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The Tasmanian Regional Forest Agreement Extension Proposition

An Under Sufferance Introductory Public Submission

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The Environment Association (TEA) Inc is a not for profit, volunteer based, regional, environment, community association and a stakeholder in this process. TEA has a long-term interest in environmental and social outcomes in our region, Northern Tasmania, particularly in forest conservation and forestry issues.

The Environment Association has worked in the public interest since its inception in 1990. As one of only two rural based environment centres in Tasmania, The Environment Association (TEA) is a long-term independent stakeholder in any resolution to the complex and divisive forestry conflict in Tasmania.

TEA is not represented by any other conservation organisation, formally or informally, including the three ENGO conservation organisations that signed the IGA.

Please find our submission below, which provides evidence, comment and opinion on the Tasmanian Regional Forest Agreement and relevant associated process, regulatory, policy and other reform matters, which we consider vital. Generally the word **recommends** or some such is emboldened. Thank you for providing the opportunity to make submission on this important matter.

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OPENING REMARKS

This is the first of several upcoming renewal attempts for Regional Forest Agreements (RFA) across several states and regions of Australia.

The Tasmanian RFA however has a complex array of failures and deficiencies which either stem from its inability to further the Objectives of the National Forest Policy Statement, failure to meet the RFA Act itself, failure to deal adequately with matters of National Significance, or matters of National Estate value, or which have arisen because of the rorting of the agreement itself, or because of the community conflict which has arisen over rapacious, poorly conceived, hideous logging of prized places or the scarring of places of great natural beauty and over a range of other health and amenity issues.

The past attempted solutions including the FFIS and the RFA under the NFPS have not been durable. TEA considers that historically the overt, unrepentant favouritism and bias towards the forestry industry by decision makers to have been entirely unwarranted. It has, in our view, resulted in decisions, which have disadvantaged Tasmania and has helped to keep it a socially poor and under-educated state.

Much of the RFA is out of date and its revision would have far reaching consequences beyond what could reasonably be envisaged or termed an “Extension”, which is the term in the RFA. The RFA pre dates the EPBC Act, to take one obvious example.

The composition of the Tasmanian community is rich and complex and that demands both an open process - the involvement and inclusion of all sectors – government, community and private, in all their considerable diversity. People’s valid views should not be negated mindlessly. TEA has no confidence that an open and fair consultation is occurring however. It is the sort of thing one expects in Tasmania but the Commonwealth should be ashamed.

That diversity necessitates that we contemplate, debate the issues, listen to different points of view, accept new ideas and become willing to grapple genuinely with challenges such as climate change and species decline as well as the dying industry often unwilling to change.

This may quite likely need to happen in different ways but currently the RFA Extension process is unacceptable and deserving of disdain and complaint.

Just think; the people of the Tamar valley opposed a major Pulp Mill at Long Reach, thousands upon thousands of people, yet this RFA Review process is only having consultation sessions at Scottsdale, Burnie and Huonville. Is this open and fair?

We do not consider we are anti-forestry at all but rather, we are highly dissatisfied with a range of significant and relevant environmental and social forestry problems, all bound up in arcane forestry legislation and incompetent lopsided agreements.

We also remain completely unaccepting of the uneven policy playing field and ongoing funding largess, which we do view as a third world form of corruption. To portray such reasonable dissatisfaction as anti forestry would be simplistic misunderstanding.

Regardless, the conflict in Tasmania will likely continue in the presence of a lack of tolerance for all the views, bigotry, aggression, bullying and intimidation, ignorance,

biased decision-making, discrimination, favouritism and cronyism. Respect and tolerance are crucial.

The conflict in Tasmania will likely continue though avoidance of relevant considerations of all the facts by policy makers, decision makers and legislators and/or a lack of understanding of the implications.

Conflict will likely continue though avoidance of responsible forestry practices and of fair and just means of achieving a land use remedy through valid legal and planning processes including rights of objection and appeal.

The current RFA is neither effective nor credible. This document explains only some of the reasons for that poor situation. TEA is seriously discontented presently and has been so for much of the duration of this very inadequate Tasmanian RFA.

It seems the Commonwealth consider the RFA to be a framework. We strongly disagree. The RFA is simply an intergovernmental agreement – a bilateral one. The problem with terming it a framework when it is not is that it is a misadvice to the public. Indeed Tasmania's Department of State Growth website correctly states:

> *"The Tasmanian Regional Forest Agreement (RFA), is an inter-governmental agreement between the Tasmanian and Australian Governments, signed in November 1997."*

However when one looks at the State Growth website one sees the references again to policy framework. See below. We especially strongly dispute the claim:

> *"The Tasmanian RFA is the governments' policy framework for delivering sustainable forest management in Tasmania."*

We urge and **recommend** the State and Commonwealth to seek legal advice on this matter.

Do you mean perhaps:

> *"A framework agreement is not an interim agreement. It's more detailed than a declaration of principles, but is less than a full-fledged treaty. Its purpose is to establish the fundamental compromises necessary to enable the parties to then flesh out and complete a comprehensive agreement that will end the conflict and establish a lasting peace."*[1]

Or something else? If it is indeed something such the above definition – it has failed.

INEFFECTIVE UN-DESCRIBED PROCESS

On the 22nd November 2016, a State/Commonwealth letter was emailed to a few stakeholders (Limited only to those who commented on the 3rd RFA 5-year Review.) with an interest in Tasmania's forests, forestry and the conservation forest, biodiversity and wilderness. This letter described a gormless, inadequate process of no merit and with

[1] George J. Mitchell, quoted in Elliott Abrams, "Three mistakes the U.S. must not make in the Israeli-Palestinian peace talks, Washington Post (September 4, 2010).

almost no detail but seemingly aiming to extend the Tasmanian Regional Forest Agreement.

That inadequate letter did not even have the integrity to inform stakeholders of the closing date of the so-called consultation that seeks to renew a 20-year Commonwealth and State agreement with impacts on Australia's International obligations. On the State and Commonwealth websites, you will however find the closing date for consultation.

> *"Consultation closes 12.30 pm AEDT, Friday, 23 December 2016."*

The State and Commonwealth Govt. websites. The Commonwealths is:

http://www.agriculture.gov.au/forestry/policies/rfa/regions/tasmania#ecologically-sustainable-forest-management-reports

The State website is: http://www.stategrowth.tas.gov.au/forestry/rfa Then go to the heading: Extending the Tasmanian Regional Forest Agreement. An extract from the website is:

> *"**Extending the Tasmanian Regional Forest Agreement"***
>
> *"The Australian and Tasmanian governments have committed to establish a 20 year rolling extension to the Tasmanian Regional Forest Agreement (RFA). To inform this process, we are seeking your feedback.*
>
> *Stakeholders have had an initial opportunity to provide feedback (from 17 April to 12 June 2015) about extending the Tasmanian RFA, as part of the third five-yearly review of the RFA. This initial feedback, and the Independent Reviewer's report to the third five yearly review of the Tasmanian RFA, has informed the focus of this additional consultation.*
>
> *The governments will consider any practical improvements to the Tasmanian RFA, to ensure it remains effective and credible in the long term. While the governments are not negotiating a new RFA, or changing the Agreement's fundamental objectives, they have identified the following improvements to the RFA framework:*
>
> • *Streamlined and strengthened review and reporting arrangements – presently the five yearly reviews examine the implementation of the RFA clause-by-clause. The improved review and reporting arrangements will be outcomes focused.*
>
> • *Improved and contemporary dispute resolution mechanisms – these will give the governments more options for resolving issues about the implementation of the RFA.*
>
> • *Improved communication and consultation – the governments will hold annual officials level bilateral meetings, in the interim years between five-yearly reviews, to discuss issues relating to the ongoing implementation of the RFA.*
>
> • *Modernisation of the RFA – where practicable, the governments will update references to superseded legislation and policy."*

> *"The Tasmanian RFA is the governments' policy framework for delivering sustainable forest management in Tasmania. In extending the Tasmanian RFA, the governments will maintain the Agreement's key objectives:*
>
> • *certainty of resource access and supply to Tasmania's forestry industry*
>
> • *ecologically sustainable forest management and use of Tasmania's productive forests, and*
>
> • *a Comprehensive Adequate and Representative reserve system."*

A deficiency regarding the RFA is there are no *"key objectives"* listed in the Tasmanian Regional Forest Agreement dated the 8th November 1997. This statement thus misleads the public and stakeholders.

TEA has not been able to find any official documentation where:

> *"Governments have committed to establish a 20 year rolling extension to the Tasmanian Regional Forest Agreement".*

Please send TEA a copy of the decision together with some description of how the decision was reached and the relevant considerations, which were taken into account.

From TEA's perspective and when one downloads the FOI documents from the Commonwealth site one can see there is very little Government interest in anything other than getting back into the process of the liquidation of native forests.

NB: Tasmania is the first RFA being renegotiated or rather "rolled over". This Tasmanian RFA extension process is being conducted out of order, as the Tasmanian RFA was not the first to be created; rather it was the East Gippsland RFA. It is logical the East Gippsland RFA Extension would be attempted first.

TEA's preliminary process concerns are:

The RFA Extension Comment period is a miserable and unjust 23 working days in total and of course, it is being held at Christmas time. After 19 years of a pathetic failure of an RFA, performance there is a measly 23 working days to make comment.

The three venues identified for consultation (Burnie, Huonville and Scottsdale), two are backwaters, small rural towns of a few thousand people. One small city of intellectual prowess – and unless one lives nearby hardly convenient for a majority of stakeholders and interested parties, regardless of one's particular interest. An intrinsically shortsighted and deficient consultation strategy!

Indeed Huonville and Scottsdale being merely small country towns, which accordingly only give opportunity to relatively few people from the broader Tasmanian community to have a meeting and access the briefing.

Launceston for example is home to several forestry companies, as well as the epicentre of a major conflict over the Gunns Tamar pulpmill proposal for the Tamar valley, yet no RFA meetings are being held in Launceston.

Tasmania's largest city Hobart has not been given an RFA meeting opportunity, despite the idiotic proposal to cover Macquarie Wharf in logs. Such manipulative exclusions are dumb, scurrilous, meeting no consultation standards whatsoever and will result in an RFA without a skerrick of social license.

TEA would describe the above consultation recipe as uninclusive and moronic. TEA an unfunded volunteer association, decided it was not travelling two hours to attend and give credence to such a manipulative defective consultation approach.

There is not even a proper background briefing paper to the Tasmanian RFA extension process. This is highly incompetent. The five yearly reviews of the RFA have not identified all the shortcomings and failures and we consider, failed to take account of all the issues raised in the submissions.

This RFA consultation fails almost all of the standards set out in the Australian Government's 'Best Practice Consultation' Guidance Note of July 2014.

Clearly not all the RFA stakeholders have been contacted and advised of the current RFA extension process. For example, and most obviously, there would be well over 600 RFA private reserve stakeholders out of the 819 private reserves in Tasmania who should have been contacted. But who were not. Those private reserve landowners owning a significant part of some 99,000 Ha of private reserved land made a significant commitment to the National Reserve System under the current RFA, yet it seems they are not regarded as RFA stakeholders - the Government even has their addresses and covenant details. This is a disgrace and an atrocity. TEA now calls on both Governments to start the consultation process over an RFA Extension afresh. We think a number of things should happen first and these are discussed further on in our submission.

TEA admits it is disdainful of the RFA and is aggrieved by its myriad of failures. The process of the extension or renewal of the RAF should have been identified and described around the time of the third five yearly review of the RFA in 2012/13, which was inappropriately delayed by the Tasmanian Forest Agreement.

We are now coming up to the fourth 5 yearly review of the RFA, yet there is still no proper description of the extension process and the public consultation which needs to occur if you are to achieve an effective and credible RFA. It is a sham and a malfeasance. It deserves further complaint. It has no probity.

To be clear TEA considers there is no effective and credible RFA or RFA extension process at present and we cannot see one on the horizon presently.

The Commonwealth, in its publication 2015 'Regional Forest Agreements – an overview and history' Department of Agriculture 2015, ISBN 978-1-7-6003-093-3 (online) and ISBN 978-1-7-6003-092-6 (print), has stated:

> *"Regional Forest Agreement extension"*
>
> > *"As part of each RFA's third five-yearly review, the Australian and state governments can agree a process to extend the RFA.*
> >
> > *In October 2013, the Australian Government committed to maintaining its support for long-term RFAs by seeking to extend and establish 20-year rolling lives for each RFA.*
> >
> > *This will be achieved by extending RFAs for five years following the successful completion of each RFA's five-yearly review."*

We are fed up with public funds being consumed by processes, which are biased, rorted, dishonest, clandestine and untransparent, are not based on reality and which distort the truth of the matter.

In our Third five year RFA submission we stated regarding a further or extension of the RFA:

> *"This submission is intended to provide information to assist with decision-making over the 3rd Five Year Review of the Tasmanian Regional Forest Agreement which should have been held in 2012. It also deals with the process for a New RFA."*
>
> *And*
>
> *"The Commonwealth in considering a process for establishing a future RFA for Tasmania should ensure that a restructure of native forest logging on public land, which it has underwritten from the 1970s, is underpinned with adequate funding ensure adequate conservation outcomes can be achieved. In the (Tasmanian Forest Agreement) TFA a one sided set of assistances largely has occurred. The resolution of adequate reservation of forest remains unresolved. The design of a modern and responsible caring forestry industry has not been achieved. Forestry in Tasmania remains without a social license."*
>
> *And*
>
> *"The question has to be asked regarding forestry: What is responsible and resilient development, which is acceptable to the both community and industry and that avoids harm to the environment? This is a critical matter to be resolved in any process for a new RFA."*
>
> *And*
>
> *"The current Tasmanian Regional Forest Agreement does not have a social license and has obviously failed a number of times. It has irrefutably enabled the ongoing decline of nature. It has seen the complete failure of all the Managed Investment Schemes of the plantation forestry companies and the end of Gunns Limited, Australia's largest native forest extractor of hardwood export woodchips. Many innocent people lost their life savings."*
>
> *And*
>
> *"We wish to formally state our implacable opposition to a simple rollover of the current failed Tasmanian RFA into a further period thus almost certainly allowing the manifest inadequacies to remain entrenched."*
>
> *And*
>
> *"Nothing less than a full and proper truly independent, transparent process that identifies the failings, recognises the rorted and out of date Comprehensive Regional Assessment of the mid 1990s and commits to establishing new studies for both social and environmental issues, especially ensuring baseline data for threatened and endangered fauna -which was a complete farce in the previous CRA is absolutely essential. A new process needs to delink forestry from the conservation of nature."*
>
> *And*
>
> *"Tasmania (the Thylacine killing state) must stop driving species toward extinction and the only way to do this will be to establish and then consider the up to date baseline data for each species at risk and then consider the reservation or*

protection strategy required before embarking on some pie in the sky legislated quota or some other resource guarantee which cannot in fact be met."

And

"It is obvious that Governments have decided to continue with RFA's despite the manifest failures. A roll over will not work and will at no stage be supported and will not gain a social license for any forestry sector whether engaged in growing, extraction, export or local processing. TEA sees many other opportunities for Tasmania's forests but sadly Tasmania seems incapable."

