

**Tasmanian Government Submission to the
Senate Environment, Communication and the Arts Committee Inquiry
into the Operation of the *Environment Protection and Biodiversity
Conservation Act 1999***

The following information relates to the Inquiry's Terms of Reference (2) (b), (d), (e), (f) and (g).

2(b) Lessons learnt from the first 10 years of operation of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) in relation to the protection of critical habitats of threatened species and ecological communities, and potential for measures to improve their recovery.

Funding for threatened species protection programs is limited and the current approach under the EPBC Act does not explicitly provide flexibility for an evaluation of the likelihood of success and prioritisation of effort by success factor in relation to listing species and determining management requirements. In line with the thinking around the draft revised National Biodiversity Strategy, methods such as triage would allow resources to be concentrated on efforts for species that are more likely to show some degree of success.

2 (d) The effectiveness of responses to key threats identified within the EPBC Act, including land-clearing, climate change and invasive species, and potential for future measures to build environmental resilience and facilitate adaptation within a changing climate.

The Tasmanian and Commonwealth Governments have jointly funded a significant response aimed at eradication of the Red Fox in Tasmania. This exotic species is recognized as a major threat to the conservation status of a diverse range of Tasmanian fauna. This approach is seen as likely to be more cost effective in the longer-term, if eradication is successful, than the alternative of listing and implementing recovery plans for many fauna, should foxes become established as functional breeding populations in this State.

There is future potential for carbon sequestration credits to drive investment in rehabilitating land for biodiversity values, and this may bring added conservation benefits, where the location of the land is proximate to existing national parks and protected areas.

2 (e) The effectiveness of Regional Forest Agreements, in protecting forest species and forest habitats where the EPBC Act does not directly apply.

Assessment of the effectiveness of the Tasmanian Regional Forest Agreement – findings from two recent Reviews

As part of the 'continuous improvement' and 'adaptive management' approach that underpins the Tasmanian Regional Forest Agreement (TRFA), clause 45 requires the Commonwealth and Tasmanian Governments, as Parties to the TRFA, to undertake a review of progress, every five years, in meeting the milestones and commitments specified in the TRFA. The first review was conducted in 2002. The second review was completed on 29 February 2008. Both Parties to the TRFA have indicated in principle support for all recommendations arising from the most recent Review.

Both Reviews have confirmed that the intent of the TRFA in implementing effective conservation, forest management and forest industry practices continues to be met. The findings of the Reviews in respect of effective conservation practices demonstrates that the TRFA protects forest species and forest habitats within its jurisdiction, where the EPBC Act does not directly apply. The successful appeal by Forestry Tasmania to the full Bench of the Federal Court against the judgement of a lower court has also clarified the validity of the TRFA in meeting the requirements of the EPBC Act where that Act does not directly apply.

More detailed information regarding the 2008 RFA Review is available by contacting the webmaster at the following URL:
http://www.dier.tas.gov.au/forests/tasmanian_regional_forest_agreement_rfa.

Further information in relation to both the TRFA and the Tasmanian Community Forest Agreement (TCFA) is provided below.

Tasmanian Regional Forest Agreement

On 8 November 1997, the TRFA was signed by the then Prime Minister and Premier of Tasmania. The TRFA established a framework for the management and use of Tasmanian forests. The duration of the TRFA is 20 years - from 1997 to 2017.

Regional Forest Agreements (RFAs) have three key objectives:

- To establish a Comprehensive, Adequate and Representative (CAR) reserve system based on nationally agreed criteria;¹
- To facilitate an innovative and internationally competitive wood and wood products industry; and
- To ensure the ecologically sustainable management of the native forest estate.

It was agreed by the Parties to the TRFA that the reserve system established under the TRFA met the JANIS reserve criteria and would sufficiently protect CAR values in reserves².

All forest communities and old growth forest types are reserved on public land at levels that exceed the internationally recognised JANIS reserve criterion that at least 60 per cent of each old growth RFA Forest Vegetation Community be reserved.

¹ The CAR reserve system was based on the comprehensive regional assessment of environmental and heritage values and the national forest reserve criteria, sometimes referred to as the JANIS criteria.

