



**RFA SCIENCE IGNORED BY
GOVERNMENT, LIBERALS AND
LEGISLATIVE COUNCILLORS**

A Minority Report

**Joint Standing Committee on Environment,
Resources & Development
of the Tasmanian Parliament**

Conservation on Private Land

3rd March 2004

**Nick McKim MHA
Tasmanian Greens Opposition Environment
Spokesperson and Committee Member**

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Executive Summary

1. Tasmanian Greens Opposition Environment Spokesperson, Nick McKim MHA, represents the Greens on the Joint Standing Committee on Environment, Resources and Development (the ERD Committee).
2. The ERD Committee received Terms of Reference on the 25th June 2003 to inquire into the conservation of natural and cultural values on private land in Tasmania.
3. This Minority Report is necessary as the ERD Committee's Final Report on Conservation on Private Land fails to reflect adequately key evidence relating specifically to the Inquiry's Terms of Reference, and further, ERD Committee minutes record that attempts to have relevant evidence reflected in the Committee's report's recommendations were voted against. **This Minority Report places on the public record recommendations that would logically flow from the deliberation of all relevant evidence presented to the Committee.**
4. This Minority Report places on the public record sixteen recommendations covering legislative revision, funding initiatives and further National Park creation to facilitate the conservation of natural and cultural values on private land.
5. **The reasons given in the minutes of the ERD Committee meeting of the 4th December 2003 for the rejection of draft recommendations tabled by me** (ie, that "the draft recommendations tabled by Mr McKim be excluded from the report as they do not relate to the Committee's terms of reference...") **are demonstrably incorrect my recommendations clearly related specifically to the preservation of natural values on private land in Tasmania.**
6. Two of my draft recommendations rejected by the ERD Committee related specifically to the CARSAG Report, which is a report commissioned by Chief Forest Practices Officer Graham Wilkinson in late 2000, entitled *CARSAG Report to Chief Forest Practices Officer on Review of Forest Community Thresholds*. CARSAG is an acronym which stands for Comprehensive Adequate and Representative (Forest Reserve System) Scientific Advisory Group. It was established by the Regional Forest Agreement (RFA). The Group consists of senior scientists from stakeholder agencies of State Government (including representatives from

DPIWE, Forestry Tasmania and the Forest Practices Board), and two independent scientists.

7. The CARSAG Report gives scientific advice on where to set limits for land clearing that reflect the conservation status of different forest types in different bioregions, including the habitat requirements of listed threatened species. **It primarily relates to forest on private land, and therefore clearly relates to the ERD Committee's Terms of Reference.** No evidence was received by the Committee which contradicted the CARSAG Report.
8. It is a fact that all current Committee members, with the exception of myself, are committed to the RFA either by their Party's policies, or by, in the case of the Legislative Council members, the motion of the 4th November 2003 in the Upper House that recommitted the Legislative Council to the principles of the RFA. Given this fact, it is incumbent on the Committee to make recommendations in line with the CARSAG Report, which is based on science and the RFA. **In fact, it is astounding and hypocritical that the Committee has chosen not to do so.**
9. The Majority Report which has been adopted by the ERD Committee is a whitewash which will not satisfactorily address the Inquiry's Terms of Reference, and ignores many of the legal anomalies and exemptions (primarily enjoyed by the forest industry) which prevent the conservation of natural and cultural values on private land.

Introduction

As the Tasmanian Greens Opposition Environment Spokesperson, I, Nick McKim MHA, represent the Greens on the Joint Standing Committee on Environment, Resources and Development (the ERD Committee).

On the 25th June 2003, the ERD Committee received the following Terms of Reference:

To inquire into and report upon the preservation of natural and cultural values on private land in Tasmania, with particular reference to:

1. The current arrangements for preserving those natural and cultural values and their amenity.
2. The manner in which further options might be developed to assist private property owners conserve natural and cultural values on their land.
3. Other matters incidental thereto.

The ERD Committee minutes record that attempts to have relevant evidence reflected in the Committee Report's recommendations were voted against. Therefore this Minority Report places on the public record the recommendations which would flow logically from the deliberation of all relevant evidence presented to the Committee.

Chapter 1

The Joint Standing Committee on Environment, Resources and Development (the ERD Committee) received a range of evidence and submissions from various individuals and organisations with interest in the Terms of Reference.

This Minority Report is necessary in my opinion as the Committee's Final report fails to reflect adequately key evidence relating specifically to the Inquiry's Terms of Reference.

It is important to note that the Terms of Reference contained particular guidance that the Committee inquire into:

1. The current arrangements for preserving those natural and cultural values and their amenity; and
2. The manner in which further options might be developed to assist private property owners conserve natural and cultural values on their land.

There is therefore clear direction for the Committee to recommend outcomes that facilitate the conservation of natural and cultural values in private land.

The Committee therefore should give particular consideration to the report commissioned by Chief Forest Practices Officer Graham Wilkinson in late 2000, entitled *CARSAG Report to Chief Forest Practices Officer on Review of Forest Community Thresholds*. This report was delivered in February 2001, and released on the 8th May 2001 after a freedom of information request from Greens Leader Peg Putt MHA. The implications and findings of this report have been completely ignored in the majority report of this Committee.

Mr Alistair Graham tabled the CARSAG Report in the course of his submission to the ERD Committee.

CARSAG is an acronym which stands for Comprehensive Adequate and Representative (Forest Reserve System) Scientific Advisory Group. It was established by the Regional Forest Agreement (RFA). It consists of senior scientists from stakeholder agencies of State Government (including representatives from DPIWE, Forestry Tasmania and the Forest Practices Board), and two independent scientists.

