



COMMONWEALTH OF AUSTRALIA

SENATE

Official Committee Hansard

ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE
ARTS REFERENCES COMMITTEE

Reference: Commonwealth environment powers

TUESDAY, 14 JULY 1998

LAUNCESTON

BY AUTHORITY OF THE SENATE
CANBERRA 1997

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

SENATE

**ENVIRONMENT, RECREATION, COMMUNICATIONS AND
THE ARTS REFERENCES COMMITTEE**

Tuesday, 14 July 1998

Members: Senator Allison (*Chair*), Senator Tierney (*Deputy Chair*), Senators Hogg, Lundy, O'Chee, Payne, Reynolds and Schacht

Substitute members: Senators Carr and Evans

Participating members: Senators Abetz, Bartlett, Bolkus, Boswell, Brown, Calvert, George Campbell, Chapman, Colston, Coonan, Cooney, Eggleston, Evans, Faulkner, Ferguson, Margetts, McKiernan, Neal and Patterson

Senators in attendance: Senators Allison and Tierney

Terms of reference for the inquiry:

- (a) the powers of the Commonwealth in environmental protection and ecologically-sustainable development in Australia, including an examination of case studies;
- (b) the practicality, adequacy and application of existing Commonwealth mechanisms, including legislation, to promote the national interest in the protection of natural and cultural heritage and to achieve compliance with the principles of ecologically-sustainable development, with particular reference to:
 - (i) implementing Australia's obligations under international treaties and conventions, in particular, the Ramsar Convention and the World Heritage Convention,
 - (ii) the National Reserve System and the consistency of management regimes for reserves created under the National Reserve System program,
 - (iii) environmental impact assessment in or near areas of high conservation value in which the Commonwealth has an interest, and the consistency of guidelines for assessment processes between all levels of government,
 - (iv) export controls,
 - (v) the use of the corporations power,
 - (vi) the Endangered Species Protection Act,
 - (vii) the Inter-Governmental Agreement on the Environment, and
 - (viii) the National Strategy for Ecologically Sustainable Development; and
- (c) the most appropriate balance of powers and responsibilities between Commonwealth, State and local levels of government and mechanisms for implementation of treaties, conventions and national strategies to ensure consistency between all levels of government in environmental protection.

WITNESSES

GRAHAM, Mr Alistair Menzies, Tasmanian Conservation Trust, 102 Bathurst Street, Hobart, Tasmania 7000	390
NAGORCKA, Mr Ronald Osmond, Member, Bird Lovers of Black Sugarloaf, RSD999A Denmans Road, Birrallee, Tasmania 7303	383
ROWLANDS, Mr Arnold James, Secretary (Correspondence), Tasmanian Conservation Trust (North-West Branch), PO Box 107, Ulverstone, Tasmania 7315	390
SIMS, Mr Peter Charles, Researcher and Coordinator, Tarkine National Coalition, PO Box 692, Quoiba, Tasmania 7310	373
WILLIAMS, Ms Carol Georgina, Board Member, Launceston Environment Centre, 226 Charles Street, Launceston, Tasmania	361

**ENVIRONMENT, RECREATION, COMMUNICATIONS AND
THE ARTS REFERENCES COMMITTEE**

Commonwealth environment powers

LAUNCESTON

Committee met at 9.33 a.m.

WILLIAMS, Ms Carol Georgina, Board Member, Launceston Environment Centre, 226 Charles Street, Launceston, Tasmania

CHAIR—I now open this hearing of the Senate Environment, Recreation, Communications and the Arts References Committee. I welcome Ms Carol Williams from the Launceston Environment Centre to the table. The committee prefers that all evidence be given in public, but should you at any stage wish to give your evidence, part of your evidence, or answers to specific questions in camera you may ask to do so and the committee will consider your request. I point out, however, that evidence taken in camera may subsequently be made public by order of the Senate. The committee has before it submission No. 270, which it has authorised to be published. Given that it is almost 12 months ago that you made this submission, are there any alterations or additions that you would care to make at this stage?

Ms Williams—There is one in the third paragraph. If there is any ambivalence as to my approach with respect to the Tasmanian public land use background report, I am indicating in the third paragraph that I believe that report has an economic rationalist bias. There may be some ambivalence there.

CHAIR—So you do not want to alter that?

Ms Williams—No, I just wanted to clarify that in case there was any ambivalence.

CHAIR—Would you care to make a brief opening statement, otherwise we can go straight into questions.

Ms Williams—I have just prepared a few lines, if that is all right. On behalf of the Launceston Environment Centre, I would like to thank the Senate committee for giving us, the public and the community, this chance to present some of our thoughts and concerns. It is especially pleasing that the Senate is endeavouring to ensure that some form of check and balance is carried out and that the Commonwealth powers and performances are given public scrutiny. We commend you for this.

More generally, we are concerned about the perceived devolution of the Commonwealth's environmental conservation powers to the states—not that this should not happen in the best of all possible worlds, but the states we believe do not necessarily have their act together vis-a-vis such issues as world heritage assessments, ecologically sustainable development and threatened species management. We believe it is simply the wrong hook to hang the coat on, as Senator Hill is doing. It is really a shirking of the Commonwealth's responsibilities.

Some of the breaches of the Commonwealth's responsibilities are the Mount McCall Road in the world heritage area in Tasmania, the oil exploration in Shark Bay and the turning of the back with travesties such as the beginning of mining of uranium in Jabiluka—and here I am referring to the fact that Energy Resources has not provided a cultural management plan before the work to create a uranium mine. This was one of the criteria I

believe that Senator Hill requested. Each of these breaches weakens and waters down the environmental protection and conservation standards that the Australian community has worked so hard to bring about. In effect, it is a form of dismantlement. The Australian community deserves better than this.

Tasmania's community and its precious unique natural environmental resources have lost out considerably since the Tasmanian-Commonwealth signing of the regional forest agreement in November 1997. This multimillion dollar agreement was industry driven from the start, but this became transparently apparent only as time progressed.

I would like to speak briefly on its inadequacies and outcomes as an example of the present regime of perceived diminished Commonwealth concern for this continent's environmental capital as well as the Commonwealth's perceived obsession for appeasing large corporations and developments whose marks on the landscape are, as ever, heavy handed. We look to the Commonwealth to ever strengthen its powers, not to weaken them, to ensure that our unique assets are protected for the future, for all the earth's treasures that we are presently enjoying to be preserved and for nature's preservation in the future, especially for our future generations.

CHAIR—If I can start with the example that you have given us this morning of the Mount McCall Road—you referred to this in your submission and a number of others have as well—the committee is interested in case studies of environment issues where the relationship between the Commonwealth and the state appears to have failed the environment. Perhaps you could expand on that issue a little for us.

Ms Williams—The Mount McCall Road set off alarm bells. An agreement had been made I believe five or six years ago between the Commonwealth and the state that that road would be closed. As you know, that agreement did not stand. That really set off the alarm bells with respect to agreements that had been made on world heritage properties. That is just one example that shows that those sorts of agreements are being weakened and watered down under pressure and that the Commonwealth is not upholding its obligations under the World Heritage Convention.

CHAIR—What are those pressures that you refer to?

Ms Williams—Those pressures basically are not to preserve for future generations an area of the environment which has unique value.

CHAIR—How do you see the Commonwealth's current role in world heritage protection and in what sense is it inadequate in your view?

Ms Williams—As a mentor for conservation groups in the north of Tasmania during the regional forest agreement, I had a bit of a preview, or a look-in, as to how the government perhaps was devolving powers to the states, especially with respect to the World Heritage Convention. In the course of the agreement, maps were produced which indicated where world heritage areas of high conservation value had been nominated or identified. High quality wilderness areas here, for example—

CHAIR—Is it possible for you to leave that map with us?

Ms Williams—Yes. I will show you this one because, when you look over into the area known as the Tarkine, you will see that what was resolved with the signing of the agreement was a watering down of areas to be protected. I can leave this one with you too. This is a map of the different reserves and the tenure map following the regional forest agreement. You will see that, right in the middle of the so-called area of the Tarkine, there is a great big area that is under question as to whether it would be allowed to be logged or not. I feel that that is one pretty bad travesty. I believe that the black and white map was put out by the Australian Heritage Commission as their identification.

CHAIR—And this is the RFA map?

Ms Williams—Yes, that is the RFA map. Here we have an area that has been identified by a Commonwealth body without any biases, and here we have the result of a watering down of that. That is a fairly large example of how values within Tasmania's environment are being devalued, I believe. Also, during the RFA, I witnessed other areas where I believe a watering down of the agreement—which was agreed to in the scoping agreement—occurred. Perhaps I could speak to those shortly.

Nature based tourism was an industry that we believed needed a much higher profile during the regional forest agreement. Unlike me, as a mentor for conservation groups, tourism was not given a position as mentor, so they did not have a direct voice from the start. This was problematic throughout the regional forest agreement. Mining had a mentor, they had a voice; forestry had a voice; and the recreational users group, for example, had a voice with respect to having a mentor. But the tourist lobby—especially, the fledgling nature based tourist lobby—did not have this voice. I believe, from this faxed media release on 12 June 1997, that they feel disenfranchised from the RFA process. I can leave you a copy of this. It is from several nature based tourist operators who felt disenfranchised towards the end of the regional forest agreement. I have that press release for you. They do not believe that resource security was provided for them during the regional forest agreement.

CHAIR—These are the nature based tourism operators?

Ms Williams—Yes. Even so, the tourist industry was identified as having a higher percentage of employees in it. It had a very bright future. We believe that bright future is being degraded by some of the decisions that have been made during the regional forest agreement.

CHAIR—What is the mechanism which shuts out the nature based tourism group?

Ms Williams—Do you mean during the regional forest agreement and what happened there?

CHAIR—Yes.

Ms Williams—I do not think they were really recognised as being a legitimate stakeholder when they were stacked up against the mining industry or the forestry industry.

CHAIR—Is this a decision of the state government or the federal government?

Ms Williams—It is a Commonwealth-state decision. The regional forest agreement was a partnership agreement.

CHAIR—I understand that, but what of the decision to exclude this group?

Ms Williams—I am not saying they were necessarily purposely excluded. That was not necessarily an outright decision that was made. But, even though they clamoured to have representation, they were not given a position as a mentor so they did not have a direct person to assist with their participation in the whole process. They were really left on the outside.

CHAIR—How should the RFA process be changed to include such organisations? Is it part of the legislation? What is missing from the arrangement?

Ms Williams—Possibly part of the legislation. I believe that an industry, albeit not an extractive industry, needs to be recognised as being a legitimate industry that has a stake in the future of the nature based industries and of what actually occurs in respect of decisions made in a regional forest agreement.

CHAIR—Have you had a chance to see the new legislation on the RFAs? It has just been introduced in the House of Representatives, so I would not expect that you would have seen it.

Ms Williams—I have read most of the Tasmania agreement to date. Just wading through that is quite a phenomenal task, and that is what I would like to digress upon if that is okay.

CHAIR—Yes.

Ms Williams—The reason is that this is a concrete example of a Tasmanian-Commonwealth conservation agreement in respect of the possibility of the way things could go in the future. We feel very concerned about this.

I have spoken about the world heritage areas. I would like to speak a little bit perhaps about the social impacts of the decision. During the regional forest agreement, we did also make recommendations about social impacts. The options report claimed that it was too costly for the community to meet the minimum reserve standards. That was one recommendation that we wanted to discuss: the economic rationalist side of the RFA. The RFA did not find a solution that combined environmental protection, jobs and wealth creation. This lack of commitment towards the ecological sustainable forestry industry has locked Tasmania into a further 20 years of clear-felling and burning of the forests.

Also, the RFA did not survey opinions on the effects of the local community subsidising woodchipping, the effects of log trucks on roads and the impacts of clear-felling and burning on water quality degradation. Nowhere in the RFA process was there an assessment of the impacts that clear-felling and burning has on the tourism industry as mentioned.

What I would also like to raise is that there are perceived social negative impacts that the RFA did not look into. It only looked into the social impacts in respect of the withdrawal of employment. It did not look into how such an industry is going to affect people's living standards and into the sorts of issues that are now of real concern in the Tasmanian community.

In respect of ecologically sustainable development, I would like to show you a few photographs of what has actually been happening out on the land since the regional forest agreement was signed. I indicate that we do not believe that biological diversity is being protected or that what is occurring is ecologically sustainable.