And

The question has to be asked regarding forestry: What is responsible and resilient ecologically sensitive development, which is acceptable to the both community and industry and that avoids harm to the environment? This is a critical matter to be resolved in any process for a new RFA.

TEA considers we raised a range of RFA Extension issues but explicitly and in broader terms in our 2015 submission. The matters we raised were obviously relevant considerations in any extension of the RFA process, as you can see.

The Government's puerile mid November 2016 letter titled: 'Invitation To Attend Drop In Centre About Extending The Tasmanian Regional Forest Agreement' suggests fallaciously, we believe, that you considered our preliminary comments over the Tasmanian RFA's Extension.

"Stakeholders have had an initial opportunity to provide feedback (from 17 April to 12 June 2015) on extending the Tasmanian RFA, as part of the third five yearly review of the RFA. This initial feedback, and the Independent Reviewer's Report to the Australian and Tasmanian Governments on the third five yearly review of the Tasmanian Regional Forest Agreement (November 2015), has informed the focus of this additional consultation."

What disingenuous misadvice. We see no evidence that Governments adequately considered our comments in any way.

The almost illusory, so-called process, a presumably 'suck it and see' affair, has no credibility and no probity. It will not result in a durable RFA Extension. We strongly **recommend** that both Governments: Fix the process soon and properly; it currently meets no standards, including Government ones.

The process fails to meet the National Forest Policy Statement's commitments such as:

"The Agreement describes a process of consultation and cooperation designed to protect Australia's natural and cultural heritage in the context of conservation and development initiatives."

"The development of the management plans will incorporate community consultation."

"The State Governments will regularly review and revise the codes of practice in light of improved knowledge of ecologically sustainable management and with appropriate industry and community consultation."

"Under the Australian Constitution, State Governments have primary responsibility for land use decision making and management. As a consequence, State processes are well established, and they are periodically reviewed to take account of community priorities. Several States are introducing changes to increase opportunities for consultation, to reflect changes in societal values, and to promote more effective State–Commonwealth cooperation in land use decision making."

"consultation with affected individuals, groups and organisations;"

– *"consideration of all significant impacts;"*

– *"mechanisms to resolve conflict and disputes over issues which arise during the process;"*

– *"consideration of any international or national implications."*

"The relevant State agencies jointly with the Australian Heritage Commission, acting as the agent of the Commonwealth, and with community and industry consultation, will coordinate the collection of the information necessary for assessments."

"At the operational level, the States will ensure that management plans are developed by forest management agencies, consulting with local government, regional organisations and other authorities as appropriate and providing opportunities for public consultation. Operational management will be integrated to the greatest extent possible, consistent with achieving agency objectives."

"continued development by the States of comprehensive and publicly available forest management plans based on extensive public consultation and advanced planning techniques;"

and

"Public awareness, education and involvement. The goals are to foster community understanding of and support for ecologically sustainable forest management in Australia and to provide opportunities for effective public participation in decision making."

This RFA Extension proposition process shamefully does not even meet the NFPS.

It seems to TEA that a significant amount of decisions have already been made in the absence of *"opportunities for effective public participation in decision making"*.

At this stage Governments should also explain to the community, the public, and stakeholders explain how they will be involved in the consideration and preparation of RFA Extension documents.

The Tasmanian RFA has obviously failed to create a proper process for Extension.

THE RFA ACT DEFINITION of RFA or REGIONAL FOREST AGREEMENT.

TEA questions whether the Tasmanian RFA has and is in compliance with the RFA Act (Cwth).

"RFA or Regional Forest Agreement" means an agreement that is in force between the Commonwealth and a State in respect of a region or regions, being an agreement that satisfies all the following conditions:

> *(a) the agreement was entered into having regard to assessments of the following matters that are relevant to the region or regions:*
>
> > *(i) environmental values, including old growth, wilderness, endangered species, national estate values and world heritage values;*
> >
> > *(ii) indigenous heritage values;*
> >
> > *(iii) economic values of forested areas and forest industries;*
> >
> > *(iv) social values (including community needs);*
> >
> > *(v) principles of ecologically sustainable management;*
>
> *(b) the agreement provides for a comprehensive, adequate and representative reserve system;*
>
> *(c) the agreement provides for the ecologically sustainable management and use of forested areas in the region or regions;*
>
> *(d) the agreement is expressed to be for the purpose of providing long-term stability of forests and forest industries;*
>
> *(e) the agreement is expressed to be a Regional Forest Agreement. "*

TEA considers that the Tasmanian RFA is not in compliance with the RFA Act (Cwth).

Certainly, the Comprehensive Regional Assessment (CRA) of community needs was biased and almost entirely limited to a consideration of the forest industry and not the broader community. We remain aggrieved over this aspect and so much so that a social license will continue to evade forestry.

Certainly too, the Comprehensive Regional Assessment (CRA) of a number environmental matters was also obviously inadequate.

There is little doubt the RFA is only an agreement, but beyond that and the window dressing it provides the Commonwealth, there is little to **recommend** it and much which can be criticised and which should be seriously revised regarding the way in which forestry is conducted including the removal of the favoured status and the numerous exemptions to various regulations and statutes.

COMMENT on 1997 RFA RECITALS

NB TEA has decided that at this stage we would only comment on a part of the RFA document, however any lack of comment should not be seen as any sort on condoning,

support or acquiescence. TEA notes there have been a number of amendments, termed interestingly variations:

> *"A variation to the Tasmanian RFA was signed on 19 July 2001 by the Australian and Tasmanian governments. The variations focus on compensation and termination provisions."*
>
> *"A Supplementary Tasmanian Regional Forest Agreement was signed by the two governments on 13 May 2005 as part of the Tasmanian Community Forest Agreement (TCFA). The TCFA is a joint commitment of the Australian and Tasmanian governments to enhance protection of Tasmania's forest environment and growth in the Tasmanian forest industry and forestry jobs."*
>
> *"A variation to the Tasmanian RFA PDF [200 KB] was signed on 23 February 2007 by the Australian and Tasmanian governments."*

Whist TEA notes the complexity of the three variations and in some instances we comment on them, we have found no amalgam or up to date RFA, which can be accessed. So, because some of the variations replace existing clauses and some deal with additional issues the whole of the RFA in documentary terms is a horrible mish mash, which we assert again, meets no standards.

Before the Extension proposition process proceeds any further we strongly **recommend** and call for a compiled Tasmanian RFA document.

NB The RFA's original recitals underpin the 1997 RFA document and focus on the core objectives and purposes most of which have failed. These are often misdescribed, so are reproduced in bold below.

"A. The State and the Commonwealth have agreed to establish a framework for the management and use of Tasmanian forests which seeks to implement effective conservation, forest management, forest industry practices and in particular:"

1. No framework for the management and use of Tasmanian forests has been established or created arising from the 1997 RFA, regardless of the purposes. It is notable that the RFA sought to establish a framework. Yet TEA can find no framework per se. At least we cannot see anything vaguely resembling a framework. Governments have failed to establish a framework unless it is unpublished. This is major failure of the RFA process.

2. Anyone with an interest in Tasmania's forests or in forestry will know that the Tasmanian Regional Forest Agreement has invariably been unsuccessful, repeatedly and in many respects, often providing outcomes, which are in nobody's interest including the industry itself. Conflict over forestry continues. It continued throughout the full length of time of the Tasmanian RFA. There was the Tasmanian Community Forest Agreement and the Tasmanian Forest Agreement, both came to fruition within the context of the RFA and intrinsically depict within themselves some degree of the RFA's abject failure.

3. Legislative reform of forestry is urgently needed and such reform has not been adequately provided. The recent State Liberals attempts will simply become another failure.

"Provide certainty for conservation of environment and heritage values through the establishment of a CAR Reserve System;"

1. The exemption that forestry has in regards to EPBC Act undermines the adequacy of certainty to achieve adequate conservation of the environment and heritage values of the CAR Reserve System.

2. The CAR reserve system was based on vegetation mapping and old growth mapping done around 1995/96, which was at the time inadequate and regularly erroneous and is now out of date and superseded by three further versions of statewide vegetation mapping.

3. The restrictive RFA old growth mapping can be shown by the work of A Koch and the rorting of old growth extent in 1997 has undoubtedly resulted in a diminished conservation outcome for hollow dependent fauna species. Further we claim that much mature forest and Threatened forest was targeted during the early years of the RFA.

4. Since the RFA, the number of threatened species – especially fauna species, and in some cases the degree of threat has increased. Those have not been adequately conserved through the CAR Reserve System and it can be demonstrated that species are continuing to decline.

5. There are many secure conservation reserves without a Management Plan. This includes all the former Forest Reserves.

6. There are many secure conservation reserves without adequate signage. Forestry Tasmania in particular was delinquent in this regard, even though there was originally RFA funding for signage. Since Parks took over the Forest Reserves some addressing of the serious problem has commenced.

7. CAR Reserves and the reserve estate have increased as a result of the RFA and other processes. However much of that increase has a wilderness focus. The World Heritage Area has increased.

8. Most of the informal CAR reserves remain since they were created under the RFA and others have been added to that effort.

9. However: Some of those informal CAR reserves are in the Permanent Timber Production Zone (PTPZ) land and some are being managed for conservation under the 400,000 Ha of Future Timber Production Zone (FTPZ) land, which Minister Bartlett now wants to log as early as 2018 which would absolutely breach the Tasmanian RFA's commitment regarding the National Reserve System.

10. The CAR reserve system in the very broadest of terms has two aspects: reserves on public land and reserves on private land. One can see from the State Growth Forestry Fact Sheet December 2016 that, out of the 3,412,000 Ha of forest in Tasmania 22% is unreserved native forest on private land and only 2% of the total forested area of Tasmania is reserved native forest on private land. Yet, our concern is that many of the most threatened ecologies are found in greater amounts on private land. In contrast, it is claimed that 50% is reserved public native forest and 17% is unreserved public native forest.

11. It must be stated that the Fact Sheet is misleading in that the 50% includes the Future Production land, which Bartlett now wishes to log in 2018. To give you some idea of Bartlett's desperation State Parliamentary processes have revealed only about 30,000 Ha of the claimed 400,000 Ha can be logged.

12. The State Forestry Minister, Guy Barnett's recent foolish proposal to trash a significant amount of National Reserve System, 1997 RFA created, informal public reserves in Tasmania is an international disgrace. The current Tasmanian Government under Rebuilding the Forest Industry Act 2014 (RFIA) set aside the 400,000 Ha of the Tasmanian Forest Agreement (TFA) deferred forest reserves (originally intended and agreed to be reserved. When the TFA Act was enacted the vast majority of the half-a-million hectares became "Future Reserve Land". This land was divided into 295 lots for the purposes of the Act.) at least until 2020. Some of that area was already informally reserved under the RFA. Now the very same Tasmanian Liberals are reneging – it seems they cannot be trusted to even honour their own legislation. In fact the values were determined not by the TFA, (the precursor to the RFIA) but by the Independent Verification Group, (IVG) established by (State and Comm.) Governments. Most importantly about 160,000 to 180,0000 before the TFA was already Informally Reserved as part of the Comprehensive Adequate and Representative (CAR) reserve system under the RFA because it was determined to have significant values for biological diversity, in 1997 and which science determined needed to be reserved as CAR reserves for the National Reserve System.

In light of the above 12 points, which indeed are not all of the problems and deficiencies, TEA asserts that the 1997 RFA objective: *"Provide certainty for conservation of environment and heritage values through the establishment of a CAR Reserve System;"* has obviously not been met to a satisfactory level. The RFA has failed.

And

<u>"Provide for the ecologically sustainable management and use of forests in Tasmania;"</u>

1. There are no ecologically sustainable forest management (ESFM) principles and/or provisions in the Forest Practices Act 1985 or the associated Code or indeed in any component of the RMPS or LUPAA and TEA claims (and indeed it is known) the Forest Practices Code is simply not based on science.

2. Under the RFA Tasmania's forests which are outside of the NRS have become more fragmented with a greater number of discrete patches, suffered a diminution of old growth habitat trees and has experienced a decline in its condition and hence its life supporting capacity. Some species reliant on this forest have been shown to have declined and in some cases that has been the subject of some action. Whether that action has been effective remains a contention, however re effective, we think not.

3. There has been no provision of ESFM in Tasmania or in any Tasmanian legislation.

4. The Forest Practices Authority (FPA) is a regulatory failure: that is one of the principal reasons for the ongoing conflict over forestry in Tasmania. Recognition of the failure of the FPA is vital for the RFA to move forward. This is not an independent organisation but rather an industry encouragement body. Indeed recently, it has become a Government forestry consultancy company. We are not suggesting Tasmania should not do such things but let's be clear about who is doing what and how probity and transparency and justice are achieved. Otherwise, conflict will not be solved and the Commonwealth could have no confidence.

5. Generally, there is little short-term profit to be made from environmental protection and conservation and many opportunities for this generation to profit from extraction of the earth's resources. Hence, laissez faire fails to achieve ESFM.

6. The RFA clearly attributes too much credence to the status of forestry in Tasmania. It would seem this stupid malaise continues unabated. Forestry in Tasmania is barely a matter of national importance.

7. The Forest Practices Act contains no commitment to the precautionary principle. The NFPS commits to it however.

8. Currently in Tasmania land clearance for farming can become a Controlled Action under the Commonwealth's EPBC Act. However, clearfell and land clearance for forestry under the Tasmanian RFA, unfairly, is not eligible as a Controlled Action under the EPBC Act.

9. A Controlled Action means the logging is, or should be, assessed by the Commonwealth as matters of National Significance, such as Nationally Listed Species. Indeed there is no purpose-designed, modern Tasmanian legislation controlling land clearance, an issue of National Significance. Land clearance is currently regulated through the Forest Practices System ostensibly regulated by the ex Senator Colbeck's advisor Peter Volker who is now installed as the Chief Forest Practices Officer of the FPA. Final say over the terms and dates of the end to broad scale clearing change with the wind at the whim of the Minister, an unacceptable situation of unsustainability. Land Clearing is a key Threatening Process under EPBC and an issue of National Significance.

10. Logging of threatened species habitat continues in Tasmania in an almost unregulated, open slather manner. This includes the logging of habitat of the critically endangered Swift Parrot for example, which may also be the E. ovata vegetation community, which incidentally is in the process of becoming listed as a Critically Endangered Ecological Community itself.

11. Under the Tasmanian RFA the number of Threatened Fauna species has significantly and undesirably increased, an issue of National Significance and an obvious failing of the logging and land clearing activities under the RFA to achieve ESFM.

12. In forestry Threatened Species are not managed and controlled by the Threatened Species Section of the Dept. but by the Forest Practices Authority, where open slather self-regulation and assessment prevails.

13. The Tasmanian Government even opposed the listing of the Eastern Quoll but thankfully, the Commonwealth listed it recently. Tasmania has an abominable record regarding threatened species with a colonial attitude, which has earned it the moniker: The Thylacine killers. Tasmania is the last refuge for the Eastern Quoll.

14. MIS Plantations in Tasmania irresponsibly displaced farmland and caused the conversion of high conservation land including threatened vegetation communities during the Tasmanian RFA. Quite a bit of that conversion was not successful, resulting in failed plantations.

