

Government Senators

Dissenting Report

Introduction

The submission seeking a minor boundary modification was sent to the World Heritage Committee on the 31st of January 2014, for a decision to be announced in June.

Prior to the 2013 Federal election, the Coalition made an election commitment to the Tasmanian people that it would strengthen the forestry industry through more employment and investment. It has been acknowledged that of all the States and Territories the Tasmanian economy had suffered most because of the economic vandalism by the Labor-Green State government.

The Coalition government has requested through the World Heritage Committee agreement to excise 74,039 hectares from the Tasmanian Wilderness World Heritage Area. In requesting this minor boundary modification, the Government is removing areas that detract from the Overall Universal Value of the property and diminish its overall integrity. The removal areas make up less than 5% of the entire World Heritage Area.

Of the 74,039 hectares to be removed there are 117 disturbed areas that contain pine and eucalypt plantations as well as areas that have previously been impacted by forestry operations and other infrastructure.

Areas which were National Parks will remain in the World Heritage Area. The high value tall forests and giant trees in the Styx-Tyenna, Weld-Snowy, Huon Picton and Great Western Tiers areas will be retained and remain protected.

The proposed boundary modification will deliver additional economic and social outcomes for all Tasmanians while maintaining the Outstanding Universal Value of the Tasmanian Wilderness.

Evidence for the excision

Whilst it is important to protect the environment and our natural heritage, the loss of productivity and negative effect on the economy warrants close consideration. The Tasmanian Farmers and Graziers Association (submission 13) presented figures showing the value of agriculture, forestry and fisheries –

In 2010/11, the farm gate value of production (GVP) of agriculture, forestry and fishing was \$1.98 billion. This comprised: agriculture – \$1.150 billion; forestry – \$235 million; and fishing – \$597 million. Some 10,500 people were employed directly in agriculture forestry and fishing. A further 8,500 people were employed in services to agriculture and food and fibre value-adding. This is close to 9% of the working population in Tasmania.

The Tasmanian Farmers and Graziers Association pointed out the extension of World Heritage Area as approved in 2013 has added uncertainty and resultant economic loss –

Furthermore, the inclusion of forestry as a long cycle crop enterprise in farming businesses in the state means that the overall economic contribution must include these figures too. Our best estimate is that in 2009/10 this added a further \$400 million to farm gate income. Clearly, as a result of the uncertainty currently evident in this sector, that figure has fallen significantly since then. Nonetheless, on a long term outlook, forestry remains an integral part of a diversified farm business.

This was backed by the Huon Resource Development Group which said the extension approved in 2013 is already hurting business (Hobart hearing, Page 12)–

Mr Harris: "No. For example, almost all of the special timber zone within the electorate of Franklin is locked up under this proposal. Almost all of that is included in the World Heritage extension, and its impact is devastating. The impact that we see in our community is of businesses that no longer exist, rising levels of unemployment and that ancillary businesses are well and truly suffering. When you look at a diesel supplier south of the Huon River, having a \$1 million drop in turnover, and the amount of bankruptcies and vacancies in the township of Geeveston and around our area, the impact is devastating."

Lack of consultation for those affected by the new boundaries was also highlighted in the Association's submission –

The Committee is reminded that private landowners were excluded from that process and, indeed, told that the TFA and outcomes from the process would not impact on them. This assertion has now proven to be completely baseless and those who perpetrated this misinformation have moved on. Nevertheless, private landowners are once again left counting the cost to their businesses and farms

In its evidence, the Huon Resource Development Group (submission 31) takes exception to the extension under the previous Labor government. It refers to conflicting advice by the International Union for the Conservation of Nature (IUCN) in relation to approval as a minor boundary adjustment –

The IUCN report states in relation to the massive extension: "IUCN notes that the size of the property is around the unofficial upper level for consideration as a minor boundary modification (which has been considered as typically c.10%)".

This claim is completely at odds with the IUCN advice to the committee in 2012:

"A notional cut-off of 10% increase has generally been considered to be the absolute upper limit for a modification to be considered via the "minor modification" process,"

This point was taken up by Senator Ruston during her questioning of Mr. Geoffrey Law during the hearing in Hobart on the 31st of March (page 5) –

Senator RUSTON: The area that we are talking about for the 2013 successful application was greater than 10 per cent. In reading the requirements of the approving body, one would suggest that it was more than a 10 per cent increase in the land area

and it would have to be a whole new listing and cannot be put through as the minor use of approval. How do we reconcile that?

Mr Law: 10 per cent was only ever a rough guide. The increase in the extent of the property in 2013 was 12 per cent. That is in the order of 10 per cent and—

Senator RUSTON: So you just throw out the 10 per cent.

Mr Bayley: You also have to remember that this is in the context of repeated requests from the World Heritage Committee to have this issue addressed. When it is addressed and it comes out a per cent or two over and above the rule of thumb, clearly both the IUCN and the World Heritage Committee itself deduce that that rule of thumb is just that; it is a rule of thumb and that this meets the values and the criteria, and it adds to the integrity of the property and should be approved. And it was approved.

