

The Wilderness Society and Environment Tasmania

Submission on the review of the

TASMANIAN GOVERNMENT POLICY FOR MAINTAINING A PERMANENT NATIVE FOREST ESTATE

28 August 2015

The Wilderness Society and Environment Tasmania acknowledge the Tasmanian Aboriginal community as the traditional owners and custodians of all Country in Tasmania and pay their respect to Elders past and present.

We support efforts to progress reconciliation, land justice and equality. We recognise and welcome actions that seek to better identify, present, protect and conserve Aboriginal cultural heritage, irrespective of where it is located.

ENVIRONMENT TASMANIA
The Conservation Council



**THE
WILDERNESS
SOCIETY**

The Wilderness Society (TWS) and Environment Tasmania (ET) have a long interest in forest and conservation issues in Tasmania.

Environment Tasmania is a not-for-profit conservation council dedicated to the protection, conservation and rehabilitation of Tasmania's natural environment. Australia's youngest conservation council, Environment Tasmania is a peak body representing over 20 Tasmanian environment groups, with collective representation of over 5000 Tasmanians.

Environment Tasmania was publicly launched in December 2006 and is structured to ensure clear independence, an apolitical nature and accountability to its member conservation groups. Environment Tasmania is governed by its members, who determine the organisations conservation policy and direction through general meetings. The member groups also elect a Management Committee, who oversee and set policy for operational issues.

Member groups with a direct interest in forest protection, and are involved in public campaigns include: Florentine Protection Society Inc., Launceston Environment Centre, Mole Creek Caving Club, Nature Photographers Tasmania, Northeast Bioregional Network Inc., Peninsula Environment Network, Save Our Sisters, Spirit of Bruny, Tarkine National Coalition, Tasmanian National Parks Association Inc., West Wellington Protection Group, Wild Wielangta and The Wilderness Society.

The Wilderness Society (TWS) is a national environmental advocacy organisation whose purpose is protecting, promoting and restoring wilderness and natural processes across Australia for the survival and ongoing evolution of life on Earth. TWS works in line with the following set of specific values; passion for our purpose, the power of people to make change, organisational independence and integrity, compassion in dealing people, and a commitment to success in protecting the environment.

TWS is a community-based organisation with campaign centres located in most state Capital cities. In Tasmania it has campaign hubs in Hobart and Launceston.

TWS works through the avenues of public education and empowerment including in the financial and retail market place, advocacy and negotiation, and desk and field research. The Wilderness Society is politically unaligned, but uses democratic processes to maximise wise conservation decisions.

This submission arises from the advertised review of the Tasmanian Government Policy for maintaining a permanent native forest estate (the Policy) – 8 December 2014. i

We welcome a review of the Policy, as not enough is being done to protect, monitor, maintain and enhance native forests and their values, across all land tenures in Tasmania.

While a review of the Policy is welcome, it should be accompanied by a parallel review and assessment of the effectiveness of its past application, statutory regulation of forestry related operations and its practical implementation and impact on the ground. This must be accompanied by a science-based assessment of actual environmental health, including real measures and benchmarks and an analysis of status, trends and prognosis of environmental health indicators.

Many of these forest-dependent benchmarks, such as the status and chances of survival of species like the swift parrot, demonstrate a clear failure of forest policy in Tasmania. Species like the swift parrot are highly forest dependent, face increased risk due to logging and land clearing in Tasmania and have a bleak future unless policy settings, implementation, on-ground activities and associated recovery measures are radically overhauled.

Government decision-making has proven to prioritise politics, ideology and so called 'economic development' over the environment and the future of species like the swift parrot. Policy, procedure and common sense have repeatedly been set aside in decisions that progress logging and or land clearing activities that further compromise environmental values.

We note that the 'implementation of this Policy is to be reviewed' in relation to the five yearly review of the Regional Forest Agreement. On-ground analysis of the state of conservation and effectiveness of policy settings must form a core part of these reviews, lest the review be reduced to self-serving exercises in theory and rule-setting, with no basis in reality or response to what nature actually needs to survive.

