

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:

East Coast (Tas) branch Timber Communities Australia

Roger Lerner

Executive Member

Date:

02 Aug 2009

(

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

Chapter 6 Forestry

Key points of submission

(please identify up to three main priorities or focal points of your submission):

Proposed way forward for forestry is repugnant to East Coast TCA branch members given the battles and compromises of the NFPS, RFA and State and Federal legislation.

Undue weight has been given to green submissions, the Senate majority report and the flawed Federal court Wielangta decision, where the Full Court set aside declarations of the single judge made in error.

Tasmania's East Coast has a proud heritage of sustainable timber harvesting that can be seen in the forests today and from the open and transparent reporting produced by the State's Forest manager. (Forestry Tasmania)

References (if possible, include a bibliography of any documents you may wish to make available)

Forest Education Foundation Wielangta Forest <http://www.forest-education.com/index.php/educators/C31/>

Tasmanian State Library Historic Images accessed from

<http://images.statelibrary.tas.gov.au/Search/Search.asp?Letter=W&Title=Wielangta+album>

A Graeme Evans, 1995, Against the Odds - Risbys Tasmanian Timber Pioneers 1826 -1995

Report by Nick Mooney Dated 11 November 2005

Forestry Tasmania Sustainable Forest Management <http://www.forestrytas.com.au/sfm>

Confidentiality statement:

Note that all submissions unless otherwise indicated will be published on this website. You MUST indicate on your submission if you wish for your submission not to be published. If you wish for your submission to not be published please mark your submission as 'Confidential'. You should note that even if your submission is not published, the title of your submission and the name of the submitting organisation or individual will be published on the web site. If you wish to not have your details published please contact the Secretariat before making a submission. Contact details from of individuals making submissions will be limited to name, suburb and State/Territory.

Do you want this submission to be treated as confidential?

(please state 'yes' or 'no') **NO**

These comments contain personal information of a third party individuals. The third party individual **consents/does not consent** (*delete or strike out that which is not applicable*) to the publication of their information.

**East Coast (Tas) Branch
Timber Communities Australia**

Port Arthur 7182

2 August 2009

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



**East Coast (Tas) branch TCA Submission to The Independent Review of the
EPBC Act**

This submission reflects the views of members of Timber Communities Australia East Coast (Tas) branch who seek to oppose the suggested 'ways forward' contained in Paragraphs 6.116 and 6.117 as they (paragraphs) will lead to duplication and uncertainty and increase the power of unaccountable scientific panels and provide further opportunity for special interest political lobby groups such as the Wilderness Society to undermine both the Regional Forest Agreement and the EPBC Act.

TCA East Coast (Tas) branch members live on the East Coast of Tasmania, from the Tasman Peninsula to just south of St Mary's where a sister branch represents similar communities.

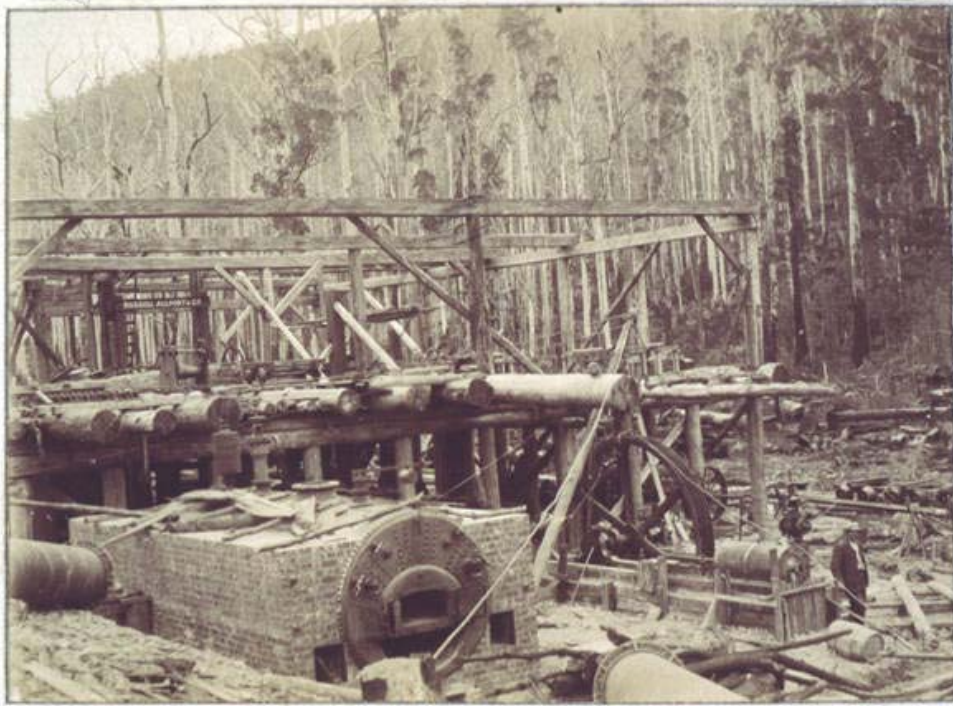
Port Arthur on the Tasmanian Peninsula in the South is best known for its convict heritage, but started life a timber town, and once the convicts were transferred to the area they were employed in timber harvesting, sawing and wooden boat building. Port Arthur is now being considered for World Heritage and will be subject to the EPBC Act.