The CARSAG Report gives scientific advice on where to set limits for land clearing that reflect the conservation status of different forest types in different bioregions, including the habitat requirements of listed threatened species. **It primarily relates to forest on private land, and therefore clearly relates to the ERD Committee's Terms of Reference.** No evidence was received by the Committee which explicitly contradicted the CARSAG Report.

The CARSAG Report makes it clear that,

“The current Statewide target for the retention of native forest is 80% of the mapped 1996 extent. The target does not reflect the above commitments nor CARSAG believes current thinking. It provides a potential for 20% or 640,000 ha of native forest available for plantation conversion or for agricultural clearance. This figure is far in excess of the Statewide plantation target of 84,000 ha (The Forestry Growth Plan 1998). The present policy would also permit the clearing of up to 50% of the even most critically endangered and rare forest communities.”

“CARSAG believes that a Statewide retention level of 95% of the 1996 RFA area of native forest is more appropriate and reflects Tasmania's commitment to retention of native vegetation whilst still providing potential for plantation development.”

It is a fact that all current Committee members, with the exception of myself, are committed to the RFA either by their Party's policies, or by, in the case of the Legislative Council members, the motion of the 4th November 2003 in the upper house that recommitted the Legislative Council to the principles of the RFA. Given this fact, it is incumbent on the Committee to make recommendations in line with the CARSAG Report, which is based on science and the RFA. **In fact, it is astounding and hypocritical that the Committee has chosen not to do so.**

It should be noted that the reasons given in the minutes of the ERD Committee meeting of the 4th December 2003 for the rejection of my recommendations (that “the draft recommendations tabled by Mr McKim be excluded from the report as they do not relate to the Committee's terms of reference...”) **are demonstrably incorrect as my recommendations related specifically to the preservation of natural values on private land in Tasmania.**

It should also be noted that two of the draft recommendations rejected by the ERD Committee related specifically to the CARSAG Report.

The majority report which has been adopted by the Committee is a whitewash which will not satisfactorily address the terms of reference, and ignores many of the legal anomalies and exemptions (primarily enjoyed by the forest industry) which prevent the conservation of natural and cultural values on private land.

Chapter 2

Minority Recommendations from Nick McKim MHA

This Minority Report recommends that the State Government:

1. Remove from the provisions of *Land Use Planning and Approvals Act 1993* all exemptions granted to forestry activities on private land;
2. Remove the effective exemption given to forestry on private land from the *Threatened Species Protection Act 1995*, by deleting section 51 (3) of that Act;
3. Delete Section 22 C (3) of the *Forestry Act 1920* which allows that a forest management plan may prohibit or restrict the exercise of any statutory powers in relation to the land to which the plan applies;
4. Amend the *Forest Practices Act 1985* to reform the constitution of the Forest Practices Board to ensure membership includes three community representatives who possess expertise in land use planning, natural resource management and ecology;
5. Amend the *Forest Practices Act 1985* to remove the requirement for a separate Forest Practices Tribunal (FPT). The role of the FPT is to be taken over by the Resource Management and Planning Appeal Tribunal (RMPAT) appropriately resourced to undertake the additional work;
6. Amend the *Forest Practices Act 1985* to provide for full public consultation and third party appeal rights in relation to the Private Timber Reserve decision-making process;
7. Amend the *Land Use Planning and Approvals Act 1993* by providing that forestry cannot be a permitted use but only a discretionary use in a planning scheme;
8. Amend the *Land Use Planning and Approvals Act 1993* and the *Forest Practices Act 1985* to provide that no planning scheme can exempt forestry from the operation of that scheme;

9. Make the *Forest Practices Act 1985* subject to the sustainable development objectives of the Resource Management and Planning System;
10. Improve procedures of the Forest Practices Board so that Forest Practices Plans are public documents that can not be retrospectively altered;
11. Amend the *Threatened Species Protection Act 1995* to include a definition of, and ensure its application to 'threatened communities';
12. Implement in full the recommendations and findings of the CARSAG Report to the Chief Forest Practices Officer (6 February 2001) on Review of the Forest Community Thresholds;
13. Fund the necessary arrangements to be put in place to facilitate implementation of the CARSAG Report;
14. Provide information to Local Government, landholders and general public concerning biodiversity attributes including threatened species conservation and provision of ecosystem services through the Land Information Service Tasmania (the LIST);
15. Compulsorily acquire the North-East Peninsula of Recherche Bay and create the area as a National Park;
16. Create a fund to facilitate farm plans to implement reservation and land clearing policies including the provision of structural adjustment packages where farm viability is threatened;

Chapter 3

Comments on Majority Report Recommendations

The Minority Report makes the following comments in regard to specific recommendations contained in the Majority Report of the ERD Committee:

Recommendation 2

This is not an appropriate recommendation as it quite properly a responsibility of the State Government to protect and promote the conservation of natural and cultural values on private land.

Recommendation 3

This not an appropriate recommendation because it would disempower the Resource, Planning and Development Commission and further undermine Tasmania's Resource Management and Planning System (RMPS). It is more important to fix the RMPS than further disempower it.

Recommendation 4

The aim of this recommendation is a worthy one, however it could be accomplished more simply by removing the exemptions currently applying to the forestry industry and bringing it fully within the RMPS.

Recommendation 6

The first paragraph of this recommendation is important and should remain, however as the second paragraph pre-empts the review recommended in the first paragraph, it should be deleted.