15. We note that there has been intent to re-establish and subsidise the cable logging of steep, often virgin, slopes with attendant risks to the landscape, soil and catchment values during the Tasmanian RFA period. We note that many of such sites are in catchment headwaters.

16. Substantial decline in Biophysical Naturalness of many forests has occurred during the Tasmanian RFA due to extractive logging activities including ongoing land clearing. The area of native forest which was assessed with a BN of 3, 4 or 5 in 1997 has obviously declined during the Tasmanian RFA yet this has not been established or quantified, nor has any policy change occurred which takes account and seeks to remedy the unsustainability.

17. There are significant areas of plantations established under the RFA, which have become severely weed infested during the Tasmanian RFA. It would seem little work is being done on this issue. Fascinatingly the local council covering our base location, Deloraine, refused to put on staff a weed officer, during the Tasmanian RFA period. Now Meander Valley used to have quite a good weed officer, but even though it has an NRM Strategy – there is no weed officer.

18. There are significant numbers and areas of plantations established under the RFA, which have no adequately maintained or created firebreak to protect neighbours, or indeed protect the plantation from fire. Many firebreaks would simply be a death trap in the event of the attempting use to fight a fire. TEA **recommends** the whole subject is deserving of urgent and significant review.

19. ·Since the RFA, maintenance of forestry roads had declined massively. Anecdotal reports to TEA have described the dearth of gravel and work done to maintain roads on State Forest (Controlled by Forestry Tasmania) driving the road network into decline during the Tasmanian RFA period. The community of course uses many forestry roads.

20. TEA holds substantial concern that Forest Stewardship Council (FSC Australia) is unreasonably being used inappropriately and irresponsibly as a surrogate for negotiating and creating a strengthened legislative framework over RFA driven forestry operations.

21. Under the RFA, processes to upgrade the Forest Practices Code were thwarted by self-serving vested components of the forest practices system during the Tasmanian RFA.

22. TEA asserts that the Forest Stewardship Council certification of wood and companies is not a surrogate for proper legislative rights, independent regulation and fair and just processes which may be established under proposals for improved laws of Tasmania.

23. In any scenario where forestry must exist on a reduced land base, potentially relying on intensification, the lack of firm and specific proposals that address the consequences of this outcome through a strengthening of the Forest Practices Code (FPC), the FP Act, and other legislation was highly unwise and irresponsible.

24. Halt the unacceptable continued nosedive into greater financial debt and greater subsidy, which it seems Forestry Tasmania outrageously expects Tasmanians to subsidise without any long-term benefits.

25. High quality farmland has been consumed and Threatened Species habitat converted to plantation, our special cultural heritage landscape scarred and people sprayed with noxious chemicals during the Tasmanian RFA. Why? What was the public interest benefit? TEA **recommends** that the RFA Extension process should cogitate over and analyse the abject failure that is RFA driven forestry in Tasmania. Indeed Tasmania deserves an apology.

In light of the above 25 points, which indeed are not all of the problems and deficiencies, TEA asserts that the 1997 RFA objective: *"Provide for the ecologically sustainable management and use of forests in Tasmania;"* has obviously not been met at all. The RFA has failed.

And

"Provide for future growth and development of Tasmanian Industries associated with forests and timber products;"

1. The *"provide for"* type statements in the Tasmanian RFA are claptrap. But in any case, if *"future growth and development of Tasmanian Industries associated with forests and timber products"* is an aspiration it has obviously failed during this RFA. Some aspects of the widespread and pervasive failure during the RFA are described below.

2. Since the 1997 RFA , significant aspects and parts of Tasmanian forest industry have declined and others have disappeared altogether.

3. Failure of MIS. Forestry during the RFA period and under the 2020 Plantations Vision established Managed Investment Schemes (MIS), which subsequently failed economically, and consequently the MIS companies went into liquidation with the consequence of losses to investors; some lost all their life's savings. They lost but Governments who created the ability for such MIS schemes got off Scott free. Many of those MIS people simply moved into other roles in the forestry industry. The Commonwealth shamefully still has not rid Australia of the MIS atrocity but should do so under a new RFA.

4. During the RFA, the Norske Skogg Mill at Boyer needed an urgent injection of public subsidy funding to stay alive.

5. The insolvency of a number of key forestry companies including the Gunns Limited group of companies and Forest Enterprises Australia and its various entities occurred during the Tasmanian RFA.

6. The demise of Burnie and Wesley Vale paper mills occurred during the Tasmanian RFA. The Burnie site is partially occupied by a Bunnings store, which overlooks a pile of low value raw woodchips.

7. The closure of many country timber mills and a vast public funded buy back (retirement) of sawlog quotas occurred during the Tasmanian RFA.

8. The demise of the legislated 300,000 cubic metre saw log quota, and its replacement with a vastly smaller but still legislated 137,000 cu metre one occurred during the Tasmanian RFA. The real problem was not addressed. In a letter dated 29th September 2016 Forestry Tasmania admitted it still would have difficulty with even this lower figure. TEA is not surprised.

9. Forestry Tasmania obviously continues to make a loss and has no palatable, viable pathway back to the black at the end of the RFA. Forestry Tasmania in a letter dated 29th September 2016 (tabled in the Tasmanian Parliament) has declared it cannot return to trading in the black, that it will continue to make a loss for several years, that it cannot easily or sustainably supply the contracted or legislated wood volumes and that it has had to reduce its workforce and that it cannot afford to maintain its road network. In other words, the business model does not work and will not work into the future. The sums just do not add up! It seems as if it is okay for Governments to be intolerant of a car industry which requires support but they are prepared to continue to subsidise forestry so it can continue to destroy Tasmania's native forests including forests containing threatened species. This irresponsible behaviour should end now.

10. The number of people Forestry Tasmania employs has massively reduced during the Tasmanian RFA and will almost inevitably decline further.

11. Downstream processing of wood has significantly declined during the Tasmanian RFA.

12. Massive reduction in the export woodchip industry occurred during the Tasmanian RFA.

13. Closure of Triabunna woodchip mill and associated port occurred during the Tasmanian RFA.

14. At the end of the RFA, the number of people working in the industry is demonstrably and vastly smaller than in 1997.

15. Private Forest Tasmania remains a tiny organisation wheedling its corrupt antics during the RFA.

16. Both the number and area of Private Timber Reserves has declined in recent years towards the end of the RFA.

In light of the above 16 points, which indeed are not all of the problems and deficiencies, TEA asserts that the 1997 RFA objective: *"Provide for future growth and development of Tasmanian Industries associated with forests and timber products;"* has obviously not been met at all. The RFA has failed.

And

"Assist with the development of forest-based tourism and recreational opportunities based on Tasmania's environmental advantages;"

1. Tourism opportunities for the new and existing reserves and the public reserve system have not been adequately explored or implemented during the Tasmanian RFA..

2. The Great Western Tiers Visitor Information Centre process was rorted during the Tasmanian RFA.

3. No assessment of the suitability of private reserves for tourism has been done.

4. No strategic assessment of Tasmania's "environmental advantages" has occurred in any satisfactory or transparent manner during the Tasmanian RFA.

5. The land use planning scheme including the new State Planning Provisions are inadequate in considering and supporting forest-based tourism and recreational opportunities based on Tasmania's environmental advantages.

6. The degree of assistance for tourism development has been and continues to be, limited.

7. There has been no evaluation statewide of the potential for tourism and visitation for each of the over 800 public conservation reserves during the Tasmanian RFA.

In light of the above 7 points, which indeed are not all of the problems and deficiencies, TEA asserts that the 1997 RFA objective: *"Assist with the development of forest-based tourism and recreational opportunities based on Tasmania's environmental advantages;"* has not been met to an adequate degree, yet this is a vital area. The RFA has again failed.

And

"Provide for certainty of resource access to the forest industry;"

1. This so called "certainty" was provided but the limitation was then abused by over cutting and wasteful practices. A liquidation occurred and in essence is still occurring. The liquidation was always intended of course. It has been but a short-term access. An understanding of the nature of and constraints of ecological certainty was never explored, certainly with the general public. Perhaps it is a pathological problem, certainly a greed one.

2. The resource has knowingly been overcut and as a result, the certainty and security have been destroyed and compromised to such an extent that recovery of the industry creating durable product may always be diminished.

3. Governments have sought to provide certainty by artificial levels of supply and quotas but these do not work in reality.

And

"Provide for certainty of resource access to the mining industry;"

1. Mining legislation is very powerful but mining continues to be challenged and continues to run into community opposition from time to time.

2. TEA does not consider mining compatible with the conservation intent of secure conservation reserves in almost all instances. TEA considers the tenure of Regional Reserve to be of a very low standard and offers little protection. It totally amazes us that fantastic state icons of international stature such as Mount Roland only have the tenure of Regional Reserve. How absurd! The RFA Review should consider such anomalies.

And

"Remove relevant controls in relation to application of the Export Control Act 1982 (Cwth);"

1. This resulted in unsustainable expansion of export woodchipping such that export woodchipping destroyed the saw log industry and gained an unsavoury international reputation for Tasmania during the Tasmanian RFA.

2. The unsustainable expansion of export woodchipping will never be supported and did not gain a social license from the Australian public during the Tasmanian RFA.

3. The liquidation of the natural forests of Tasmania for unsustainable expansion of export woodchipping will likely never gain a social license from the Australian public.

And

"Introduce a range of new or enhanced initiatives to assist with forest based development;"

Has this occurred in the last 20 years or are governments pouring more public money into the black hole?

And

"Encourage the development of forest based research;"

Has this occurred in the last 20 years or are governments pouring more public money into the black hole?

And

"Encourage significant employment opportunities and investment throughout Tasmania."

Employment in the forestry industry remains very significantly reduced compared with pre-RFA levels. See table of decline below:

As a conservation and environment ENGO, often blamed for employment decline we emphatically assert we have not caused the job losses. Indeed there has been a steady decline of jobs in forestry over a period of several decades, ever since Export Woodchipping started.

Indeed the alarming jobs' issue is well documented and the steady decline has occurred regardless of the gross volumes of wood exported and otherwise processed.

Since native forest woodchipping began in the 1970s, forestry industry employment has steadily declined and continued to fall, even when levels of woodchip extraction were massively and unsustainably increased, such as under the RFA in 1997. Although in 1997, at the start of the RFA, forestry jobs were around 6,000, in 2012 they stood at a claimed less than 1,000. Such has been the dubious outcome of the Tasmanian Regional Forest Agreement. Even if this unconfirmed employment figure is somewhat low, the fact is that it is highly unlikely to be above 2,000 people employed. Several large forestry enterprises have shed jobs, or folded during 2012.

See TEA's table below and for more recent statistics see Schirmer's CRC studies.

Wood Products & Forestry Industry Employment Decline 1986 to 2012

Year	Forestry Industry Employment (direct)	Forestry Sector percent of total employment	Source
1986	8,900	4.9%	FFIS 1991
1990	8,400	4.3%	FFIS 1991

1996	6,558	2.5%	RFA 1997
2001	3,850	1.9%	Examiner 7-4-2001 derived from p27 of Forestry Tasmania 1998-99 Annual Report.
2006	5,916	2.6%	Schirmer CRC forestry
2008	6,463	2.7%	Schirmer CRC forestry
2010	4,343	1.9%	Schirmer CRC forestry and Tas Govt Economic Forestry Sector Profile
2011	3,260	1.4%	Schirmer CRC forestry
2012	975	0.42%	The Australia Institute
2016	?	?	NB CRC Forestry has gone!! Replaced perhaps by FSC!!

TEA freely acknowledges there may be some variability in the figures derived from differing sources but the inexorable trend is extremely clear and the jobs decline is, we argue, something that should be both accepted and considered in any process RFA Extension and any land use policy deliberation.

Comparing the employment of forestry to other Tasmanian industries and sectors is instructional. For example, tourism Employment (2007-08) was 13,200 people, or 5.6% of Tasmanian employment. (source: Tasmanian Economic Development Plan)

In the 17 years since the Tasmanian RFA began, employment in the forestry sector has continued to decline and now in 2016 must be around 1% to 1.5% of the Tasmanian workforce. The decline, TEA forecasts, in the absence of a social license, is set to continue. To pretend that there is a larger workforce statistic would be to avoid the fundamental truth of the matter.

Even in terms of employment benefit, this industry has gobbled subsidy and reform funding, over and over and has failed to justify the expense either socially or in any other way.

In light of the above information, which indeed is not all of the employment problems and investment deficiencies, TEA asserts that the 1997 RFA objective: *"Encourage significant employment opportunities and investment throughout Tasmania."* has not been met at all. The RFA has again failed.

"B. To this end, the State and the Commonwealth have entered into this Regional Forest Agreement, as that expression is defined in the Export Control (Hardwood Wood Chips) (1996) Regulations (Cwth), in relation to the Tasmania Region, being the whole of the State of Tasmania."

"C. This Agreement has been made having regard to studies and projects carried out in relation to all of the following matters relevant to the Tasmania Region" –

TEA considers and can show that the CRA was to a large extent inadequate. Further, we do not consider proper regard was had for the various natural and social values. In many cases, the studies were inadequate to preclude the operation of the precautionary principle.

"(a) environmental values, including old growth, wilderness, endangered species, national estate values and world heritage values;"

This important subject has not been dealt with satisfactorily in the CRA.

"(b) indigenous heritage values;"

This important subject has not been dealt with satisfactorily in the CRA.

"(c) economic values of forested areas and forest industries;"

The economic values of carbon for private forested landowners remain out of reach under the RFA yet should be unlocked. Having the two issues in the one objective is unfortunate. We **recommend** the two issues be separated.

"(d) social values (including community needs);"

Conflict over forestry is not limited to being between forestry and environmental groups. There are many causes, parties, stakeholders and aspects. We could not list here all the many conflicts over forestry, which occurred under the Tasmanian RFA but we offer to provide information on some of these important and sometimes protracted and vexed matters in a hearing. Some conflicts are brief and little documented and others have generated vast amounts of documentation.

The Ongoing Conflict over RFA driven Forestry is totally unacceptable. Solutions have obviously been avoided. This requires sound and genuine fair and just rectification.

This important subject has not been dealt with satisfactorily in the CRA, in the RFA or in the TFA, which Governments abandoned.

"(e) principles of ecologically sustainable management."

The Montreal process indicator is used by Governments as window dressing to prop up our international reputation whilst the liquidation of natural forests continues more or less unabated since woodchipping began and since the strategy to mine out the forests was firmly established in the 1980s. In this document TEA makes no comment on the adequacy of the Montreal indicators, a complex subject.

The Tasmanian forestry industry obviously does not rely on ecologically sustainable management however. To that end, TEA makes the offer to take Government

representatives, decision makers and signatories out to inspect places where irresponsible forestry has caused serious impact on forest values. We **recommend** you visit a number of forestry sites around Tasmania and that those sites be chosen by a range of stakeholders.

The writer's 20th May complaint to the Forest Practices Authority over illegal logging at Larcombes Road, Reedy Marsh has had no response. Despite writing to the CFPO and for the issue to then go to a meeting of the Board of the FPA in October 2016, the FPA remains seemingly unable to deal adequately with the complaint. Meander Valley Council also failed to take any useful action over the matter. TEA **recommends** illegal logging is not just an international responsibility of the Commonwealth. If the Commonwealth is interested in illegal logging then best it get Australia's house in order and take action.

