

Please attach the following **one-page summary** to your submission.

**Comments on the Interim Report for the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)***

**Summary**

**Name of author/organisation:**

**Richard Shoobridge**  
**Vice President**  
**Timber Communities Australia Derwent Valley branch**

**Date:**

28 July 2009

**Which chapter(s) of the interim report are you commenting on?**

**Chapter 6 Forestry**

**Key points of submission**

Object to misleading statement that 60% of complaints against Forest Practice plans result in compliance action. This is more like 6%.

Forest Practices plans in Tasmania generally met or exceeded the requirements of the *Forest Practices Code*, ensuring Sustainable forest management practices.

The open and transparent Annual report of the Tasmanian Forest Practices Authority demonstrates there is no need to have the Commonwealth waste scarce resources to duplicate State functions.

**References**

Tasmanian Forest Practice Authority, annual report 2007-08  
[http://www.fpa.tas.gov.au/fileadmin/user\\_upload/PDFs/General/FPA\\_07-08\\_annual\\_report.pdf](http://www.fpa.tas.gov.au/fileadmin/user_upload/PDFs/General/FPA_07-08_annual_report.pdf)

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Tuesday, 28 July 2009

Independent Review of the EPBC Act  
GPO Box 787  
Canberra ACT 2601

**Public Comment on Interim report**

Derwent Valley branch members of Timber Communities Australia wish to express our concern about the Interim reports chapter on forestry and the resultant recommendations. It appears to be heavily biased against the forest industry and state management of our forests.

Such an example is:

“However, the majority of compliance and enforcement actions with regard to forestry operations are undertaken by State governments. For example, the independent auditor of forestry operations in Tasmania, the Forest Practices Authority, recorded 93 complaints in 2006-07 and 124 complaints in 2007-08. Of these complaints approximately 60% resulted in some form of compliance action” Paragraph 6.81

The reference for this claim is to the Tasmanian Forest Practice Authority, *annual report 2007-08*

[http://www.fpa.tas.gov.au/fileadmin/user\\_upload/PDFs/General/FPA\\_07-08\\_annual\\_report.pdf](http://www.fpa.tas.gov.au/fileadmin/user_upload/PDFs/General/FPA_07-08_annual_report.pdf) at 10 April 2009.

This report contains the following table:

Table 1.9.1 Outcomes of completed investigations

Outcome		2006-07	2007-08	
No breach	23	25%	28	22%
Minor breach, no serious environmental harm	13	14%	14	11%
Notice issued to require corrective action or formal warning given	19	21%	28	22%
Penalty imposed	3	3%	7	6%
Matters resolved by the courts	0	0%	2	2%
Apparent breach but insufficient evidence or out of time to proceed with legal action 4	4%	7	6%	
Total completed investigations	62	67%	86	69%
Investigations in progress	1	33%	38	31%
Total investigations (completed and in progress)	93		124	

A fair analysis of this table would indicate that compliance action of a penalty imposed or a court appearance is only 6% of the total complaints, or 8% of all completed complaints. Adding in the minor action when a notice is issued or

warning given only achieves 28% of the total or 40% of the completed investigations.

The report continues to explain that three of the seven penalties imposed were for land clearing rather than forest operations as defined by the RFA.

To state in the Independent review that 60% of all complains result in some form of compliance action is both wrong and misleading.

This table and the exaggerated conclusion do not justify the involvement of the Commonwealth in the day to day administration of the Forest Practices System. In fact the table shows that there is a need for dealing with frivolous and vexatious complaints.

Instead a more accurate assessment of forest practices plans is found in the reference selectively quoted by the review, with the report of the Chair of the Independent Authority stating

“The FPA has assessed a representative sample of Forest Practices Plans (FPPs) and found that the overall standard of forest practices has generally met or exceeded the requirements of the *Forest Practices Code*. Areas where standards are consistently high include:

- the management of natural and cultural values
- the use of appropriate harvesting equipment and compliance with wet weather limitations
- the identification and management of Class 4 streams
- the preparation and implementation of comprehensive FPPs.”

Such a finding by an independent and appropriately qualified and constituted Authority should be sufficient to counter any perceived need for “allowing greater Commonwealth oversight and capacity for compliance and enforcement” or “establishing a system for public notification of new forestry operations occurring under Forest Management Plans and requiring a period for public comment on the nature and extent of new operations, similar to referrals under the EPBC Act.”

This second option for “improving the accountability of RFA forestry operations” would mean in Tasmania that 924 Forest Practices Plans certified in 2007/08 would be subject to delay and public argument from special interest minority groups. What would such a system mean to the already lengthy process of seeking expert advice that saw the Forest Practices Authority provided advice in response to 2453 notifications lodged by Forest Practices Officers to develop these plans? Forest operations are highly accountable under the present system. Scrutiny has increased significantly since the introduction of the RFA. To invite more input from parties who are often ill-informed and with no direct interest in seeing a sustainable forest industry in Tasmania has the potential to lead to a system that is unworkable.

On behalf of TCA Derwent Valley branch members I ask that the “ways forward” paragraphs 6.114 to 6.118 be deleted from the final report.

Richard Shoobridge  
Vice President