

A. Preamble - The role of the forest practices code as part of the broader framework for the delivery of sustainable forest management in Tasmania

1. The objective of Tasmania's forest practices system is provided in Schedule 7 of the Forest Practices Act, as follows-

The objective of the State's forest practices system is to achieve sustainable management of Crown and private forests with due care for the environment and taking into account social, economic and environmental outcomes while delivering, in a way that is as far as possible self-funding-

- (a) an emphasis on self-regulation; and*
 - (b) planning before forest operations; and*
 - (c) delegated and decentralized approvals for forest practices plans and other forest practices matters; and*
 - (d) a forest practices code which provides practical standards for forest management, timber harvesting and other forest operations; and*
 - (e) an emphasis on consultation and education; and*
 - (ea) an emphasis on research, review and continuing improvement; and*
 - (eb) the conservation of threatened native vegetation communities; and*
 - (f) provision for the rehabilitation of land in cases where the forest practices code is contravened; and*
 - (g) an independent appeal process; and*
 - (h) through the declaration of private timber reserves- a means by which private land holders are able to ensure the security of their forest resources.*
2. The United Nations Food and Agriculture Organization has defined sustainable forest management as: *The stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfill, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and that does not cause damage to other ecosystems.*
 3. Australia's National Forest Policy Statement (1992) provides a broad framework for the delivery of sustainable forest management, including three key objectives –
 - 3.1. To maintain a permanent forest estate to retain the full suite of forest values over time
 - 3.2. To set aside parts of the forest estate in formal reserves to safeguard special environmental and social values according to the principles of comprehensiveness, adequacy and representativeness
 - 3.3. To manage forests outside reserves in a manner that contributes to sustainable environmental, social and economic outcomes.

4. The maintenance of a permanent forest estate

- 4.1. Tasmania's State Permanent Forest Estate Policy was developed in accordance with the Regional Forest Agreement made between the State and the Commonwealth on 8 November 1997 (as amended).
- 4.2. The policy is issued by the Minister responsible for the Forest Practices Act and it is updated from time to time.
- 4.3. The policy is implemented through the Forest Practices Act (s.4C).

5. The formal reserve system

- 5.1. Tasmania's reserve system comprises formal reserves declared by the Governor, informal reserves created through administrative instruments by public authorities, and private reserves created under legislation or through management agreements or certified management systems.
- 5.2. The forest practices system has no direct role in creating reserves, although the refusal of applications for private timber reserves (s.16 of the Forest Practices Act) and the refusal or amendment of forest practices plans (under s.19 of the Act) may, in certain circumstances, lead to land owners seeking to create conservation covenants over private land under the *Nature Conservation Act 2002*.

6. The management of forests outside reserves

- 6.1. The contribution of forests outside reserves to sustainable environmental, social and economic outcomes is achieved through both regulation and voluntary mechanisms.
 - 6.1.1. *Regulation* - Tasmania has a suite of legislation that contributes to the regulation of forest management (see Table 1). The Forest Practices Act regulates 'forest practices', which are defined as activities relating to the establishment of forests, the harvesting of timber, the clearing of trees and the clearance and conversion of threatened native vegetation.
 - 6.1.2. *Voluntary mechanisms* – Tasmania's forest owners have access to a variety of voluntary mechanisms that can contribute to improved outcomes for sustainable forest management. These include governmental incentives and programs and market-based devices, including forest certification schemes. The forest practices system has no direct role in the administration of voluntary mechanisms.
- 6.2. **Regulation under the forest practices system**
 - 6.2.1. All forest practices other than activities that are exempt under the Forest Practices Regulations 2007 (s.17 of the Act) must be carried out under a forest practices plan.
 - 6.2.2. Forest Practices Plans must be prepared and implemented in accordance with the Forest Practices Code (s.18 of the Act).
 - 6.2.3. The purpose of the Forest Practices Code is to 'prescribe the manner in which forest practices shall be conducted so as to provide reasonable protection to the environment' (s.31 of the Act)
 - 6.2.4. The application of the Forest Practices Code must take account of social, economic and environmental factors (s.4(B)(2)(c) of the Forest Practices Act) and the legislated wood supply obligations of the Forestry corporation (s.4DA of the Forest Practices Act).

B. The contribution of the forest practices code to sustainable forest management

7. Scope

- 7.1. The forest practices code applies to all land, including public Permanent Timber Production Zone Land, other public land and privately-owned land.
- 7.2. The forest practices system does not have jurisdiction over all components of sustainable forest management. It makes a contribution to sustainable forest management outcomes through the regulation of activities that relate to-
 - the establishment of forests
 - the harvesting of timber
 - the clearing of trees and the clearance and conversion of threatened native vegetation
 - the construction of a road or the operation of a quarry in connection with the above.

