarching policy is not clear, including-

- the objectives for the management of biodiversity
- the objectives for the management of forest carbon
- the type and intensity of silvicultural regimes applied to native forests
- the management of smoke from planned burns
- the impact of plantations on water catchments
- public engagement in forest policy and management.

In addition to the forest practices system there are other mechanisms for securing the conservation of natural and cultural values in forests outside of reserves. These include: other forms of regulation, duty of care, incentives and assistance, payments for environmental services, education and voluntary programs. The role and relative contribution of these mechanisms should be articulated in an overarching policy.

2. The development of a Forest Policy

The FPA believes that a Forest Policy should be developed for Tasmania to encompass the following components-

1. A definition of sustainable forest management
2. The objectives of forest management with respect to the environmental, social and economic values of the forests.
3. The means by which the objectives of forest management will be achieved, including-
 - a. The policy on the maintenance of a permanent native forest estate
 - b. A policy on the development of a reserve system that is comprehensive, adequate and representative
 - c. The complementary management of forests outside of reserves, including –
 - i. The relative contribution that forest outside of reserves should make to the conservation of natural and cultural values; and
 - ii. The mechanisms by which the conservation and management of those values will be achieved, through regulation and other means.