Ms Williams—May I use the overhead projector for a minute?

CHAIR—Yes. If you wish to speak to your images, it is probably better if you sit at your microphone so that Hansard can pick up what you say.

Overhead transparencies were then shown—

Ms Williams—This is a photo of clear-felling and burning in a dry sclerophyll forest in the north-east of Tasmania. In the top left-hand corner you can see that it has just had a fairly large fire put through it. The actual clear-felling happened during the time of the regional forest agreement. The burning, however, occurred, as you will see by the date of the photograph, in May this year. What is concerning us considerably is that, since the signing of the regional forest agreement, we still do not have stream sites that are in class 4 preserved. The signing of the regional forest agreement has not in any shape or form improved the ecological sustainability of the practices that are happening. We believe that is a breach.

CHAIR—The image that you show here is of a valley and a creek bed, and the clear-felling has taken place right down to the edge of that waterway. Is that right?

Ms Williams—That is correct. That actually occurred during the regional forest agreement. You will see that it is a fairly steep slope. It is covered by the forest practices code, but since the original forest agreement has been signed the code has not changed. We thought at least we would get class 4 streams protected, but nothing has changed at all.

CHAIR—So the code that you refer to does not prohibit clearing down to a class 4 stream?

Ms Williams—That is correct. The other issue that is happening in these fairly large coupes is that the fires continue for about three weeks and anybody who lives near them is smoked out considerably. The issue of 1080 poisoning is another issue that is affecting people living near these coops. Their animals have been poisoned in the past. We do not feel that this is ecologically sustainable for our native forests.

I direct you to the bottom right-hand corner. That coupe is also in the north-east of Tasmania. It has been recently logged, as you will see there. It has been clear-felled. I should mention that the coupe in the top left-hand corner has been cable logged. That is a

practice that we believe would have ended at least five years ago, but it is still happening in the north-east of Tasmania.

We have seen whole hills cleared like this since the regional forest agreement. Nothing has changed. On the bottom right hand side, once again that has occurred since the signing of the regional forest agreement. That place is called Toms Gully. By the way, this is all public land. You will see that Toms Gully also has a stream, a class 4 stream.

I wanted to mention one thing about this stream up here. It was flowing when I was there. I am a landcare and water watch facilitator and I was asked to assist with teaching people to monitor this water. I took a sample of the water myself. Even though we were coming out of a drought—there had been light rain a few days before but it was very light—I found that the turbidity was excessively high. I also found that the water was very acid, the pH being below 5, which is very difficult for micro-organisms and macro-vertebrates to survive. That is supposed to be pristine water.

Getting back to Toms Gully, once again this practice of clearing has occurred since the signing of the regional forest agreement. There are tree ferns in the foreground. This particular countryside, even though it is dry sclerophyll, has patches of wet sclerophyll with lots of ferns. You can see that that watercourse is a very similar watercourse to the upper Ansons River that I just showed you. Since the signing of the regional forest agreement there has been no protection.

That particular coupe I showed you was on public land, but for some reason a multinational company has closed one of our public roads. We are very concerned about this. When a resident telephoned the Tasmanian Department of Transport to find out whether this was allowable, that departmental person who was in the safety section of the department indicated that they were not allowed to do this. So we wonder who is calling the tune.

I would like to show you a couple of images taken since the signing of the regional forest agreement. This image is of the Women for the Forests rally in Hobart in May 1998—women against woodchipping. We certainly are not going to let this happen and just lie down. As you can see, one of our messages is 'Ecotourism versus ecovandalism'. We are not prepared to stop here. We believe that this is a travesty that is occurring in this state. A picture is worth a thousand words. We believe it is a sell-out. Thank you.

Senator TIERNEY—I grew up in the south-east forests of New South Wales near Eden where there is a very large timber industry. I was curious about the process they were using there. Can you explain, in a nutshell, cable logging and burning procedures? What is the rationale for doing it that way?

Ms Williams—The rationale is to protect the land from erosion. It is to minimise heavy machinery on the land and it is used in an area that is too steep for normal—

Senator TIERNEY—So the process is only used on very steep sides like that one?

Ms Williams—Yes.

Senator TIERNEY—With regard to the example you showed us, how many other examples are there like that? Is that an isolated example or are there others?

Ms Williams—There are plenty in the north-east of Tasmania.

Senator TIERNEY—Are they on steep slopes?

Ms Williams—Yes, they are on steep slopes. If you go there now to have a look, a large percentage of them have plantations on them. As you know, Tasmania is prepared to have 100,000 hectares of plantations in the next 10 years by converting these forests on the sides of hills into plantations. I was saying that you probably would not recognise them now because some of them are under plantations, or have regenerated, but the cable logging in the north-east of Tasmania has been occurring for probably up to 10 years now.

Senator TIERNEY—I remember images like the ones you have shown us back in the early 1970s in the forest areas around Eden where they cleared very large areas. Those sorts of images were part of the material that helped kick off the environmental movement. When I went back there about 15 years later it was pristine forest again; it had all regrown. If they are carrying out these processes to protect erosion of the land, what do you think this area will look like in 15 years time?

Ms Williams—I have just tested the water now and I am finding that there is a change to what I would perceive to be the water quality level. You also have to remember that in Tasmania they are not regenerating these areas back to natural vegetation; they are putting plantations on them. There is no way it is going to have the capability of returning to its former natural state.

Senator TIERNEY—I have two questions from that. Firstly, when you took the water samples, how long after the clearing and burning did you take the samples?

Ms Williams—As you saw in that picture of the forest burning, I took it that day.

Senator TIERNEY—Obviously, all that material is coming down from the process of burning and you are going to get acid levels like that.

Ms Williams—Yes, I agree. Obviously, that is going to impact. I am not saying it will not recover; it depends on what they do with it now. I do believe that taking whole hillsides of natural vegetation is going to have an impact on the overall biodiversity levels of ecosystems.

Senator TIERNEY—You seem to be critical of putting in plantations, but I thought that was the way that environmental movements thought Australia should move, towards plantation type harvesting of timber.

Ms Williams—I get a bit tired of having to clarify this. It has been fairly obvious through the regional forest agreement in Tasmania that the environment movement is opposed to the conversion of native forests to plantations. When it comes to plantations on already cleared land, that is a different story. Not only that, it has to be recognised that that

has to be done in an ecologically sensitive way with respect to trees that are used and the application of chemicals.

Senator TIERNEY—What opportunities are there in north-west Tasmania for planting forest plantations on already cleared land? What sort of land use is that competing with, and what are the relative economics of the two?

Ms Williams—Are you talking about the north-west or the north-east?

Senator TIERNEY—The north-east of Tasmania.

Ms Williams—This is what is unresolved since the regional forest agreement. This is one of the areas that I believe is unresolved. As to the timber based industries that communities have become dependent on, to the detriment of having a wider range of industries, which was an issue that the regional forest agreement did indicate was a threat to the communities, I do believe that we need to look at this again.

Senator TIERNEY—From my limited knowledge of Tasmania, I take it that the amount of land to be cleared—fairly obviously it was deemed suitable for agriculture, grazing or some other land use at some point—would be relatively scarce compared to the land mass of Tasmania. Would there not be difficulties in the economics of such an operation to actually convert that land back to timber growing?

Ms Williams—Personally, I am in favour of making paper out of hemp. That is why I am saying it is a complicated issue. We are growing timber for many different reasons. We have to look at the source, the final outcome and what is sustainable, and I do not believe we have done that.

Senator TIERNEY—I believe your situation is very different, say, from northern New South Wales where there is a lot of old dairy land and where, because of changing economics in dairying, it is no longer used for dairying. Originally they cleared cabinet timbers off that area. They cleared things like mahogany, cedar and timbers like that which now, because of the climate and soils in those areas, you could actually replant in plantations. So that would be a very good use for it. But I take it that would not be the case down here. You would not have old, disused agricultural land like that that you could use, given the limited amount of arable and good agricultural land you have in Tasmania.

Ms Williams—Land capability studies have not been completed in Tasmania, and I do believe they should be completed. Also, with respect to the taking of timbers off lands in the past and using them for furniture or for wood production, as happened in northern New South Wales with the mahogany, I just want to show you a poster of how the old-timers used to log our forests but at the same time protected those species they believed needed to be protected.

Once again, this is north-east forest. This is an old growth giant. I believe it is a viminalis which is found in the north-east forests here. This photograph was taken during the time of the regional forest agreement. This particular forest had a copse of trees like this that were felled during the regional forest agreement. The old loggers left these old trees to

provide the seed for the future, but our regime now does not worry about that. This is after it was actually detonated. They had to detonate it to get rid of it—four pine plantations. What I am saying is that this is not ecologically sustainable.

Senator TIERNEY—Perhaps there is another explanation for why they left it. Having been out on logging camps around Eden in the 1950s—look at the size of it!—they used to take these trees down with axes and saws. So that would be an absolutely massive job to take that down. Maybe that is why they left it.

Ms Williams—That is the sort of story that goes around the traps, I am afraid.

Senator TIERNEY—Maybe that is why they left it, given they had such a choice of trees at the time. I have just a few more general questions. There is obviously a role for federal, state and local governments in the protection of the environment. Could you just give us your views on what you see as the relative roles of federal, state and local governments in the protection of the environment?

Ms Williams—I believe that the role is to support each level of government, because it is quite obvious that there are continuing pressures on companies and developers that want to extract our resources. I do believe that there should be no devolution of power from the Commonwealth to the states. I do not believe that the states have their act together at the moment. I think that all tiers of government need to work together, rather than weaken the environmental legislation. To devolve powers we need to continuously assume that we have to implement the precautionary principle. We need to really be committed to that if we are going to be able to pass on to future generations what we have. Because we have been so lucky to live in an environment that has these natural resources, we need to ensure that we continue on and pass that on to future generations.

Senator TIERNEY—To clarify that, are you saying that you do not believe the state government should have any role in this area?

Ms Williams—I believe that there need to be checks and balances and that the states need to become more involved but also committed to their assets. It needs Commonwealth support and its expertise and resources to ensure that its assets are protected.

Senator TIERNEY—Probably the people best placed in all of this are people in the local areas. How do you see the role of people in a local area where there is an environmental problem? How could you see their role enhanced in this process compared with what it is now?

Ms Williams—People in the local area, of course, have first-hand knowledge of what is going on on a day-to-day basis. I believe that it is important for the people in the local area to keep networks and communication open to ensure that legislation is being adhered to, to improve legislation, and to ensure that there are enough people on the ground that are making sure that areas that are being logged do not contain endangered habitats or species. Those are the sorts of things that need to happen with local governments, especially as there are not at the moment enough mechanisms in place or enough people on the ground to

ensure that legislation and agreements, like the regional forest agreement, are being adhered to.

Senator TIERNEY—The Regional Forest Agreements Bill 1998 has just been introduced into the parliament to provide a broad legislative basis for regional forest agreements. I do not know if you have had a chance to look at that, or whether you have any comments.

Ms Williams—I have not looked at it yet, I am sorry.

Senator TIERNEY—We will make a copy of the bill available to you. We would appreciate any comments you may have on that.

Ms Williams—Thank you.

Senator TIERNEY—In your opening comments you said something about an economic rationalist bias. I did not understand what you meant by that.

Ms Williams—I am sorry, I was not very clear or explicit on that. With respect to world heritage area values—and I think this is written in the submission—I believe that, rather than those values having precedence in decision making, the more short-term values of resource extraction, which to me translate into being an economic rationalist perspective, were driving those decisions.

Senator TIERNEY—I was here four weeks ago on a regional unemployment inquiry which we were conducting around Australia for the second time in three years because of the importance of that area. We were in Burnie as well as here in Launceston on that occasion. I came away from that thinking a lot about the Wesley Vale decision of 10 years ago and what that would have meant for jobs in northern Tasmania if that had gone ahead. I would like you to comment on the trade-off that you experience here now that Tasmania has lost its comparative advantage in secondary industry with cheap hydro power, as we see with industries closing down. I know it perhaps has a bright future in tourism but, given that the unemployment levels in this state are higher than in any other state in Australia, could you comment on your attempt to achieve a particular environment agenda and the effect that it is likely to have on unemployment in Tasmania?