Further north is the Wielangta Forests that have been harvested by the forest industry¹ for more than 100 years; this photo from the State Library archives² shows the

¹ Forest Education Foundation Wielangta Forest <http://www.forest-education.com/index.php/educators/C31/>

² Tasmanian State Library Historic Images accessed from
<http://images.statelibrary.tas.gov.au/Search/Search.asp?Letter=W&Title=Wielangta+album>

Construction of the Big Mill prior to World War 1:



These forests are sustainably managed under the Regional Forest Agreement after extensive assessment of their environmental values in the lead up to the RFA. A process that involved community input as well as scientific assessment. The Wielangta Forests were also subject to a highly publicised but failed court case taken out by the Leader of the Australian Greens political party.

Further north is the woodchip export mill at Triabunna, this mill was opened in May 1971 and has provided employment and economic wealth to the region, this region includes many TCA members.

The motivation for eight saw millers involved in establishing the woodchip mill was

“The timber on the East Coast was of mixed species, putting on no net growth, relatively unmanaged and deteriorating. We felt if revenue could be generated by the effective marketing of the forest residue, it would be possible then for the Tasmanian Government, through the Forestry Commission, to rejuvenate the whole forest areas.”³

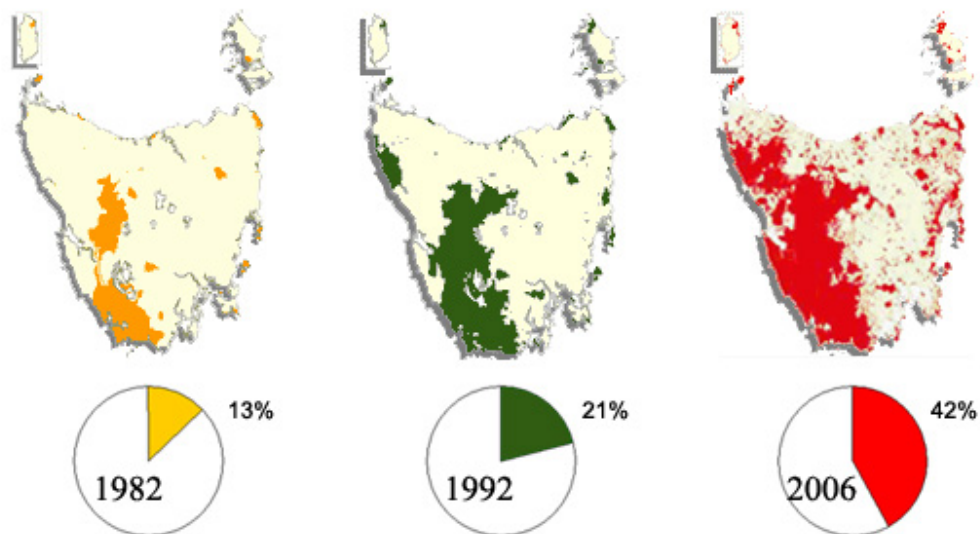
Rejuvenating the forest would clearly have long term social economic and environmental benefits, e.g. sustainable development at its best, even before the label was invented.

³ CA Risby quoted in A Graeme Evans, 1995, Against the Odds - Risbys Tasmanian Timber Pioneers 1826 -1995

Pictures of our managed forests feature on web sites, postcards and publications throughout the Nation.

Yet the export of woodchips has given rise to a 35 year campaign against it by the environmental movement that has seen the creation of the Wilderness Society and other environmental lobby groups. Such was the political power of preference votes of these minority groups, members witnessed massive increases in forest and land reserves in the State since the opening of the Triabunna woodchip mill.

RESERVED LAND IN TASMANIA



History has also shown that there has been creation of the National Forest Policy Statement, Intergovernmental agreements on the Environment, the Regional Forest Agreement process and the EPBC Act that is now being reviewed, a review that contains recommendations that we find repugnant, given the history of public policy on the forest issue.