The question has to be asked regarding forestry: What is responsible and resilient ecologically sensitive development, which is acceptable to the both community and industry and that avoids harm to the environment? TEA **recommends** this to be a critical matter to be resolved in any process for a new RFA.

FAILURES and DEFICIENCIES of the TASMANIAN REGIONAL FOREST AGREEMENT.

We strongly perceive the outcome of a "rolled over" Tasmanian Regional Forest Agreement would absolutely be highly unlikely to resolve the conflict over forestry for the following reasons.

The Tasmanian RFA:

1. Avoids taking a responsible and strong position on critical land clearance issues (on private forested land, some 936,254 Ha or 13.68% of the state) and avoids an adequate acknowledgement in practical terms that land clearance is a Threatening Process under the Commonwealth's Environmental Protection Biodiversity Conservation Act (EPBC).

2. Fails to protect or even adequately advocate protection or indeed ensure the protection of Threatened and other Listed Species and especially those priority, key or core areas of threatened fauna habitat that have and are likely to come under additional pressure as a result of either this agreement or its Extension through forestry, especially on private land.

3. Most probably will never solve other High Conservation Value (HCV) forest conservation imperatives of forests and forest dependant species, especially those reliant on old growth trees in Tasmania.

4. Has provided and continues to provide the green light for an unacceptable expansion of artificial tree plantations in Tasmania. Continuation of this activity either with clearance and conversion or on already cleared farmland would be completely unacceptable. In the current regulatory regime and with the current forestry practices this would lead to more community animus, conflict, certainly not peace.

5. Fails to acknowledge the contribution to the conflict the problems and unfairness of the current Forest Practices legislation and the grossly deficient and unfair Forest

Practices System, including the lack of appeal rights. Fails to identify areas of that legislation urgently in need of reform.

6. Fails to deal with the plethora of other favouring legislative forestry arrangements, which exacerbate rather than solve situations of conflict due to their inherent injustices, which the forestry largess creates.

7. In the event regulatory mechanisms over forestry are relaxed, as previously mooted or proposed, or indeed may be in train under a Statewide Planning Scheme, this unacceptable outcome in itself would result in increased conflict and environmental harm would also result.

8. Reservation has had a predominantly Wilderness-based conservation focus and IBRA regions dominated by Wilderness have significantly higher levels of reservation. Whilst it is fine to reserve wilderness forests, it is not acceptable that this occurs at the expense of biodiversity, threatened species and other important values, such as scenic protection, vital for Tourism, which is a vastly larger industry, employing many, many more than forestry.

9. Fails to adequately protect many of Tasmania's most biodiverse forest ecologies and in the main has failed to achieve a comprehensive and adequate reservation of the remaining mapped (and of course the unmapped) unprotected Threatened and Under-reserved Vegetation Communities of Tasmania, when properly considered bioregionally under IBRA as JANIS actually intended with regional targets properly revised and achieved.

10. Now provides almost no strategic or practical mechanism for private land conservation, being the most poorly reserved land tenure in Tasmania as the State Growth Fact Sheet of Dec 2016 shows. Much of the Threatened Vegetation Communities are on private land and those communities are becoming more Endangered. The true RFA target shortfall (when the data is updated and limitations and errors recognised) for private land has not been recognised or addressed.

11. Fails to advocate and achieve the protection of cultural heritage landscape values, vital to tourism and our sense of place. Dumb old Tasmania has no adequate protection for its special landscapes. These scenic and cultural landscapes are a vital asset to tourism and the state’s marketing image. They are a vital regional asset to Northern Tasmania and other regions too, of course. This is discussed further below.

12. Fails to advocate or achieve fair and responsible land use planning and the very overdue legislated reform of forestry. This in itself is a massive shortcoming of forestry in Tasmania. After all the relict: Forest Practices Act is dated 1985, predates the quite old NFPS by several years and not even its brief and undefined Objectives can be relied upon.

13. TEA believes Tasmania may intend to water down already weak RFA biodiversity and Forest Practices Code (FPC) provisions, which are already hopelessly inadequate at protecting intact HCV forest values on private land.

14. The RFA has completely failed to understand the small and diminishing size of the forestry industry in Tasmania. The Tasmanian Forest Agreement 2012 paid disproportionate attention and resources to a failed industry.

15. Fails to restructure and redesign forestry in Tasmania so it may survive in the future without more handouts. Indeed TEA believes handouts are continuing if not flourishing.

16. Fails to restructure and redesign forestry in Tasmania in such a way so it may gain a social license. TEA asserts a roll over or mere extension of the agreement will not achieve that end.

17. Fails to approach management of the native forest estate so it achieves and supports Tasmania's opportunities and enhances its reputation into the future.

18. Fails to have a modern vision statement, which may arise from an updated version of the now ancient NFPS.

19. Almost entrench unacceptable cable logging of previously little logged but steep sensitive slopes, often in catchment headwaters, quite probably contrary to the FPC 2000.

20. Fails to deal with a myriad of other issues, which actually go to make up the overall posy of nettles and briar of forestry conflict.

These RFA outcomes have been and remain unacceptable to TEA and as we say, are issues that mean the RFA will not ever resolve the conflict unless there is a new and different RFA established following a further and more thorough Comprehensive Regional Assessment (CRA) process . TEA strongly **recommends** a new and more thorough Comprehensive Regional Assessment (CRA) process to update the 20 year old one. This is urgently needed for a number of reasons some of which are discussed elsewhere in our submission.

TEA firmly opposes the substitution of any form of biomass burning for export woodchipping of native forests in Tasmania. TEA advises that would likely be a recipe for more conflict and a lack of a durable RFA outcome.

We also oppose feeding native forest into a mill for power generation. This is a polluting activity, not widely known but we foreshadow this will become a bigger issue, should native forests including old growth forests and threatened species habitat be proposed to be liquidated for power generation.

We do not consider the re-opening of the Triabunna woodchip mill to be a useful solution to forestry's woes and are pleased with the proposed tourism and visitation vision of the area.

We especially oppose any sale of public forested land including Forestry Tasmania's (FT's) freehold titles where public funds were sunk into prime quality private land buy-ups for the purpose of establishing plantations.

Some SOLUTIONS and RECOMMENDATIONS

TEA has a complex and comprehensive set of **recommendations and solutions** aiming to overhaul and extend the RFA. Without such changes to forestry and forest conservation a further RFA could simply not be supported.

1. TEA's focus remains on achieving biodiversity conservation, recognition of the carbon trading opportunity and legislative reform rather than the fraud of certification or the current myopic focus on wilderness. We have good reasons for our position and are willing to explain them further, if you are willing to

listen. Apart from the biodiversity vegetation issues, which are discussed broadly further on, TEA considers that more precautionary Threatened fauna conservation and a range of legislative changes, planning changes, and industry restructuring should urgently occur regarding forestry in Tasmania.

2. In a background report assess and judge the successes and failures of forestry and forest conservation with reference to the commitments of the RFA and under the NFPS and under the RFA Act 2002 as well as under the EPBC Act and the FP Act.

3. Rectify any lack of compliance with RFA Act in the process to consider an Extension.

4. Rolling Over imputes little will be changed yet there is an imperative to change this RFA. TEA opposes a rolling over of the RFA.

5. Hold a Royal Commission into Forests and Forestry in Tasmania To identify historical corruption and past rorts and to include and focus on the RFA period.

6. Permanently rid Tasmania of corrupt forestry into the future. Create a strong ICAC for Tasmania without delay.

7. Issues of National Significance under EPBC to not be exempt under RFA forestry

8. TEA considers legislative and regulatory reform the most important aspect to transform forestry into a sustainable industry. Reform of all legislation where forestry is unreasonably assisted or exempted and/or favoured as well as where the people of Tasmania are unfairly disadvantaged is long overdue. Achieving such reform, mainly of State legislation, may require a Memorandum of Understanding type agreement that ensures reforms are implemented.

9. Legislative reform to ensure adequate and consistent rights of public participation in all land use planning decisions, including forestry activities is urgently and crucially required. This can occur within the current Forest Practices Act or under the planning legislation. Either would acceptable to TEA.

10. Establish 1750 baseline data for each Threatened or Listed fauna species.

11. Establish 1997 intermediate data for each Threatened or Listed fauna species

12. Establish data for Threatened or Listed fauna as of the end of the RFA, in 2016.

13. Explain the decline in any Threatened or Listed species fauna.

14. Develop recovery plans and make them work and provide genuine restorative impacts for Threatened or Listed species.

15. Protect all Priority habitats for Threatened or Listed fauna species.

16. It is important that Tasmania's forest estate (both on public and private land) is further protected in secure conservation reserves for the benefit of Threatened or Listed fauna species. .

17. Updated and correct mapping such as TasVeg III, which is widely currently considered by experts to be only 60% accurate. Many, many properties, which

have been surveyed, have not been updated by DPIPWE and the information not entered into either the natural Values Atlas or TASVEG III.

18. Scenic & cultural heritage landscape protection. The development of community acceptance of the need for such land planning controls.

19. TEA supports and **recommends** the end of Forestry Tasmania (FT) as an independent GBE ostensibly responsible for State Forest. We remain concerned that the much needed reforms have floundered under Paul Harris MHA and his successors especially the current Mr Guy Barnett. The ongoing mismanagement of the State Forestry agency and the ongoing economic black hole is not only a drain on Tasmanians, but also on Australia. End forestry GBEs that makes a loss. Any Forestry government operation to be commercial without delay.

20. All significant size informal reserves formalised with the land removed from FT and Crown Land Services and gazetted and placed under the control and management of the Tasmanian Parks &Wildlife Service.

21. Develop a New Australia wide National Forest Policy including a new vision, background and context in relation to current international commitments and responsibilities.

22. Solve community conflict over forestry operations both at the broader level and the neighbour level.

23. Right of appeal over forestry operations: TEA remains firmly convinced that a key component of the path to resolving conflict over forests is via equitable legislation - adequate and equal rights for all, rights to information, rights of appeal in independent planning jurisdictions and mediation provisions. All those aspects could easily be improved in the Forest Practices Act 1985 and within other legislation including the EPBC Act and by removing the various RFA and forestry exemptions or via LUPAA and under the RMPS. TEA favours incorporation of forestry into the State RMPS suite of planning and pollution legislations, where there are better objectives and a greater integration for forestry as a form of land use planning.

24. Modern replacement for Forest Practices Act 1985 with genuine defined objectives.

25. We strongly **recommend** the Commonwealth negotiate to remove from the Forest Practices Authority the controls over land clearing. Vest such controls within the RMPS such as within Tasmania’s EPA or a specific and properly funded authority to monitor clearance activity. One must remember the Forest Practices Authority (FPA) is industry funded by Forestry.

26. Means whereby both forest conservation of private land and long term including carbon sequestration can become a genuine alternatives to logging.

27. Develop a State Policy on The Conservation Reserve Estate of Tasmania, which deals with both private and public land. Note there are some 819 private reserves and about 810 public reserves.

28. Develop a State Policy on Forestry. There is no Strategy for the industry in Tasmania either.

29. Develop a State Policy on bush fire and the ecological management of fire. This was an RFA commitment.

30. Achieve the removal of all legal impediments to an ability of all Reserve Owners to eradicate feral Deer from their private freehold land.

31. Ban the obnoxious and cruel 1080 Poison in Tasmania. This practice used both on herbivores and carnivores (irresponsible fox baiting for example) has no community acceptance, indeed it is along-standing source of considerable conflict.

32. List Tasmanian native forest logging as a Threatening Process under EPBC Act.

33. Stop the land use and forestry activities, which are causing an increase in the numbers of threatened species.

34. Wind up the GBE, Forestry Tasmania, without delay.

35. Develop a new Forest Reserve Program for Private Land (Private reserves are only 2% of the Tasmanian reserve estate.) Funding is essential to encourage private landowners to conserve. There is no reason why they should be expected to give up the use of their land in perpetuity for no return whatsoever.

36. Rectify the lack of a Scoping Agreement for the Extension of the RFA.

37. Rectify the lack of an adequate description of the process seeking to extend the RFA.

38. Rectify the lack of adequate description for the public consultation for the proposition of the Extension of the RFA.

39. TEA supports reservation of the 400,000 Ha Future Timber Production Zone Land (FTPZ) . Elsewhere we explain reasons (Additionally NB only 30,000 Ha would be available for logging in the FPPFL from estimates last week when B Green asked the question).

40. Document changes in forest area and the decline in condition of the forests during the RFA. Biophysical naturalness (BN) condition was mapped for the CRA but has not yet been updated. Yet, substantial decline in BN condition has occurred during the RFA.

41. In drafting a second RFA after 2 decades, when we have seen the knowledge about human induced climate change Governments are failing if they do not recognise that the forests and plantations will have a different set of environmental factors to cope with in an 80 year cycle. [that is after 4 RFA’s]

42. TEA suggests an interim RFA whilst it is reviewed thoroughly and in depth to see if it meets the objectives both of the RFA and the NFPS which is badly in need and should have been updated.

43. Immediate protection of all remnant vegetation [where veg type is 85% or more depleted] in all bioregions or where it is a Rare occurrence.

44. Funding for private land conservation in an active program to capture remnant veg on private land supporting Listed Species.

45. Carbon trading for all forest owners (public and private) who commit to long-term conservation, importantly including those with existing private forest reserves.

46. Renewal and extension into in perpetuity ones of the limited period and thus temporary private reserve covenants established under the RFA's FCF, with a new incentive, including the ability to trade carbon.

47. No expansion of intensively managed, chemical dependant plantations.

48. Abolish self/co-regulation of forestry and replace with a body such as an independent, fully funded EPA, which assesses and processes development applications.

49. Independent public enquiry/review of the forest practices system and the FPC whilst removing the veto of the Forest Practices Advisory Council, a part of the FPA.

50. Recognition by Governments that the 1997 RFA has not resolved conflict over forests. Reasons conflict has been somewhat less apparent in recent years is due to failure of forestry – eg Gunns & Forestry Tasmania.

51. No more MIS.

52. No more PTRs.

53. List of key objectives of the RFA has yet to be established but should occur without delay.

54. Reduce or remove legislated sawlog and peeler billet volumes. TEA considers there is no point logging out the remaining native forest asset to reach an unachievable fixed, legislated quota target with no reference to demand, price or productive capacity of the forests. It is an unbelievable and unsustainable, stupid idea from the dim dark ages of the past.

55. Regarding the 750,000 of Permanent Timber Production Zone (PTPZ) land, remove from that area all RFA and other informal reserves of any substance and place that conservation land in the hands of Parks and Wildlife and gazette the informal reserves as formal reserves without delay.

56. Regional Forest Agreements are not 20 year plans but rather a 20-year abrogation and some window dressing.

57. There should be no automatic rollover of RFAs, or of rolling RFA periods. Rather and more importantly, there should be a preliminary process to create a new National Forest Policy (NFPS) to replace the almost 25-year-old NFPS that properly supports climate change mitigation and our Kyoto Protocol commitment. The Montreal Protocol commitment should also be fully incorporated.