Ms Williams—I think it has been fairly obvious that, despite the amount of natural resources that Tasmania has and the level of unemployment, something is wrong. What actually has occurred and what is wrong is the fact that we have not managed our resources correctly. I believe that downstream processing is a better use of resource in the state, but I do believe that we have been extracting our resources and not valuing them to the level that we need to to ensure that those resources will continue into the future sustainably.

Senator TIERNEY—Would that not be a good argument for having let Wesley Vale go ahead because that was a downstream processing of natural resources?

Ms Williams—We had not at that stage and I still do not believe we have resolved what are our best natural assets that we want to protect, and there was a threat that we did not have in place mechanisms to protect those assets and I still believe we do not. I also think

we need to think more laterally with respect to industries that will work in our favour and not against us—industries such as alternative fibres. We need to think differently to go into the 21st century so that what we have we can value for the future.

Senator TIERNEY—Is there any evidence that Tasmania is attracting those sorts of industries?

Ms Williams—I believe that there is evidence that the farming community are quite keen to get going on hemp.

CHAIR—I would just ask you clarify something Ms Williams. You talked about the cable method of logging.

Ms Williams—Yes.

CHAIR—For our benefit, can you explain why that is used on steep slopes and what the process is? I assume it is a cable that is drawn across the surface and takes everything in its wake.

Ms Williams—Yes, that is right. The cable logging operation is usually mounted either at the top or half way up a steep slope. It is long pole with cables coming off it. It drags the logs up certain channels up the slope. It brings the logs up the slope via this cable logging mechanism which has this really long pole with arms or cables coming out of it. The logs are felled on the spot and brought up via these wires. They are actually implemented and put into areas of steep slopes because the machines cannot go onto those slopes and, supposedly, to preserve the soil so that it does not erode, but I believe this has not been the case.

CHAIR—That was my next question. What effect does that have on erosion in those kinds of gullies?

Ms Williams—I am under the belief—and I have not got the document with me—that the areas that have been cable logged in the past have had erosion problems.

CHAIR—Have areas such as those you have shown us this morning been logged previously or not? Are these old-growth areas?

Ms Williams—The upper Ansons—the first one—has, I believe, been selectively logged. I do not think Toms Gully has.

CHAIR—Clear felled before?

Ms Williams—No, never clear felled.

CHAIR—I invite you to perhaps respond to the notion that after clear felling we can return to a pristine forest. Is it your view that that is possible?

Ms Williams—I find that very unbelievable because, as you can see, the impact that clear felling has plus having an extremely high burn such as that will change the conditions

of the soil and will impact on that particular land. Certainly this will not happen to the same forests immediately afterwards. I would think that the biomass and the invertebrates would be knocked fairly considerably. It depends what your standard of pristine is I suppose. I find it very unbelievable though that that would occur.

CHAIR—Thank you very much for your evidence this morning. Is there anything further you wish to add?

Ms Williams—No. Thank you once again for giving the Environment Centre this opportunity.

[10.21 a.m.]

SIMS, Mr Peter Charles, Researcher and Coordinator, Tarkine National Coalition, PO Box 692, Quoiba, Tasmania 7310

CHAIR—Welcome. The committee has before it submission No. 301 which it has authorised to be published. It is now 12 months ago that you made that submission. Are there any alterations or additions that you would care to make at this stage?

Mr Sims—Thank you for the opportunity to come before you this morning to review the submission made, as you say, 12 months ago. A lot has happened in that 12 months and, like the previous respondent, I have been involved with the RFA process also. I have also been involved with the development of world heritage in this state. That is something I am very proud of, and a lot of Tasmanians are very proud of the status we have achieved with world heritage. It was reported recently by a political reporter that one of the 10 best decisions made in Tasmania was the declaration of world heritage in south-west Tasmania—one of the 10 best decisions made—and, had we capitalised on that, this state would not necessarily be in the plight that it is in today.

Since the declaration of the world heritage areas, I have seen an incremental dilution of the Commonwealth's influence over this state and the degradation of these globally significant natural and cultural areas. These are of global significance. We have a responsibility to the international community to make certain that these areas are protected and managed. I feel the Commonwealth must maintain its role over the states to ensure that the international obligations are met to the people of the planet.

The regional forest agreement has, of course, been and gone since you asked for people like me to respond to the Commonwealth environment powers. It was interesting to see how that process, which was a joint process between the Commonwealth and the states, failed to address a very critical area—and that is world heritage obligations. The timing of the whole of the process through the RFA was extremely rapid. We got an announcement in the press on 7 June to respond to a document and our submissions had to be in by 23 June of the same year for the regional forest agreement to be signed on 30 June. If that is an example of how a Commonwealth-state organisation wants the public to have meaningful input, then it is a total sham—and this was a total sham. Unfortunately, we have to live with that, but in living with it we are still very annoyed, sour and angry at how these particular processes have overridden and ignored the public and the stakeholders.

The stakeholders are the individuals, the organisations and the communities—right up the whole spectrum. We are stakeholders and we have every right to be heard, and I feel that our right to be heard and the rights of the indigenous Tasmanians were not properly heard and properly addressed. Ms Williams mentioned the other important stakeholders other than forestry and mining—that is, the tourism aspect. They were not, as stakeholders, properly addressed in the whole of the RFA. They are some basic comments that I would add to the submission that I have made.

The other aspect that has been given to the state is the management of National Estate areas. This has really been given back to the states, and I see this as a very retrograde step. The criteria for determining a national estate is national importance, and anything that is of national importance requires national input from the national government. As with international covenants, it needs scrutiny from the international community to the Commonwealth and to the states. It has to be a collaborative thing, not just resting with one.

The National Estate management is going back to the states, and the managing authority for national estates in forests is Forestry Tasmania. It is just like putting Dracula in charge of the blood bank: you just do not do it, but it has been done. When you read the management plan by the forestry corporation, which is now before us, you can see that 'wilderness' gets a mention in one or two lines. It mentions that it will be managed according to what is in the regional forest agreement, and this is totally unsatisfactory. I have some overheads here which will tend to overlap with what Carol has given you, but the overheads may show you in that particular map there what has been referred to in the regional forest agreement.

Using this particular organisation to manage National Estate values is totally inappropriate, as I said. The job of this organisation is to grow trees, to chop them down and to process them. It really is not to look at the whole ecology of forests and non-forest areas.

We have looked only at forest areas with the regional forest agreement and world heritage and the National Estate. The non-forest areas were not considered at all in the regional forest agreement, and it is quite silly to be looking at forests when non-forest areas play a significant role in the whole evolution of forests. You cannot dissociate a forest and a non-forest area just because there is a tree growing there and a tree not growing there and therefore you look only at this part and not at the other part.

A total ecosystem needs to be looked at, and this is one of the failures that I made very clear in the early stages of the RFA when we, the public, were asked to consult about the definitions. We wanted it broadened and widened, but it was purely an exercise to establish the credibility of the forest industry using the social and economic rationale to endorse what was already going on. Nothing has really changed. We have more of the same. The Commonwealth has not resolved the issues between the stakeholders—that is, all the stakeholders—and the industry, and of course the government is caught up in this tangle as well.

Peter Nixon, in his submission to the state, indicated that Forestry Tasmania should be changed and that its roles should be separated completely—the growing and harvesting of trees should be one section, and the other sections relating to their activities should be completely divorced from that organisation—and therein lies the conflict. There are some very good people that work for Forestry Tasmania. They have a lot of input and a lot of good science to add, but they are hamstrung, caught in a web. A lot of these people cannot speak up for what is right for the environment because of the bias of having to bear allegiance to their employer. Unless they are protected by Commonwealth and state whistleblowing legislation, they cannot speak out and be free with the information they give. I feel the whistleblowing legislation is an integral part of Commonwealth powers to ensure that we have full transparency of these agencies and governments on activities such as we have gone through with the regional forest agreement.

CHAIR—Was there ever a time when there was an environment department in the state government separate from forestry? Were they merged at some point in time?

Mr Sims—They are quite separate departments. The forestry department was never associated with the department of the environment.

CHAIR—What is the division you are suggesting should take place in forestry?

Mr Sims—Within the Forestry Commission, Peter Nixon recommended that the industry of growing and harvesting trees be separated from the science and other aspects of their operation. I can give the committee a copy of Peter Nixon's recommendations to clarify that point. In that, you will see quite clearly what he is recommending, but that has not been addressed by the state government.

CHAIR—And that role is not taken up by the state environment department, whatever it is called?

Mr Sims—No, it has not been taken up by the state government, let alone the department itself. They have probably looked at it internally, but nothing has become public from that particular recommendation from Peter Nixon. In fact, the Nixon report has not been addressed by either the federal government or the state government at this stage. But it is quite an important document because it did address an issue which was very close to the people of this state. That is the reason Peter Nixon brought this report out—the feelings of people about what was going on in Tasmania. There were some very good suggestions in it. I do not agree with everything he says, but that is understandable.

In this particular case there was that strong feeling in the community, and he addressed it and made the recommendations. I think that should be taken forward. In fact, things are so bad with forestry that we are seeing letters in the press that this organisation should have an inquiry. I think in one of my submissions I said there should be a judicial inquiry, but it has got past that now and it almost needs a royal commission.

We have seen how industries like this in other countries have been rorted by governments and by big business. This indicates alarm bells to me. So many things are happening in the forest industry—its effect on jobs, its effect on community and its effect on the environment—that it deserves a closer scrutiny than what an RFA can do but with a different emphasis.

CHAIR—Would you like us to proceed to questions?

Mr Sims—Yes.

Senator TIERNEY—You mentioned towards the start of your comments that when the World Heritage listing of the south-west forest came about you believed Tasmania did not capitalise on it sufficiently. Would you explain what you meant by that? In what ways do you think Tasmania should have capitalised on that listing at that time?

Mr Sims—The world heritage area includes not only forests—in fact, forests would be a very small part of the world heritage area. It gained its acceptance on the World Heritage listing because of its natural and cultural values.

Tasmania has never been one to be proud of what it has. I promoted this state with slide shows and film shows throughout Australia and I was involved in ecotourism in the 1970s. I actually pioneered ecotourism in this state in the 1970s and brought quite a few people from the United States, particularly from the Sierra Club, the largest conservation organisation in the United States, to this country. When these people came they showed me very clearly that Tasmania had something to offer. When I went to other parts of the world I could see that we had something of world value. This was before we even had world heritage. It was obvious to me then that this could be capitalised on very much by the communities if we took this direction, and that is what it is now. The leading job creator and the leading industry in this state in 1998 is tourism. Had that occurred back in 1982-84 with world heritage nomination, we probably would have been much better off.

To get back to the problem, Tasmanians tend not to think that what we have is the best of the best, and world heritage did that. It showed the world that Tasmania had the best of the best in wilderness and cultural heritage. That was not capitalised on quickly enough by the government of the day to ride above the people's cynicism, if you like, 'It's not really the best. There are higher mountains than Cradle Mountain. There is better wilderness than this.' We have always tended to put ourselves down.

I have always been one to put ourselves right at the top because we do have the best of the best. If governments and government agencies had got right behind it to utilise that as a resource and not continued down the track of hydro-industrialisation, we would not be in this situation now. It is not too late. We can still turn this around. There is a hiccup at the moment, but we get over hiccups. Does that answer your question?

Senator TIERNEY—With hindsight, what do you think they should have done back at that time? You can obviously go down a number of tracks at once, but on the tourism track what should they have done back then that they did not do?

Mr Sims—Instead of having a department of industrial development, there could have been a department of tourism development, with tourism being seen as part of an industry. It is still not considered as part of an industry because it does not use a resource.

Senator TIERNEY—A lot of the debate we have had in relation to this area hinges around what is the proper role for Commonwealth, state and local governments. Could you give us your view on the balance between those and comment particularly on how local groups could be more involved in the process than they are now?

Mr Sims—I agree with you that all tiers of stakeholders have to be brought together on this. I think the Commonwealth could have done a better job in the earlier stages by getting the message across to people in the local communities, selling the fact that we have identified these areas that are of global significance and encouraging people to get behind it, be proud and get a sense of community pride instilled in the people. Instead of that, everybody took two steps back. The conservation groups clapped their hands and said, 'Hey,

this is now world heritage.’ The people who have been used to using those areas for their activities said, ‘We have been locked out.’ Immediately there was antagonism and division in the community which should not have taken place because all had something to gain out of this. Whilst glossy magazines, posters and things showing these places are all very well, they do not really do it right in the communities—at the coalface—and it is still not happening.

