



tasmanian conservation trust inc

Tasmanian RFA Extension
Department of State Growth
GPO Box 536
Hobart Tasmania 7001

22 December 2016

EXTENDING THE TASMANIAN REGIONAL FOREST AGREEMENT

GENERAL COMMENTS

Limitations of this submission

The Tasmanian Conservation Trust (TCT) finds it very difficult to prepare a submission on the extension of the Tasmanian Regional Forest Agreement (TRFA) due to the confusing and misleading statements regarding the policy expectations of the Tasmanian and Australian governments and the lack of confirmation of any future consultation beyond the current very limited process.

On 6 December 2016 I attended a one-on-one briefing with officials of the Tasmanian Departments of State Growth and DPIWPE and the Australian Department of Agriculture and expressed the same concerns. I stated that we are being asked to make comment in a vacuum whereas the normal process would be to have a discussion paper to comment on. Such a paper would be expected to outline what matters were being considered and therefore worthy of comment in submissions. I further expressed my concern that we needed to know what the complete process is for producing the Extended TRFA and in particular whether this is the only opportunity for us to make comment. It was not made clear whether we would or would not have another opportunity to comment and we were led to believe that most of what the TCT is concerned about is off the table for discussions.

Consequently, we cannot be expected to make a detailed submission.

Overarching recommendation: Instead the TCT has provided a brief outline of the conservation objectives, targets and programs that should be reflected in the Extended TRFA and ask the Tasmanian and Australian government's to provide feedback to us. If request, we can provide an indication of the higher priority recommendations. If there is not sufficient interest in considering these recommendations then the TCT will take no further part in the process to develop the Extended TRFA.

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We will be compelled to explain our decision directly to both governments and via the media to ensure that we are not falsely claimed to have been involved in the consultation process.

Misleading statements by Tasmanian and Australian governments

The only public statements of policy that are available are broad statements of objectives, as expressed:

- On the Department of State Growth web site;
- In a brochure titled 'Extending the Tasmanian Regional Forest Agreement'; and
- In a letter addressed to the TCT titled 'Invitation to attend drop-in centre about extending the Tasmanian Regional Forest Agreement' (2 November 2016).

All three include virtually word-for-word the same statement of policy or objective and it is as follows:

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.

The statement 'While the governments are not negotiating a new RFA, or changing the Agreement's fundamental objectives' is misleading as the fundamental objectives are proposed to be changed. We cannot take the Tasmanian RFA to be 'effective and credible in the long term', while fundamental changes have been made, and done so in such a misleading manner. This concern is explained below.

Misleading statements regarding the development of the CAR reserve system

While it is claimed that an extended TRFA will have an objective to 'maintain' 'a Comprehensive Adequate and Representative reserve system' the

departmental officials told me that the objective was different. They said the objective is that the Extended TRFA will seek no further reserves on public or private land other than a few small areas of Hydro Tasmania land that they committed to protect through conservation covenants under the existing RFA. Furthermore, there would be no funding for financial or other incentives or assistance to expand the reservation of forests on private land.

The true objective of the Extended TRFA is 'no more reserves' and no more encouragement of conservation management on private land.

Rather than state 'no more reserves' as an explicit objective of the extended TRFA, the State Growth web site and brochure misleadingly state the objective as 'maintain' a CAR reserves system. This takes a bob each way. A casual reader might think the governments are committed to creating new reserves where they are justified. But having heard the advice of departmental officials, I know that this objective implies, falsely, that a CAR reserve System has been achieved and needs only to be maintained.

It is seriously misleading to imply such a major policy shift without explicitly stating it in documents circulated as part of the current consultation process. It is worse to use such 'double-speak' to disguise the governments' true policy position.

If we need any further confirmation of the 'no more reserves' policy we only need read the 'Ministerial Statement: Forestry', released by Tasmanian Minister for Forests on 26 October 2016. The statement included a commitment to open up 357,000 hectares of the Future Potential Production Forest Land (FPPF) for harvesting, making new formal reserves impossible across this area, which constitutes the vast majority of unreserved Crown land in Tasmania. But alas, the documentation provided in the consultation process makes no mention of Minister Barnett's ministerial statement, this particular commitment or its implications.

As we stated previously, it is false to imply that the CAR reserves system is complete and it contradicts the recommendation by both governments that the reservation targets were to be 'reviewed'.