Climate Change

With climate change presenting one of the greatest challenges in the 21st Century, there is no excuse for land management policies that endorse ongoing clearing and conversion of native forests.

Climate change presents a unique challenge to policy makers when it comes to native forests. Not only has the clearing and conversion of native vegetation been a significant contributor to human-induced emissions of carbon dioxide, now driving dangerous climate change, but climate change itself presents an increased risk to remaining native forests. Changed rainfall patterns, increased instances and intensity of extreme weather events like drought and more potential for catastrophic fire events are all demonstrable outcomes of a warming planet that can have devastating impacts on native forests.

Any policy that purports to assist with the management and maintenance of a permanent native forest estate must respond to the challenges of climate and prohibit the ongoing clearance and conversion of native forests.

International carbon policy and treatment of logging native forests has long failed to deliver genuine climate outcomes. Despite clear scientific evidence of the net carbon loss from logging native forest that is 'regenerated' to native forests, carbon accounting erroneously considers this carbon neutral.

However, there is no such confusion and perversion around the permanent clearance and conversion of native forest to another land use. The carbon emission impacts of this are globally accepted and thus, a credible policy that claims to maintain a permanent native forest estate should address the climate implications of native forest loss and close any and all opportunities for ongoing conversion.

The Policy

The Policy leads with a motherhood statement that cannot be proven and does not survive the reality test. We do not accept premise that the 'The Tasmanian Government attaches the utmost importance to the sustainable management of Tasmania's native forests'. The low level of importance Government places on these matters is repeatedly demonstrated in action that subverts environmental and ecological importance and protections to prioritise development.

Such examples include the systemic approval of logging operations counter to expert scientific advice.ⁱⁱ This involved departmental approval of logging of important swift parrot habitat, overriding internal expert advice and reducing available habitat for the species.

Placing motherhood statements in a formal Government policy is a transparent attempt to frame the policy in a positive light where Government actions do not stand up to scrutiny.

Approval of logging counter to expert advice, approval of land clearing operations against advice and despite previous failed applications and the reversal of legislated protections for forests on public land all speak to the low level of importance Government actually places on forest conservation and sustainable management. Actions speak louder than words and leading a policy in such a way does nothing to instil confidence in the rest of the Policy of Government bona fides regarding its implementation.

The Policy points to the three 'approaches' to achieving ecologically sustainable forests management (ESFM) in Tasmania:

1. The Forest Practices Code (the Code)
2. A Comprehensive Adequate and Representative (CAR) reserve network
3. The maintenance of a permanent native forest estate – via the Policy

All three of these approaches are currently failing.

The Code has a long overdue review of its biodiversity provisions yet to be implemented, has recently been amended to weaken provisions for mandatory protection of important forest habitats in logging areas, and is systemically overridden by departmental decision-making that ignores science and expert advice.

TWS, ET and ACF have made a comprehensive submission in relation to the Code, (see Appendix A) to be read in conjunction with this submission.

Of utmost alarm and directly relating to the Policy are the recently changed 'Duty of Care' provisions of the amended Code. These provisions set a ceiling or maximum area of forest that can be retained in a logging coupe due to habitat requirements

(10%). This is entirely nonsensical from an environmental perspective and will play out to deliver poor outcomes for the survival of forest dependent species.

The CAR reserve network in Tasmania has recently been compromised and cannot be relied upon to deliver permanent, guaranteed environmental protections under current policy settings.

Changes to forestry legislation and the Nature Conservation Act in 2014 have introduced the potential for logging in CAR contributing Regional Reserves and Conservation Areas, including those listed as World Heritage. Attempts to delist forest of World Heritage recognition (2013) would, if successful, have led to revocation of legislated protections contributing to a CAR reserve network, to enable logging. Additionally, forest reserves previously contributing to a CAR reserve network and recognised in the Regional Forest Agreement have recently (2014) been opened to logging by a change in their status from Forest Reserve to Regional Reserve or Conservation Area.