In my formal submission I gave an example from a council meeting at Circular Head. A particular councillor said, ‘As soon as these people signal something of national estate or national value, I would suggest you get your bulldozers in and destroy it.’ If we have that sort of attitude at a local level, and it is obvious that the division is going to continue and fester, we have not really moved on from there. In fact, I think we have entrenched it even more as time has gone on. It is a bit like the Irish situation. It does not get solved with time and it does not get solved overnight. It is a matter of bringing the parties together—federal, state and local government and the local communities, which you alluded to.

How best do we do that? It is more difficult now of course with the divisions that have been occurring, but I still think there is a role for a mediator to come into those local communities to try to explain to people the ramifications of having areas such as are on the list of the National Estate, world heritage, or anything that has significance other than trees that may be converted to chips or minerals that may be converted to a pile of stones, that this can be ongoing and that with nurturing and proper management this can be sustainable.

I think the Commonwealth and the states do have a role in mediation to try to get pride back into the communities. A lot of people in the communities feel this way. They feel disempowered because the so-called majority are quite vocal, and they dare not stick their heads up to try to voice some of these opinions because they will be run out of town. It is not even safe for me to go to some towns and places. I need a police escort in some places because of the divisions that have occurred over a period of time on environmental issues. I think a professional mediator could do a lot to solve a lot of these problems.

Senator TIERNEY—Some aspects of this inquiry have been overtaken by events at a federal level. For example, at one stage, one of the things we were looking at was World Heritage listing of the Blue Mountains, and the Commonwealth government has indicated that it is nominating the Blue Mountains for World Heritage listing, which I assume you would applaud. Other things have happened as well, for example, the Regional Forest Agreements Bill and also legislation on biodiversity. Do you have any comments on those bills? I do not know whether you have had the opportunity to see those bills or whether you have any view on that legislation.

Mr Sims—The bill to ratify the RFA is before the Senate at the moment, isn’t it?

Senator TIERNEY—Yes, the RFA Bill is. There is also a biodiversity aspect which we are going to be inquiring into as well.

Mr Sims—I am aware of that and I am taking an interest in it, as I was with the mention of the Blue Mountains as a world heritage area. Having visited the area, it is one that obviously meets the criteria anyway, and it is another feather in the cap of Australia if

we can have another area on the list of world heritage. Again, we should be very proud, wherever it is—whether it is Tasmania, New South Wales or Kakadu.

Senator TIERNEY—It was certainly a long time coming. We have been negotiating that for about 20-odd years.

Mr Sims—The Jenolan Caves is a very old national park in New South Wales history. I will be watching those. I would like a copy of the documentation if that could be arranged through the secretary.

CHAIR—Perhaps we will send you the RFA legislation as well as the other bill.

Mr Sims—Thank you.

CHAIR—You talked about the impact of development on the Tarkine. The Mount McCall Road is part of the Tarkine, is it not?

Mr Sims—No, it is not. The Mount McCall Road is in Tasmania's wilderness world heritage area in the south-west. It is a road put in by the Hydro for its Franklin River Dam which, you would realise, was overturned by the Commonwealth; it is the rehabilitation of that. The state government, which is involved in the management of world heritage areas jointly with the Commonwealth, called for public submissions just recently on its next stage, and the Mount McCall Road came up as an issue. Overwhelmingly, the number of submissions that came in, as well as their own departmental recommendations, were for that road to be closed and rehabilitated. The minister overturned that decision unilaterally.

CHAIR—Is the road used for any purpose at present? Who travels on it?

Mr Sims—It is used by one or two so-called ecotourism organisations that short-circuit the rafting experience down the Franklin. They do this in a shorter time compared with another organisation which does not use the road but uses the whole of the Franklin for its rafting experience.

The Mount McCall Road is used by some of these local ecotourism organisations, but it is restricted use. The minister was pressured by the local community and these organisations to keep the road open. He went against, firstly, public opinion and, secondly, his own departmental recommendation to keep it open. No, it is not in the Tarkine. But like the world heritage area that is already listed, the Tarkine, which has been identified as worthy of world heritage nomination, and which has been twice recommended by IUCN for the Australian government to consider it for recommendation, is subject to many abuses which reduce its world heritage values.

The Commonwealth does have an obligation to protect the identified values of world heritage areas, and it is not doing that. It did not do it in the previous government's time under Paul Keating when a \$36 million road was put through the Tarkine by the state government, using part-Commonwealth funds, dividing a wilderness and reducing the heritage values of that area, which was contrary to the Commonwealth-state agreement. Senator Faulkner made it very clear to the premier of the day that this was a violation of the

agreement and that it should not go ahead. But the premier of the day decided to ram it through. It has been completed and it divides the wilderness, but it has not reduced the high quality wilderness values in the core area, fortunately, because it has the ability of being rehabilitated.

CHAIR—Given circumstances in which state governments have gone ahead, regardless of the Commonwealth's views on world heritage in particular, what sorts of mechanisms should be in place to allow the Commonwealth's protections to prevail? This committee has heard evidence time and time again about state governments ignoring Commonwealth world heritage requirements. How can we solve this problem?

Mr Sims—I suppose it gets down to the bottom line. The Commonwealth could say, 'We gave you \$5 million last year, and you are not obeying the code and the principles of the thing; you will not get any at all next year.' Perhaps money is the stick to wield. It is not like a child; you cannot beat it over the head—you can't even do that today. John Faulkner's problem was that, whilst he was exercising his role as the federal Minister for the Environment and through the agreement with the states, he basically was not backed up by his party, with the Tasmanian state Labor politicians saying to their federal Labor counterparts, 'Keep out, butt out; it's Tasmania's business. It's nothing to do with the Commonwealth. We don't want another state-Commonwealth fight.'

That attitude came from federal politicians representing the state. They were virtually being ultraparochial and telling the Commonwealth to butt out of something which really was a Commonwealth affair. John Faulkner, very rightly, made the point to the premier but, with pressure from within his own party, he had to back off. I think that is an example to highlight, because it shows you how the Commonwealth can be disempowered through the political pressures that you all live with, naturally, and that can railroad any good that may come out of Commonwealth-state agreements. The question is whether that can be done through legislation to tighten it up. Again, any legislation can work only if there is some punishment or penalty if you do not obey.

It is a bit like the road rules. You stop at a stop sign because you are not necessarily afraid of hitting another car—if there is no car there, of course you will not hit it—but afraid of getting a fine and a black mark against you. Perhaps the same thing could be issued to the states. Hit them in the pocket where it hurts—money.

CHAIR—In your submission you say that you have extensive archives about Aboriginal art sites in Tasmania and that these were ignored by the RFA panel. Given that the RFA panel has also ignored the natural tourism submissions as well, how do you account for this, and what is wrong with the RFA process that means that the evidence is not taken into account?

Mr Sims—The terms of reference were quite wide and the time frame given was insufficient to investigate all these various aspects that the parameters set up could cover.

CHAIR—So it is just a matter of the time frame. If you had had three months or six months, would it have been possible?

Mr Sims—It may not have been possible because of the way it was heading. Very early on the indigenous people were asked for input into the RFA. With the response by the indigenous people to that request, they could see that whatever was said would be used against them in view of the time frame. A lot of this area under investigation through the RFA had not been intensively documented or assessed from its indigenous cultural sites and values. A lot of the indigenous people did not really have first-hand knowledge about these areas. So there was not the time to do it. They pulled out of the process very early on.

That really excluded a whole community of people. A whole raft of information was excluded from the RFA and is still excluded from the RFA. Part of that were my records of the rock art in this state that I undertook in the early 1970s for the institute in Canberra. Of course, those records were not consulted because it was really inappropriate. It would have been done through the indigenous people and presented in that way but there was not time. That is why I was incensed with the recommendations by the panel on world heritage. They dismissed rock art as not being of significance.

Yet the development of rock art in this state since the sea level rose and isolated the state is a study of a culture that has been isolated and, therefore, these are 12,500 years of records of immense global significance. I and many others, including Professor Mulvaney and Rhys Jones, people of note in circles, would state very clearly that some of the rock art sites here are the best of the best in the world. Obviously the panel have not sought and had the knowledge to really make a proper judgment. It gets back to what I said before. The time frame was very short, particularly for that aspect of world heritage assessment.

CHAIR—Are you concerned that this rock art may be damaged by logging in forests or is it a question of the art not being adequately protected and recognised and becoming part of some broader picture?

Mr Sims—It is the latter because these do not occur in forest areas but in non-forest areas. That is not to say that they do not occur in forest areas. They do occur in forest areas in south-west Tasmania, which is covered by world heritage anyway. It is just the fact that they have been ignored and also the fact that the regional forest agreement looks purely at forests and not at non-forests. So there is that big gap in the assessment of the natural environment that has been overlooked, and that is in the non-forested areas.

CHAIR—What are these non-forested areas that you are referring to?

Overhead transparencies were then shown—

Mr Sims—The Tarkine area itself contains a lot of rock art sites on the coast because that is where they have been exposed. The area on the interim list and National Estate listed area is that within the heavy black line which was presented to the state and Commonwealth by the Wilderness Society for a world heritage area. That is known as the Tarkine. From the northern tip right down to the bottom part there are about eight art sites right on the coast. The only forests that are near the coast are in the southern part outside the Tarkine.

I can give you a good example of what has happened to the Tarkine since it was placed on the register of the National Estate. The red areas are available for logging under the RFA.

They overlap within the boundaries of the Tarkine. The very dark spot there is a recommended national park. It only represents five per cent of the total wilderness area. The rest is all available for mining. You can see the intrusions and incursions that are planned to go ahead in the Tarkine. You asked earlier: what are the problems? They are the problems. They are the real problems. Every one of those activities is a threat to the world heritage values of this area that have been identified by the panel—not all of them but some of them have been identified. I maintain that the Commonwealth still has a role to play in ensuring that those world heritage values are not destroyed.

CHAIR—Mr Sims, your assistant might point out where the forested areas are in the Tarkine. I presume they are not just those areas that are marked for logging.

Mr Sims—They are the logging areas. They are mainly eucalypt areas with a rainforest understorey, with the exception of that large red one to the west of the national park. That is rainforest, and all of that area surrounding the national park is basically rainforest. The change occurring is that the deep red myrtle is required now for the furniture trade. There was a moratorium on rainforest species for many years. That has been lifted and the old growth rainforest in that area is planned to be logged after 2002. That is based on an assessment to find out whether there are large areas of deep red myrtle outside that area. If there are, then it will not be logged, but we know full well but this has been clear-felled right now and chipped on private and public land. In other words, they are making certain that there will not be any standing rainforest left outside that area. That is what they will be taking. That is the largest intact area of temperate rainforest left in Australia.

CHAIR—And the area to the west with lots of blue mining dots—

Mr Sims—Yes, the white area.

CHAIR—Is that forest?

Mr Sims—No, that is actually heath country and mountain country. Basically, the forested areas are shown in red, with the exception of the little bit surrounding the black and that is rainforest also. The rainforest is only quite small. The top right-hand corner is basically the rainforest. The other bottom section is high mountains and high open ridges. Most of that forest was burnt in 1982, so that has gone. That is the forested area you are looking that. That is wilderness forest and the largest untracked area of rainforest left in the nation.

CHAIR—Can you explain about mining. Do the blue dots represent mining leases? What are the threats to the Tarkine of mining in this area in reality?

Mr Sims—The only excluded areas for mineral exploration and mining are national parks and state reserves. The only section in that whole area is that heavy black part. The rest is all open for mineral exploration and/or mining. There is a high prospectivity known as the Arthur Lineament, which runs from the coast virtually in a diagonal line right to the bottom left-hand corner. It just bypasses the national park. It is slightly to the west of it.

That is the area that is occupying a lot of interest at the moment with the magnesite deposits. There is a real threat that those deposits will be mined, in which case there will be roads that will go into wilderness areas. That will be a further destruction of natural values. The magnesite does occur outside of that area and that could be mined without intruding in the wilderness. One of the leases has been flagged right in the high quality wilderness area, as identified in the RFA.

