



## SUBMISSION TO THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT REVIEW 2008

Dear Dr Hawke,

Still Wild Still Threatened welcomes the opportunity to provide input into this crucial review and thank you for providing this forum to make comment on such an important process. Still Wild Still Threatened is a community organisation campaigning for the protection of Tasmania's old growth and high conservation value forests and the creation of an equitable and environmentally sustainable forestry industry in Tasmania. Since early 2007, Still Wild Still Threatened has become the key group focused on highlighting destructive logging and roading operations in old growth and high conservation value forests in the Derwent area – most notably the Styx and Upper Florentine Valleys.

Still Wild Still Threatened would like to highlight some critical concerns with the Commonwealth's central piece of environmental legislation – the EPBC Act. These concerns are related to a couple of key elements, which we believe are fundamentally obstructing the capacity of this legislation to achieve strong and truly sustainable outcomes for Australia's unique natural environment. Still Wild Still Threatened would like to offer the following recommendations:

- Repeal sections 38–41 of the EPBC Act (those sections relating to forestry operations occurring in areas covered by a Regional Forest Agreement (RFA) that do not currently require approval under the EPBC Act);
- Establish 'climate' or greenhouse gas emissions triggers.

### **REPEAL SECTIONS 38–41 OF THE EPBC ACT.**

The Tasmanian Regional Forest Agreement, which was signed in 1997, has been disastrous in providing adequate protection for old growth and high conservation value forests, including forests that provide crucial habitat for threatened species. The exemption of forests covered by a Regional

Forest Agreement from the EPBC Act has had (as most clearly demonstrated in the Wielangta decision of 2006) critical ramifications for threatened or endangered species and ecosystems.

The reservation of old growth forest – particularly stands of mixed forest – was one of the most contested outcomes to emerge from the Tasmanian RFA, with a number of critics claiming that the representative nature of the reserved areas was compromised through inconsistencies in mapping and definitional semantics.<sup>1</sup> In a statement signed by several of the country’s most reputable scientists, it was argued that “the scientific processes in the Tasmanian RFA were overwhelmed by political compromises”.<sup>2</sup> For some critics, these shortcomings amount to a systematic failure to adhere to the spirit and processes outlined in the National Forest Policy Statement. They maintain that the Tasmanian RFA “is widely perceived in the scientific community to have failed to deliver the intended protection for environmental, wilderness and heritage values that state and federal governments committed to when they signed the National Forest Policy in 1992”.<sup>2</sup> We have attached a recently released report *Oldgrowth for export* as supporting evidence which details (down to coupe level) some of the critically negative ramifications of the RFA on Tasmania’s most outstanding forested ecosystems.

**Still Wild Still Threatened recommends that Sections 38–41 of the EPBC Act be repealed immediately. The Act contains a number of mechanisms through which the Commonwealth could subsequently assess the environmental impacts of forestry operations in Tasmania.**

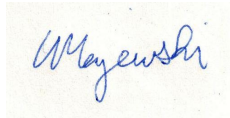
#### **ESTABLISH ‘CLIMATE’ OR GREENHOUSE GAS EMISSIONS TRIGGERS**

The EPBC Act does not currently have the capacity to address actions or situations which result in high levels of greenhouse gas emissions. In light of the current global climate emergency, this is an incredibly serious omission. Anthropogenically induced climate change is the most serious challenge that humankind has ever been compelled to face. The environmental impacts of climate change are becoming all too apparent globally and if currently articulated emissions trajectories occur, the integrity of some of Australia’s most significant ecosystems (for example, the Great Barrier Reef and Kakadu) will be completely destroyed.

**Still Wild Still Threatened would like to recommend the establishment of greenhouse gas emissions triggers within the EPBC Act. Such triggers would be activated when an action or situation occurs which would result in the annual emission of more than 25 000 tonnes of CO<sup>2</sup> equivalent.**

Thank you again for providing us with the opportunity for comment on this review. If you have any questions or would like further information on any issues raised in this submission, do not hesitate to contact me.

Best regards,



Ula Majewski

(On behalf of Still Wild Still Threatened).

---

<sup>1</sup> McDonald, J. (1999). "Regional Forest (DIS) Agreements: The RFA Process and Sustainable Forest Management." *Bond Law Review* 11(2): 295-307.

<sup>2</sup> Bekessy, S., Bonyhady, T., Burgman, M., Hobbs, R., Kershaw, P., Kirkpatrick, J., Krebs, C., McQuillan, P., Norton, T., Recher, H., Rose, D.B. and Robin, L. (2004). "Statement From Concerned Scientists: Statement of support for change on Tasmania's forests." *Protecting Forests, Growing Jobs*. Hobart: The Wilderness Society. 60-1.