² The JANIS criteria were developed by and named after the Joint Australian-New Zealand Environment and Conservation Council/Ministerial Council on Forestry, Fisheries and Aquaculture in June 1997.

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

The TRFA has also created a reserve system on publicly owned land, including formal and informal Reserves. It has also enabled forest values on private land to play an important part in contributing to the CAR reserve system, based on the voluntary participation of private landowners.

Tasmanian Community Forest Agreement

On 13 May 2005, the Parties signed the Supplementary TRFA, known as the Tasmanian Community Forest Agreement (TCFA). The TCFA is consistent with, and builds on, the TRFA and enhances conservation values while encouraging the development of forest industries.

Under the TCFA the Parties have committed over \$250 million to achieve enhanced protection of Tasmania's forest environment, growth in the Tasmanian forest and wood products sector, the creation of regional employment and stronger rural economies.

The TCFA commits the Commonwealth and State Government to the protection of one million hectares of old growth forest on public and private land. To achieve that target, the Parties have committed to an additional reservation of over 170 000 hectares of forest on public and private land. When completed, over 148 000 hectares of public land will be added to reserves. Significant areas of the Tarkine and the Styx Valley are now reserved.

To meet the target on private land, the Commonwealth is required under clause 21 of the TCFA to establish a market-based program (the Forest Conservation Fund Program [FCF]) to protect and manage up to 45 600 hectares of private forested land, targeting old growth (a minimum of 25 000 hectares) and under-reserved forest communities. The FCF has secured more than 16 000 hectares of forest including 4 500 hectares of old growth. Together, the RFA and TCFA have increased Tasmania's existing conservation reserve system by approximately one fifth, bringing Tasmania's total reserve system to approximately 44 per cent of the State's land mass.

In recognition of the environmental, cultural, economic and social value of old growth forests in Tasmania - and also acknowledging the economic and non-economic value of forestry operations to the State - in 2005 the Commonwealth and Tasmanian Governments committed to a program to significantly reduce clearfelling of public old growth forest, through the TCFA. This commitment is on target to reduce clearfelling to less than 20 per cent of the annual harvest area of old growth forest on State Forest by 2010.

Subsequent to the signing of the TCFA, on 1 June 2007 Forestry Tasmania (FT) announced that the broadscale conversion of native forests to plantations would end. FT noted in its Annual Report 2006-2007 that "the decision to end conversion resulted from FT's approach to forest management, which aims to balance environmental and social values alongside commercial objectives".

The TCFA also included recommendations on the development of Listing Statements and Recovery Plans for threatened species. The volume of work involved to adequately address these recommendations to the requirements of the EPBC points to the significant demands that the process places on limited specialist and technical capability. The TCFA also provided funding for strategies aimed at other biodiversity and threatened species issues. A program was established to investigate alternatives to the use of the poison 1080, for the control of damage caused by browsing wildlife. A major response to the understanding and control of the Tasmanian Devil Facial Tumour Disease was also established.

World Heritage Committee's Quebec City decision regarding the Tasmanian Wilderness World Heritage Area

At its July 2008 meeting in Quebec City, Canada, UNESCO's World Heritage Committee (WHC) considered a report on the Tasmanian Wilderness World Heritage Area (TWWHA) and adjacent lands by the Committee's monitoring Mission, which visited Tasmania in March 2008. The Mission consulted extensively with a wide range of groups including the Tasmanian Aboriginal community, the Tasmanian World Heritage Area Consultative Committee, a number of environmental, social and economic non-government organisations and representatives from both Commonwealth and Tasmanian Governments. The Mission also visited and inspected parts of the TWWHA and adjacent lands.

Having gathered evidence first hand, the Mission's Report to the WHC clearly concludes that forest values outside the TWWHA are very well protected through various arrangements, including the TRFA and the TCFA.

The Mission recommended implementing findings from the TRFA Ten Year Review (2008).

In finalising its decision in Quebec City, the WHC noted the Mission's findings and requested that the Commonwealth Government considers:

...at its own discretion, extension of the property to include appropriate areas of tall eucalyptus forest, having regard to the advice of IUCN and ...
 at its own discretion, extension of the property to include appropriate cultural sites reflecting the wider context of Aboriginal land-use practices, and the possibility of re-nominating the property as a cultural landscape.