This submission will highlight the failings of the Policy with regard to demonstrating ESFM of native forests in Tasmania.

Phase out of land clearing

The Policy identifies that *clause 45* of the Supplementary Tasmanian Regional Forest Agreement (RFA) May 2005 has instructed a policy setting to phase out broad scale-clearing and conversion of native forest by 2015. This was a welcome commitment that came with significant cost. Through the Supplementary RFA, taxpayers funded a massive level of conversion of native forest to plantation on public land, and associated subsidy via the MIS schemes led to unprecedented expansion of conversion on private land. This obviously came at enormous environmental cost, including contribution to climate change and the permanent conversion of native forests including old growth and forests with other important conservation values.

The end of broad-scale land clearing on public land has largely been delivered, and it is proposed in the Policy that this requirement be maintained. This is welcome.

However, in the absence of any review, on-ground assessment or analysis of conservation needs, the commitment to phase out clearing on private land was unilaterally abandoned in 2014, pending the review of the Policy.

As some of the most critical biodiversity issues facing Tasmania relate to native forests on private land, this policy shift is irresponsible and unwarranted. It represents a serious breach of trust with the Australian people and reintroduces uncertainty where previously landowners, managers, regulators and scientists had clear timelines and expectations regarding land clearing and conversion of native forests on private land.

It appears a forgone conclusion that this review of the Policy will find ways to abandon any commitment to end land clearing on private land, counter to scientific advice, against the interest of environmental protection and to the detriment of the climate, species and other important environmental values.

Clause 1. Objectives

Objective iv is to 'ensure that private landholders continue to be able to manage native forest on private land on a sustainable basis', but we would argue that any policy that allows for permanent land-clearances or conversions is in fact ensuring (and enshrining) unsustainable native forest management.

Objectives i & ii refer to sustainable management of, inter alia, conservation of nature and forest communities across the broader native forest estate. But with a policy failure to manage conservation of native forests on private land (as argued above), this objective clearly can't be realised, and thus, should not be claimed.

Contribution to addressing climate change should be included as a specific objective.

Clause 2. Statewide retention levels

Setting a statewide figure for the retention of native forests ignores contemporary land management planning practice and is inconsistent with other sections of the Policy.

While an overarching target of 95% of the 1996 levels of native forest cover is an appropriate target to maintain, it must be complimented with targets measured and enforced at the IBRA bioregional level. 95% of the 1996 levels of native forest cover should be retained (or achieved) in each IBRA bioregion.

Analysis of native forest cover at the bioregional level indicates that some bioregions are already stressed. Ben Lomond and Woolnorth bioregions have already had forest cover reduced to well below a 95% threshold, yet these regions face some of the greatest levels of ongoing and exempted land clearing. Land clearing in Woolnorth continues in order to facilitate dairy expansion and a recent approval at The Gardens in Tasmania's far north-east, despite several failed applications, highlights the shortcomings of a stand-alone statewide retention target.

The policy uses the IBRA bioregion as a geographic measure in other clauses (such as 3.2 and 6.3), including as a means to create loopholes to overcome the 95% statewide retention target.

Consistency needs to be applied and the 95% target is appropriate at both the state and bioregion level.

Clause 4. Clearing and conversion of Native Forest on public and private land

Clause 4.1 As mentioned, the prohibition on clearing and conversion of forest on public land is welcome.

However, as some conservation values (such as biodiversity) are arguably more critical on private land than on public land, this prohibition must be immediately extended to include private land, as committed in the Supplementary RFA.

Clauses 4.3 & 4.5 Setting a new date for a phase out of clearing on private land (1 January 2016) is meaningless given the overall review of the Policy and *clause 4.5*.