CHAIR—We have almost run out of time, but there was something I wanted to follow up with you. In your submission you say that there is insufficient funding for proper management of world heritage. Can you give us some examples of where that funding is inadequate and what the effect of that is?

Mr Sims—I think it gets back to Senator Tierney's comment. I would like to see money put into this mediation, this aspect of having conciliation between the communities and the Commonwealth. They are the two extremes: the coalface and the Commonwealth—the Commonwealth making the laws and protecting these areas and the people at the grassroots having to live with it on a day-to-day basis. I would like to see some money put into that area, in addition to the money already given by the Commonwealth to the states for its normal management purposes.

The management should actually adhere to what the people are calling for, that is, the protection of the prime values that world heritage has been declared for, and that is wilderness and its cultural resources. Wilderness is a very fragile thing. It is very easily destroyed. Roads, overflying aircraft and inappropriate tourism are real threats to wilderness.

As a person who loves wilderness and who has been associated with the whole of the process, I will fight very strongly and dearly for the protection of that. That is one of its world heritage values that we hold very strongly and is of global significance—the best of the best. I thank you for the opportunity.

CHAIR—Thank you for coming today.

Sitting suspended from 11.04 a.m. to 11.32 a.m.

**NAGORCKA, Mr Ronald Osmond, Member, Bird Lovers of Black Sugarloaf,
RSD999A Denmans Road, Birralelee, Tasmania 7303**

Mr Nagorcka—I represent an organisation called Bird Lovers of Black Sugarloaf, which is a small community organisation that concentrates on the natural values of the Birralelee area. You could say that the organisation began to reflect community concern at a lot of things that were going on in the vicinity, and also to raise awareness of the environment of the local area amongst local people. That is what the organisation has since concentrated on doing.

CHAIR—We have your submission No. 210, which has been authorised to be published. Given that it is now 12 months ago, are there any alterations or additions you would like to make at this stage?

Mr Nagorcka—There are quite a few things I could add, especially after listening a little to this morning's discussions. I might continue talking about the organisation briefly, because I think it is relevant.

I have given each of you a small newsletter which we put out, and I invite you to open it up. In the centre of the newsletter there is in fact a map. This map shows you where Birralelee is and you can see that all of the dark areas are state forest. This is about 50 kilometres west of Launceston, north of the larger towns of Westbury and Deloraine.

As you can see, at Birralelee we are thoroughly surrounded by state forest and, inevitably, a lot of logging and forestry operations. Obviously, quite a few people in the local community—let us say half a dozen—are employed by forestry industries. The rest of the community, being close enough to Launceston, includes commuters to Launceston who like living in that sort of environment. It includes bee-keepers, artists such as me, quite a few small farmers, and retirees too.

A lot of people have moved there for the simple reason that Tasmania is a very beautiful spot to live and this is a very beautiful spot within Tasmania that is convenient to major cities. It is certainly one of the reasons that I live there. Even though you have to go up a two-kilometre, four-wheel drive track to get to where I live, which is in the middle of a forest, I am still within reasonably easy distance of either Devonport or Launceston. This is the sort of thing that Tasmania can offer to people from the mainland such as me. I moved here about 10 or 12 years ago.

The main thing that I would like to talk about, in extending our submission, is international conventions concerning biodiversity. My particular concern here—and it is something that I have been involved with in Tasmania with regard to the landcare movement particularly—is the problem of land clearing on private land. In this I include both land clearing for forestry operations and for agricultural purposes. It may sometimes be assumed that Tasmania has little problem in this regard, but it is still true that there is more agricultural land cleared in Tasmania than there are forests felled in state forests and that there are many species in Tasmania which could become threatened because of the clearing on private land. This was a matter that the regional forest assessment process dealt with to quite an extent

because they realised that, in order to meet the criteria of the forest assessment, they would need to reserve private land, and this would involve all sorts of matters such as compensation to landowners and so forth.

At the end of the regional forest assessment, there has been no compulsory acquisition of private land for conservation purposes. There is a voluntary system whereby land-holders who are approached to conserve values on their land may then go into some sort of agreement with the state government. I must say that I find this sort of approach to things completely unsatisfactory.

The whole matter of land clearing on agricultural land is something that, all over the country, obviously needs to be addressed. Tasmania has no controls whatsoever on the clearing of agricultural land. The sorts of provisions that apply in the forest practices code for the clearing of private land do not apply to agricultural land. You can do what you like. Queensland is the only other state that has no controls at all on land clearing. Very often when you hear about land clearing practices, Tasmania get missed out, because Tasmania often gets missed out, I suppose.

Another thing that happened during the RFA was that, because my partner and I own 50 acres of land, we thought maybe we could at least get our own land reserved for posterity because it is all forest and has, we believe, very high conservation value. There are no mechanisms as far as I know—there certainly were not at the time—for Tasmanians to reserve their own land in this way and for it to be given decent legislative backup. I still believe this is so, even though there is a land for wildlife scheme that has just started in Tasmania. I do not believe there is any further legislation being applied to this, so I very much doubt its value.

Not long after forming Bird Lovers of Black Sugarloaf, we discovered that a landowner in the area had decided to apply for some 1,000 hectares of land, which was the entire area of an adjoining ridge. If you look at the map, the No. 1 represents Black Sugarloaf, which is a small mountain, and then to the south of that there is another very large ridge called Black Sugarloaf Ridge. The landowner, who happened to be the husband of a government minister, wanted to turn 1,000 hectares of the whole of Black Sugarloaf Ridge into a private timber reserve. We organised a petition against this because private timber reserves are specifically set up by the Tasmanian state government in order that such places would not be subject to local government regulation. Without that sort of power, over 2,000 hectares were suddenly going to disappear from the control of the Meander Valley Council which, it seems to me, had every right to have some notion of interest in that area—it is a very prominent ridge seen from a tourist road—for tourist values, if nothing else.

Subsequent to all of this, we organised a petition asking that the local council object to this. We were not allowed to object to it ourselves because, under the legislation, only a council could object. No private citizens or community organisations had the right to object to this private timber reserve in their local area. We presented the petition: 60 local residents signed this petition. It went to the local council and the local council decided to object to the private timber reserve. The objection went to the forestry tribunal in the end and the objection was not allowed.

Subsequent to this, of course, recently Justice Crawford in the Supreme Court in Tasmania has declared that private timber reserves must be subject to local council regulations and that this was not a constitutional bill. I am not sure what he said about the legal niceties of the situation, but both the Liberal and Labor parties in Tasmania are now determined to change the legislation so that the former situation will apply and private timber reserves will not be subject to local government regulations.

Things happens to local communities particularly when large companies move in. For instance, the whole of the western side of Black Sugarloaf has been replaced by plantations, by Boral and North Forest Products. Birralee is quite a populated area. We get 60 people to sign a petition just from Birralee. A fair few people live there. The way forestry operations are done in Tasmania means lots of fire, smoke, chemicals and plenty of 1080. All of these things are things that local people object to. They object to them very strongly, but there is absolutely nothing you can do about them. For instance, the Tasmanian bettong is particularly vulnerable to 1080 poison. One of the bettong's strongholds is in our area. There have been sightings of bettongs in the area in the last 10 years. The laying of any 1080 on Black Sugarloaf, the mountain itself, is within the area where that bettong population could be totally wiped out in one night if those bettongs fed on those 1080 carrots. This may have happened. I have not seen a bettong for a while.

Going back to the land clearing question, we call ourselves a bird lovers organisation, and this is what I would like to concentrate on now. Birds are a very good indicator species of what is going on in the environment. They move around. My partner, Sarah Lloyd, could not make it here today, but she is an ornithologist. You could give her a list of birds and she could tell what trees and shrubs are in their area in Tasmania. She can tell by what they live in, what they feed on and so on. Birds are a very good indicator of what is going on in the environment.

There are particular worries about particular birds, not only in Tasmania but all over Australia. Some of those birds are particularly the species that live in the understorey—grass wrens and so on. Some 40 per cent of the species need large, old trees with hollows, for nesting purposes. Whatever other practices go on in agriculture and forestry in Tasmania, one of the things that happens, whenever anything happens, is that the large old trees, dead or alive, with hollows, are cut down. Whether they are cut down for woodchips or whether they are cut down for making bowls I do not care, but they are cut down. They are the most important habitat trees not only for birds but also for many mammals. We are losing them extremely fast, and it is an extremely worrying trend. I think you will find that, in any literature about the problems of birds in Australia, hollow-tree nesting species are of particular concern.

One other matter is the difference that, it seems to me, is not seen by Forestry or by most other departments in Tasmania: there is a big difference between biodiversity and threatened species. It seems to me that a threatened species is something that is about to go completely. Biodiversity refers to the numbers of species that occupy a particular area. For instance, if the western half of Black Sugarloaf has been cleared for plantations and chemicals are used to kill off every other possible type of vegetation, it seems to me that there has to be a significant loss of local biodiversity.

Local biodiversity is fundamental to the health not only of forests but of agricultural land, farms and crops. If we do not have our native birds to rid these places of pests then, of course, we have to use chemicals: this is known by anybody who knows decent land care practice. I do not know whether I have to say much more. To me, the situation is absolutely disastrous. The idea of the Commonwealth giving up its powers to do anything about it, particularly about land clearing, strikes me as idiotic, frankly.

CHAIR—You say in your submission, Mr Nagorcka, that the RFA process has been neither methodical nor scientific. How could the process insist on better science, and is that science available? Or are you saying that forestry should stop in these areas until we have the science?

Mr Nagorcka—The science needs to be done. The way that the forests were assessed was that people—admittedly, people with good knowledge—were sent out on roads in cars, with a pair of binoculars. They looked through those binoculars at forests in the distance and said, ‘Ah, that looks like a amigdalenia on dolerite with an understorey of *Acacia dealbata*.’ That to me is not an assessment of a forest, but that was the way that the Tasmanian forests were assessed, and the way that the RFA process was done.

CHAIR—How effective do you think that the national forest policy statement has been?

Mr Nagorcka—I do not think I have even read it. I do not know what you are referring to, I am sorry.

CHAIR—Okay. Have you had a chance yet to see the new Commonwealth RFA legislation? It was introduced a week or so ago.

Mr Nagorcka—No, I have not had a chance to see that.

CHAIR—You have talked a lot about your specific community’s lack of involvement in this process. To what degree has local government been involved? You say that local government has taken on board a petition, but then that failed in the courts. What sort of mechanism would bring local government into the process in a more meaningful way? How confident are you that local government has an awareness of conservation?

Mr Nagorcka—It has been very interesting in Tasmania, local government wise, recently—as you might understand. When I first spoke to the Meander Valley Council, there was a 5:4 agreement that something should be done about these matters. But, in subsequent times, it was almost unanimous that something had to be done about private timber reserves. In fact, the Meander Valley Council was responsible for taking the government to court over this matter of private tender reserves and winning.

However, the Meander Valley Council is about to be abolished in the current round of amalgamations. Birralea and Black Sugarloaf will become part of the Launceston Council. I have no idea how this is going to affect us or what is going to happen. I saw in local councils a much stronger awareness that something needed to be done about the environment they were managing. In the Meander Valley it was looking as if something like 30 per cent

of the municipality would be in private timber reserves, and councillors were rightly worried that they would have no control over all of these areas.

Senator TIERNEY—I want to link that point to two of your earlier statements that councils worried that they did not have any control over it and that the Commonwealth's giving up land clearing powers was idiotic. In the light of those two statements, could you explain to us your view on what you think the appropriate balance between Commonwealth, state and local government powers should be?

Mr Nagorcka—I have long held the view that state governments are a complete waste of money and should be abolished immediately, and that there should be a decent system of local government, based on geographical and social units that make sense. I do not think that we have had that in this country for a good 200 years, do you?

Senator TIERNEY—So you think we should have a regional system of government?

Mr Nagorcka—A regional system of government, with a Commonwealth government that basically makes our laws: a regional system where people can be listened to. Maybe Tasmania would be one of those regions. It may well be that Tasmania is a place that probably needs to be divided more than that, simply because it has so many small bio-regions within it, all with different environments, ecologies and social orders.

Senator TIERNEY—Given how entrenched the states are, you would probably end up with four tiers of government and possibly even more confusion, if you went down that path. Given your preference for a higher level of Commonwealth power—and you did particularly mention the land clearing issue—and given my seven years of looking, from where I sit, at the Commonwealth trying to grapple with what it has to do now, do you really think that we could better serve the nation by trying to look after what is happening to every plot of land across the whole of Australia?

