

# **Response of the Forest Practices Authority to objections and comments received on the proposed amendment of the Forest Practices Code**

**June 2015**

## **Background**

The Forest Practices Authority (FPA) on 14 March 2015 gave notice of its intention to amend the Forest Practices Code (the 'Code') by way of public notices pursuant to section 32 of the *Forest Practices Act 1985*. The public notices invited any person to lodge objections or provide comments on the proposed amendments by 15 May 2015. The particulars of the proposed amendments were contained in a document made available at the offices of the FPA and on its website – see [http://www.fpa.tas.gov.au/news/intention\\_to\\_amend\\_the\\_forest\\_practices\\_code](http://www.fpa.tas.gov.au/news/intention_to_amend_the_forest_practices_code)

In addition to the above notices the FPA consulted with Private Forests Tasmania, the Forest Practices Advisory Council<sup>1</sup> and the Forestry corporation as required under s32(1) of the Act. These organisations have all formally advised the FPA of their support for the proposed amendments.

Eight submissions were received in response to the public notices, as follows-

1. Marcus Higgs, 27 March 2015, 1 p.
2. Forestry Tasmania, 30 April 2015, 1 p.
3. Institute of Foresters Australia (Tasmanian Division), 8 May 2015, 2 pp.
4. Leigh Arnold, 11 May 2015, 1 p.
5. Tasmanian Conservation Trust, 15 May 2015, 7 pp.
6. Andrew Perry on behalf of Australian Conservation Foundation, Environment Tasmania and The Wilderness Society, 15 May 2015, 6 pp,
7. Lachie Clark and Mark Neyland, Forestry Tasmania, 15 May 2015, 1 p,
8. Environmental Defenders Office Tasmania, 15 May 2015, 4 pp.

## **Summary of comments received and the response of the FPA**

The FPA has carefully considered all of the objections and comments made in the submissions.

A summary of the main issues raised in the submissions is provided in Table 1. The submissions have been assigned a file reference number to preserve the anonymity of the submitters.

The response of the FPA to the main issues is contained in Table 2.

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<sup>1</sup> The Forest Practices Advisory Council is a statutory body established under s 37A of the Forest Practices Act to, inter alia, provide advice to the FPA on the review of the Code. It comprises members nominated by stakeholder bodies including the Local Government Association of Tasmania, the department responsible for the *Environmental Management and Pollution Control Act 1994*, Private Forests Tasmania, the Forestry corporation, the Forest Industries Association of Tasmania, the Tasmanian Country Sawmillers Association, the Tasmanian Farmers and Graziers Association as well as an independent Chair with expertise in sustainable forest management and a person with expertise in forest conservation.

**Decision of the FPA**

The FPA notes the overwhelming support for the proposed amendments by the bodies prescribed in s 32(1) of the Act. The FPA also acknowledges and expresses its appreciation for the detailed and constructive comments and suggestions that were submitted by a number of bodies. Some of the suggestions will be further considered as part of the ongoing review and continuing improvement of the forest practices system.

After careful consideration of the submissions received on the proposed amendment of the Forest Practices Code the board of the FPA has resolved to amend the Code as specified in its notice of 14 March 2015, effective upon a date to be specified in a notice published in the Gazette in accordance with s 33(3) and (4) of the Forest Practices Act.

**Professor Gordon Duff**

**Chair, Forest Practices Authority**

**12 June 2015**

**Table 1: Summary of comments received**

Submitter	Objections raised	Other comments made
442	No. Amendments are broadly supported, with suggestions for some changes as summarised under the next column.	<ul style="list-style-type: none"> <li>• Supports amendments to the Code to refer explicitly to particular guidelines, and recommends that all planning tools are subject to public input and are formally adopted in the Code or <i>Forest Practices Regulations 2007</i> to ensure that they can be enforced. (ref 2)</li> <li>• Directions in the Code relating to the application of guidance documents should be strengthened to be mandatory rather than advisory. (ref 2)</li> <li>• Clause 6.2.4 of the Guiding Policy should be amended to clarify that the application is to take account of social and economic factors only to the extent that environmental values can be adequately protected. (ref 3)</li> <li>• Remove the duty of care thresholds from the Code and Guiding Policy. (ref 4)</li> <li>• Restricting the management of Aboriginal heritage to legislative requirements is inadequate because of the ineffectiveness of current heritage legislation. Clause 8.12 of the Guiding Policy should be amended to refer to the Resource Guide, which should be updated to reflect ongoing consultation with the Aboriginal community. (ref 5)</li> <li>• Clause 8.13 of the Guiding Policy should be amended to require visual landscape to be managed in accordance with the Manual for Forest Landscape Management (or any updated tool). (ref 6)</li> <li>• Clause 8.15 of the Guiding Policy should be amended to take account of carbon sequestration opportunities and the management of forest residues. (ref 7)</li> <li>• Clause 8.18 of the Guiding Policy should be strengthened to ensure that forest planning, including the assessment of whether harvesting should be permitted, takes account of the impacts of climate change on the extent and health of existing habitat, the risk of bushfire and opportunities to mitigate emissions through avoided deforestation. (ref 8)</li> </ul>
443	No	<ul style="list-style-type: none"> <li>• References in the Code to Native Forest Silviculture Technical Bulletins need to be updated (ref 9)</li> <li>• References in the Code to 'high conservation' need to be defined to avoid confusion with the meaning given in forest certification schemes. (ref 10)</li> </ul>