While clause 2.1 sets a statewide geographic threshold of 95% of 1996 Native forest cover as a limit not to be breached and this is reiterated in *Clause 4.5*, alongside a commitment to phase out land clearing on 1 January 2016. Putting aside the inadequacies of a statewide threshold argued earlier, *clause 4.5* renders the phase out date irrelevant, as clearing can continue beyond the set date until the threshold of 95% is reached. A threshold or limit in a policy such as this should be seen as absolute limit, not a target and both the date and geographic threshold upheld.

A date for a definitive end to clearing and conversion assists landholders plan for their long-term land management needs. Injecting uncertainty through loopholes and rubbery dates invites confusion and a failure of implementation.

Clause 4.6 This clause provides for forest retention levels and property conversion limits can be breached if deemed necessary for development of significant infrastructure or as part of Routine Management Activities. Subsequent definitions indicate that this would exempt several of the most threatening clearance activities, including clearing for irrigation facilities and housing. Remnant vegetation across severely degraded agricultural landscapes, such as the Midlands, provides important pockets of habitat in an already stressed landscape. Clearing such remnants for water storage, pivot or other irrigation infrastructure will further impact on environmental outcomes and recovery. Similarly, housing development, particularly expansion to existing urban or rural/residential zones is a major threat to important coastal and other habitats.

Clause 4.7 This clause introduces a new, ill-defined loophole by which land managers can clear native forest counter to policy intent, good environmental outcomes and the 'forest community retention levels or property conversion limits'. The clause establishes that if the Minister determines there is 'substantial public benefit', clearing can be approved counter to the Policy.

The Minister must consider a socio-economic analysis and conservation benefits from a proposal, and consider the advice of Government agencies and authorities.

Given the systemic rejection of advice from threatened species scientists in the approval of logging plans, this loophole looks ripe for Ministerial abuse and approval of proposals counter to best available science. Government, and the relevant

Minister, have already demonstrated they have a different interpretation to the reasonable person as to what is exactly of 'public benefit'.

Clause 5. Biodiversity, water quality and salinity

Regulation of forestry activities in Tasmania has consistently failed to adequately protect conservation values, including biodiversity.

Clause 5.1 As already discussed, the Code is both inadequate and inadequately applied to actually protect vulnerable biodiversity in Tasmania. As regulator, the Forest Practices Authority is constrained by guidelines, Government policy and conflicts of interest in the self-regulation of the logging industry and development applications.

The example of conversion approval at The Gardens is case in point. Twice refused permission to convert, the landowner sought compensation that was subsequently denied by Government. Perversely, this therefore triggered automatic approval of the application, which includes the clearing and permanent conversion of threatened forest communities and permanent destruction of important species habitat (see *Protecting threatened vegetation when compensation refused*, page 21 of Appendix B – State Forest National Interest, a review of the Regional Forest Agreement).

Given the demonstrable failures of the Code and its application to protect biodiversity, the Policy actually does nothing to address 'regional biodiversity' as claimed in clause 5.1. Clause 5.1 refers to 'the guidelines in clauses 2 and 3' as being reflected in the Code, yet neither of these clauses actually addresses regional biodiversity. Clause 2 sets the statewide native forest threshold of 95%, inadequately addressing challenges at the regional level as argued earlier. Clause 3 talks only of 'Native Vegetation Communities' with no reference whatsoever to the specific conservation needs of individual flora or fauna species.

A regional approach to habitat retention and species-specific needs must be understood and addressed in any policy that claims to protect 'regional biodiversity'.

Clause 6. Exercise discretion in approving the conversion of Native forest or Threatened Native Vegetation communities

This entire clause seeks to create loopholes by which Government and the Minister can seek to avoid the limits articulated in the policy and forgo protection of native forest to approve logging or land clearing by virtue of 'discretion'.

This fundamentally weakens the policy and undermines policy attempts to retain forest cover for multiple, non-economic benefits.