The 'Joint Australian and Tasmanian Government Response to the Review of Implementation of the Tasmanian Regional Forest Agreement for the Period 2007-2012' (Joint Government Response to the Review of Implementation of the TRFA), Recommendation 1, states that 'The parties review outstanding commitments in relation to reserve establishment...' within the context that 50.1% of Tasmanian's land area is in reserves.

When I inquired with departmental officials about when the recommended review would take place I was told that there is to be no review.

Therefore the statement on behalf of both governments contains a misleading recommendation in regard to forest reservation. Given that forest reservation is the most contentious conservation issue being considered, we can only conclude that the governments deliberately mislead the Tasmanian community in making this recommendation.

Presumably, if pressed to explain the failure to do a review, the governments will claim that a review was not needed because the 'Implementation of the Tasmanian Regional Forest Agreement 2007 – 2012 Prepared by the Tasmanian and Australian Governments for the third Five-Yearly Review of the Tasmanian Regional Forest Agreement' (Implementation Report) found there to be no unmet targets.

The analysis provided in the Implementation Report is highly misleading. The TCT does not intend providing a detailed criticism of this report or our own review of unmet reserve targets. Instead we wish to acknowledge the submission by The Environment Association that provides a very detailed and comprehensive review of the inadequacies of the existing TRFA and the failures to meet forest conservation targets.

The Implementation Report falsely claims the CAR targets on public land have been achieved. Critically, the TRFA never committed to set reservation targets at a bioregional basis as established by the JANIS criteria and, unsurprisingly, the Implementation Report does not make any assessment for each bioregion.

The Implementation Report assessment is at odds with the findings of the State of the Forests Tasmania 2012, which is odd given that the SOFR is claimed to be a key information resource for the Implementation Report.

While the Implementation Report finds that the target on private land has not been met, it is not explicitly stated as a shortfall. Predictably, it does not make a recommendation that more forest should be reserved on private land to meet this shortfall.

The State of the Forests Tasmania 2012 makes it perfectly clear that many forest communities are poorly reserved at a statewide level and that many of these can only realistically have their level of reservation increased by securing areas on private land. In relation to Indicator 1.1.c Extent of Area By Forest Type and Reservation Status, the SOFR finds that:

- 'Three forest communities have less than 15% of their current extent in reserves: all of which are dry eucalypt communities. For all these communities, the majority of the remaining extent is on unreserved private land.'
- 'Seven communities, mainly from dry eucalypt group, have less than 7.5% of their estimated pre-1750 extent protected in reserves'.

The SOFR does not assess the reservation status of forest communities at a bioregional level but if this was done then some of the communities referred to above would have reservation levels in some bioregions far lower than the statewide levels. Also, other communities that are well reserved at a statewide level would be poorly reserved in some bioregions.

A 'review' of targets might be interpreted to mean a review of the appropriateness of targets as well as a review of whether targets have been met. The Implementation Report also fails to consider that a review of the appropriateness of reserve targets is necessary.

The TCT strongly supports the need for a review of the appropriateness of reserve targets because:

- changes in vegetation cover and condition both in and outside of reserves;
- changes to reserve management e.g. allowance for special species logging in conservation areas and regional reserves
- changes in scientific knowledge regarding the impacts of climate change and other threats e.g. myrtle rust;
- new approaches to biodiversity conservation e.g. ensuring landscapes are maintained that support priority biodiversity values.

So we have a bizarre process where each document or statement waters down and misrepresents the findings or recommendations of the previous one. Nothing seems to be ruled out but nothing is committed to. What should be serious scientific reports and precisely worded policy statements are reduced to documents full of propaganda and spin.

Failure to commit to specific actions and policies relevant to ecologically sustainable forest management

The approach taken to articulate the governments' policy position in relation to sustainable forest management is not as deceptive as its approach to forest reservation, but it is unnecessarily vague and non-explicit.

As quoted in full above, the State growth web site states in part that:

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:

- *ecologically sustainable forest management and use of Tasmania's productive forests, and*

The governments' should have identified specific objectives for ecologically sustainable forest management, including:

- retention of a Permanent Native Forest Estate;
- continued improvements to the Forest Practices System;
- on-going development and management of a CAR reserve system.

Obviously this would create political problems for the governments as it would require them to admit that a CAR reserve system is a key component of 'ecologically sustainable forest management and use of Tasmania's productive forests'.

It would also draw attention to the undeniable but unpopular idea that to be sustainable, forestry practices must be subject to continuing scientific research, adaptation and improvements. This would work counter to its apparent desire to simplify the system.