Submitter	Objections raised	Other comments made
445	Not explicitly, but recommendations are made to change some provisions of the proposed amendments and to make further changes to the Code (these are summarised in the next column).	<ul style="list-style-type: none"> <li>• The FPA should not adopt the Guiding Policy as part of the Code and it recommends to the state government that it develops a forest policy through a consultative process, including public participation. The FPA should provide some suggestions (as it did in its 8 January 2013 'Submission of the FPA to the Tasmanian Forest Agreement Bill 2012 Committee') as to what a forest policy should contain. (ref 11)</li> <li>• If the FPA perseveres with including the Guiding Policy in the Code then it should be reissued for further public comment including answers to the questions we have asked, in particular <ul style="list-style-type: none"> <li>(1) evidence to justify the proposed duty of care levels and implications for biodiversity of applying such levels; (ref 12)</li> <li>(2) a justification for the FPA producing this statement and not the state government; (ref 11)</li> <li>(3) an explanation of what the FPA intends to do if there are no applicable incentive or market-based programs available to land owners or if land owners are not interested in such incentives and programs. (ref 13)</li> <li>(4) a definition of biodiversity, a statement of objectives for biodiversity management, detailed criteria for measuring biodiversity outcomes and a commitment to conservation of biodiversity at multiple scales. (ref 14)</li> </ul> </li> <li>• The FPA should explain how it makes decisions to change a particular planning tool without amendment of the Code and what the implications of this are. (ref 15)</li> <li>• The Biodiversity Landscape Planning Guideline should be adopted (ref 2)</li> <li>• The FPA should explain 'what happened to the review of the biodiversity provisions of the Code?' (ref 16)</li> </ul>
446	No, but recommendations are made to change some provisions of the proposed amendments and to make further changes to the Code (these are summarised in the next column).	<ul style="list-style-type: none"> <li>• Remove the duty of care thresholds in the Code and Guiding Policy. (ref 4)</li> <li>• Make tools such as the [Threatened] Fauna Adviser and Biodiversity Landscape Planning Guideline compulsory and enforceable under the Code. (ref 2)</li> <li>• Require the Code to explicitly require the application of the precautionary principle. (ref 17)</li> <li>• The Code lacks enforceability. (ref 18)</li> </ul>

Submitter	Objections raised	Other comments made
706	No	<ul style="list-style-type: none"> <li>Qualify the wording of s C1.1 of the Code to reflect the aim of achieving the minimum practical coupe area, consistent with achieving effective harvesting systems and protection of all landscape and environmental values. (ref 19)</li> </ul>
910	Yes. The submitter objects to 'changes to the Forest Practices Act (sic) as proposed. 'Each and every landowner should be contacted individually to inform them of any effects on their particular land.' (ref 1)	<ul style="list-style-type: none"> <li>Concerns about constraints on private land, difference between public and private land, and general comments about regulation. (ref 20)</li> </ul>
912	No. The submitter 'agrees that this approach to the amendment of the Code is appropriate'.	
967	No. The submitters 'Generally support the proposed amendments'.	<ul style="list-style-type: none"> <li>Substitute the word 'otherwise' with the word 'readily' in clause 8.7 of the Guiding Policy, to read '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 <u>readily otherwise</u> be safely and effectively regenerated through other silvicultural regimes'. (ref 21)</li> </ul>

**Table 2: Response of the FPA to the issues raised**

**2.1 Response to the objection raised**

<b>Objection</b>	<b>Reference</b>	<b>Response of the FPA</b>
'Each and every landowner should be contacted individually to inform them of any effects on their particular land'	<i>ref 1</i>	The process for making amendments to the Code is laid down in Part IV of the Forest Practices Act. The process includes consultation with prescribed bodies including the Forest Practices Advisory Council, which comprises members nominated by various stakeholder bodies, including the Tasmanian Farmers and Graziers Association and Private Forests Tasmania. The proposed amendments are publicly advertised through the three regional daily newspapers and any person may lodge objections or request other amendments to the Code. The impacts of the Code on any particular landowner are assessed during the planning stage for the preparation of a forest practices plan for proposed forestry activities. The Guiding Policy sets out the maximum constraints that may apply to a particular area of land.