Specifically:

Clause 6.1 The Policy is an attempt to set thresholds at the landscape level, namely at the statewide and in some circumstances bioregional level. To then create a loophole that allows approval of clearing and conversion 'in the context of the surrounding landscape' is entirely illogical. The 'context of the surrounding landscape' is neither defined nor provided guidelines for its application.

Clause 6.2 Offsets are rejected as an effective or appropriate conservation measure. Avoiding conversion of native vegetation is the best way to protect environmental values like biodiversity and water quality. Salinity and other land degradation should be addressed by stand-alone Government facilitated programs of restoration and rehabilitation, not tied to the permanent clearance and conversion of native forest cover.

Clause 6.3 This clause allows the abandonment of a core aim of the Policy, the 'forest community retention levels' (clause 3), including at the property level (clause 4.4). If it is determined that implementation of these limits is not 'practical and meaningful', they can be abandoned. The Policy contains no definition of 'practical and meaningful' and these are entirely subjective terms, with different meanings to different people.

Clause 8. Review of Policy

Clause 8.1 As the implementation of the Policy is to be reviewed in relation to the current review of the RFA, this submission should be read in conjunction with our submission tendered to the RFA review process and associated reports.

TWS, ET (and Australian Conservation Foundation's) submission to the RFA Review is contained in Appendix B.

An associated report *State Forests, National Interests: A review of the Tasmanian RFA* should also be read in conjunction with this submission and can be found in Appendix C.

Appendix A



**AUSTRALIAN
CONSERVATION
FOUNDATION**



**THE
WILDERNESS
SOCIETY**

ENVIRONMENT TASMANIA
The Conservation Council



Submission to Amend the Forest Practices Code

**Prepared by: Australian Conservation Foundation, Environment
Tasmania, and The Wilderness Society**

May 2015

This Submission

This submission arises from the Forest Practices Authority's notification of intention to amend the Forest Practices Code, closing Friday 15 May 2015.

Australian Conservation Foundation (ACF) is a national environmental advocacy organisation that has been a leading voice for conservation in Australia for nearly 50 years. ACF works with the community, business and government to protect, restore and sustain our environment. ACF has over 190,000 active supporters across Australia.

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Centre, Mole Creek Caving Club, Nature Photographers Tasmania, Northeast Bioregional Network Inc., Peninsula Environment Network, Save Our Sisters, Spirit of Bruny, Tarkine National Coalition, Tasmanian National Parks Association Inc., West Wellington Protection Group, Wild Wielangta and The Wilderness Society.

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Summary

The Forest Practices Authority (FPA) is, by its own words: *the independent statutory body established by state parliament under the Forest Practices Act 1985 to regulate forest practices in Tasmania. The forest practices system applies to forest practices that are undertaken on both public land (mainly Permanent Timber Production Zone Land) and private land.*

The Tasmanian forest practices system operates primarily through the Forest Practices Act and the associated Forest Practices Code. The system also takes account of other legislation and policies, including the Tasmanian Regional Forest Agreement 1997.

The FPA's functions in this co-regulatory system are: advising; researching; monitoring; and enforcing.

Our respective organisations have concerns about the FPA's capacity, through the Forest Practices Code and Act, to effectively regulate forest practices in Tasmania. Namely, we don't believe the Forest Practices Code adequately regulates the industry insomuch that: its *duty of care* obligations are both arbitrary and minimal; it does not adequately or effectively protect *threatened species*; and lacks the precautionary principle, thus compromising the FPA's capacity to manage forests, protect values, and give confidence to the Tasmanian public that its forest practices are best practice.

We welcome this opportunity to submit our recommendations for amendments that would strengthen the Forest Practices Code, and make ourselves available for further discussions on these amendments, and any other matters that arise from this review of the code.

Recommendations

1. That the 'duty of care' thresholds in the Forest Practices Code (and guiding policy documents) are removed;
2. That the Forest Practices Code makes tools such as the Fauna Adviser and Biodiversity Landscape Planning Guideline compulsory, and enforceable;
3. That the Forest Practices Code explicitly requires decision-makers to apply the precautionary principle.