These recommendations appear to rely upon the **Senate Standing Committee on Environment, Communications and the Arts** two reports on the operation of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and other natural resource protection programmes.

http://www.aph.gov.au/Senate/Committee/eca_ctte/epbc_act/index.htm

The second report addressing the EPBC act and its relationship with the RFA was released in April and the Independent reviewer quotes extensively from it.

The majority Senate report and this Interim report appear heavily weighted towards the arguments of the green submitters and those of academic activists (some who are volunteers for ENGOs).

The EPBC Act has been under sustained attack by the greens movement, and the Senate committee and independent review was an opportunity to further attack the law. Whilst there were over 100 submissions to the Senate enquiry the majority were from green lobby groups and activists academics. The Tasmanian Government, NFF, NAFI, TCA and some mining interests were some of the few groups promoting the achievements of the Act.

Similarly for the Independent Review over 200 submissions were received many from the same submitters to the Senate Inquiry. The largest group was from environmental lobbyists. Virtually no submissions to either inquiry have come from the general community.

Due to the weight of green submissions, the Senate Committee and the independent review seem to have missed the important comment in the Tasmanian Government submission:

RFA's are deemed to have addressed the Commonwealth Government's statutory requirements relating to environmental impact, World Heritage, the national estate and endangered species. The TRFA has accredited Tasmania's forest management systems and processes for the enhancement and improvement of ecologically sustainable forest management as meeting the requirements of the EPBC Act. Accreditation was based on independent assessments by expert scientific panels who incorporated a "best practice" approach to forest management based on the principles of continuous improvement in forest management performance.

This comment is endorsed by the Full Federal Court when they set aside the declarations of Justice Marshall in the Wielangta Case.

The two declarations were that

the appellant's forestry operations in coupes WT017E (17E) and WT019D (19D) in the Wielangta Forest area (Wielangta) in south east Tasmania, and its likely future forestry operations in other coupes in Wielangta (the forestry operations), are likely to have a significant impact on the broad toothed stag beetle (the beetle), the Tasmanian wedge-tailed eagle (the eagle) and the swift parrot (the parrot), and

the forestry operations have not been undertaken by the appellant in accordance with the Tasmanian Regional Forest Agreement 1997 (the RFA).

By setting aside these declarations, a lay person could assume that forest operations under the RFA do not threaten endangered species, and fully comply with the objectives of the EPBC Act.

Yet the independent review does not form that view, instead he quotes the Senate committee dismissing Timber Communities Australia suggestion that:

The Wielangta case provides a thorough examination of the effectiveness of the EPBC Act in ensuring that endangered species are protected during forestry operations...The Wielangta case also confirms that the strict provisions of the RFAs provide protection of threatened and endangered species.

The Independent review states (6.49) that the submission does "not appear to be fair representations of the legal situation."

This is an extraordinary statement, and fails to acknowledge the action of the Full Federal Court.

It also fails to acknowledge detailed evidence before the court and accepted by the Judge was that there were now 457 pairs of Wedge Tailed eagles. Its population increasing from 26% of pre European numbers prior to the signing of the NFPS to today's **86%** of 1750 breeding population⁴.

⁴ Report by Nick Mooney Dated 11 November 2005

It also ignores the fact that the only recorded death of the rare stag beetle was caused by an agent of Senator Brown collecting evidence for the court case (TAD17/2005 14.2.06 P-1205-7), or that Senator Brown himself in disturbing beetle habitat without a permit collected the wrong one! (TAD17/2005 14.2.06 P-1200)

The Full Court has set right a flawed and wasteful decision, yet now we appear to have both the independent reviewer and Senate committee giving credibility to this decision.

Such credibility gives weight to claims from the Greens that forestry is destroying these threatened species and that the RFA and EPBC act is failing. The reliance on the flawed judgment and the green submissions has wrongly led the reviewer to conclude that there is a need to improve the transparency and accountability of forest operations and the need to develop new ways to monitor measure and report on the forest operations.

As land owners, forest workers, community leaders and owners of small family businesses that rely upon the sustainable forest industry, we know from every day observation and through reports such as Forestry Tasmania annual sustainable forest management series⁵, that the forests of the Tasmania's East Coast are sustainably managed.

From a personal position my family has created extensive reserves on our private property to protect the threatened Mt Mangana stag beetle, without the programs of the RFA this protection would not have been achieved, yet no green submission has applauded this outcome for biological diversity.

We also know that not one species of flora or fauna has gone extinct due to forest operations in Tasmania, and will not be threatened from forest practices certified in accordance with the Tasmanian Forest Practice Code and the reserves and prescriptions created by the Tasmanian Regional Forest Agreement.

Roger Lerner
Executive member
East Coast (Tas) branch
Timber Communities Australia

⁵ Forestry Tasmania Sustainable Forest Management <http://www.forestrytas.com.au/sfm>