## 2.2 Response to the comments made

Comment	Reference	Response of the FPA
<p>All planning tools should be subject to public input and formally adopted in the Code or <i>Forest Practices Regulations 2007</i> to ensure that they can be enforced.</p> <p>Directions in the Code relating to the application of guidance documents should be strengthened to be mandatory rather than advisory</p>	<p><i>ref 2</i></p>	<p>The FPA's planning tools are subject to a consultative review process, which includes representatives of stakeholders, independent scientists, relevant governmental bodies, and forestry practitioners. All tools are publicly available on the FPA's website and public comment is sought for key tools, such as the management prescriptions for threatened species. Tools are reviewed by the Forest Practices Advisory Council, which provides advice to the board of the FPA before the tools are endorsed. The Council comprises members nominated by various stakeholder bodies, including an independent conservation scientist. The process for the development and updating of planning tools for biodiversity values can be found at- <a href="http://www.fpa.tas.gov.au/_data/assets/pdf_file/0009/75195/Dev_and_review_process_July_2012.pdf">http://www.fpa.tas.gov.au/_data/assets/pdf_file/0009/75195/Dev_and_review_process_July_2012.pdf</a></p> <p>Planning tools are either educational/advisory (e.g. how to identify habitat for particular species) or prescriptive (e.g. management prescriptions for landslide areas or threatened species). Tools are designated as advisory where they provide guidance on how to achieve desired outcomes, noting that a particular outcome may often be achieved in various ways. Prescriptive tools are invariably designated as mandatory. They are enforced through provisions of the Code where they exist (e.g. the Threatened Fauna Adviser is mandatory through the application of the Agreed Procedures under section D3.3 of the Code. (see <a href="http://www.fpa.tas.gov.au/_data/assets/pdf_file/0010/57718/FPA_and_DPIPWE_agreed_procedures_2014.pdf">http://www.fpa.tas.gov.au/_data/assets/pdf_file/0010/57718/FPA_and_DPIPWE_agreed_procedures_2014.pdf</a>) Tools that are developed outside of the Code are applied through the FPA's administrative instructions to Forest Practices Officers who certify forest practices plans.</p>
<p>Clause 6.2.4 of the Guiding Policy should be amended to clarify that the application is to take account of social and economic factors only to the extent that environmental values can be adequately protected</p>	<p><i>ref 3</i></p>	<p>The change suggested to clause 6.2.4 of the Guiding Policy would be inconsistent with the provisions of the Forest Practices Act. Section 4B(1)(c) states that the Authority is to take 'into account social, economic and environmental outcomes of its decision-making processes'. That is, the legislation does not provide for the consideration of social and economic outcomes to be subservient to environmental outcomes.</p>

