



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- **Modernisation of the RFA** – where practicable, the governments will update references to superseded legislation and policy.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.

Have your say

Please complete the questionnaire and:

- Hand in while visiting a drop-in centre

Monday 5 December 2016, 4.00–7.30pm at Peach & Plum Rooms – Huon LINC, 1 Skinner Drive, Huonville

Wednesday 7 December 2016, 4.00–7.30pm at Wellers Inn, 36 Queen Street, Burnie

Thursday 8 December 2016, 4.00–7.30pm at The LINC, 51 King Street, Scottsdale

- Or, email your completed response to: reviewrfa@stategrowth.tas.gov.au.

Consultation closes **12.30pm AEDT, Friday, 23 December 2016**. Questionnaires received after this time may not be accepted.

Your details

Given name

Cassy

Family name

O'Connor MP

Organisation

Tasmanian Greens

Mobile phone

Email

Please select one of the following

I confirm that my completed questionnaire does not contain sensitive information and can be published in full on the Department of State Growth website.

My completed questionnaire should **NOT** be published on the Department of State Growth website.

Privacy Notice

You are providing personal information to the Tasmanian Department of State Growth (the Department), which will manage that information in accordance with the *Personal Information Protection Act 2004*. The personal information collected here will be used by the Department for the purpose of receiving and verifying contact details for stakeholders who have chosen to submit a completed questionnaire on the extension to the Tasmanian Regional Forest Agreement. Failure to provide this information may result in the non-acceptance of your questionnaire or records not being properly maintained. The Department may also use the information for related purposes, or disclose it to third parties, including the Australian Government Department of Agriculture and Water Resources, in circumstances allowed for by law. You have the right to access your personal information by request to the Department and you may be charged a fee for this service.

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In providing a completed questionnaire, you agree that:

- unless you indicate otherwise below (or as otherwise determined by the Department), your questionnaire will be published on the Department's website and will remain on the Department's website indefinitely
- the Department can contact you about your questionnaire
- for published questionnaires from individuals, your name will be published with your questionnaire. All other contact details will be removed from your questionnaire
- for published questionnaires from organisations, your name and your organisation's details will be published with your questionnaire.

Please select your interest/s with extending the RFA

Forest management system

Resource certainty

Research and development

Threatened species

Comprehensive Adequate and Representative reserve system

Heritage values

Socio-economic data

Value of industry

Employment figures

Other interests (please list)

Your feedback

Please list any publicly available non-government documents, reports or data that the Australian and Tasmanian governments could consider in extending the Tasmanian RFA, and that have not already been provided to the governments through the third five-yearly RFA review, or by other means?

Where applicable, please list the publication title, date, author and url.

See Annexure "A"

What improvements could be made to the five-yearly RFA review process to make it more outcomes focused?

See Annexure "B"

What research and development priorities are important to Tasmanian forestry industry stakeholders?

What socio-economic data and analysis is important to Tasmanian forest industry stakeholders?

How could the governments improve outcomes-focused monitoring and reporting on threatened species and biodiversity, as part of extending the Tasmanian RFA?

What other improvements could be made to the RFA framework?

Annexure "A"

Kanowski, PJ 2015, 'Australia's forests: Contested past, tenure-driven present, uncertain future', *Forest Policy and Economics*, In Press, Corrected Proof.

Lacey, J, Edwards, P and Lamont, J 2016, 'Social licence as social contract: procedural fairness and forest agreement-making in Australia', *Forestry*, vol. 89, pp. 489-499.

Lane, MB 1999, 'Regional Forest Agreements: Resolving Resource Conflicts or Managing Resource Politics?', *Australian Geographical Studies*, vol. 37, no. 2, pp. 142-153.

Lindenmayer, DB, Blair, D, McBurney, L and Banks, SC 2015, 'The need for a comprehensive reassessment of the Regional Forest Agreements in Australia', *Pacific Conservation Biology*, vol. 21, no. 4, pp. 266-270.

Mendel, LC and Kirkpatrick, JB 2002, 'Historical Progress of Biodiversity Conservation in the Protected-Area System of Tasmania, Australia', *Conservation Biology*, vol. 16, no. 6, pp. 1520-1529.

Musselwhite, G and Herath, G 2005, 'Australia's regional forest agreement process: analysis of the potential and problems', *Forest Policy and Economics*, vol. 7, no. 4, pp. 579-588.

Annexure "B"

Based on the evidence, the Tasmanian Greens regard the twenty year Regional Forest Agreement as an ecological, social and economic failure for Tasmania. Given that both State and Federal Liberal governments have committed to renewing the RFA, we share stakeholder concerns that this public consultation process is a highly politicised exercise.

The independent literature is overwhelmingly critical of Australia's Regional Forest Agreements (RFAs). Early analysis condemned RFAs for minimising democratic participation in the debate over allocation of a public owned common resource (Lane 1999). Analyses over the years have re-affirmed that these agreements do nothing to provide a social license for Forestry operations (Musselwhite and Herath 2005; Kanowski 2015; Lacey, Edwards and Lamont 2016), and point to the Tasmanian Forest Agreement (TFA) as an example of a superior process (Lacey, Edwards and Lamont 2016, p. 494).