Similarly, a cornerstone of sustainability for the forestry and farming industries is that broad-scale clearing must stop, but to flag this fact would risk raising community awareness that a commitment was made in the supplementary TRFA in 2005 to end broad scale clearing by 2015.

If the government's wanted to honestly text public opinion on its policy on clearing then it should have stated that the commitment held for twelve years by successive governments, federal and state, to end clearing of forests now

means nothing. This perhaps more than any other shift in policy tests the credibility of the TRFA.

It is one of the crudest of all political tricks to continue to ignore commitments, in this case to stop clearing forests on private land, and to repeatedly offer the community an opportunity to say they don't want to end clearing.

TCT RECOMMENDATIONS – CONSERVATION OBJECTIVES AND COMMITMENTS

CAR Reserve System

The Extended TRFA should include an objective to continue to work toward a CAR reserve system and to ensure it is appropriately managed.

A review, as we thought had been agreed to by the governments, should be undertaken to identify any unmet forest reservation targets under the existing RFA commitments and to assess the appropriateness of existing targets and include revised targets in the Extended TRFA.

The review of unmet targets should take into account:

- changes to species and community conservation status;
- changes in knowledge of forest distribution and condition e.g. mapping is slowly being updated and corrected;
- recent change to reserve objectives to provide for special species harvesting in reserves (including areas already reserved to contribute to achieving the RFA reservation targets).

The review of the appropriateness of targets should take into account:

- land use change e.g. area of forest communities cleared or degraded;
- recent changes to reserve objectives to provide for special species harvesting in reserves (including areas reserved to contribute to achieving the RFA reservation targets);
- changes in scientific knowledge e.g. regarding knowledge of threats to forest values; and
- new approaches to forest and biodiversity conservation e.g. landscape ecology.

The review of existing targets and development of new targets must be done in a transparent manner including provision for community consultation.

We note that the 'Implementation Report' finds a short fall on private land but this is not reflected in any recommendation of that report nor of the Joint Government Response to the Review of Implementation of the TRFA. The report finds that when the Forest Conservation Fund Program was completed 28,023 hectares was covenanted, which was 17,577 hectares less than the target. The Implementation Report states that the ongoing revolving fund has achieved only 2603 hectares 'conserved' (which may include some areas not formally reserved). This leaves 14,974 ha (and potentially more) still to be protected on private land.

If the recommended review of targets is not done or is not completed before finalisation of the Extended TRFA, the target of 14,974 ha on private land should be reflected in the Extended RFA as a default target. As stated above, it is our preference that there is a full and transparent review of the RFA's forest reservation targets on public and private land. This review would identify the

most important areas to protect on private land and this would be important to know before designing private reserve programs. As stated in previous submissions a range of approaches should be considered including a biodiversity stewardship programs, carbon retention programs and traditional covenanting schemes. Other matters to consider in developing a private conservation program are to identify any costs to owning protected land that might be reduced or removed, e.g. local government rates and state government land tax.

The Extended TRFA should include a commitment to funding for a private forest conservation program at levels appropriate to the likely targets and comparable to funding allocated previously – we estimate a budget for the first two years of \$10 million with the budget to be reviewed for the following three years.

The company Forico owns and manages just under 80,000 hectares of native forest and other important native vegetation in Tasmania. This is roughly equivalent to all of the formally protected areas of native vegetation on private land in Tasmania. Forico are committed to not harvesting its native forests and has informed the TCT that it is seeking a means of earning an income from these forests in return for protecting them.

It is our understanding that they would like an income that at least covered the cost of management but preferably was higher. Protection of natural values is seen as important to Forico's brand and to continue to have access to markets that are sensitive to these issues. Gaining financial return for conserving these areas will make a contribution to the profitability of the company.

The TCT supports Forico's aims and we strongly encourage the governments to consider funding private land conservation programs to assist Forico and other corporate and non-corporate forest owners to conserve forests. Supporting private forestry companies to conserve natural values will assist these companies to maintain markets, be profitable and potentially grow jobs.

While we do not know Forico's preferences as to what assistance it might want, governments may not be required to pay money to them. As mentioned earlier, many private land owners may just want the governments to reduce the costs such as rates and land tax.

The TCT recommends that, prior to the finalization of Extended TRFA, an assessment be done by appropriate and independent experts of the conservation values in the Future Potential Production Forest land to identify the highest priority areas for addition to the CAR reserve system. It is preferable that this be done following the review of reservation targets.