Comment	Reference	Response of the FPA
Remove the duty of care thresholds from the Code and Guiding Policy.	ref 4	<p>The FPA does not consider that the duty of care thresholds should be removed from the Code and Guiding Policy for the reasons given below.</p> <p>Section 3 of the Guiding Policy recognises that Australia’s National Forest Policy Statement (1992) provides a broad framework for the delivery of sustainable forest management through-</p> <ol style="list-style-type: none"> <li>1. The maintenance of a permanent native forest estate to retain the full suite of forest values over time;</li> <li>2. A formal process for the reservation of forests that are required to meet social and conservation outcomes; and</li> <li>3. The management of forests that are outside reserves in a manner that contributes to sustainable environmental, social and economic outcomes.</li> </ol> <p>Section 31(1) of the Forest Practices Act provides that the Code ‘shall prescribe the manner in which forest practices shall be conducted so as to provide <u>reasonable protection</u> [our emphasis] to the environment’.</p> <p>The Guiding Policy provides thresholds that provide ‘reasonable protection’ of environmental outcomes from non-reserve forests, i.e. from forests that have been designated by parliament as private land or as public land under the classification of ‘permanent timber production zone land’. It should be noted that higher levels of protection may be applied, where required, through other legislation such as the <i>Threatened Species Protection Act 1995</i>, the <i>Nature Conservation Act 2002</i> and the <i>Environmental Management and Pollution Control Act 1994</i>.</p> <p>The duty of care thresholds have been part of the Code since 2000 and experience shows that they have generally delivered good outcomes for environmental protection and nature conservation, without unfair constraint on economic outcomes. Contributions above and beyond the thresholds have been achieved through voluntary actions by private land owners and/or through the operation of the compensation provisions of the Nature Conservation Act. An analysis by Koch (2013) showed that 50 % of forest practices plans on private land exceeded the prescribed thresholds (see <a href="http://www.fpa.tas.gov.au/data/assets/pdf_file/0010/105877/Assessing_Duty_of_Care_-_private_land_FPA_Scientific_Report_19.pdf">http://www.fpa.tas.gov.au/ data/assets/pdf file/0010/105877/Assessing Duty of Care - private land FPA Scientific Report 19.pdf</a>).</p> <p>The removal of the thresholds would create much uncertainty for the managers of private forests and permanent timber production zone land. The FPA is required under s 4DA of the Forest Practices Act to have regard to the wood supply obligations of the Forestry Corporation, noting that parliament under s 16 of the <i>Forest Management Act 2013</i> has prescribed a volume of wood that must be made available for harvest from permanent timber production zone land.</p>

Comment	Reference	Response of the FPA
Clause 8.12 of the Guiding Policy should be amended to refer to the Resource Guide, which should be updated to reflect ongoing consultation with the Aboriginal community	ref 5	<p>The FPA does not agree that the Guiding Policy should specifically refer to particular planning tools; it is more appropriate for such operational tools to be referenced in the Code. The amendments proposed by the FPA already provide for the updating of references to planning tools in the Code, including the replacement of the <i>Forest Practices Forest Archaeology Manual</i> with the <i>Resource Guide for Managing Cultural Heritage in Wood Production Forests</i> ('Resource Guide').</p> <p>The Resource Guide is currently being reviewed in consultation with the Aboriginal community through a working group chaired by Aboriginal Heritage Tasmania.</p>
Clause 8.13 of the Guiding Policy should be amended to require visual landscape to be managed in accordance with the Manual for Forest Landscape Management (or any updated tool).	ref 6	<p>The FPA does not agree that the Guiding Policy should specifically refer to particular planning tools; it is more appropriate for such operational tools to be referenced in the Code. Section D4 of the Code already makes reference to the <i>Manual for Forest Landscape Management</i>.</p>
Clause 8.15 of the Guiding Policy should be amended to take account of carbon sequestration opportunities and the management of forest residues	ref 7	<p>The FPA believes that opportunities for carbon sequestration and the management of forest residues fall within the domain of higher level governmental policies and strategies related to carbon and that it would be premature to prescribe further measures in the Guiding Policy.</p>

Comment	Reference	Response of the FPA
<p>Clause 8.18 of the Guiding Policy should be strengthened to ensure that forest planning, including the assessment of whether harvesting should be permitted, takes account of the impacts of climate change on the extent and health of existing habitat, the risk of bushfire and opportunities to mitigate emissions through avoided deforestation.</p>	<p><i>ref 8</i></p>	<p>The FPA agrees that these are very important aspects of climate change and believes that the consideration of these factors is implicit in the wording of clause 8.18.</p>
<p>References in the Code to Native Forest Silviculture Technical Bulletins need to be updated</p>	<p><i>ref 9</i></p>	<p>The FPA does not automatically update references to guidelines that are issued by other bodies unless those guidelines are binding on the operation of the Code by virtue of legislation or the guidelines have been endorsed for use in the Code by the FPA.</p> <p>The Native Forest Silviculture Technical Bulletins were originally issued by the (then) Forestry Commission and were endorsed for inclusion in the 2000 version of the Code. However, there is currently no formal process for endorsing any revised versions issued by Forestry Tasmania, potentially leading to inconsistency between the version referenced in the Code and the version used by Forestry Tasmania. The FPA will review this situation and develop a procedure to clarify those guidelines that are endorsed for use through the Code.</p>
<p>References in the Code to 'high conservation' need to be defined to avoid confusion with the meaning given in forest certification schemes</p>	<p><i>ref 10</i></p>	<p>Terms such as 'high conservation' and 'significant values' are used in a broad sense throughout the Code and they are not specifically defined in the text or in the Glossary. The terms are not synonymous with any specific meaning attributed by other bodies. The FPA will give consideration to clarifying the meaning of such terms in future amendments of the Code and/or in the supporting planning tools.</p>