8. Guiding Principles for the application of the forest practices code

- 8.1. The long term conservation of environmental and social values should be principally achieved through the maintenance of a permanent forest estate and a reserve system containing formal and informal reserves, with a contribution to the conservation of these values through management actions under both regulatory and voluntary mechanisms.
- 8.2. Individual forest owners have rights to manage and use their land and forests for their own social and economic purposes and society has an interest in sustainably managing a range of environmental, social and economic values for present and future generations.
- 8.3. Forest practices will be regulated to further the objective of the forest practices system in a manner that provides due care for the environment and contributes to the conservation of environmental and social values and the sustainable management of Tasmania's forests in accordance with a prescribed duty of care and the following principles.

8.4. Duty of Care

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

1. All measures that are required under relevant legislation (Table 1); and
2. The prescribed duty of care under the forest practices code, which includes -
 - all measures that are required to protect soil and water values as detailed in the Forest Practices Code; and
 - the exclusion of forest practices from areas containing other significant environmental and social values at a level of up to an additional 5% of the existing and proposed forest on the property for areas totally excluded from operations or at a level of up to an additional 10% where partial harvesting of the reserve area is compatible with the protection of the values.

The conservation of values beyond the duty of care in the Forest Practices Code is deemed to be for the community benefit and beyond what can reasonably be required of landowners and should be achieved on a voluntary basis through relevant governmental and market-based programs and incentives.

8.5. Maintenance of the permanent native forest estate

The forest practices system will maintain a native forest estate in accordance with the State Permanent Forest Estate Policy and by ensuring that harvested forests within the permanent native forest estate are effectively regenerated.

8.6. Harvest levels

The forest practices system will operate in a manner that is consistent with the statutory wood supply obligations for public Permanent Timber Production Zone Land prescribed in the *Forest Management Act 2013* and in accordance with owner preferences for private land.

8.7. Silviculture

The forest practices system will apply harvesting and reforestation regimes that are appropriate for specific forest types and sites to ensure prompt re-stocking and the maintenance of local gene pools in native forests. Clearfelling will only be applied in plantations, in native forests approved for clearance and conversion under the State Permanent Forest Estate Policy, and in those native forest types, such as wet eucalypt forests, that cannot otherwise be safely and effectively regenerated through other silvicultural regimes.

8.8. Biodiversity

Forest practices will be conducted in a manner that recognises and complements the contribution of the reserve system to the maintenance of biological diversity, ecological function and evolutionary processes through the maintenance of viable breeding populations and habitat for all species.

8.9. Water

Forest practices will be conducted in a manner that does not cause significant deviations from natural ranges for water flow and quality, including natural disturbance events such as wildfires and storms, and meets statutory objectives for water management and water quality standards for human use by minimising the risk of sedimentation and pollution from forestry activities.

8.10. Soils

Forest practices will be conducted in a manner that maintains soil fertility and does not cause significant deviations from natural rates of erosion and landslides.

8.11. Geoheritage

Forest practices will not cause undue harm to important geological and geomorphologic features.

8.12. Cultural heritage

Forest practices will be conducted in a manner that respects and manages Aboriginal and historic cultural heritage through prescription or reservation in accordance with legislative requirements.

8.13. Visual landscape and amenity

Forest practices will have regard to the sensitivity of visual landscapes and amenity values to alteration.

8.14. Air quality

Prescribed burns under the forest practices system will be managed so as to minimise the risk of smoke concentration within populated areas and meet legislative air quality standards.

8.15. Forest carbon

Forest practices will be conducted in a manner that enhances the sequestration and storage of carbon by avoiding unnecessary damage to forest growing stock and soils, by maintaining site productivity and by ensuring the prompt reforestation and growth of forests after harvesting.

8.16. Fire management

Forest practices will be conducted in a manner that meets legislative requirements and actively manages forest fuels and forest access to maintain forest health, regeneration and ecological functions and reduce the risk and severity of damage from unplanned fires.

8.17. Control of weeds, pests and diseases

Forest practices will be conducted in a manner that meets legislative requirements and minimises the risk of spread of weeds, pests and diseases through effective control measures that have the least risk of adverse environmental impact.

8.18. Climate change

Forest practices will ensure that harvested native forests are regenerated using seed from local or similar provenances and in a manner that contributes to the maintenance of genetic diversity and the evolutionary potential of ecosystems and species to adapt to climate change.

8.19. Planning

Forest practices will be planned to provide due care for the environment and to maintain forest productivity in accordance with the Forest Practices Code and associated planning tools issues issued by the Forest Practices Authority, as applied in accordance with the duty of care provisions of the Code.

8.20. Communication and consultation

The users of the forest practices system will be encouraged to support effective consultation between forest managers, neighbours and other stakeholders and the provision of information about planned forest practices and the outcomes achieved to the public in a transparent manner.