58. An assessment of which forestry roads are required to be maintained for general community use is required and a solution that addresses future maintenance responsibilities is obviously required. Roads and bridges are expensive, especially when you have to build them to handle log trucks and other heavy traffic. Can forestry ever be viable? Closing and restoring unnecessary forestry

roads especially on State Forest will reduce risk of spread of weeds, dumping rubbish, illegal firewood cutting and substantial maintenance expenditure.

59. TEA recommends that the whole of the existing (formal and informal) and any expanded reserve system on public land in Tasmania be managed by the Parks and Wildlife Service (PWS) or a Parks Authority with an appropriate budget and improved enforcement rights over illegal activities.

60. TEA strongly supports a substantial and speedy transition, significantly reducing the amount of extraction from native forest . This can be achieved, provided Commonwealth funding does not once again prop up the extractive, destructive status quo.

61. There cannot be a substantial transition out of native forest liquidation in a situation where industry players have aspirations for ongoing native forest export woodchipping or furnacing of native forests, as is currently the case.

62. Woodchipping of extracted native forest should be concluded in as short a time as possible and not be subject to RFA exemption. Export woodchipping has been a major issue of conflict and contention for the Australian community over four decades. It is an activity devoid of public interest.

63. The FPA to have either a policy setting or regulatory function. But not both.

64. Applications for forestry made to the planning authority, but must be referred to FPA (or another, more effective body).

65. Decisions must be subject to appeal under the RMPAT system.·

66. Forestry activities to be included in LUPAA and in planning schemes.

67. Remove exemptions from LUPAA for forestry activities in State forests and PTRs. Including an independent public process that considers all the existing largess arrangements under that Act.

68. Develop State policies for forestry / plantations and land clearing and amend planning schemes to implement Policy. Can also be supported by a planning directive setting out relevant assessment criteria for forestry applications.

69. The objectives of the Act are not defined and in any case are inadequate. For example, even “sustainable management” is not defined. (discussed elsewhere).

70. Introduce rights of appeal over forestry operations regardless of land tenure. This is a crucial reform which we discuss elsewhere. Forestry operations should be Discretionary and thus advertised and subject to appeal rights preferably within the FPA system, LUPAA or similar body such as RMPAT but it would be acceptable to introduce appeal rights under the Forest Practices Act.

71. Section 19(1AA) of the Forest Practices Act allows the FPA to authorise clearing and conversion of threatened native vegetation communities in various circumstances. This should be amended to prevent clearing and conversion in all but emergency circumstances.

72. Insert provisions in the Forest Practices Act 1985, requiring the FPA to maintain a register of and obtain the whole of FPPs (rather than just the cover sheet) and supporting documents (subject to commercial provisions), and to allow the

public to search the register and obtain copies of the documents (see ss.22 and 23 of EMPCA for a model of this).

73. Insert provisions requiring draft FPPs, plans and supporting documents to be available for inspection during a 14 day consultation period (as per s.57(4) of LUPAA), or on FPA's website.

74. In the event of continuation of the FPA and the Forest Practices Act, introduce appeal rights within that legislation, both for private and public land. Ensure that any person may conduct appeals against a FPP. Allow a reasonable time for appeals, say 30 days.

75. Under suggested amendments, FPPs would be treated as a schedule to a Permit and would be publicly available pursuant to LUPAA.

76. Ensure that the documents can be obtained simply and without wrangle or animus. Legislate accessibility for public to be able to easily and openly obtain copies of Forest Practices Plans and associated documents. Make all FPPs public documents. Publish entire FPPs on a website. All associated scientific/specialist reports to be a part of that right of access.

77. Expand the 50-metre forestry operation advance notification distance to a more reasonable distance, which may be acceptable to the intelligent world. We suggest at least 300 metres. Forestry is a high impact activity and should be regarded as such in land use planning legislation.

78. Reform the situation where the FPA currently determines funding priorities for biodiversity research and deliberates over the nature of the research. Accordingly, the FPA controls the degree to which research may expose forestry operations as being unsustainable. This is considered by TEA to be an unacceptable situation.

79. Regional Diversification of Sources of Income to be actively pursued. The reliance on forestry by some communities has been an unfortunate legacy.

80. We favour new regional initiatives to create jobs in industries other than forestry. Tasmania - the most decentralised state of Australia, suffers from its remoteness, its low level of education, its small population and physical size, conservative social attitudes and a lack of diversity in its sources of income.

81. It is essential to look at opportunities in tourism, agriculture and horticulture and the arts and to investigate other opportunities for regional Tasmania. New jobs can be fashioned for people leaving the forestry industry but that will take skill and dedication. Tasmania must diversify its sources of income.

82. We are completely opposed to any new regional initiative that relies on native forest extraction or decimation of nature by clearance.

83. We consider that the scale of new developments should be in keeping with the state's size and resource base. The prospect of foreign buy-ups under our weak regulatory environment is very worrisome.

84. Importantly TEA considers that using forests to raise funds from carbon trading to be more viable than the current unsustainable forestry industry. We raised this issue in our 5th August 2011 letter to the Premier, in our 6th March 2011 letter to Mr Kelty and as early as the 11th July 2010 to the ENGO signatories to the

TFA. This view of TEA's was also put forward and quantified by The Australia Institute.

the NATIONAL FOREST POLICY STATEMENT 1992, REVISED 1995

The Commonwealth claims:

> *"RFAs implement the Australian and state governments' commitment to ecologically sustainable forest management, as identified in the National Forest Policy Statement. This statement aims to optimise the benefits to the community by ensuring that Australia's forests are managed for all their values and uses."*

The Tasmanian RFA refers to the National Forest Policy Statement, the NFPS. The NFPS is now a relatively archaic document, which requires modernisation.

The National Forest Policy Statement established the JANIS criteria, which in turn defined the criteria for the Comprehensive, Adequate and Representative (CAR) forests that needed to be reserved under each Regional Forest Agreement (RFA). By the time the RFA process was underway to protect those CAR communities the world had, through the United Nations FCC Convention , agreed that the increase in temperature should be limited to avoid the dangerous impacts on natural systems and human activities that increases in global average temperature greater than 2°C threatened.

During and since that time the impacts of temperature increases have become better understood and the upper limit seen as safe has become much closer due to the increased rate of emissions and the fact that a number of eminent climate scientists consider the 'safe upper limit' to be lower than was previously accepted.

This is not acceptable when you take into account the important role of forests in Carbon sequestration and how major forest ecosystems have been reduced by human activity and by changes in the climate.

There is much more we could say about the failure of the RFA to meet the NFPS Objectives and we reserve the right to deal with this subject later.

the PRIVATE LAND CONSERVATION IMPERATIVE

Thirty Percent of Tasmania's forests are on private land. About 99,000 Ha is reserved mainly via 819 mainly in perpetuity covenants but in some cases by a limited period covenant.

On the other hand, about 4400,000 Ha of private forest has been securely set aside for logging as Private Timber Reserves (PTRs). That is, there is over four times as much land under PTRs for private logging as there are areas dedicated as private conservation reserves.

The difficulty with that recipe is that many threatened ecologies and vegetation communities are found mainly on private land.

The main dilemma is people can make money out of destroying nature but find it difficult to find an income stream for conserving and protecting nature.

Conservation cannot compete in the current system with extraction or even with land clearance conversion and subsequent use.

Under the Tasmanian RFA, Governments have failed to reserve and conserve adequate areas of the most endangered forested places.

TEA considers and **recommends** a new RFA Private Reserve program should be established and funded as matter of urgent priority.

If there is no financial incentive to conserve forest then the opportunity to gain monetarily by way of extraction and liquidation of critical elements of the private forest estate is inevitable.

If the current generations are not given some incentive to conserve their private forests, in the future people will find the life support capacity for some species has irrevocably diminished with attendant costs.

The predicament of private land logging and Matters of the National Interest is that the upcoming Tasmanian Planning Scheme is adopting an open slather approach to forestry on private land (via Permitted Use without Permits) in the rural parts of Tasmania. It achieves this ill-conceived deregulation through a number of exemptions under the pretence that a Certified Forest Practices Plan is sufficient and adequate.

Yet when one looks into the self-regulatory Forest Practices System one finds a system inherently exposed to rorting and facile self-regulation, which amounts to a lack of rigor.

The concept of self-regulation is inherent in the Forest Practices Act 1985. In rural locations, people who are concerned about a current or planned forestry operation have very few rights including no rights of appeal.

It is this sort of illogical favouritism, which increases community frustration and conflict over forestry. A right of appeal over forestry is long overdue in Tasmania.

some COMPREHENSIVE REGIONAL ASSESSMENT MATTERS

Since the start of the Regional Forest Agreement in 1997, substantial new knowledge has been acquired and that knowledge must form a part of a new CRA prior to any extension to the RFA in Tasmania.

We now have a far better understanding of how forestry impacts on weather patterns, on the climate, through the sinking of carbon, on the survival of species, on the water cycle and on regional communities and thus of the costs to the Australian community. Those are all costs to the public interest and impacts often relevant to matters of national interest – employment was the only benefit in this regional economy and now that has largely evaporated.

The new knowledge however has not yet informed policy and legislative changes that should be implemented.

Nor have the gaps in knowledge been defined and for any new CRA that is imperative.

The lack of baseline fauna data for a range of fauna species would be the priority as far as we are concerned.

The lack of the data and adequate modelling for Tasmanian impacts from climate change would be another critical element for a new CRA.

Tasmania's vegetation mapping even today is only about 60% accurate and hence places which may be Threatened Forest may not be so mapped and thus may be destroyed under the rules simply because the mapping is inaccurate.

This mapping deficiency has continued despite new information, which has irresponsibly not been incorporated into the Tasmanian TASVEG system. TEA can provide specific examples and proof to show what we mean.

JANIS CRITERIA 1997

The RFA adopted Statewide reservation levels of the forest vegetation and the amount in each category of Threatened, Under-reserved forest communities, Old growth forest, Rare/Depleted old growth and Under-reserved old growth forest, both on public and private land.

In fact, the levels should always have been assessed on a bioregional basis and IBRA Bioregional targets adopted. This is a most relevant consideration for CAR criteria as set out in JANIS.

As one can see from the Commonwealth's website some IBRA 7 regions have a greater degree of reservation than others. Indeed this is a major problem when one looks at the Vegetation Communities, which occur in those IBRA regions.

Tasmania (through the FPA) has failed to move beyond IBRA 4 and this lack of adoption of IBRA 5 is a clear refusal to consider new knowledge. The RFA in fact has failed to adequately consider new knowledge in many areas.

the RESERVATION LEVELS of THREATENED FOREST in TASMANIA

Threatened Native Vegetation Communities are as listed under Schedule 3A of the Nature Conservation Act 2002. Only the Commonwealth lists Ecological Communities.

The Schedule 3A list is established through a scientific assessment process against criteria for "rare", "vulnerable" and "endangered" (Threatened Native Vegetation Communities Process for listing/delisting communities published at http://www.dpiw.tas.gov.au/inter.nsf/Attachments/LJEM-72M3ZV? open).

Within the Tasmanian forest estate of 3,597,913 Ha there is some 253,565 Ha of Threatened forest, of which only 86,237 Ha is contained within secure reserves on public land and 9,357 Ha is in informal reserves on public land and only 16,848 Ha is protected on private land.

Significantly, there is some 129,266 Ha of Threatened forest vegetation on private land that is not proposed for conservation by the current RFA Extension proposition process. Thus, over half of the Threatened forest in Tasmania has been avoided, not assessed and no new solutions explored.

Threatened non-forest covers an area of 105,869 Ha and of that 46,254 Ha is unreserved and unprotected on private land in Tasmania.

THE RESERVATION STATUS of UNDER-RESERVED FOREST VEGETATION in TASMANIA

Within the Tasmanian forest estate of 3,597,913 Ha there is some 633,924 Ha of Under-reserved forest vegetation communities, of which only 101,321 Ha is contained within secure reserves on public land, 34,421 Ha is in informal reserves on public land and an area of 35,299 Ha is protected on private land.

Significantly, there are some 330,492 Ha of Under-reserved forest vegetation communities on private land that are not dealt with and not considered for reservation by the current process. Thus, again over half of the Under-reserved forest communities in Tasmania have been avoided and no solutions explored to date.

THREATENED FAUNA SPECIES and BIODIVERSITY PROTECTION

In this section we cover but a few salient examples. We can provide much more information on this subject and reserve the right to do so.

This vitally important public interest issue is repeatedly overlooked in Tasmania. Tasmania is after all the state that brought the Thylacine to extinction. Today if Tasmania had the thylacine it would probably kill it off all over again.

The protection of Threatened Species in native forests currently rests inappropriately in the hands of the self-regulating, industry-funded Forest Practices Authority.

Identified Key fauna habitat (identified by the RFA) of Threatened Species is being logged out. We consider this is a vital public interest matter where unique Australian fauna habitat is diminished, degraded and removed by forestry, aided by the FPA under the RFA, which irresponsibly removes any Commonwealth oversight over forestry.

It is a fact that a massive draw down on the state's life supporting natural forests has occurred and is still occurring. They are being converted either to managed forests, a shadow of their former selves, where natural forest with high biophysical naturalness (BN) (say BN 3 to 5) is diminished to a low BN (say 1 or 0) of silvicultural regeneration, or a very low BN under conversion to artificial tree plantations managed formerly (and

during the 3rd 5 year RFA period) MIS corporations. The impacts of that unsustainability are many. The area and extent of the diminishment of biophysical naturalness of production forests seems to be overlooked by the FPA in assessing the ecological worth and function of the managed forest estate of Tasmania.

Most conservation efforts in Tasmania to date have not had an adequate focus on fauna. The Wedge-Tailed Eagle nest program is an exception but it can hardly be termed adequate conservation.

There are estimated to be only 80 breeding pairs of Grey Goshawks In Tasmania. All breeding habitat of this unique animal should be conserved. Further, the Government (DPIPWE) should stop shooting them at their Orange Bellied Parrot (BOP) breeding cages on the NW coast. One presumes the Commonwealth may be funding the killing of Grey Goshawks in order to save the last of the OBPs.

Almost 50% of Australia's Spotted-Tailed Quolls (STQ) live in Tasmania (an estimated 3,500 to 6,000 individual animals); this wide-ranging obligate carnivore needs large natural territories. Its key habitat was inadequately considered in the RFA's Comprehensive Regional Assessment (CRA) and thus by the 1997 RFA. An update of new knowledge occurred during the Independent Verification Group (IVG) of the TFA process but the significance of that report 7A was not conveyed in IVG summary reports and not considered in any adjusted reserve design outcome of the Tasmanian Forest Agreement 2012, as consideration of the design was stupidly limited to the TFA's ENGO reserve proposals.

The Swift Parrot is another example where conservation efforts and the State/Commonwealth recovery program are manifestly failing in Tasmania. Why is forestry (including the loss maker Forestry Tasmania still knocking down these vital forested habitats of the Swift Parrot? Why are they being allowed to do so by the Commonwealth under the RFA? Where is the concept of survival for the Swift Parrot? An employee of the FPA was retrenched over his attempts to conserve Swift Parrot habitat in Southern Tasmania. How would FT gain FSC certification when it is killing off the Swift Parrot? It is obviously a crime. Why are private landowners being allowed to log E ovata forest across northern and eastern Tasmania? E ovata has long been known to be habitat of the Swift Parrot.