Everything needs to be on the table in the five yearly reviews, including the abolition of an outdated agreement that is not based on contemporary science, best practice, or social expectations. Limitations in the consultation process under the RFA point to a need to abolish the agreement and replace it with a community, industry and stakeholder led negotiation process, as seen in the TFA.

There also needs to be consideration given to whether or not the actions of governments have been consistent with the basis of the agreement. If the agreement has not led to the furthering of these objectives, then it clearly is not fit for purpose. The Basis of the agreement stipulates that -

"The Parties confirm their commitment to fulfilling the goals, objectives and implementation of the NFPS by:

- *developing and implementing ecologically sustainable forest management and use; and*
- *establishing a CAR Reserve System; and*
- *facilitating the development of an internationally competitive wood production and wood products industry; and*
- *promoting the conservation and management of the Private Forest Estate."*

The Greens contend that Government actions have in fact been contrary to these commitments.

The failure of the Tasmanian Government to develop and implement ecologically sustainable forest management and use is perhaps best demonstrated in the fact that 20 years after this commitment, Forestry Tasmania, a State owned business, is unable to attain FSC certification for its Native Forest wood.

Furthermore our reserves are not up to date with contemporary knowledge, and are thus not comprehensive, adequate or representative. This is a position held by all of the academic literature, most notably the recent article by Lindenmayer, Blair, McBurney and Banks (2015). This is illustrated by logging in critical swift parrot habitat, which with the exception of the moratorium on Bruny

Island, still continues against the advice of the Department of Primary Industries, Parks, Water and the Environment (DPIPWE).

Not only has contemporary knowledge advanced, but additional species have been declared endangered under the Environment Protection and Biodiversity Conservation (EPBC) Act, such as the Tasmanian Devil, since the RFA was first declared. Given the EPBC exemption forestry operations have continued to destroy their habitat.

This issue is compounded by the Environment Protection and Biodiversity Conservation Act exemptions granted to forestry operations. Instead, agreed procedures exist between the Forest Practices authority and DPIPWE. The procedures, on paper, involve a lot of mapping and evaluating of threatened species habitat but the reality is that this exercise can achieve very little, due to the fact that under current regulations 90% of these habitats within an area of forest can be cleared.

The failure of Forestry Tasmania to achieve FSC certification against key threatened species criteria, and the failure of the Government to adequately respond to the advice of their Department, suggests that there are inadequate protections in place.

Furthermore the design of reserved communities illustrates a reserve allocation based far more on the economic value of wood than on ecological conservation values. Only about 20% of economically valuable communities had more than 15% of their pre-European area reserved as a result of the RFA, compared to 58% of non-valuable communities (Mendel and Kirkpatrick, 2002).

The circumstances for some species are particularly grim. For example Eucalyptus Regnans, the largest flowering plant, and the second tallest tree in the world, has less than 10% of pre-European area protected in reserves, over 85% of Tasmanians Eucalyptus Regnans forests are already gone. Many of the communities of "protected" Eucalyptus Regnans are in streamside reserves, which do not provide adequate protection. Unfortunately, this is not the only example of inadequately protected communities (Mendel and Kirkpatrick 2002, pp. 1523-24, 1526-27).

Forestry Tasmania has consistently been involved in uncommercial contracts which have resulted in difficulty competing for Forestry operations that are sustainable and otherwise commercially viable. In this sense the Government's involvement in the sector has been to disrupt the market by ongoing subsidy to a failing sector at the expense of the private plantation estate, a sector that is more sustainable in both a commercial and ecological sense.

The fact that successive Tasmanian Governments have actively worked against all of the high level principles outlined in the basis of the agreement for 20 years illustrates the need for a far stronger RFA, and thus a broader reaching review process.

The Greens wish to end our submission with a call to heed to warnings of Lidenmayer et al. (2015), who argued that -

"Without a substantial overhaul of the RFAs, there is a significant risk of undervaluing the full range of native forest values, exacerbating species declines, and permanently damaging forest ecosystems."

Specifically, the authors called for a compressive reassessment of the RFAs in order to

- (1) take into account significant new knowledge on forest ecology and management that has been gathered in the past 20 years, including updated prognoses for some critically endangered species;*
- (2) better evaluate the full range of wood and non-wood products and services provided by forests;*
- (3) accommodate new methods of forest inventory and more environmentally sensitive silvicultural systems; and*
- (4) better account for the impacts of natural disturbances, such as fires, on the area available for logging, sustained yield, and forest ecosystem integrity per se.*

The Tasmanian Greens do not accept that State or Federal governments have made any case for renewing the Agreement and in fact, the case has already been made on the weight of available evidence that the RFA has failed to meet its objectives and should be scrapped.