Mr Nagorcka—The question of land ownership and land control is one of the most fundamental issues that this country has to face, and it is about time it faced it fairly and squarely. This relates to many issues, including native title. Especially, the idea that is so prevalent in Tasmania that a landowner should have the right to do whatever he or she likes, no matter what this does to the environment or what the effects are on the neighbours, is just barbaric and should be stopped; and the Commonwealth government should stop it.

Senator TIERNEY—Across the whole of Australia, we should be managing all these tiny regional units?

Mr Nagorcka—Across the whole of the country, you should be doing a lot of community consultation to see how local areas should be managed, but you should be making laws that govern how this is done and those laws should make it very clear that international conventions on biodiversity are going to be honoured. They are certainly not going to be honoured if we do not stop land clearing.

Senator TIERNEY—Another possible way might be to move it back more to the local level, rather than to move it to—

Mr Nagorcka—I would like to see it happen in both directions. The states should devolve power up and down, basically.

Senator TIERNEY—You mentioned the lack of power your local government has over what is happening in your own area in relation to land use. How would you change that, to bring about the sort of situation that you are after in terms of local government power?

Mr Nagorcka—It would seem to me that, under whatever regime you have, local governments have a certain amount of power granted to them by higher governments. In the case that I have described, the local council did exactly what it should have done, in my opinion, and the people of Birralee felt that they were being given a voice—and this is most important. That is why what is actually happening in Tasmania at the moment with council amalgamations is not a good move. In fact, everything that is happening in Tasmania at the moment is not a good move, because people feel disempowered. We have less representation in parliaments and in local governments. Being able to know the local person who represents you on the local council is something very important to people. This is being taken away from them.

Senator TIERNEY—That is interesting, given that Tasmania has a little under half a million people, and yet you have got 12 senators, five members of the House of Representatives, plus the state parliament and a local government structure. I think I saw once that Tasmania had more government representatives than any other area on earth—and you are still saying it is actually not enough.

Mr Nagorcka—I did not say it was ‘not enough’. I said that it is being reduced, and I do not like that. I do not think that Tasmania should have 12 senators, no. I am basically Democrat. I am specifically talking about how people feel about local government representation. The state government can be abolished, for all I care.

Senator TIERNEY—Your particular interest is in the protection of wildlife. How do you think local government powers could be changed to enhance the protection of local wildlife?

Mr Nagorcka—In relation to the powers that they have, or to what they should do?

Senator TIERNEY—You mentioned the threat to a number of species in your own area, for example.

Mr Nagorcka—When it gets down to the threat to biodiversity, which is the subject of an international convention, when dealing with species that are threatened, that would be something I might let my local council be aware of, but I think it is a responsibility for higher than a local council. It is a national responsibility.

Senator TIERNEY—Of course, we have brought in a new bill on biodiversity. Your concern was more for the protection of species, as you indicated earlier.

Mr Nagorcka—No. My concern is definitely with biodiversity. What I think happens is that the issue of biodiversity is diverted into the issue of threatened species. In a timber

harvesting plan in Tasmania, the question of biodiversity is always a matter of writing down 'No threatened species', but that is not the same thing. Protection of biodiversity is the protection of the forms of life in the area, and threatened species may or may not come into it.

Senator TIERNEY—If you have not had a chance to look at that bill yet, perhaps the committee could send it to you, and you might wish to comment on that to the committee.

CHAIR—Can I ask you, Mr Nagorcka, about the land for wildlife scheme—which you say has just commenced in Tasmania. In Victoria, we have a similar scheme, which has quite strong protections in terms of covenants on private land. I think it is the strongest in Australia.

Mr Nagorcka—So I believe.

CHAIR—Is that something you would like to see a national approach taken on?

Mr Nagorcka—Absolutely. That is exactly what I mean.

CHAIR—With the Commonwealth involved in that kind of legislation?

Mr Nagorcka—Absolutely. I think you need legislation that makes it clear what the values are that we are to uphold. This would mean legislation about land clearing. But, of course, you would have positive steps to encourage people to look after their own land. A farmer who wrecks his own biodiversity is not doing himself any favours. Frankly, very often I do not know how you get through to them, but we must, and of course that is a Commonwealth responsibility as well.

CHAIR—Is there anything further you would like to add?

Mr Nagorcka—No, I think that is all.

CHAIR—Thank you for coming today.

Mr Nagorcka—Thank you.

[12.01 p.m.]

GRAHAM, Mr Alistair Menzies, Tasmanian Conservation Trust, 102 Bathurst Street, Hobart, Tasmania 7000

ROWLANDS, Mr Arnold James, Secretary (Correspondence), Tasmanian Conservation Trust (North-West Branch), PO Box 107, Ulverstone, Tasmania 7315

CHAIR—Welcome. The committee has before it submissions Nos 178 and 179 which it has authorised for publication. Before we invite you to make some opening remarks, are there any additions or alterations you wish to make to those submissions?

Mr Graham—There are no additions or alterations but, due to the passage of time, there are some supplementary comments we would like to make, particularly relating to the discussion of the Environment Protection and Biodiversity Conservation Bill 1998 before another committee. I apologise for the absence of Michael Lynch. He was called away interstate and could not make it today.

Mr Rowlands—There are no additions or alterations that I wish to make to the original submission I made, but I would like to make some comments with respect to Senator Hill's discussion paper. I would also like to make some comments about my experience with the regional forest agreement and cite other examples of communities being affected by the RFA, particularly in my own area.

CHAIR—Please feel free to do that. I invite you to make some opening remarks.

Mr Graham—First, as has long been a concern for not only the conservation trust but also the environment movement more generally, the absence of any specific head of power to deal with the environment at either state or Commonwealth level is an historic problem. It has long been a wish of the environment movement that the constitution should be amended to make it clear where those responsibilities for environmental concern should lie. It is getting close to 100 years since the constitution was first put into place and environmental concerns have become more prominent in the community since then, and we feel there is strong justification for having that reflected in the basic rules of engagement of our principal government.

In the absence of that, it is inevitable that there will be conflict between the different levels of government in Australia and, to our mind, we ought to be trying to set up arrangements to manage that conflict rather than imagine that in some way we can actually resolve or cease that conflict. From that perspective, it is our view that the Commonwealth should retain or seek to establish a reserve responsibility for the full range of environmental concerns which the community might express. Sadly, the responsibility to date has generally come by virtue of the exercise of the foreign affairs power by the Commonwealth, such that the responsibilities largely relate to international agreements rather than to the wishes expressed by the community. Although it is welcomed that those responsibilities are exercised by the Commonwealth, it is in no way the most desirable way in which those responsibilities should arise—a view which we are aware is held by the present government.

We hope to have a good opportunity to discuss with them, with respect to this new legislation, the appropriate way for maturing that arrangement for the proper exercise of responsibility by the Commonwealth.

Having said that, there are a number of things which have arisen from the intergovernmental discussion of the division of roles and responsibilities between the different levels of government which your committee has been considering over recent months. These are reflected in the bill, and I would like to express our views on them. Firstly, we generally appreciate that the bill seeks to set in law the general understandings which have been reached by policy and intergovernmental negotiation over the years. Although the enactment of such a law might not make things much worse, from our point of view, in terms of seeing the Commonwealth resiling from the exercise of its environmental responsibilities, it is most undesirable that it should seek to entrench an unacceptable status quo rather than seeking to be the progressive legislation which we were promised by the minister that it would be.

In that respect, we would like to express our extreme disappointment at the apparent failure of the government to translate its rhetoric about wanting to bring forward the most progressive bit of environmental legislation. In my opinion, it has not effectively tried to bring in the kinds of environmental arrangements which one might have seen 20 or 30 years ago, and that is regrettable. For example, the provisions for public consultation in the exercise of the minister's approval powers and responsibilities with respect to activities or actions of potential environmental impact are actually regressive rather than progressive. There are some very exciting and interesting innovations at the state level since the Commonwealth legislation was first put in place, particularly with respect to innovations like the Land and Environment Court in New South Wales and the new resource management and planning system in Tasmania. We are disappointed that our submissions that these principles from this legislation ought to be reflected in any progressive Commonwealth legislation have appeared to have fallen on stony ground. We hope that some of these measures may well be resurrected in the process of discussing the bill in committee.

Another of the particular areas of concern is the prominent attention given to bilateral arrangements and agreements in the bill. It has become fashionable in dealings between the Commonwealth and states to come to effectively secret arrangements between governments by using ordinary intergovernmental processes which are, by their general nature under the Westminster system, secret from the point of view of non-bureaucrats like us. This has been a terrible frustration to us. The principal interactions between the different levels of government on environmental matters have effectively ceased to be a matter of public debate, a matter of public knowledge, and a matter of substantive discussion within the wider community. This was initiated with the signing of the intergovernmental agreement on the environment by the late unlamented Hawke government and has been entrenched by every subsequent administration since. There has been no discernible difference with respect to the performance of either major party in or out of government with respect to what we see as an abject abdication of their responsibilities by coming to secret agreements with states to notionally discharge their responsibilities.

This general approach is proposed to be entrenched in legislation. That would be most unfortunate. There is a regrettable lack of public consultation when it comes to scoping the

extent of potential environmental impact. There is a regrettable lack of consultation when it comes to seeking the views and opinions of those people in the community with respect to what might be a significant consideration when it comes to assessing a project. There is a lack of invitation to consult when it comes to deciding what level of assessment and action might be given; and so the list goes on.

Perhaps even more regrettable is the absence of third-party or civil enforcement rights and opportunities with respect to those agreements. While the principle and the idea of the negotiation of a bilateral agreement between the Commonwealth and another party to secure environmental outcomes to the satisfaction of the Commonwealth might be a sensible idea, no-one can reasonably expect the proper implementation of such an agreement to be simply left to the Commonwealth. At a time of downsizing of government, it is quite unrealistic to think that the government can maintain an oversight and capacity to enforce agreements growing in number, complexity and variety across the country.

We would very much like to see the responsibility for such enforcement and compliance to be available to those groups and individuals, such as the Conservation Trust, in the community who are fit and able to do so. It is our patch where these agreements are, it is our expertise that knows what is going on in those areas, and we feel that we are more fit than the Commonwealth to actually exercise those responsibilities. Again, we would very much like to see those responsibilities made available to the wider community in a manner which I have to say is entirely consistent with coalition policy and philosophy, that the community should be allowed to take more responsibility for its own affairs.

It has to be said that we are somewhat disappointed to see a Liberal administration engaging in a proposal for such illiberal exercise of ministerial responsibility in the exercise of its powers. A good example of this is the regional forest agreement. The regional forest agreement process is just another agreement within the terms of the bill put forward by government. If our experience under such an agreement is anything to go by, we can only be extremely alarmed at how a Commonwealth government can be expected to exercise its powers if it remains beyond the scope of civil and third-party enforcement.

Having said that, there are some interesting innovations and improvements which we do appreciate. Probably the most important one is that threatened species and threatened communities conservation are to be identified as a matter of national environmental significance. This is a very significant step in the right direction, and the government is to be commended for moving in this direction, but there is a concern that the legislation ceases to entrench a somewhat restrictive list of matters of national environmental significance which denies the reality of the emerging community concern for the environment. It has to be said that probably the most serious and glaring omission is the failure to include land clearance as a matter of national environmental significance likely to have significant impacts on the environment. Another obvious one is climate change.

To my mind, it is most important that not only is that list of matters of national environmental significance in the bill upgraded to reflect a reasonable and ordinary understanding of what people do regard such matters to be but also, and perhaps more importantly, a process is put in place in legislation which allows for the addition of matters of national

importance to whatever list may actually be adopted. I think it is most important that environmental legislation maintains that level of flexibility.

The one thing we know is that we do not know what the next generation of environmental issues will be. If we did know, they would not happen. But history tells us that there will be things we get wrong or we do not appreciate and they come to be serious problems later down the track. Propellants of conveniences of modern life causing holes in the ozone layer is perhaps one of the best examples of recent times. It took 20 years for scientific advice to get through to policy makers that we had a problem, by which time we had created a serious problem that will result in the deaths of many people, especially people in southern climes like Australians. We desperately need flexibility and openness in our environmental legislation such that we can deal with new and emerging problems before they become disasters.