The RFA's mapping of key fauna habitat for threatened species urgently needs to be updated via the DPIPWE Natural Values Atlas or in any new CRA before an RFA Extension is considered. Critical habitats are not identified under the State Act. There is actually no adequate baseline data for several RFA Priority Fauna Species, which are obviously at significant risk. Why? Who is being so incompetent?

Recently the State of Tasmania failed to List the Eastern Quoll, an RFA Priority Species and one that scientists have determined has suffered a major decline (50% or so) in the last two decades. In our view, this was probably, purely a financial decision. The Government actively engaged in avoidance behaviour in rejecting the listing of the Eastern Quoll.

Tasmania's Threatened Species performance is woeful and its resistance to competence high. The Threatened Species Section of DPIPWE has suffered from minimal funding and repeated staff and management changes. If the FPC were watered down because of this Tasmanian Regional Forest Agreement Extension and if the FPC set-asides and other provisions were relaxed, biodiversity would inevitably suffer further.

The pathetic budget and limited powers of the Threatened Species Unit within DPIPWE must be reviewed and increased as a matter of urgency and we argue it clearly should be given independence from DPIPWE itself.

The power to control forestry and the ability to protect Threatened Species across all land uses and tenures is essential. In other words TEA recommends, remove the role of Threatened Species protection from the industry funded Forest Practices Authority (FPA) and provide it to a new, adequately funded, independent Threatened Species Authority. Do not allow more species to become extinct or even more endangered.

We consider that survival of Endangered and Threatened Species is far more important than illusory forestry profit from a failed industry, failed Managed Investment Schemes and declining job levels. Endangered and Threatened Species, especially in regards to the often neglected fauna, are a genuine public interest matter.

Note that it will be essential to reserve or set aside regrowth forests for biodiversity reasons and reserve design and landscape connectivity purposes as well as for geoconservation and cultural heritage scenic landscape protection purposes.

We suggest The Commonwealth read the document 'Tasmanian Threatened Species Prioritisation June 2010' written by the Threatened Species Section of Department of Primary Industries , Parks, Water & Environment (DPIPWE). Funding for the work described in this report was provided by the Tasmanian NRMs (Prioritisation of Threatened Flora and Fauna Recovery Actions for the Tasmanian NRM Regions – Contract No. FF209) and by the Australian Government Department of Environment, Water, Heritage & the Arts (Recovery Plan Implementation in Tasmania 2009).

You may wonder what the relevance of this document to the RFA might be. The NRS and other conservation mechanisms under the RFA are intended to ensure that Endangered and Threatened Species do not become extinct. We assert this is failing. This document places a priority on the conservation of Listed Species in Tasmania, flora and fauna. In List 1 of the report are all the Listed Species in order: *"Rank indicates the order in which projects should be initiated in order to minimise extinctions."*

The ranking is from one to 171 with 171 being the lowest priority. TEA has extracted from the list those species from 161 to 171. These seemingly are regarded as the lowest of the very low:

161	*Litoria raniformis*	*Green and Golden Frog*
162	*Brachionichthys hirsutus*	*Spotted handfish*
163	*Galaxiella pedderensis*	*Pedder Galaxias*
164	*Beddomeia launcestonensis*	*Hydrobiid Snail (Cataract Gorge)*
165	*Haliaeetus leucogaster*	*White-bellied Sea-Eagle*
166	*Pseudomys novaehollandiae*	*New Holland Mouse*
167	*Sarcophilus harrisii*	*Tasmanian Devil*
168	*Niveoscincus palfreymani*	*Pedra Branca Skink*
169	*Prototroctes maraena*	*Australian Grayling*
170	*Galaxiella pusilla*	*Dwarf Galaxias*
171	*Dasyurus maculatus maculatus*	*Spotted-tailed Quoll*

So, the bottom ten species includes an Eagle, the Tasmanian Devil and the Spotted Tailed Quoll. Remember: This in Tasmania, 'Your Thylacine state!'

Why is all this relevant? The State prioritisation of species in the National Interest is failing to conserve the species obviously at risk. Well TEA's **recommendation** is that the reserve system should address more of the threatened species issues by expanding the priority habitat areas for the threatened species. That would be the most economical thing to do. This is a matter of intergenerational equity. Governments are failing future generations.

Where it involves private land, other mechanisms need to be developed in any RFA Extension proposition as a matter of urgency. The proposals for reservation are not sufficient or adequate. TEA urges you to read the DPIPWE report.

Tasmania is still logging habitat for threatened species and still logging endangered vegetation communities. In a widespread action Tasmania is logging the habitat of the listed Tasmanian Devil wherever there is a 90% loss of species numbers where there are diseased Devils. The thylacine killers!

State Threatened Species Legislation is currently weak and largely useless. The Threatened Species Unit (TSU) is perceived as a rubber stamp for developers. TEA strongly **recommends**:

- Reform and strengthen State Threatened Species Legislation to better protect Threatened Species
- Properly and securely protect threatened species especially the key habitats of threatened fauna.
- Properly fund the Threatened Species Act and unit within DPIPWE. Budget increase for TSU for long term monitoring and research.
- Stop logging important habitat of any threatened species. Stop loss of habitat for threatened species and loss of the extent and fragmentation of endangered vegetation communities.
- List all species that would be threatened by the fox now. If the DPIPWE thinks the fox is in Tasmania it must list all those species at risk.
- All Critical habitat areas to be listed under the Act without delay, regardless of land tenure.
- Implement Auditor General's recommendations. Stop the TSU from writing a lame response.
- Any land that is "inhabited by threatened species" is shown as 'vulnerable land' for which a forest practices plan is required to remove any vegetation (subject to safety exemptions etc).
- "Critical habitat" is that which is critical to the survival of a listed species. Currently, critical habitat may be declared and recorded on the land title under s.23 of the Threatened Species Act (TSPA). A land management plan must be prepared for the critical habitat within 90 days of the declaration (s.29(4)).

- The Secretary may enter into a land management agreement regarding the land management plan (s.30). It will be an offence to disturb any threatened species contrary to a land management agreement (s.51(1)(c)).

- An interim protection order (IPO) can be made to protect a threatened species, even outside their critical habitat. IPO's should be actively pursued by the Commonwealth across Tasmania in support of EPBC standards of conservation.

- Currently offences can only made out under TSPA if a person has knowingly taken or disturbed the Listed Species. This places the onus on TSU to prove knowledge. This requires reform to belatedly lower the bar in support of Listed Species.

- It is not an offence against s.51(1) of the TSPA if a listed species is taken under a certified FPP (s.51(3)) or in the course of authorised dam works. This should be changed as a matter of urgency.

Recommended amendments

- Remove "knowingly" from offences listed in s.51 of the TSPA.

- Remove exemptions for works authorised by FPP or dam permit – increased resources must be made available to allow a dedicated member with the TSU to assess applications for FPPs. Replace references in Forest Practices Code to "agreed procedures" with requirement for any application affecting threatened species to be assessed by the Conservation Management Branch.

- Significantly increase maximum penalties for breaches of the TSPA, up to 1,000 penalty units.

- Include a broader definition of 'critical habitat'. For example, s.13 of Nature Conservation Act 1992 (Qld):

    1. Critical habitat is habitat that is essential for the conservation of a viable population of protected wildlife or community of native wildlife, whether or not special management considerations and protection are required.

    2. A critical habitat may include an area of land that is considered essential for the conservation of protected wildlife, even though the area is not presently occupied by the wildlife.

- Require land management agreements to be entered into in respect of critical habitat to ensure that an offence provision exists to enforce management practices.

- Insert new s.19(14) of the National Parks and Reserves Management Act 2002 to provide:

- (14) If a land management agreement in respect of critical habitat under the Threatened Species Protection Act 1995 exists for any reserved land, the provisions of the land management agreement prevail to the extent of any inconsistency with the provisions of a management plan for the area.

- Include a new S.24A requiring public authorities to have regard to critical habitat in decision-making. For example, s.50 of the Threatened Species Conservation Act 1995 (NSW):

- A public authority must, on and after publication of a declaration of critical habitat, have regard to the existence of critical habitat:

- (a) in relation to use of land that it owns or controls that is within or contains critical habitat, or

- (b) in exercising its functions in relation to land that is within or contains critical habitat.

- Require genuine and competent maps of critical fauna habitat to be maintained and sent to The Commonwealth, EPA, TPC, FPA, PWS, NRM, Crown Land Services, all councils with management responsibility for critical habitat, affected landholders and Crown lessees (e.g. s.54 NSW Act). Register of maps should also be available for public inspection.

- Include a further provision in s.19 of the Forest Practices Act preventing an FPP being certified for forestry activities on land containing critical habitat, other than in exceptional circumstances.

END LAND CLEARANCE

We strongly recommend that now is the right time for the Commonwealth to deal effectively with the issue of ongoing land clearance in Tasmania, thus allowing those potentially affected the opportunity to receive adequate financial recompense from secure private land reservation from a new Commonwealth private land funding package. A new package needs to include threatened fauna, not just vegetation. Indeed fauna should be the priority as they are the hardest to conserve adequately.

Currently land clearance regulations are a disgrace in Tasmania and no Commonwealth RFA funding should flow without this issue being addressed. This is also an EPBC Act matter as land clearance is a threatening activity under EPBC. Forests (for example on VDL's Woolnorth property continue to be cleared (for dairy) and yet are important habitat for species priority Numbers 167 and 171 being the disease free population of Sarcophilus harrisii, the Tasmanian Devil and the Dasyurus maculatus maculatus, the Spotted-tailed Quoll. The reason for the clearance of forest does not matter; it can be for a subdivision or for a centre pivot irrigator for example but is still the end of the native forest habitat. Land clearance regulations currently do not apply to subdivisions in Tasmania. Pathetic isn't it!

We advocate land clearance legislation be enacted as a matter of urgency and that the Forest Practices Authority's Permanent Native Forest Estate Policy (PNFEP) system (see sub-section below) currently in use be upgraded into State legislation.

We consider that an end to land clearance now, as meeting the spirit of the RFA commitment. It would also be a motivating factor to encourage landowners to sign on to a Private Land Reservation type Program and would make such a program more effective and economical. We cannot understand why the TFGA is not pushing for this outcome.

Until Tasmania has proper land clearance controls over private land, important Threatened Species habitat will continue to be logged and cleared in an unsustainable way.

The Tasmanian proposal, the massive extinction logging and land clearance program at Woolnorth by the foreign owned Van Diemans Land Company, where some 1,800 Ha or so of forest is proposed for destruction. The conservation offset proposed does not solve the loss of well over 2,000 Ha of high conservation value forest. Somehow, Evan Rolley, former head of Forestry Tasmania and CEO of the foreign owned Ta Ann was the Project Officer for this Woolnorth Project, a part of the foreign owned Van Diemans Land Company.

Why is it proposed? For dairy expansion! Clearing of land is expensive and in this instance would result in the irresponsible loss of important Threatened Species habitat for Tasmania's two remaining largest carnivores, the Tasmanian Devil and the Spotted Tailed Quoll. We cannot see why Tasmania (and the Commonwealth) should allow foreign companies to drive Listed Species towards extinction so that shareholders can profit. The RFA should prohibit such irresponsible behaviour.

If there was a Commonwealth funded program that supported the conservation of such critical remnants combined with useful legislated restrictions, Threatened Species could be properly protected.

Permanent Native Forest Estate Policy

The Forest Practices Authority currently ostensibly controls land clearance. The current arrangements are entirely unsatisfactory and are permitting a plan of extinction logging. A part of the problem is the inaccuracies of the state vegetation mapping which is regarded by experts as only 60% accurate at the TASVEG III level - only 60% and that is three iterations beyond the RFA vegetation assessment made during the RFA's CRA.

The Permanent Native Forest Estate Policy was developed to give effect to obligations under the RFA. It would be preferable to have a comprehensive State Policy addressing forestry and land clearing to provide a more coordinated statewide approach to this issue. TEA's preference is to replace Permanent Native Forest Estate Policy with legislation and an independent regulatory organisation.

Tasmania's Permanent Native Forest Estate Policy is inadequate and irresponsibly allows the ongoing land clearance activity of destroying natural forest, including important habitat of endangered species.

This is currently a policy supporting the RFA that sadly was created outside of the State Policies and Projects Act, the state legislation for Policies for land use planning purposes. Operation of this Act in creating policies has not been outstanding at all and completely abysmal in support of the RFA. TEA **recommends** the use of the State Policies and Projects Act.

We strongly recommend the Commonwealth negotiates to remove from the Forest Practices Authority the controls over land clearing and vests such controls within the RMPS such as within the EPA or a specific and properly funded authority to monitor clearance activity. One must remember the TFA is industry funded by Forestry.

TEA **recommend**s Tasmania introduce new comprehensive legislation stopping land clearance now.

Overhaul land-clearing restrictions and stop this nonsense of giving every rural landowner full and massive advance warning including what they can destroy and the timeframe.

A cessation of the clearance and/or conversion of forest with high conservation values on private and public land needs to be enacted without delay, under the current RFA.

Threatened Vegetation Communities. Logging seriously depletes the natural values of Threatened Vegetation Communities. TEA **recommends** no logging in Threatened Vegetation Communities should be implemented.

The RFA commits to protection of Threatened Vegetation Communities. But does it occur? TEA considers it does not.

Section 19(1AA) of the Forest Practices Act 1985 provides that an FPP will not be issued for clearing of threatened native vegetation unless:

- The clearing is justified by exceptional circumstances (including safety, bushfire risk, court orders or biosecurity risks); or
- The forestry activities will have an "overall environmental benefit"; or
- The clearing is unlikely to detract substantially from the conservation of the vegetation community; or
- The clearing is unlikely to detract substantially from the surrounding conservation values.

Recommended amendments are:

- Section 19(1AA) should be amended to preclude a FPP being issued for any threatened native vegetation community other than in exceptional circumstances. We cannot think of any sufficiently deserving exceptional circumstances.

ILLEGAL LOGGING

The Commonwealth Government has had a high profile opposition to illegal logging as long as it is overseas illegal logging.

Logging in Tasmania often fails to meet the Code and the Act, and hence is illegal, yet the Commonwealth have not raised their widgie little finger to rein the malfeasance in.

SCENIC and CULTURAL HERITAGE LANDSCAPES and TOURISM

Forestry in Tasmania often degrades the visual amenity of an area. Whilst this can mean different things to different people the fact is that in almost all 29 Municipalities of Tasmania, regardless of what visual or heritage issue concerns you over forestry

developments, one can do virtually nothing about it through any formal LUPAA (land use planning) process under the RMPS. Citizens may lobby the industry or the landowner if one finds out in time but are given no power at all, no rights whatsoever. It is a backward situation.

The FPA has, unwisely, control of landscape assessment regarding forestry but their long serving expert on landscape, Bruce Chetwynd retired in 2012 and has not been replaced (FPA News 2012).

Unacceptably, scenic assessment and planning for forestry is now left to the poorly trained FPOs writing the FPP for their customer the wood processor or landowner and in our experienced view, those people are inadequately trained to deal successfully with landscape matters. This is a most unfortunate situation over an issue of great importance in the public interest. Forestry scars landscapes and such damage results in conflict and anger and a diminution of one's sense of place. It means that forestry in Tasmania is most unlikely to get a social license under the current RFA arrangements.