Government Senators consider that stakeholders which generally oppose the Australian Government's 2014 proposed minor boundary adjustment (and supported the 2013 adjustment) have been inconsistent. We note that witnesses at the Hobart hearing did not consider the 12% increase of TWWHA in 2013 to be "significant" despite unambiguously clear IUCN advice that all adjustments over 10% should be termed "significant" and require a new WHA listing. Evidence given at Hobart by Mr Adam Beeson of the Tasmanian Environment Defenders Office is quite revealing in this respect:

Senator RUSTON: I want to move on to comments in relation to this minor variation-significant variation that we have been talking about. You raised, in response to Senator Milne, the fact that this 10 per cent has never really been a 'welded in stone' number, despite the fact that it has been bandied around. You contend in your submission, at point 45:

ANEDO considers that the World Heritage Committee is likely to consider the current application to reduce the area...to be a "significant modification".

My understanding is that the amount of land that we are talking about is less than half of the land that was annexed in the 2013 application—an application which people earlier this morning said was only minor and should not have been considered significant. I am struggling to reconcile how something 12 months ago that was twice the size was not significant, and yet when there is the reversal of a decision, then only a matter of minutes later all of a sudden it has become significant.

Mr Beeson: As I said earlier, you do have to look at the objectives of the convention. I suppose the other point to make is the only example we have, which is the one from Tanzania—that was about 500 square kilometres that was proposed to be removed—went through a very tortuous process through the World Heritage Committee—

Senator RUSTON: That is 500,000 square metres?

Mr Beeson: Five hundred square kilometres, is that what I just said?

Senator RUSTON: Apples with apples: so how does that relate to my 74,000?

Mr Beeson: It is not really that important.

Senator RUSTON: It is important to me.

Further evidence from Mr Beeson revealed a biased perspective and a lack of any intention to counsel any view alternative to his own.

While such stakeholders consider the 12% increase in 2013 to be "minor", these stakeholders consider a proposed excision of less than 5% of the TWWHA to be "significant" despite it falling well beneath the IUCN's 10% threshold. This is a blatant and completely unjustified double standard which disrespects the process and strongly discredits stakeholders who oppose the 2014 "minor" boundary adjustment application on this basis.

The Institute of Foresters Australia declared the case for extending the World Heritage Area in 2013 was not based on known facts and evidence -

However, the process and conclusions were in fact a hasty and superficial analysis of conservation values where no peer review was undertaken and many claims and conclusions were based on limited information. These claims were open to scientific interpretation and, in many situations, have been shown to be in error.

And

The Institute believes that this major extension will result in perverse outcomes to forest management and socioeconomic livelihoods of affected communities, and even to biodiversity conservation. We believe that socioeconomic and biodiversity conservation impact statements would prove this to be the case if they were done. The State of forests report 2013 identifies that, in 2011, 20 per cent of Tasmania's forests were in World Heritage areas, which is 3½ times that of any other state or territory. With the extension, this has now increased even further. We believe the government should have justified why a further extension and inclusion of state forests used for production was warranted.

There was a suggestion from the Tasmanian Special Timbers Alliance, which employed 2,000 people plus a further 8,500 in ancillary industries, that the extension in 2013 is invalid, is flawed and was based on incorrect information- (submission 96)

- The 2013 TWWA 172,000 ha extension breached Federal Government obligations under the
- 1997 Tasmanian Regional Forest Agreement.
- The 2013 TWWA 172,000ha extension damages Tasmanian Intangible Cultural Heritage.
- The 2013 TWWHA 172,000ha extension was only possible as an outcome from the Tasmanian Forest Agreement in which the broader specialty timber sector was excluded.
- The TFA Act 2013 which was only passed by Tasmania's Upper House by one vote after misleading and factually incorrect information was presented to the Parliament.

Its submission painted a gloomy picture for its survival –

The specialty timber sector is facing certain collapse under the TFA and the 2013 TWWHA extension is a substantial contributor to that outcome. If a proper assessment had been carried out, our sector would not be in such difficult circumstances now.

Government Senators are concerned at the inference that further areas of Tasmania could in future be earmarked to be included in the TWWHA (Hobart hearing, Page 5) -

Senator RUSTON: Do you think there is more area in Tasmania that should be added to this heritage area?

Mr Bayley: There are absolutely areas that meet World Heritage criteria and should be added to the Tasmanian Wilderness World Heritage Area, be they areas that are currently excluded on the west coast of Tasmania or additional areas of cultural heritage in the south-east of Tasmania.

This is also of clear concern to the forestry industry, which considers opposition to the 2014 application to be more an attack on livelihoods in a sustainable industry than any genuinely altruistic attempt to preserve Tasmania's wilderness areas, with considerable negative implications for jobs in Tasmania:

Mr Ruzicka: A comment like that says to me that it is quite obvious that the process of pushing the native species logging to its very limits is definitely on the agenda with the NGOs. I do not think it is actually going to provide any further peace in the forest or stability in the marketplace if that sort of thing continues. It sends the wrong messages around the world in our international markets and it also sends the wrong messages to the regional people about the confidence they can get out of having an agreement that is already standing there. We need to work at it, we need to massage it and we need to get it in the right place. If that means bringing back the entire World Heritage area application into a proper process of full consultation with all the stakeholders then that is probably the most confident thing that could actually come out of this process. If they have other areas they wish to submit, to put up then they should put them up now. We should then get this on the table and get it clear where they bloody stand.