Both the Commonwealth and Tasmanian Governments noted that the International Union for Conservation of Nature's dissenting advice was not in line with findings from the Mission. Following the Quebec City decision, the Commonwealth Government's Minister for the Environment, Heritage and the Arts, the Hon Peter Garrett, stated that the Commonwealth Government has no plans to extend the current TWWHA boundary into production forests.

It has been clearly demonstrated by the Commonwealth and Tasmanian Governments, and acknowledged by the expert Mission sent to Tasmania to gather first hand evidence, that any risks to the TWWHA from forestry operations in adjacent areas are being well managed.

2 (f) The impacts of other environmental programmes, eg EnviroFund, GreenCorps, Caring for our Country, Environmental Stewardship Programme and Landcare in dealing with the decline and extinction of certain flora and fauna.

Access to Australian Government funding programs for management of sensitive reserve environments (e.g. the TWWHA, Macquarie Island World Heritage Area, Southport Lagoon Conservation Area and the Arthur Pieman Conservation Area) has and continues to be very important to Tasmania.

Funding for natural resource management (NRM) and more recently the Caring for our Country program has enabled the TWWHA to be managed to a high standard, maintaining an extensive and resilient natural area that contains many habitats of threatened species and ecological communities.

Provision of a significant level of Federal funding has enabled the Tasmanian Government to mount a response to the environmental emergency on Macquarie Island caused by increasing populations of rabbits and rodents. Pest populations have risen following the recent successful eradication of cats from Macquarie Island as a result of sustained effort by the Tasmanian Government over many years. In recent years there is some evidence that warmer winters are enabling rabbits to have more litters resulting in the population increasing more quickly than it would have otherwise.

Macquarie Island contains habitat critical to the survival of the wandering albatross *Diomedea exulans exulans* and the grey-headed albatross *Thalassarche chrysostoma* - both of which are listed under the EPBC Act. The island also contains five species of petrel and prions that are listed under the EPBC Act, as well as a larger number of species listed under Tasmanian legislation. The pest eradication program on Macquarie Island has been in operation only a relatively short time. However, its effectiveness and ability to protect native species in the face of increasing environmental damage would be significantly reduced without Australian Government funding, due to the State's small population base and large area in reserve land.

Australian Government funding for management works following closure of Southport Lagoon due to damaging four-wheel drive activities ensured that the only known population of the swamp eyebright *Euphrasia gibbsiae* ssp. *psilantherea* is effectively protected. Likewise, funding for coastal values studies and protection works associated with recreational vehicle use in the Arthur Pieman Conservation Area has established a sound basis for improved protection and management of this highly significant natural and cultural coastal reserve. Among its many values, the reserve is an important part of the Bass Strait migratory corridor for many bird species, including the threatened orange-bellied parrot. It is rich in orchid species, including six that are listed under the EPBC Act.

With the Tasmanian Government's Parks and Wildlife Service managing around 38 per cent of Tasmania's land, (ie a substantial component of Tasmania's reserve system), the involvement and assistance of the Australian Government is vital in providing strategic funding to strengthen reserve management to avoid, minimise and, where possible, reverse the decline in flora and fauna species.

(2) g The impact of programme changes and cuts in funding on the decline or extinction of flora and fauna.

Current circumstances demonstrate that there is significant flexibility in arrangements between Governments, to provide for responses at a number of levels.

Tasmania has received significant special purpose funding for two major programs aimed at threatened species (the Tasmanian Devil) and threatening processes (the Red Fox). In both cases, joint funding has been provided by the Tasmanian and Commonwealth Governments to commit to long-term programs. The programs are conducted by the Tasmanian Government and have significant collaboration with other bodies (other agencies, universities, NRM Regions, key stakeholder groups).

With the introduction of the NRM funding programs that focus on off-reserve conservation, conservation management programs in Tasmanian reserves have become more difficult to deliver and the long term outcomes cannot be readily assured. It is important for conservation programs to encompass reserved land where natural systems in relatively good condition can be maintained and enhanced, and investments can be more assured in the long term.

It is recommended that Australian Government NRM and conservation funding programs ensure adequate focus on conservation management on reserved lands to support maintaining and enhancing the condition of Australia's reserve system.