Those forestry scars are long lasting and in many instances virtually irretrievable. Such scars leave an almost indelible impression upon visitors to Tasmania, the backbone of our expanding tourism industry.

Almost everyone holds disdain for a scarred landscape - stumps and charred trees. A large amount of change and scarring has been wrought on the precious landscapes of Tasmania under the RFA. The RFA's CRA did do some preliminary work on the concept of aesthetic naturalness but it never went anywhere.

Landscape protection policy, laws and strategies are completely inadequate in Tasmania. TEA is not highly expert in Cultural Heritage Landscape assessment but the writer is trained as a professional photographer and thus has a well-tuned eye for Aesthetic Naturalness and a scarred and degraded view.

In Tasmania, there is an important opportunity for forests to be retained to form a part of Tasmania's unique scenic and cultural heritage attractiveness necessary to enhance the satisfaction of tourism visitation. No visitor comes to Tasmania hoping to peruse the charred stumps of a recent clearfell.

The Forest Practices Code currently does not protect either scenic or cultural heritage landscapes adequately from scarring. The Forest Practices Authority even got rid of their landscape expert. The Forestry Commission's ancient landscape manual is completely out of date.

TEA advises that under an extended or new RFA, Tasmania's priceless landscapes would not be protected adequately either under the Forest Practices Code or in the Tasmanian Planning Scheme. The process to have a landscape listed for planning purposes is very difficult when one is confronted by a backward Local Government.

Tourism is an industry, which in our view is disadvantaged by forestry in Tasmania, yet tourism is not even subsidised.

Tasmania's scenic resources are of world standard and deserve to be listed as National Heritage, yet under the RFA no adequate assessment of Cultural Heritage landscapes across Tasmania has occurred since 1997, that is under the RFA.

No statewide study into community opinion regarding scenic landscapes and their conservation has occurred in Tasmania as far as we are aware, yet Tasmania's scenery is world class and highly regarded and prized.

The historical landscape consultant, Ms Gwenda Sheridan has, at TEA's request some years ago, made some suggestions and comments to TEA that may assist:

> *"The U.K. response by its government agencies has been to divide the entirety of England and Scotland into 159 'Character areas' (at the national scale) and Scotland into 21 units - based on natural heritage features. The methodology employed is called Landscape Character Assessment, (LCA). It is underpinned by a number of government agencies such as Scottish Natural Heritage, The Countryside Agency, Historic Scotland and English Heritage. Similar programmes are being put into place for Wales and Ireland. The Assessment takes place at broad, regional and local levels. This grew out of earlier work by the Countryside Commission's earlier work in the 1990s. The method can be applied at local, regional or at the national level. This is a methodology that takes a holistic direction. LCA aims to identify what makes a place distinctive, it provides a framework for assessing, then better managing the landscape, land use and place - from a very local neighbourhood perspective to a much broader area. The Forestry Commission of both England and Scotland is assessed under this methodology. Forests such as those in Tasmania would be called Ancient forests. The community is involved; there are overlays called Historic Landscape Characterisation and Quality of Life Assessment. Meanwhile other Australian states, the United States and Europe have all developed policy on cultural landscapes. Tasmania's non-compliance in this respect of its heritage after ten years of reviews, reports and analyses, stands in stark contrast to what is happening elsewhere.*
>
> *Tasmania has some of the most extant examples of cultural nineteenth century evolved landscape in Australia; Their patterns are quite unique and will not be found exactly as they appear here, elsewhere in Australia. They are quintessentially Tasmanian and yet they reflect as well a time and a place that was landscape patterning in England; the combination of landed rural estates with pastoral and agricultural land marked by enclosure. A repetitive pattern to Tasmanian evolved landscape lies in early grant patterns and in the juxtaposition of the ordered, structured, more formal type landscape and its juxtaposed "wild" forested counterpart which forms the framework to what is seen and experienced, one a foil to the other. This has been pointed out in published material, delivered consistently at public addresses across time.*
>
> *Very relevant to this submission is the Historic Landscape Characterisation overlay to LCA carried out in partnership with local government. English Heritage describes this 'as a powerful tool that provides a framework for broadening our understanding of the whole landscape and contributes to decisions affecting tomorrow's landscape,' [Sheridan's emphasis]. English Heritage further noted that England's rural landscape was 'one of the jewels of our national heritage.' It is therefore not too much of a quantum leap to suggest that Tasmania's rural landscape is also one of the jewels in Australia's national heritage. One however not yet recognised as such or adequately protected in legislation. Additional comments from English Heritage were that,*
>
> > *'it is too easily overlooked when we concentrate on individual buildings or archaeological monuments and its historic dimension can be too easily missed if landscape is admired as beautiful scenery.'*
>
> *The English Historic Landscape Characterisation is in line with the European Landscape Convention, which came into force in 11 ratifying countries on 4 March 2004. It was signed by the U.K. in February 2006 and ratified on 21*

November 2006. It came into force on 1 March 2007. It seems most curious on the basis of these international directives and their implementation that Sheridan was informed in November 2006, that 'cultural landscape' was not a 'useful' term.

Time and place has moved well beyond the 'warm and fuzzy' and the 'too hard basket' as being excuses for not assessing landscape values. Elsewhere they are recognised, are incorporated into policy, into practical working planning documents, and into legislation."

The writer can remember in 1971 visiting a designated scenic area in southern England. It was only a small area along a country roadside and well cared for in landscape terms. It was a special experience.

So in more civilised places on the planet, scenic and cultural heritage landscapes have been a focus of conservation for over 40 years and yet still Tasmania seemingly cannot deal with this issue in any adequate and civilised fashion, and all the while, year after year, more scenically important landscapes are lost, scarred or degraded.

It does not have to be that way of course. Any renewal of the RFA should ensure both cultural heritage and quality scenic landscapes are conserved and protected. It is noted that the Tasmanian Heritage Council suffers from phobic avoidance when it comes to cultural heritage landscape protection.

In the PTR 1698 Appeal, landscape scarring and conservation were raised and the FPA's Mr Chetwynd (at the time their landcape expert) gave evidence that the current FPS Visual Management system was out of date and needed revision. He was absolutely correct.

TEA argues we need much, much more than simply revising the FPA's miserable and inadequate processes in regards to this matter, irrefutably of both State and National importance. The now deceased Premier Jim Bacon realised the importance of recognising, retaining and conserving important landscapes across Tasmania but his work was unwisely undermined by his successors, especially Lennon.

The Commonwealth should ensure through a reformed RFA that Tasmania's 29 Local Government Councils must recognise the cultural heritage landscape values and scenic amenity of Tasmania of National Significance are important assets that contribute greatly to the community's economic life and general wellbeing, and form the cornerstone of the State's important tourism industry, which employs several times more people than forestry, should be documented, recognised and protected for their scenic and cultural heritage values, both on private land and on public land.

It is totally unacceptable that new planning schemes are developed without important world-class scenic landscapes being protected. The current measures being put in place will, in most cases, be insufficient, the mere existence of the potential is insufficient, there needs to be a thorough program of landscape conservation through either the planning system (as currently provided for but largely avoided) or through legislation.

In Meander Valley Council area several years ago, the company Inspiring Place was contracted to do a scenic management study. It is worth considering the potential of such work in the broader context . We do not claim the Inspiring Place report to be perfect but what we do know is that the study which cost many tens of thousands of dollars was ground breaking, yet effectively scrapped by conservative 'forestry first' elements on Council who could not see that this priority may be both economically and socially more important than forestry and took the strategic step of burying this important matter. The scarring and conflict continued. The Municipality was further scarred; the economic

opportunity of the retention of landscape quality was not understood. Such is sad and sorry reality of Tasmania.

The Tasmanian landscape is of great economic value to Tasmania. It is an intrinsic part of the Tasmanian brand. TEA has a raft of **recommendations** over this important matter:

- Acknowledge current protection of scenic and cultural heritage landscapes in Tasmania is completely inadequate.
- Quantify the economic value of the outstanding Tasmanian landscape.
- Achieve secure scenic protection for landscapes. This would include comprehensive protection of important landscapes, places on the (now defunct) National Estate for their scenic significance, scenic viewpoints and other views of relevance to tourism, local communities and those of heritage interest and significance. This should have occurred under the RFA.
- Comprehensively assess Tasmania's landscapes and determine the values held by the community.
- Identify and protect the outstanding Tasmanian landscapes as an urgent regional priority.
- Encourage and fund more highly trained human resources to manage and protect the landscape of Tasmania.
- Establish a Government regulatory and assessment authority to oversee the protection and management of scenic landscape in Tasmania.·
- Completely remove the assessment and control of the protection of landscapes from the Forest Practices Authority.
- Ensure independent scenic assessment protection for all areas that are subject to logging operations.
- End the absurd farce where in many instances the company doing the logging is writing the Forest Practices Plan (FPP) and also conducting the scenic landscape assessment.
- Introduce Cultural Heritage Landscape legislation without delay, using UK legislation and program as the basis.
- The proposed restructure to have FPA, as a referral agency would allow planning authorities to be ultimately responsible for accepting or rejecting landscape assessment provided by the applicant.
- A State Policy on forestry / land clearing should be created and include landscape protection objectives in line with the European Landscape Convention commitment to *"protect, manage and plan for landscape values across all landscapes, rural and urban, large and small, coastal and inland, protected or degraded."*
- At a minimum a State Policy on scenic and cultural heritage landscape conservation under the State Policies and Projects Act is obviously desirable. Unfortunately The Tasmanian Government is trying to degrade the worth and

utility and integrity of land use policies by introducing a lesser standard, the Tasmanian Planning Policies. State Policies require compliance.

- A RMPS Planning Directive could include clear guidance in a Landscape Protection schedule regarding the values to be protected, appropriate assessment criteria and methodologies etc.

- Introduce legislated protection of cultural heritage landscapes. Ensure every local government planning scheme is protecting the outstanding regional and local landscapes from insensitive development.

FAILURES and CORRUPTION to be ADDRESSED

There is a long list of scandals and rorting.

The Environment Association (TEA) supported funding for an industry exit with dignity under the Tasmanian Forest Agreement and for retraining but on the sole proviso that genuine conservation outcomes that retain, in the main, the stored carbon and the biodiversity of the natural forests, whilst lessening the conflict for the broader Tasmanian community, occurred. This has obviously not happened and indeed we are aggrieved the negotiation has been completely rorted in favour of industry and with little limited benefit to Tasmania's threatened species which continue to decline. We remain highly critical of this aspect.

The State approval process for Gunns' Pulp Mill development was rorted by the Tasmanian Parliament and was unjust and unfair. There were several hundred appellants before the RPDC (now termed the TPC). That sort of public interest outcry is entirely unlikely to dissolve. There was a large number of objections against the Mill proposal to the RPDC numbering over 700 if memory serves correctly - a vast level of objection. TEA would be very surprised if any other development attracted that level of objection or even interest, by way of comparison. State approval for the pulp mill was ultimately obtained through the purpose made Pulp Mill Assessment Act, 2007 and conditions of the approval described in the Pulp Mill Permit in accordance with S6(8) of the Act.

Indeed there are so many problems with the Regional Forest Agreement in Tasmania - including the rorting of the Forest Practices System, the logging and destruction of Threatened Species habitat, the collapse of MIS Plantations, the failure to halt land clearance to name just a few, that there should be a Commission of Inquiry (A Royal Commission) into both the RFA and its associated, outdated, mid 1990s' style Comprehensive Regional Assessment.

RMPS, LUPAA, PLANNING SCHEMES and the FPA – APPEAL RIGHTS or CONFLICT?

Forestry is conducted under Forest Practices Plans (FPP) under the Forest Practices Act and must comply with the Forest Practices Code (FPC). Forestry land use is also regulated under the Land Use Planning Appeals Act LUPAA and local government planning

schemes to varying extents under the RMPS. This shemozzle is a major recipe for conflict and TEA asserts must be a priority for resolution under any renegotiation for a further RFA.

A Forest Practices Plan (FPP) must ostensibly be consistent with the Forest Practices Code (FPC). But 'The Code' (FPC) is not a very precise or enforceable document - with a litany of weaselling 'ifs', 'buts', 'shoulds' and 'maybes'. Often the FPC is not based on science. TEA claims it often does not protect the public and it does not protect neighbours' amenity. Our claim that it allows environmental harm is easily supported. Our claim it is allowing the logging of threatened species habitat is easy to prove.

Under the Forest Practices Act 1985 there is an unjust situation where there are no appeal rights for citizens against a Forest Practices Plan (unless you are an aggrieved logger) and that ordinary people have no right of input into a Forest Practices Plan.

Usually a neighbour or other person won't even know that one is written until it is too late, when it is finalised and beyond negotiation. That is the way that unsustainable system is designed and we argue the LG Councils have a duty of care to put in place mechanisms that address that gross shortcoming now. It is important that LG Councils and the TPC recognise this unjust situation. There are practically no conflict resolution mechanisms in the FP Act over FPPs and no mediation provisions in the Act either. The whole of the Forest Practices Act should be subject to a giant overhaul under any renegotiation of the RFA.

LG Councils must be aware that the forestry notification system, called the "Good Neighbour Charter", has no appeal rights either. It just looks like consultation but is, in effect, a publicity sham. It is no substitute for a proper newspaper notification system, such as could easily be included with a Discretionary status in the new Interim Planning Schemes or the upcoming Statewide Scheme due now in about 2018.

When a Forest Practices Plan is created under the Forest Practices Act, there appears no obligation for a person requesting such a plan to be provided a copy. Such plans are often complex and detailed and whilst most forestry companies will show you a plan on the bonnet of a car (usually only after repeated requests) they mostly seek to reduce your knowledge of their operation by withholding a copy of the plan and denying such a request. This unfortunate and scurrilous behaviour is just another of the many good reasons for making forestry a Discretionary Use in the Rural Zone of LG Planning Schemes and of course by adjusting the State Planning Provisions to allow for that status.

If one writes to the Forest Practices Authority (FPA) one will often be sent off to talk with the developer, thus there is no independent third party dispute resolution at all. Indeed often forestry's unjust system generates a dispute. Generally, the FPA will not give you a copy of the FPP either; indeed it will claim it does not have one, but rather merely the cover sheet and their own reports on the matter. All of this is completely unacceptable and intolerable in 2016. LG Councils and the TPC have at their disposal a remedy for all of these problems and could act responsibly. The FP Act could be amended to allow for appeals of course. The RFA renegotiation should provide for all of the above to be radically improved. Without these matters being addressed satisfactorily there will be no social license.

Forestry is a dangerous land use activity full of risks to people and the environment and to consign it to a 'Permitted Without Permit' status in Local Government (LG) Planning Schemes under LUPAA, whilst being cognisant of the extended conflict over this land use is socially irresponsible of Governments in our view. Planning over forestry, on private land especially is still in the dark ages.

Virtually all forestry operations (on all land tenures) have a Forest Practices Plan but these are often inaccurate, inadequate or do not consider important cultural and environmental issues. The ‘in accordance’ words in most of the LG planning scheme are meaningless because Council does not scrutinise the plan in a Permitted Without Permit situation.