Comment	Reference	Response of the FPA
<p>The FPA should not adopt the Guiding Policy as part of the Code and it should recommend to the state government that it develops a forest policy through a consultative process, including public participation. The FPA should provide some suggestions (as it did in its 8 January 2013 'Submission of the FPA to the Tasmanian Forest Agreement Bill 2012 Committee') as to what a forest policy should contain.</p> <p>The FPA should provide a justification for the FPA producing the Guiding Policy and not the state government</p>	<p><i>ref 11</i></p>	<p>As noted by the submitter, the FPA has previously advised government that matters such as those contained in the Guiding Policy should be articulated through the governmental legislative and policy framework. The government has made very substantial changes to this framework in recent years, including explicit changes to the provisions of the Forest Practices Act. The FPA developed the Guiding Policy in 2013 in response to these changes and as a transparent way of articulating its interpretation of the manner in which the Code can deliver the provisions of the new legislation.</p>

Comment	Reference	Response of the FPA
<p>The FPA should provide evidence to justify the proposed duty of care levels and implications for biodiversity of applying such levels</p>	<p><i>ref 12</i></p>	<p>The duty of care thresholds were originally developed through consultation with stakeholders in 1997 following the commencement of the Regional Forest Agreement, noting the progress that has been made towards the establishment of a comprehensive, adequate and representative reserve system and as a way of seeking reasonable protection of the environment within non-reserve forests (see ref 4) without unfair impost on the rights of private land owners. The duty of care thresholds were formally included in the Code in 2000. The thresholds are set in the context of biodiversity conservation being achieved in various ways- principally through the state’s substantial reserve system, as complemented by management prescriptions within non-reserve forests. Management prescriptions under the Code and associated planning tools take account of the temporal and spatial aspects of ecological processes, including natural disturbance (e.g. bushfire) and successional regimes. Accordingly, the thresholds are not designed to maximise the protection given to biodiversity on a particular area of land at a particular point in time. However, where scientific assessment shows that the duty of care may not be sufficient to provide an adequate level of protection at a particular time on a particular area of land the matter is referred to other legislation that has the primary jurisdiction for nature conservation (see ref 4 and the Agreed Procedures cited in ref 2).</p>
<p>The FPA should provide an explanation of what the FPA intends to do if there are no applicable incentive or market-based programs available to land owners or if land owners are not interested in such incentives and programs.</p>	<p><i>ref 13</i></p>	<p>The FPA recognises that many landowners will voluntarily contribute to nature conservation outcomes at no cost to the public (see ref 4), particularly if they are given the opportunity and capacity to improve their economic livelihoods through the sustainable management of their forest assets. In addition to voluntary and market-based incentives there are devices under other legislation for achieving higher levels of environmental protection (see ref 4), which apply to private land and to permanent timber production zone land.</p>

Comment	Reference	Response of the FPA
<p>The FPA should provide a definition of biodiversity, a statement of objectives for biodiversity management, detailed criteria for measuring biodiversity outcomes and a commitment to conservation of biodiversity at multiple scales.</p>	<p>ref 14</p>	<p>The FPA uses the term 'biodiversity' in the generally accepted sense to mean biological diversity, as for example defined in section 3(1) of the <i>Nature Conservation Act</i> , viz-  <i>biological diversity means the variety of –</i>  <i>(a) plants, animals and micro-organisms; and</i>  <i>(b) the genes contained in plants, animals and micro-organisms; and</i>  <i>(c) the ecosystems of which plants, animals and micro-organisms form part</i></p> <p>The objective for the management of biodiversity under the forest practices system is contained in clause 8.8 of the Guiding Policy, viz. <i>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.</i></p> <p>A summary of the approach for the management of biodiversity under the forest practices system is available on the FPA's website at  <a href="http://www.fpa.tas.gov.au/forest_practices_system/fpas_forest_planning_processes/biodiversity_program">http://www.fpa.tas.gov.au/forest_practices_system/fpas_forest_planning_processes/biodiversity_program</a></p> <p>Section D3 of the Code deals with the conservation of biodiversity at different spatial scales. A guideline for managing biodiversity at multiple scales under the forest practices system is published on the FPA's website at  <a href="http://www.fpa.tas.gov.au/_data/assets/pdf_file/0005/92705/Biodiversity_landscape_planning_guideline.pdf">http://www.fpa.tas.gov.au/_data/assets/pdf_file/0005/92705/Biodiversity_landscape_planning_guideline.pdf</a>.</p>
<p>The FPA should explain how it makes decisions to change a particular planning tool without amendment of the Code and what the implications of this are.</p>	<p>ref 15</p>	<p>Planning tools are designed to provide technical guidelines on how to implement the provisions of the Code. As such, they can be readily updated on the basis on new knowledge and experience. See also comments for ref 2.</p>
<p>The FPA should explain 'what happened to the review of the biodiversity provisions of the Code?'</p>	<p>ref 16</p>	<p>Progress reports on the key recommendations of the 2009 Biodiversity Review have been published on the FPA's website. The latest report of March 2015 is at-  <a href="http://www.fpa.tas.gov.au/_data/assets/pdf_file/0005/104585/Progress_on_Bio_review_recs.pdf">http://www.fpa.tas.gov.au/_data/assets/pdf_file/0005/104585/Progress_on_Bio_review_recs.pdf</a></p>