Having said that the way threatened species are dealt with in the proposed legislation is encouraging and innovative, again, as Mr Nagorcka was saying before, how biodiversity conservation in general is dealt with is a little less satisfactory. It was my honour and pleasure to be employed for over a period of about 10 years to ensure the development and implementation of the Convention on the Conservation of Biological Diversity. This bill that has just been introduced purports to implement that convention, among other matters. There are a large number of holes in the extent to which that has been done. I will not go into the whole list, but some of them which are just a little disappointing are, firstly, that the Commonwealth does not establish for itself a responsibility to actually ensure the inventorying of biodiversity assets is done. It says that the minister may facilitate the development of such an inventory by making grants available to people, but it does not establish the responsibility to see that that work is done, which it should have done.

Another significant omission is the responsibility to ensure that genetic resources are properly owned, managed and controlled. It has been our submission that the proper development of genetic resources represents a substantial non-destructive exploitative development opportunity for biological resources in Australia. We are the one country on earth which is both mega-biodiverse—that is to say, we have an identifiably large proportion of the world's biodiversity within our jurisdiction—and also technologically advanced. In other words, we actually have the technological capacity to exploit that in the development of new materials useful for human wellbeing. It is a matter of profound regret to us that the government has not seized the opportunity which is offered by the entry into force of the biodiversity convention to exploit a whole new range of powers of ownership of such resources. We were looking to see some part of this legislation which would do that, and it has not done so.

CHAIR—Mr Graham, could I just invite you to confine the rest of your comments to a fairly short time frame so that we give Mr Rowlands a chance and there is a chance for us to ask you questions too.

Mr Graham—My apologies. Two quick points. First, it is very nice to see the IUCN principles and IUCN reserve categories reflected in legislation. This is a very good step in the right direction. It would be nice to see a little additional bit which made it easy to revise

those principles and categories in so far as IUCN might change its materials so that again we do not get left behind as the agenda develops.

Also, it is disappointing that local government does not get more of a mention. We appreciate the constitutional difficulties of Commonwealth legislation setting out a role for local government, but it remains our view that the potential for local government to play a significant role is developing all the time and we would like to see the development of programs and measures, through Commonwealth support and encouragement, which will see that role being fulfilled as best it might.

CHAIR—Thank you very much. Mr Rowlands, would you like to make some opening comments?

Mr Rowlands—Do you mind if I read out from my notes that I have made on Senator Hill's discussion paper?

CHAIR—Go ahead.

Mr Rowlands—The reforms expressed in the paper represent a continued retreat by the Commonwealth from its environmental responsibilities. There is little in the paper that evinces the strong leadership role for the Commonwealth which is necessary if Australia's natural environment is to be effectively protected. Under the guise of efficiency and the reduction of intergovernmental duplication, the paper makes it clear that the Commonwealth is committed to devolving as many environmental matters as possible to the states through a mechanism such as the bilateral agreements that Mr Graham was talking about.

The Howard government's environmental track record shows a clear trend of surrendering of Commonwealth powers to the state and to the increasing influence of industrial interests. The regional forest agreement is one that I have been personally involved with last year. This is a clear example of where the Commonwealth government has devolved responsibility to the states. The outcome was to obviate the need for licences for woodchip export quotas and lifted all requirements for licences. As a result, it has allowed unlimited woodchipping in Tasmania. As a consequence, there is a lack of protection of old growth forests and rainforests that are outside the world heritage area and national parks.

I might come back later and talk a bit more about that, particularly in relation to communities in my area, one example in particular. I will go on and read the other comments. In the discussion paper, of major concern is the limited list of matters of national environmental significance for which the Commonwealth has a direct responsibility. This is in clause 1.1. There are only seven on the list: the world heritage areas, Ramsar listed wetlands, places of national heritage significance, listed endangered species and communities, internationally recognised migratory species such as whales, nuclear activities and marine management. In the paper, it is most instructive that the issues that have been left out—this is most noticeable—have included greenhouse gas reductions. There is no mention of that at all. Also, land clearing and land degradation are not afforded status that requires the automatic involvement of the federal government. For example, a state could build the world's largest greenhouse gas emitting power station and the Commonwealth would have forgone its right to assess its impact.

The new legislation does not cover any of Australia's significant native forests, as the Council of Australian Governments, or COAG, has already decided that areas under the regional forest agreement will be exempt. The example which I have just given about the Tasmanian regional forest agreement illustrates that point. Considering that more than half of Australia's terrestrial biodiversity occurs in forests, one wonders what the new Biodiversity Conservation Act will actually protect.

Finally, survey after survey consistently shows that Australians want the national government to have more power to act more decisively on the environment. It is clear that when the community thinks of major national responsibilities we now think of the environment as well as the economy.

Coming back to the regional forest agreement, we have heard this morning about the Black Sugarloaf community and also the Reedy Marsh community and what problems they are having in trying to stop the logging of forests on Black Sugarloaf, which highlights the complete lack of protection the regional forest agreement provides. I think we have found the same sort of thing recently in the Burnie area, where an area of land in the Cam River Valley, which is actually listed as a tree preservation area by the council, is being logged. Because of this problem, this anomaly, that the council has no control over what Forestry Tasmania does, the logging has proceeded. The company involved was North Forest Products, employing a subcontractor, David Parsons, to do the logging. This has actually raised the ire of the local community to such an extent that we had a meeting which 170 people attended two Sundays ago. There is tremendous angst in the area because of this. People have bought their blocks of land because of the bush in that area. They have found that the bush is being logged and one of the reasons for living in the area was being destroyed.

This is an example that the regional forest agreement is probably good news for the logging companies but is bad news for conservation. It has only given a very small area for a national park, that is, the Savage River National Park. It has given 27 minute extensions to existing national parks and there has been one name change. On the surface it looks really good. 'You are getting 29 new national parks and reserves,' is what we have been told. When you study the map that accompanies the signed regional forest agreement, the one that was signed by Mr Howard and Mr Rundle, you discover that in fact vast areas of logging zones on that map have no protection whatsoever. The only protected areas are the small Savage River National Park, about 18,000 hectares, 26 minute reserves, which are extensions to existing national parks, and one name change in the Tasman Peninsula.

I believe the public have been led up the garden path on the regional forest agreement. It is a complete fraud when you study it. It offers no protection to biodiversity, no protection to ecosystems and no protection for old growth forests. In spite of the fact that the proponents of these companies make out that trees are renewable, they do not understand that old growth forests are not renewable. They take hundreds of years to develop, to create their ecosystems, their biodiversity, and it is not just a matter of a rotational period of 20 or 30 years. The loss is irretrievable. Once these old growth forests have gone, they have gone forever, and this regional forest agreement is allowing that to happen. It is a disaster for conservation. How can we stop this and reverse it? I hope we can before it is too late. There

is a 20-year duration for the agreement, and in that time we could very well lose all our old growth rainforests outside of world heritage areas and national parks. It is not good news.

CHAIR—Are you aware that the federal government has recently announced grants for public awareness of the RFA process? Will your trust be making an application for one of those grants?

Mr Rowlands—Public awareness of the RFA?

CHAIR—Yes.

Mr Rowlands—Yes, I think I was aware of it. I cannot see any point in that because a study has been done. In fact, the Conservation Trust has done a study on the regional forest agreement—the signed final document. That shows that the CAR criteria—that is, the comprehensive, adequate representative criteria—for the reserve system has not been met. It falls far short of it in the final regional forest agreement. That has been documented by the Tasmanian Conservation Trust. That documentation shows a lot of other shortfalls and failings in the RFA. I do not know whether an awareness would really help because we are aware of what is happening anyway. As far as I am concerned, the federal government needs to revisit the regional forest agreement in Tasmania and take on board all of the submissions that were made by conservation organisations which were hardly included in the final RFA; they were virtually ignored.

CHAIR—Mr Graham, your submission suggests that there is a need for accreditation by the states of Commonwealth processes. You have had a chance now to look at the new legislation. The government says that that is what this legislation is about—accreditation of the states and agreements by which there is a shared responsibility. To what degree does the legislation fail in your understanding of what an accreditation scheme should be?

Mr Graham—The main thing is that, yes, the principle is in the new bill but the practice is not progressive. One of the key concerns we have is the commitment to public consultation, public awareness, transparency and openness in what is done. It has always been our view that daylight is the best antiseptic when it comes to government behaviour and we are suffering from a severe lack of it at the moment; such that the exercise of that responsibility is not likely to be well discharged if it is not wholly transparent. And, as I was saying before, our experience post-IGAE has been that governments relish the opportunity to do very bad secret deals. We were assured that measures would be in this legislation to satisfy our concerns about transparency and accountability; they are not there and, as such, I think this would probably be the single most alarming and disappointing aspect of this bill. It is simply not progressive with respect to transparency and accountability.

CHAIR—I was interested in your comments about the secrecy with which so many agreements are now struck between the Commonwealth and the states. Are you suggesting that it is not appropriate for those two levels of government to come together and reach agreement or, if they do, what is the best way to entrench a more open process and to allow input from other bodies?

Mr Graham—As long as we have our present federal system of government it is inevitable that that will be an important mechanism for governments in their dealings with

each other. But the important point is that the Commonwealth needs to take the lead in ensuring that those dealings are accessible to the wider community; that they consult with the wider community with respect to how they should exercise their environmental responsibilities; what environmental responsibilities should be exercised; and that they involve that same community in ensuring that those responsibilities are properly exercised. It is not a matter of saying the mechanism should not happen; it is all a question of how the mechanism happens. That is the key thing.

At the moment we have to say we are somewhat stunned at the lack of preparedness by the Liberal administration to involve a community in the decisions of government. As I was saying before, this is seriously regressive to the extent that it does not build upon some of the more innovative arrangements in developing legislation which various state governments have developed over the last 20 years.

CHAIR—You cite, in particular, the Western Australian environment assessment scheme. Is it possible for you to expand on that scheme?

Mr Graham—No. I do not know the details of that scheme at all. That submission was prepared by the environment movement as a whole.

CHAIR—The suggestion and the proposal too is that any person ought to be allowed to refer a proposal to Environment Australia for determination as to whether it is of national or international significance. Your submission outlines a process and some information which might be included and detailed in the legislation as having to be required. Is there a model for this kind of involvement by the community elsewhere, as far as you are aware? How common is this?

Mr Graham—Again, I have to say my personal experience is limited but, if you look at the way the Land and Environment Court works in New South Wales or the way the new resource management and planning system works in Tasmania, we have enough experience from these kinds of mechanisms to reliably conclude that concerns of governments about a myriad of frivolous and vexatious propositions by individuals and groups because they had open access to the system are not warranted or justified. Certainly, in Tasmania, there have been three reviews of the new planning system since it was put in place only five years ago—all of which have given it a clean bill of health with respect to being efficient in delivering good outcomes in good time through good process. To my mind, those kinds of arrangements which give open access ought to be commended. Governments cease to be authoritarian arbiters and become the facilitatory guardians of process.

It is our view that governments—especially Liberal governments—ought to be encouraging that kind of role for government. They should not be setting up ministers to be little kings of their empires. They should be setting up arrangements which allow the community to get on and do its own business according to the rules which governments set.

CHAIR—You say in your submission that Commonwealth funds should enhance environmental protection—if that is their purpose—rather than substitute for state moneys in this field. What is the example in Tasmania of the Natural Heritage Trust Fund in respect of replacing and cost shifting state moneys?

Mr Graham—I think we have seen two different kinds of problems with the way the Natural Heritage Trust has been operating—in Tasmania at least. Our understanding is that the situation is generally the same throughout the country. One is that state governments have engaged in a massive amount of cost shifting, within both primary industry and environment agencies, by simply applying for projects that do things which are within their constitutional responsibility or within their legal responsibility. The Commonwealth has been generally unsuccessful at trying to beat back the tide.

The second one is that the projects which have been approved have generally been of little discernible progress, either within a particular local area or strategically. Our great concern is that, by the time we have spent a third of the Telstra money, we will not really have much to show for it in terms of any great movement in the right direction. Indeed, we will have bred a culture among our land-holding community where they expect a cargo cult mentality, they expect government to pay them to do those things which ought to be done as part of their general rights and responsibilities as title holders for the Crown.

