

# ADDITIONAL COMMENTS

## Introduction

The Australian Democrats support the majority findings of the report. Nevertheless, we are of the opinion that comments in respect of Tasmania's forest practices and operations, do not go far enough and make the following comments in addition to those contained within the majority report.

### 1. The regulatory framework and the EPBC Act

The Australian Democrats are of the opinion that evidence provided to the Committee suggests a severe lack of assessment against proper environmental standards. The Democrats believe much of the controversy surrounding Tasmanian forestry activities may have been avoided, and may be avoided in the future, should robust and publicly transparent environmental standards have been both set and met by foresters. As the the Regional Forest Agreements are relatively short term agreements, the Democrats are of the opinion that it would be of benefit to both industry stakeholders and other landholders to be governed by a transparent set of legally enforceable and stable environmental guidelines.

To illustrate problems other states have found with Regional Forest Agreements, we bring attention to the actions of the Victorian State Government in 2003, where the state decided that logging in the Wombat State Forest, regulated under the RFA process, was not sustainable. At the time the Democrats took this as government recognition that the RFA process is not an effective method of achieving a sustainable yield of timber. The Democrats believe there must be reviews to determine whether the RFA process is acceptable as far as environmental standards and sustainability.

The Democrats continue to be of the opinion that the Federal Government cannot lay aside issues surrounding forestry issues, in the hope that these issues would be dealt with through the RFA process. It would give some reassurance to the community, if forestry activities are effectively governed by environmental and other relevant laws, in particular those relating to matters of transparency, review and accountability.

Despite participating in many discussions on this matter, the Democrats retain the view that forestry operations in Tasmania should not be exempt from the provisions of Federal or state environmental laws. The Democrats believe significant penalties must be swiftly enforced for any breaches of the Forest Practices Code, or of other environmental laws in any relevant jurisdiction.

### Recommendation 1

**As a result, the Democrats recommend that Tasmanian forestry, and forestry activities in all other states, should be assessed under the Federal regulatory framework and must**

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**not be exempt from the provisions of the *Environment Protection and Biodiversity Conservation Act 1999*.**

This would ensure forestry activities are assessed to the same environmental standards as required of other large-scale users of resources that have the potential to impact on matters of national environmental significance, including threatened species and communities, migratory species, World Heritage areas, National Heritage places and wetlands of international importance. This approach would also give appropriate weight to environmental matters of importance in state land management including regional catchment management plans, listed threatened species and communities, and other matters of importance to local communities.

## **2. Requirements for further inquiry and review with relation to Tasmania**

The Democrats are concerned that Recommendation 13 in Chapter 8 relating particularly to Tasmanian forests stops short of requesting a judicial inquiry into Tasmanian forest operations. While the Recommendation calls for immediate cooperation of both the state and Commonwealth governments, and for "an immediate and independent review with more compelling and drastic powers" should such cooperation not be forthcoming, Committee member Democrat Senator Aden Ridgeway believes that the time for cooperation on this issue has passed, and that a judicial review with full powers of subpoena is necessary. The Democrats believe that an inquiry should have the power to issue warrants for the presentation and or seizure of relevant documents in order to facilitate its review.

In light of the deeply entrenched culture of secrecy perceived by the general community surrounding both industry and government involved in forestry issues in Tasmania, and of the fact that international attention has been brought to the issue, there is a significant and immediate need for greater accountability. There must be improved ways in which members of the community can seek review of decisions and there must be greater transparency in decision-making and operations. The Democrats believe only judicial review can fulfil these needs, and recommend that such a course of action is the appropriate way to move this contentious issue forward.



**Senator Ridgeway  
Australian Democrats**