Comment	Reference	Response of the FPA
Require the Code to explicitly require the application of the precautionary principle.	ref 17	The Forest Practices Act makes no explicit reference to the precautionary principle. However, the Code and associated planning tools are based on an adaptive management framework, which implicitly incorporates the elements of risk management and precautionary approach (see <a href="http://www.fpa.tas.gov.au/forest_practices_system/fpas_forest_planning_processes/?a=55332#res1">http://www.fpa.tas.gov.au/forest_practices_system/fpas_forest_planning_processes/?a=55332#res1</a> )
The Code lacks enforceability.	ref 18	This statement is superficial, incorrect and totally unsupported by any evidence. The Code is a legal requirement of all forest practices plans under s 18 of the Forest Practices Act and it is an offence under the Act to carry out forest practices without a certified plan (s 17) or in contravention of a certified plan (s 21). The Act provides the FPA and its officers with powers to monitor operations and enforce the Act and Code (e.g. sections 25A, 25B, 40, 41, 47). A description of the FPA's monitoring and enforcement procedures are comprehensively and transparently contained on its website –see <a href="http://www.fpa.tas.gov.au/compliance">http://www.fpa.tas.gov.au/compliance</a> The FPA's Annual Reports contain comprehensive details of the FPA's monitoring and enforcement activities. These reports are publicly available – see <a href="http://www.fpa.tas.gov.au/publications">http://www.fpa.tas.gov.au/publications</a>
Qualify the wording of s C1.1 of the Code to reflect the aim of achieving the minimum practical coupe area, consistent with achieving effective harvesting systems and protection of all landscape and environmental values.	ref 19	The FPA believes that most forest managers currently seek to minimise the operational size of cutting units, consistent with sound fire management boundaries etc. The relationships between coupe size and costs, environmental factors and fire management are complex and the FPA currently does not have sufficient information that would allow a mandatory lowering of the maximum coupe size in the Code. The FPA believes that this is an important topic for further review.
Concerns about constraints on private land, difference between public and private land, and general comments about regulation	ref 20	The Forest Practices Act has a statutory objective ' to achieve sustainable management of Crown and private forest' (Schedule 7, Forest Practices Act). The Act applies equally to both tenures. Further comments and analysis of Tasmania's forest practices system can be found in Cashore et al 2007 in relation to other jurisdictions (see <a href="http://www.fpa.tas.gov.au/data/assets/pdf_file/0004/58810/GISF_Research_Paper_010.pdf">http://www.fpa.tas.gov.au/data/assets/pdf_file/0004/58810/GISF_Research_Paper_010.pdf</a> ) and Wilkinson et al 2014 – see <a href="http://www.sciencedirect.com/science/article/pii/S1389934113002505">http://www.sciencedirect.com/science/article/pii/S1389934113002505</a> See also comments for ref 1

Comment	Reference	Response of the FPA
<p>Substitute the word 'otherwise' with the word 'readily' in clause 8.7 of the Guiding Policy, to read '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 <u>readily</u> <del>otherwise</del> be safely and effectively regenerated through other silvicultural regimes'.</p>	<p><i>ref 21</i></p>	<p>The FPA considers that the suggested wording is a fine nuance on the current wording and does not materially change the meaning of the clause, noting that no other suggestions for change were made by key stakeholders, including the representatives of the Forest Practices Advisory Council. On this basis, the FPA does not consider that the change is necessary.</p>