CHAIR—Do you have anything to add to that question of cost shifting and the Natural Heritage Trust Fund, Mr Rowlands?

Mr Rowlands—I agree with what Mr Graham says about lack of consultation by the coalition government and lack of transparency. The signing of the RFA happened very quickly indeed. Perhaps I should not say so but it seemed almost like a conspiracy between the politicians and the logging industry to get what they wanted. There was very little transparency and we did not know what was going on behind the scenes. One day we thought that we had a good system, an RFA that had great potential and it had been doing the right thing for the forests, and the next day when it was signed we realised that all these forests had virtually been given to the logging industry. It was a sell-out. That is how it came over. There must have been something going on behind the scenes between the politicians and the industry. So the industry got its way and conservation lost out.

Senator TIERNEY—This whole area of regional forest agreements came up for the first time as a very major area of debate in parliament in about 1995, so it goes back about three years. Can you explain, in the three years since the whole issue came up of signing regional forest agreements and now their signing, what community consultation took place and what could have happened differently to enhance the community consultation process?

Mr Graham—One of the key things is that we have been consulted to death. The Tasmanian Conservation Trust was the recipient of a grant from the Commonwealth, totally unsolicited, to invite it to participate in the development of an RFA in Tasmania and to encourage others to do so. You cannot fault them for inviting you to talk, but the problem is that they pointedly took absolutely no notice. If you have arrangements which allow governments to talk to each other without any degree of accountability to the community, they will quite naturally engage in perverse and unhelpful outcomes.

The Tasmanian RFA is a wonderful example of that. Your government is going to spend \$70 million encouraging more wood production from a larger area than ever before, which is an utterly perverse outcome. We have been telling that to everyone who will listen, but there is no-one—no minister and no official at either level of government—who will even give

you the courtesy of replying to your correspondence or an acknowledgment of receipt of your submission. It has been one of the most disgustingly unhelpful processes I have ever been involved in.

That attitude is allowed to pervade because the government gives very clear political instruction to its officials that they do not care what is in the agreement as long as they get one, as a result of which state governments can write the cheques, they can write the agreements and no-one says boo. In order for that to be sustainable they keep it completely secret, and that is a problem.

At the state government level, industry is around the table, because that is the nature of state government politics, but community and conservation interests, with the exception of New South Wales, are not round the table. So we have no opportunity whatsoever to have our views or opinions put in a forum where anyone is obliged to take any notice.

Senator TIERNEY—The outcome in New South Wales was that a whole lot of industries collapsed across regional Australia and a whole lot of towns are now collapsing in my area because of the RFA.

But, if we can get back to your process here, I took it from your earlier comments that consultation was not happening, but now you are saying that you were given this grant money to bring about a consultative process. You are obviously not happy with what government has decided in the end. Can you just explain a little bit further the actual consultative process and how that ended up in terms of input to the governments?

Mr Graham—The situation in Tasmania is unique because we have an interesting institution called the Public Land Use Commission, or it was called that then. The functions of the Public Land Use Commission have now been enfolded into a new institution called the Resource Planning and Development Council. It has a responsibility for advising government on how land allocation and use decisions should be made with respect to public land. They were given the job of facilitating consultation between the community and the government officials from various agencies in their little groups.

The consultation process went very well. The Public Land Use Commission took its responsibility very seriously. On our behalf they negotiated within officials' meetings for access to information, for reports to be published, and in many cases they succeeded. They also did a superb job of ensuring that the concerns we had raised were reflected in the officials' meetings.

It is one of the best consultation processes I know of, but where you do not have any generosity of intent or honesty of purpose among the officials involved, you cannot benefit from that consultation. All that governments have succeeded in doing is breeding a climate of intense bitterness in the community in Tasmania. I am sorry to say that governments of all persuasions will suffer from that for some time. You have seen it from the comments presented here that there is enormous bitterness and resentment at the failure of governments to do what was right and to do what they were asked to do. We have seen that in the extent to which they have perverted their own instructions from cabinet about what they should do. They have got away with it because ministers could not care whether they did it or not.

Senator TIERNEY—Governments have wider responsibilities and part of those responsibilities include employment. You have a state that has the highest unemployment rate of any state in Australia. We were here on a regional unemployment inquiry several weeks ago and we were given evidence of the state of unemployment generally and youth unemployment across Tasmania. The fact is that with projects like Wesley Vale, where conservation movements succeeded in stopping it 10 years ago, we are now seeing the unemployment consequences of that.

Would you not agree that as well as consulting with the community, that state governments also have a responsibility to try to get some sort of balance to make sure that industry, in a state which has a great lack of industry, continues? You might take into account your praise of the New South Wales government. The outcomes of their RFAs, which you seem to like, is creating unemployment and the collapse of towns in rural Australia, particularly in my area.

Mr Graham—The responsibility of governments to do that is fully acknowledged. But one of the utterly perverse ways in which forest policy is being conducted ever since the national forest policy statement was concluded is that governments have behaved in a way which is calculated to minimise employment in the forest sector. We have seen that with the proposed closure of the Amcor mill at Burnie in Tasmania at the same time that North is set to double the level of woodchip export. This is a direct result of the determination of your government to remove quota ceilings on woodchip exports.

Senator TIERNEY—Wouldn't another explanation be that the Wesley Vale decision is an example of how investment might be scared away from northern Tasmania? You have got an old mill and re-investment has not occurred and new mills have not started, such as Wesley Vale. You seem to be blaming the government but shouldn't the conservation movement carry some blame for scaring investment away from northern Tasmania?

Mr Graham—I wish it were true, Senator, but it isn't. The reality of the matter is that you could not get the investment for Wesley Vale for an industry based on native forests. The year after it collapsed, when the industry was engaged in lots of discussions about what went wrong, I had the luxury of being the only conservationist at a special meeting of 400 people from industry in Sydney who were talking about how to go about getting a \$1 billion pulp mill up in Australia. They had the major projects manager of a major bank in Australia get up and say, 'I am sorry, but a mill based on native forests is simply not bankable.' The industry has had this message for a very long time, and it does not hear what the people who really matter have to say—not us, but the people who are going to put \$1 billion on the table. They will not put serious money on the table for a pulp mill based on native forests.

Senator TIERNEY—That is a pretty glib explanation, but the Canadian backers went a long way down the track to try to do it. Why did they even start if what you are saying is correct?

Mr Graham—Because anyone will try it if you can pogram the institutional arrangements of the country so far down that we have the same kind of environmental standards as Chile, we have the same kind of—

Senator TIERNEY—No-one is suggesting that, and you are surely not suggesting that that was going to be the case. That was never going to be the case.

Mr Graham—Oh, yes, it was going to be the case.

Senator TIERNEY—Rubbish! If we could move on.

Mr Graham—I think you need to understand that if you want those kinds of investments, you need to do them in a way which is cooperative with the community. If you do them in an antagonistic way, it adds real costs. As we have been pointing out for years, if you want these kinds of investments, they are available from a plantation base; they are not available from a native forest base.

Senator TIERNEY—I think they were in areas like Indonesia. In effect, what stopped it here was the creation of pulp mills with much lower standards in other areas to our north, which is not good for our northern neighbours.

Mr Graham—Again, I wish we were so influential, but it is simply not true.

Senator TIERNEY—That is exactly what happened. You seem to be very ungenerous in relation to state-Commonwealth negotiations as well. Wouldn't it be true to say—not just on environmental matters but on any bilateral matters between state and Commonwealth governments—that the process in any area of agreements, state to federal, has never been totally open? You might argue that it should be. You seem to be indicating for some reason that it was because it was an environmental matter that they were being so secretive, but isn't it true to say that this is the way that state and federal governments conduct bilateral negotiations on any issue between them? Do you see this as being different in any way?

Mr Graham—Yes and no. I cannot say because I am obviously intimately familiar with environmental negotiations but I am not intimately familiar with Medicare or other areas of intergovernmental negotiations. It is certainly true that at some level governments have a reasonable expectation of being able to deal confidentially with each other. Our experience is that that limited right and expectation are essentially being expanded to include every aspect of those discussions such that, as I was saying before, daylight has been extinguished and rotteness has set in. I think we are now, with respect to environmental issues at least, way beyond the level of proper balance, that the overly secretive nature of the discussions has allowed for perverse and bad policy in environmental outcomes to become the norm because they have entrenched this secretive environment within which they do not deal with us at any level, they do not tell the community at any time what they are up to.

Senator TIERNEY—You have a very ungenerous interpretation of the way state-federal relations work. I have no more questions, Madam Chair.

CHAIR—A number of people have said to the committee that the accreditation of the states, this devolution of powers to the states, will result in a competitive arrangement between states whereby we go to the lowest common denominator in terms of environmental protection. Is that your fear as well, and would you like to expand on that question?

Mr Graham—Certainly, it is a great fear. As I said before, the principle of accreditation is not of itself abhorrent, but the concern is indeed that if the Commonwealth does not set out concrete benchmarks against which to measure other performers, both state and local governments but also private and corporate entities, if there are no concrete benchmarks which represent best practice at any government level in Australia, then indeed you are correct. We will just slump down to the lowest common denominator by the process of secret negotiation and unenforceable agreement. We need openness of process, enforceability of outcomes and proper benchmarking. If we do not have those then accreditation ceases to be an environmentally effective means of government administration.

CHAIR—Thank you. You say in your submission that Hinchinbrook was an example of a deed of agreement having to be struck in order to introduce conditions on the proposal but that this deed of agreement is in no way a publicly enforceable or challengeable document. Is this just something that should not happen or should a deed of agreement such as this be able to be challenged—and how could we do that?

Mr Graham—Deeds of agreement of themselves are a perfectly desirable means of dealing with arrangements between governments and private entities. The important point is that the way in which those agreements are eventually signed has got to be a proper reflection of the responsibilities and those have to be challengeable and testable in court—not just a process issue about whether the minister exercised proper due process in coming to the arrangements he or she did but also that it is a fair and reasonable outcome on the facts.

The other one is that, any such agreement having been signed, that agreement has got to be enforceable by anyone who wishes to put their hand up, to ensure that whatever conditions are set they are actually complied with and can actually be enforced other than by the community having to run a campaign to get the Commonwealth to act to enforce an agreement to which it was a party. If we are left with that as the principal mechanism for ensuring performance within the terms of an agreement we have a disastrous situation on our hands. The Hinchinbrook arrangements, to my mind, are a wonderful example of how to do it badly.

CHAIR—You said at the beginning of your opening statement that you felt the only way forward in terms of environmental protection was for the Commonwealth to have head of power in the constitution. Given that we have just had a constitutional convention which has not gone to this question, what, in your opinion, is the likelihood that we will go down that path and what needs to happen to encourage the federal government and other levels of government to support such an idea?

Mr Graham—I think what needs to be happening is a much broader debate in the community with respect to what the constitutional arrangements should be post the centenary. I think it has been very regrettable that the debate has been severely constrained by trying to have a minimalist approach to reviewing the constitution, which has tended to confine the debate to obscure notions of monarchy when it would actually be much more appropriate to have a much broader ranging community debate about what kind of constitutional arrangements we want for the next century. I think it is beholden on governments to do that and to some extent I suppose it is beholden on groups such as ours to start putting a bit of pressure on for such a broader debate. But certainly it is disappointing to us that there

is not more government encouragement of broader debate about suitable constitutional arrangements for the next century.

CHAIR—Thank you. Is there anything further you would like to add, Mr Rowlands or Mr Graham, to your submissions?

Mr Graham—There are a couple of small points I would like to bring to the committee's attention. One is that one of the matters of environmental significance which has not received any attention is the national reserve system. The federal government is proposing to spend hundreds of millions of dollars in establishing a national reserve system and is not proposing to retain a responsibility to ensure that the integrity of that reserve system is maintained. That seems an oversight and to our mind there should be some residual responsibility to ensure that Commonwealth money that is spent on environmental investments is actually protected and that ought to be a matter of Commonwealth responsibility. The other one is that one of the good things about the proposed legislation is that there is much more flexibility and opportunity to use inquiries under the act to get at particular issues. It is again a welcome improvement to see that the role of inquiries is significantly expanded in this proposal.

CHAIR—Thank you. Mr Rowlands, do you have anything to add?

Mr Rowlands—No.

CHAIR—I thank you both for appearing before the committee today.

Committee adjourned at 1.00 p.m.