1. Duty of Care

The contribution of forest owners to the conservation of environmental and social values and the sustainable management of Tasmania's forests is determined by:

1. All measures that are required under relevant legislation; and
2. The prescribed 'duty of care' under the Forest Practices Code, which include:
 - all measures that are required to protect soil and water values as detailed in the Forest Practices Code; and
 - the exclusion of forest practices from areas containing other significant environmental and social values at a level of up to an additional 5% of the existing and proposed forest on the property for areas totally excluded from operations or at a level of up to an additional 10% where partial harvesting of the reserve area is compatible with the protection of the values. The conservation of values beyond the duty of care in the Forest Practices Code is deemed to be for the community benefit and beyond what can reasonably be required of landowners and should be achieved on a voluntary basis through relevant governmental and market-based programs and incentives.

With 'duty of care' obligations being so arbitrary and minimal, they fail to have any relevance on whether high conservation values (HCVs) are being maintained or enhanced, and in fact appear to constitute a regulatory constraint on the achievement of maintenance and enhancement, should HCVs require set-asides of greater than 5% or 10% in the identified coupe.

Recommendation: *That the 'duty of care' thresholds in the Forest Practices Code (and guiding policy documents) are removed.*

2. Threatened Species

2.1 Threatened Fauna

The assessment and management of threatened species in forest practices plans is subject to agreed procedures between the Forest Practices Authority (FPA) and experts within the Department of Primary Industries, Parks, Water and Environment (DPIPWE).

The agreed procedures are implemented through the forest practices system as follows:

1. Forest Practices Officers (FPOs) consult the FPA Biodiversity Values Database to see whether:
 - a. the proposed coupe is in the known range for any relevant threatened species, or contains potential habitat for the species; and
 - b. the proposed coupe (and surrounding areas) contains potential habitat.
2. If any actual or potential habitat is identified, the FPO consults the Threatened Fauna Advisor to determine what further information is required and what management prescriptions should be applied. For example, where Tasmanian

devils are expected to inhabit the area, forest planners are expected to conduct a coupe survey to identify potential denning habitat and focus vegetation retention requirements in those areas with highest potential, “where operationally practicable”.

3. If necessary, FPOs should consult with experts in the Forest Practices Authority or DPIPWE to determine whether any additional management prescriptions are required.

In *Brown v Forestry Tasmania* (the Wielangta case) it was made clear that Tasmania’s individual threatened species are not guaranteed protection under the RFA (and even less so now, with a subsequent amendment to clause 68), and that threatened species protection would benefit from more detailed assessments and customised, concrete and enforceable conditions.

The Forest Practices Authority has undertaken considerable work over the past five years to update its planning tools, including the Threatened Fauna Adviser, and to provide forest practices officers with training in how to apply appropriate management prescriptions. However, it remains the case that FPOs rarely have any qualifications in relation to threatened species management, and are generally engaged by industry.

Moreover, while assessment practices and management prescriptions are reflected in such non-statutory policy documents and practices only, there is no way to ensure that said standards are met.

Further frustrating the efficacy of the Forest Practices Code and Threatened Fauna Adviser in protecting threatened species, as revealed by a recent report published by Environment Tasmania, ‘Pulling a Swiftie’, is DPIPWE’s legislated ability to override or disregard any FPA expert advice pertaining to threatened species protection, as per the Threatened Fauna Adviser.

2.2 Mature Habitat

The FPA co-developed a Biodiversity Landscape Planning Guideline (BLPG) with DPIPWE. The BLPG proposes firm mature habitat targets at the landscape scale, including for the purpose of assisting protection of wide-ranging fauna species that may not be adequately catered for under existing prescriptions.