All self-regulatory Forest Practices Plans (which never actually get an approval from the Forest Practices Authority), need copious diligent scrutiny or independent assessment. We urge that LG Councils perform that role and ensure the scheme assists it to do that aspect of its job.

The State Planning Provisions, which mandates certain policy positions, and a Permitted Use for Forestry actually prevents Forestry being regarded and classified as ‘Discretionary’ in any way and therefore precludes the application of their information regarding Natural Assets which may indicate a change of the Forest Practices Plan. Something better than this inadequate forestry provision is urgently required to better protect the National Interest, Priority Habitat and so forth. Of course the chair of the Board of the FPA was one of Chairs of the recent TPC hearing into the State Planning Provisions, a clear conflict of interest over which we complained.

The current Permitted Use (with or without a Permit) status of forestry (often called “resource use”) in many LG planning schemes provides virtually no opportunity to stop, constrain or modify any forestry developments in Rural Zones, the place where most forestry occurs. We believe this is unjust and unacceptable and must change if conflict is to be given an avenue to resolve in some civilised, fair and just way. This we claim is a vexatious deficiency and is against fairness, choice and democracy.

Currently there is no democracy around Forestry under the FPC in Tasmania as there is no right of appeal under the FP Act 1985 and thus the FPC and FP Act simply do not support intergenerational equity or adequate rights expected in a civilised country like Australia. Tasmania in cultural terms regarding its forestry legal and planning system is in fact extremely backward.

The implication of the Permitted Use (without a Permit) status of Forestry under the tutelage of PD-1 and its associated State Planning Provisions is that the LG Councils and especially its disadvantaged community also has little knowledge of, or protection from the forestry activities in the Council area and the social consequences is conflict and anger.

The people of the municipality (everyone in Tasmania) generally have no right of redress through the Land Use Approvals Process (LUPAA) where Forestry is not 'Discretionary'. Forestry, in effect, ceases to become a part of the sustainable development system entirely and TEA regards that the FP Act cannot meet any claim for sustainable development, as there is no social justice. LUPAA is avoided (by way of the Permitted status) because, we argue the industry does not have the confidence to be involved in any fair and reasonable system of sustainable development and the Tasmanian Planning Commission (TPC) has no conscience or understanding of the public interest.

Native Forest Forestry and Plantation Forestry cannot claim any sustainability until (along with the retention of ecological capital) people have the fundamental right of objection and appeal.

Because the Forest Practices System only provides for complaint and not a proper appeal, it does not provide for any sustainability in the cultural sense. One can write a letter and the Forest Practices Authority can basically ignore it, or worse pass it on to the loggers.

Currently there is no independent Tribunal to review the decision of the industry or the Forest Practices Authority over logging or to hear your complaint against either. It is an atrocious situation that can and must be rectified by the simple expedient of changing forestry from Permitted (without a Permit) to Discretionary in the LG Council's Resource Zones in the new rationalised schemes.

ONCE-OFF LOGGING of NEW RESERVES

TEA would be opposed to a once off logging of any proposed reserves, which are a part of the National Reserve System and consider it a clear breach of the RFA as well as an act of bad faith by Tasmania. For many areas in the north of Tasmania that would mean the logging out of the natural primary forest. This is a foolish, reckless and irresponsible proposition.

This is a matter for the management plans / management objectives for each reserve. TEA proposes inserting a new subsection in s.19 of the Forest Practices Act 1985:

> (1AAA) The Authority is not to certify a forest practices plan involving any reserved land.

The definitions section would also need to be amended to include a definition of 'reserved land' including all reserved land under the Nature Conservation Act 2002 and forest reserves under the Forestry Act 1920.

BIOSECURITY to be ADDRESSED

Another issue, which we need to have included in the RFA, is the issue of Biosecurity.

TEA is not sure if Biosecurity becomes a matter of National Significance but it should be.

Its inclusion should mean a revision to the RFA and the NFPS.

There is a number of aspects: introduced E nitens up against or near native E ovata, phytophpera spread with poor forestry hygiene, weeds in plantations, shipping of Devils to offshore islands and other translocation of animals - that are Threatened, such as Quolls and Devils, a matter of National Significance.

LIVING CARBON and CLIMATE CHANGE

Climate Change and the Potential Income to Tasmania and Tasmanians from Sinking and Trading Carbon over Tasmania's Forests is a vital matter of National Importance for Tasmania.

Human induced climate change is occurring and will continue with the concomitant changes in temperature and rainfall distribution affecting plant growth, plant diseases and fire frequency and intensity.

United Nations Framework Convention on Climate Change Paris Agreement hope to limit the temperature increase to 1.5 dC but the current emission trend indicates that, if that trend continues, change will be at or above the 2 dC goal.

Land use, land use change and forests are an element in the UNFCC Convention on Climate Change and as such targets should be set within the RFA to increase the amount of Carbon sequestered in forests.

The Climate Commission's 2011 report, "The Critical Decade" flags that the conservation of more forests should provide a welcome outcome in terms of mitigating climate change.

It would be advantageous for all owners of forested land to embrace the concept of 'carbon sink forests' as a potential income stream. The Federal Government's Carbon Farming Initiative [now under the Emissions Reduction Fund] gives a potential value to forest conservation and the subsequent income flow.

TEA **recommends** that those who conserve their forests as 'carbon sinks' should elicit a positive response (a financial reward for carbon sequestration) when the value to the Tasmanian economy from an alternative income from greater conservation is more clearly understood. This non-contentious initiative should gain significant community approval.

The undertaking by the Federal Government to recognise the conservation reserves intended to be created under the RFA could only be enhanced, now the United Nations Framework Convention on Climate Change Paris Agreement has been ratified by Australia on the 09th Nov 2016. potentially allowing value to be applied to 'carbon sink forests', especially those on private land.

A significant and detailed study of the carbon opportunities of Tasmania's forests titled: "Tasmanian Forest Carbon Study by the company Co2 Australia Limited", has been completed, dated 31 July 2012.

Building on that report an analysis of the potential lost opportunity was from memory in 2012 presented by The Australia Institute's Andrew Macintosh and Richard Dennis who stated:

> *"… analysis suggests that, by guaranteeing that harvesting in Tasmania's native forests remains below the levels in the 2000s, the TFA should lead to the Australian government receiving an average of 7.4-8.2 million credits per year over the period 2012-2032. …"*
>
> *"These carbon benefits do not have to accrue to the Australian government. The revenues could be wholly or partially allocated to Tasmania."*

Thus recent work by others indicates that over the 20 years to 2032 the returns to the State of Tasmania from Carbon credit offset payments for the forests reserved is in the order of $7.2 to $8.4 Billion. At $7.0 Billion this means $350 Million per annum as an average. Of course the price of carbon is set to rise in steps meaning the greater part of the value will come later in the above mentioned report's period to 2032.

TEA considers it to be a huge mistake to forgo the wealth that carbon credits could generate, the Tasmanian community and its landowners, including the public land managers.

If you put in place an agreement that sets the parameters for investments in conservation [park infrastructure, tourism infrastructure, investment in marketing image] and forestry [growing and processing wood] and the over the two decade life of this and the 3 subsequent RFA agreements changes occur which negate the resource security an RFA is supposed to produce because it failed to take into account that an 80 year rotation [the supposed sawlog driver of the agreement] did not recognise and act to negate or offset the changes to the climate that we know will occur within the Agreement. As best as the Agreement can it would fail to meet its' obligations to the future. If there is no obligation to future generations [inter-generational equity] then why bother with almost anything that has long term planning involved such as an RFA. Indeed Australia has a national commitment to the Precautionary Principle as well as to ecological sustainable forest management.

It is not just the offsetting. Like the change in the perception of Tasmania following the change in the direction of Hydro after the Gordon below Franklin campaign, opportunities will flow from Tasmania being seen as a climate-friendly community, especially if backed by other actions at a State level.

Setting aside State Forest (the 2012 term) as ‘Carbon Sink Forests’ and generating a carbon income from those forested areas could be forecast and thus able to be included in a genuine, strategic approach in budgetary terms.

It is surely crucial for The Tasmanian Government to capture the potential for a carbon income from the forest.

‘Carbon Sink Forests’ is a concept we have expressed before (such as to the Premier during the TFA period) and we maintain it would provide an almost ironclad guarantee of both income and conservation function, potentially forever – a win, win if ever there was one. No conflict there.

It is highly desirable and equitable that existing Private Forest Reserve owners be also able to benefit from carbon trading. Currently that is not the case. This is a matter for the Commonwealth to address.

Most but not all private reserves of forest in Tasmania were created under the Regional Forest Agreement and the ongoing management of such areas should have an income stream opportunity consistent with the in perpetuity security of the reservation.

There is also an important need for owners of smaller areas of private forest in Tasmania to be able to trade the carbon held within their forests. Currently this is difficult but this represents a further opportunity due to the large area of forest under private ownership. Trading carbon held within the owner’s forests would inevitably inject money into the Tasmanian economy.

TEA considers the past native forest liquidation strategy, as expressed as far back as Helsham to be a monstrous, unmitigated, total failure.

Not only has it impacted on conservation objectives of National Significance the ongoing financial losses accruing to Forestry Tasmania and the collapse of the industry show this liquidation plan has been an economic and social failure.

There is a strong need to build a new paradigm regarding retention of living carbon rather than its liquidation. How that imperative is handled and how the opportunity is developed should be workshopped with the community and incorporated within any Extension proposition for an RFA in Tasmania.

Indeed it may be more beneficial to reduce further the production of timber for the long-term benefits of sinking carbon. These are primarily both direct and indirect economic benefits, as much as a further reinforcement of the positive image of Tasmania as a world leader, among more developed economies, attracting interest among tourists, businesses wishing to relocate and investors.

TEA **recommends** to the Commonwealth and the State that all secure forms of Private Forest Reserves should be regarded as carbon sinks under The Federal Government's Carbon Farming Initiative [now under the Emissions Reduction Fund] and that securely reserved private land since 1997 (from the start of the RFA) should qualify for carbon sink incentive to the owner.

TEA **recommends** to Amend Schedule 1 of the Nature Conservation Act and Schedule 3 of the Forestry Act 1920 to include carbon sequestration as a management objective for private forest (and other) reserves.

The current RFA is highly deficient when it comes to the crucial issue of forests and carbon sequestration for their economic, social and environmental benefits. This may be particularly relevant to owners of private land who may look for new income streams in a changing world.

Australia has as yet established no price on carbon. The current Liberal Federal Government opposing a carbon tax, yet without compromising their election mantra they could easily find a way to simply agree that carbon was a commodity, which could be traded.

Carbon is a commodity, which can be traded. It is not too hard! It does not need to involve setting a price.

The current RFA is highly deficient when it comes to the crucial issue of forests and carbon sequestration. This may be particularly relevant to owners of private land who may look for new income streams in a changing world.

MATTERS of NATIONAL SIGNIFICANCE

The Tasmanian Regional Forest Agreement is built upon the premise that the assessments done and the other matters put in place under the RFA, such as would be sufficient to mitigate the adverse effects of forestry operations across Tasmania so as to meet out international obligations and to ensure matters of National Interest under the EPBC Act have been sufficiently mitigated to ensure that forestry operations in Tasmania can continue with the ongoing exemption from the Commonwealth's EPBC oversight.

The Environment Association (TEA) Inc asserts that the Tasmanian RFA does not achieve sufficient protection regarding matters of National Interest under the EPBC Act that an exemption should continue.

The Environment Association (TEA) Inc asserts that EPBC Listed Species are not sufficiently protected by the Tasmanian Regional Forest Agreement. Indeed that fact is indisputably evident from a range of event and listing upgrades during the 20 years of the RFA. Some of those have been discussed in this submission.

However in any such introductory submission as this, the detail of such failures on the ground becomes a massive additional amount of information, which cannot easily be dealt with in such an introductory submission. We of course would rely on the Government's original CRA, as well as a plethora of events over the last 20 years.

Because we can provide a substantial additional amount of supporting information to back our statements and contentions we would welcome the opportunity to do so in an orderly and organised way.

The Environment Association (TEA) Inc claims the Tasmanian Regional Forest Agreement is nothing more than an abrogation of Commonwealth environmental responsibility. We can evidence our claim and reserve the right to do so.

CONCLUSION

TEA, a stakeholder in any Regional Forest Agreement and any matter there under, has long advocated that the issues of forest conservation and forestry industry be considered as separate subjects. This is of fundamental importance.

Claiming interdependence is an industry strategy as typified by the rhetoric, the bleating cry of jobs versus conservation, which simply muddies the waters.

As long as governments erroneously perceive a 'jobs versus conservation' dilemma the solutions will be evasive and elusive.

A co-optive deal between the often competing poles of forestry and forest conservation is the recipe for further failure and an almost iron clad guarantee of another non-durable outcome over Tasmania's forests.

We obviously remain vitally concerned about unsustainable forestry, the imperative of forest conservation and the opportunity of the sinking of carbon to mitigate climate change. We note that important (HCV) natural forests continue to be destroyed as this RFA continues, both on public and private land.

We urge Governments to urgently design a new comprehensive process with full inclusion, transparency and openness if it is to successfully attempt to renew and revive the Tasmanian RFA so as to become credible, effective and durable.

Within the RFA review the renewal process should contain the flexibility to develop innovative strategic, legislative reform and policy solutions in consultation with the community, especially regional Tasmania, both for the protection of special forests and habitats (on public and private land), for new issues such as carbon trading and to create a responsible, unsubsidised, viable, resilient forestry industry and associated industry transition.

TEA again seeks to be properly involved as a stakeholder in any process attempting *"To resolve the conflict over forests in Tasmania, protect native forests, and develop a strong sustainable timber industry"*

TEA is aggrieved over the lack of an adequate fair and just, inclusive process to date and has no confidence in the RFA's proposed solutions to actually resolve the conflict.

Upon reflection, we are not aware of a longer, more protracted, more divisive land use conflict anywhere in Australia. Bear in mind, some of our members have been working on this issue for over 40 years now. Avoidance is a poor strategy that fails to resolve, fails to solve. Please deal with this matter in a comprehensive, genuine and unbiased manner in the true spirit of democracy.

We trust you have found our submission helpful and that you see the wisdom in our proposals, recommendations, observations and evidence.

Sadly, the extension of this Tasmanian Regional Forest Agreement without substantial reform will almost certainly not deliver peace for Tasmanians or sustainability for Tasmania's forests nor the mitigation of matters of National Interest.

TEA is in no doubt a durable resolution will be difficult and require skill and perseverance but it would be so important for Tasmania.

The extension proposition of the Tasmanian RFA is a great challenge for the governments but the protection of Tasmania's remaining natural forests are an overriding matter of national importance.

TEA makes this submission entirely under sufferance, due to an RFA Extension process, which is extremely very poorly defined, with no published scoping agreement, and ambiguous propositions ill, conceived and lacking probity. The lack of adequate inclusion including consultation venues for regional communities is simply atrocious and stupid and leaves us aggrieved. The short time frame for comment poor. It has limited our submission.

We await your attention to and action over this repeatedly failed Tasmanian RFA matter and look forward to both a properly designed RFA Extension process and to a future with solutions in the National Interest, which will truly bring an equitable resolution to the conflict over forests and forestry in Tasmania, despite the great challenge.

END