The Extended TRFA should make a commitment to formally reserve the 35,000 hectares of FPPF land, mostly in the Great Western Tiers. Given that the Tasmanian Forests Minister stated, in his October 2016 'Ministerial Statement: Forestry', that this would be incorporated into the Tasmanian Wilderness World Heritage Area we can see no reason why it should not be reserved and that the RFA should commit to it.

The Extended TRFA should include a commitment to cease any special species harvesting in areas of forest previously reserved under the RFA.

Native forest clearing

The Extended TRFA should include a commitment to cease all broad-scale clearing and conversion of native forest on private land by the date upon which the agreement is signed.

The Extended TRFA should recommit to no broad-scale clearing and conversion of native forest on private land.

The Extended TRFA should include a commitment to embed these commitments in legislation, within 12 months from the signing of the Extended TRFA, to ensure that only a decision passed by both houses of the Tasmanian Parliament can change the policy commitments.

The proposed legislation should also include a commitment to cease clearing of non-forest vegetation and establish a framework for the ongoing monitoring, management, protection and restoration of all native vegetation in and out of reserves. The legislation should establish separate targets and objectives to reduce the scale and impact of small scale land clearing, including clearing currently deemed important for land management purposes and infrastructure maintenance.

The TCT supports the Recommendation 5 of the 'Joint Government Response to the Review of Implementation of the TRFA' to 'develop a long-term forest condition monitoring system across all tenures' and strongly urges both governments to provide sufficient funding for this program to be established and operated for at least the first five years of the Extended TRFA. However, for monitoring to be effective, it must be linked to an agreed system of management and protection. It would be pointless to establish a monitoring program if there is not a corresponding commitment to use the knowledge from it to inform management of forests in and outside of reserves. Similarly, it would be pointless to monitor condition and connectivity while allowing broad-scale land clearing and degradation through harvesting in the CAR reserve system.

Management of threatened species, threaten forest communities and other priority biodiversity

The Extended TRFA should include a commitment to attempt to improve the conservation status of all current and future listed threatened species, threatened communities and important biodiversity values. The Extended TRFA should include a commitment to develop a strategy – the responsibility of a group of experts, similar to the CARSAG committee established during the first five years of the existing TRFA – to establish criteria for 'important biodiversity values' and to prioritise threatened species and communities for investment of funds for recovery planning, management and habitat reservation.

As is the case with the existing TRFA, the Extended TRFA should include a commitment to improve the conservation status of threatened species and communities by including key habitat in the CAR reserves system as well as through implementation of recovery plans to manage threats to the habitat and direct threats to the species.

The TCT supports the Recommendation 6 of the 'Joint Government Response to the Review of Implementation of the TRFA' to 'continue to improve the mechanisms in place to research, evaluate and communicate outcomes for

the protection of threatened species', and strongly urges both governments to provide sufficient funding for this program to be established and operated for at least the first five years of the Extended TRFA. However, such a program must not be funded until there are agreed targets and programs for protection and management of threatened species and biodiversity values as outlined above.

The TCT supports the Recommendation 7 of the 'Joint Government Response to the Review of Implementation of the TRFA' to 'consider the development of a resourced and prioritised research and development plan as a part of the Tasmanian Regional Forest Agreement renewal/extension', and strongly urges both governments to provide sufficient funding for this program to be established and operated for at least the first five years of the Extended TRFA. However, the Extended TRFA must also include commitments to target specific research priorities, including improve knowledge of the distribution, status and management requirements of threatened species and communities and other important biodiversity values, to assist with programs for monitoring, management and protection of those values.

On-going improvements to the Forest Practices System

The Extended TRFA should include a commitment to, and provide resources for, the ongoing review and improvement of the Forest Practices Code and associated elements of the Forest Practices System. Consistent with recommendations made above, resources should be provided through the Extended TRFA to ensure that the effectiveness of the current code and associated planning tools are tested and improvements made where required.

Biodiversity management still lags behind other elements of the Forest Practices System and this is in part due to the failure to implement all recommendations made following the 2007 to 2012 review. The Extended TRFA should include a commitment to, as a matter of great urgency, ensure that all recommendations of the review of the biodiversity provisions of the Forest Practices Code be implemented.

TCT support for an expanded role for the Tasmanian Aboriginal community

The TCT supports Recommendation 4 of the 'Joint Government Response to the Review of Implementation of the TRFA' to provide an expanded role for the Tasmanian 'Aboriginal community in management planning and forest stewardship' but recommend that this role be broadened to include their involvement in forest management and protection.

Yours sincerely,



Peter McGlone
Director