The need for landscape scale mature habitat planning tools was confirmed in field trials of the BLPG conducted jointly by the FPA with Forestry Tasmania that identified:

Strategic planning for some values (e.g. threatened species) could be improved ... management targets that do not currently have explicit planning processes in place to manage these values relate to mature habitat ... The Forest Practices Code and associated planning tools currently provide little guidance on the management of these habitat elements at the landscape-

scale. These gaps were recognised by the Biodiversity Review Panel in 2009 and further work is required in these areas.

The strategic planning related biodiversity provisions of the Forest Practices Code are largely being met. This trial identified, however, four areas where landscape planning could be improved upon. These relate to mature habitat management, in-stream habitat (catchment water) management, remnant vegetation management, and threatened species habitat management. While there are existing planning procedures and Code provisions that contribute to varying degrees towards meeting these management targets, this trial identified a need for practical planning tools that manage for these values at a landscape scale.

It is the view of our organisations that the Forestry Tasmania's Landscape Context Planning (LCP) system on its own is an inadequate management tool to maintain and enhance HCVs, particularly in regards to endangered species with unmet habitat requirements at a landscape scale.

As such, we believe once an adequate assessment for landscape dependent endangered species is undertaken, an approach that clearly protects mature habitat at the landscape scale is required for effective identification and protection of mature habitat, with the readily available field-trialled BLPG a clear alternative.

Recommendation: *That the Forest Practices Code makes tools such as the Fauna Adviser and Biodiversity Landscape Planning Guideline compulsory, and enforceable.*

3. The Precautionary Principle

Australia is a signatory to a number of international agreements which require the application of the precautionary principle as a key component of sound environmental decision making.

Pursuant to Australia's international commitments, the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) explicitly requires the Minister to "take account of the precautionary principle" in a range of decisions, including listing species, developing management or recovery plans and assessing and approving actions that may have a significant impact on a matter of national environmental significance.

For the purposes of this standard, the precautionary principle would specify:

[that a] lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

A significant aspect of the implementation of the precautionary principle is the capacity to respond to new information. To this end, clause 62 of the RFA provides that the parties commit to continuous improvement and *“the establishment of fully integrated and strategic forest management systems capable of responding to new information.”*

3.1 Forest Practices Code (and Act)

Despite reference in the RFA definition of ecologically sustainable forest management to the precautionary principle, there is no explicit and mandatory mechanism requiring forest practices officers or the Forest Practices Authority to apply the precautionary principle or otherwise respond to significant new information.

Neither the Forest Practices Act 1985 nor the Forest Practices Code explicitly require decision makers to apply the precautionary principle in deciding whether to certify forest practices plans, or what management prescriptions to apply.

The flexible approach adopted by the Forest Practices Authority to its biodiversity assessment practices (that is, relying on planning and management tools, rather than amending the Forest Practices Code) allows for new information to be readily adopted in practice. The considerable effort that has gone into the development of these tools, and training to implement them, is to be commended. However, this approach also means that there is no statutory basis on which to insist that a precautionary approach be adopted, or that new information be incorporated into decision-making tools.

Recommendation: *That the Forest Practices Code explicitly require decision-makers to apply the precautionary principle.*

Appendix B

The Wilderness Society, Environment Tasmania and Australian Conservation Foundation's submission to the Review of the Tasmanian RFA is attached and can be found at:

https://www.wilderness.org.au/sites/default/files/PDFS/TWS_RFA_Reform_Report_FA_Web_HR_SinglePages.pdf

Appendix C

The Wilderness Society and Environmental Defenders Office report into the efficacy of the Tasmanian RFA is attached and can be found at:

https://www.wilderness.org.au/sites/default/files/TAS/TWS_Tasmanian_RFA_Report_FA_Web.pdf

ⁱ <http://www.stategrowth.tas.gov.au/forestry/native-forest>

ⁱⁱ Pullinger, P. 2015. *Pulling a Swiftie: Systemic Tasmanian Government approval of logging known to damage Swift Parrot habitat*. Report prepared for Environment Tasmania, March 2015. Available at www.et.org.au/swiftie