8.21. Training

The forest practices system will ensure that Forest Practices Officers and forest operators have the competencies and support, through training programs, planning tools and other resources, to achieve high standards of forest practices.

8.22. Safety

All forest practices will be conducted in accordance with Work Health and Safety legislation and the Forest Safety Code (Tasmania).

8.23. Monitoring and reporting

The implementation and effectiveness of forest practices will be assessed and publicly reported under the requirements of the Forest Practices Act, including compliance reports for the discrete operational phases of all forest practices plans, monitoring by the Forest Practices Authority, and through research and monitoring programs.

8.24. Enforcement

Compliance with the Forest Practices Act and Code will be enforced through the provisions of the Forest Practices Act, with an emphasis on fostering improved standards through improvements to management systems, training and education and through corrective actions backed up with penalties for serious cases of non-compliance.

8.25. Research, review and continuing improvement

The forest practices system will strive for continuing improvement through ongoing research and monitoring, regular evaluation and review, and regular revision and updating of information and guidelines.

This policy has been prepared by the Forest Practices Authority as context for the application of the Forest Practices Code following changes made to the Forest Practices Act in 2013. It is intended that this policy will be implemented by the FPA pending amendment of the Code following consultation with the Forest Practices Advisory Council, the Forestry Corporation and Private Forests Tasmania pursuant to s 32 of the Act and noting requirements for public exposure and rights of objection to amendments under s 33 of the Act.

Endorsed by the Forest Practices Authority on 20 December 2013

(updated 27 Oct 2014 following the proclamation of the *Forestry (Rebuilding the Forest Industry) Act 2014*).

TABLE 1 LEGISLATION RELEVANT TO THE CONDUCT OF FOREST PRACTICES IN TASMANIA

Legislation	Agency	Purpose	
<i>Aboriginal Relics Act 1975</i>	DPIPWE	Provides for the identification and protection of all Aboriginal relics (sites).	All tenures
<i>Crown Lands Act 1976</i>	DPIPWE	Makes provisions with respect to the management, sale, and disposal of the lands of the Crown.	Crown Lands
<i>Environmental Management and Pollution Control Act 1994</i>	Department of Primary Industries, Parks, Water and Environment (DPIPWE)	Establishes duty of care on everyone to prevent or minimise environmental harm. Defines potentially harmful activities requiring assessment and approval. Identifies notification requirements for environmental incidents.	All tenures
<i>Fire Service Act 1979</i>	Department of Police and Emergency Management (Tasmania Fire Service)	Provides for the control and use of fire in the urban and rural environment.	All tenures
<i>Forest Management Act 2013</i>	Forestry Tasmania	Empowers Forestry Tasmania with responsibility for exclusive control and management of forest products and forest operations for State forest.	Permanent Timber Production Zone Land
<i>Forest Practices Act 1985</i>	Forest Practices Authority	Establishes the <i>Forest Practices Code</i> and forest practices system to provide for the sustainable management of forests on any land subject to forest operations. Provides for the establishment of private timber reserves on private land to provide security of long term forestry use for land owners.	All tenures
<i>Forestry (Rebuilding the Forest Industry) Act 2014</i>	Department of State Growth	Provides for the invigoration of the forest industry	Crown Lands
<i>Forestry Rights Registration Act 1990</i>	DPIPWE	Provides for the registration on land title of certain forestry rights.	Any land with title
<i>Historic Cultural Heritage Act 1995</i>	DPIPWE	Identifies, assesses and protects historic (post settlement) cultural heritage.	All tenures

<i>Land Use Planning and Approvals Act 1993</i>	Department of Justice	Establishes the Resource Management and Planning System for Tasmania. Forest practices on State forest, and forest operations on private timber reserves are exempt from the Act.	All tenures
<i>National Parks and Reserves Management Act 2002</i>	DPIPWE	Provides for the management of reserves under the <i>National Parks and Reserves Management Act 2002</i> according to management objectives for each reserve class.	Reserves declared under the <i>Nature Conservation Act 2002</i>
<i>Nature Conservation Act 2002</i>	DPIPWE	Provides for the declaration of certain types of reserves and sets out the values and purposes of each reserve class.	All tenures
<i>Public Land (Administration and Forests) Act 1991 and Resource Planning and Development Commission Act 1997</i>	Department of Justice	Provides authority to conduct public land use inquiries, approve planning schemes and report on State policies.	Public land
<i>Threatened Species Protection Act 1995</i>	DPIPWE	Provides for the conservation management of scheduled threatened species of flora and fauna.	All tenures
<i>Water Management Act 1999</i>	DPIPWE	Provides for the management of groundwater and surface water.	All tenures
<i>Weed Management Act 1999</i>	DPIPWE	Provides for the management of weed control.	All tenures