The question of impartiality in the assessment process was an issue for Government Senators. At the Hobart hearing, Senator Ruston raised her concerns during questioning of private witness Peter Hitchcock (Hansard page 40) –

Senator RUSTON: I was just trying to get to the bottom of this—and Senator Whish-Wilson raised the issue of impartiality. I think the concerns that have been raised have been more around the fact that you potentially could have been involved in setting the agenda for the application and then, in your role as somebody who assessed that application, you sat as judge and jury on your own submission.

Mr Hitchcock: When I provide advice on what constitutes World Heritage—that is, what constitutes outstanding universal value—I provide that to whoever is seeking that advice. That is my specialty and I am a professional consultant in that field.

Senator RUSTON: When you were providing that advice to the Australian government in the lead-up to the 2013 application, did the Australian government also seek advice from a consultant who perhaps was not as committed to increasing boundaries as your reputation suggests you are and that you committed to in your dissenting report in 1989? Obviously, you have a position that you clearly adhere to. Did the government at the same time, as far as you are aware, seek to have somebody give it advice who perhaps was not so wedded to the position that you obviously have been all your life?

Mr Hitchcock: You would have to address that to the department. The department obviously was in contact with a lot of different people, including in the Tasmanian government at that time.

Senator RUSTON: It just appears as if your advice has perhaps been most influential in the outcome.

A second private witness, Mr Sean Cadman, was also questioned about his links to environmental groups and his independence in the process – (Hansard page 45)

Senator RUSTON: As Mr Hitchcock said before, have you been engaged to undertake work either paid or unpaid for any of these ENGOs who originally sought to have the submission submitted—for example, the Wilderness Society, the Australian Conservation Foundation? Are you a member? Do you work for them? Do you consult to them?

Mr Cadman: I have never been a member of any political party. So let's put that on the table.

Senator RUSTON: I was not asking about political parties.

Mr Cadman: And I am not a member of any ENGO. However, I have worked for almost every large ENGO in the country as a consultant and, in the case of the Wilderness Society, for 2½ years as their forest campaign coordinator. I have also worked for the Commonwealth government and for private individuals. I am a consultant.

Senator RUSTON: Finally, on your comment about me googling you, I did google you and I found that you run guided walk tours. Just for the record, whereabouts does your business occur and could there be any suggestion that you could possibly be benefiting financially in your own personal venture from—

Senator WHISH-WILSON: Like a private landowner.

Senator RUSTON: Excuse me, I am speaking.

Senator WHISH-WILSON: Sorry, I cannot control my cynicism sometimes.

Mr Cadman: I am quite happy to answer the question.

Senator RUSTON: Thank you.

Mr Cadman: Yes, I am blessed to live in the valley of Jackeys Marsh—which has been at the centre of a storm of political controversy around logging for 30 years—and proud of it. My wife and I set up an eco-lodge at the base of Quamby Bluff in order to

demonstrate there were economic alternatives to generate income from the forest than logging. Long before the IVG was set up I came to a commercial arrangement with Forestry Tasmania in respect of the areas which we use for our business. So the short answer to your question is, no, there was no conflict of interest. We had already secured our interest before this process began.

Senator RUSTON: But you might have to concede that there could be those who might think that there is a conflict of interest.

Government Senators consider that the evidence suggests that Mr Hitchcock's impartiality is somewhat questionable.

SUMMARY

The Australian Government will honour its forestry election commitments in Tasmania to ensure the industry is sustainable in the long-term and is not hampered by self-interest groups.

On the question of cultural heritage, Government Senators acknowledge that Australia will report on the progress on identification of cultural values for the property in the next State of Conservation report to be prepared in response to Decision 36 COM 7B.36 for consideration at the 39th session of the World Heritage Committee in 2015.

- The EPBC Act and the World Heritage area management arrangements recognise that Aboriginal heritage, together with natural heritage, forms the Outstanding Universal Value of the property. Should the World Heritage Committee accept the Australian Government's proposed boundary modification, forestry operations undertaken in accordance with the Tasmanian Regional Forest Agreement, and outside of the world heritage area, can continue; subject to Tasmanian Government approval.
- The Australian Government is committed to sustainable forest management. The extension of the Tasmanian Regional Forest Agreement will mean an appropriate balance of economic, social and environmental outcomes for our forests continues.
- These commitments will move the industry forward, providing opportunities for market growth and the certainty industry needs for investment.
- The Government will support the strength of our forestry industry and we will encourage more investment and stronger jobs growth in the sector.

Senator John Williams
Deputy Chair
Senator for New South Wales

Senator Anne Ruston
Senator for South Australia

