



Forest Industries Association
of Tasmania

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2 September, 2005

Hon Judy Jackson MHA
Minister for Environment and Planning
GPO Box 825,
Hobart, 7001

Dear Minister Jackson,

Re: DRAFT CODE OF PRACTICE FOR USE OF 1080 POISON FOR NATIVE
BROWSING ANIMAL MANAGEMENT - AUGUST 2005

FIAT thank you for the opportunity to provide you with our comments on the final draft of the new *Code of Practice for Use of 1080 for Native Browsing Animal Control*. We note that while some of our concerns that were raised in our initial submission and at our meeting with you have been addressed, there are a number of critical issues that remain unresolved. As stated in our first submission, a number of the proposed changes to the Code of Practice for the use of 1080 are regarded as draconian measures which WILL result in a loss of investment in Tasmania and are unnecessarily severe given the air of good-will, and commitment to explore alternatives, that currently exists within the industry.

On 1 June 2004 FIAT wrote the following to you – “In order for you to more fully understand the potential detrimental impacts we would be keen to invite you on a tour of a plantation recently subjected to extensive browsing damage despite both shooting and 1080 application. This will permit you to have a more thorough understanding of the practical problems that confront the industry in the review of the code.” FIAT are extremely disappointed that you have not yet actioned this invitation notwithstanding your verbal acceptance and believe that it is absolutely essential that you undertake a field visit as a matter of urgency so that we can more clearly show you the devastation that is occurring in crops across Tasmania as a result of browsing animals that are in plague proportions throughout the State.

Need for overall game management plan for the state is being ignored

The forest industry in Tasmania believes that the Tasmanian Government are ignoring their responsibilities when it comes to population management of native animals that are in abundant or plague numbers. Tasmania is quite unique when compared to many other developed nations in that it does not regulate the numbers of over abundant species and it has no overall “Game Management Plan” for the State. This neglect has resulted in extremely numerous populations of various species including many that damage crops through browsing. In many cases some of these species are in plague proportions and are causing extensive damage to crops.

The forest industry calls upon the Tasmanian Government to implement a Game Management Plan for the State which recognises the Government’s role in ensuring the management of native animal populations that are in virtual plague proportions and are causing extreme damage to Tasmania’s forest and rural industries.

APVMA findings have not been considered

FIAT urges you to consider the APVMA Preliminary Review Findings of the Reconsideration of Registration of Products Containing Sodium Fluoroacetate (1080) and their Associated Labels which reviewed the safety of use of 1080 based on information and technical data derived according to accepted scientific principles. This report came out with a number of recommendations regarding the use of 1080 including extensive recommendations on instructions on labels for use. FIAT strongly believe that the requirements of the Code should be in accordance with the findings of this scientifically based report.

SPECIFIC COMMENTS ON THE DRAFT CODE.

We will raise and comment on a number of issues within the Code and will use as references the numbering within the Draft Code.

- 2.1 FIAT are supportive of the inclusion of a timeframe for permits to be issued after completion of on site inspections but believe that the timeframe is too long and should be reduced from 2 days to 24 hours with a strong preference given to the issuing of the permit at the completion of the on site inspection.
- 2.2 There must also be a commitment to a set number of working days for the inspection to be carried out from the date of the land-holders request. This is essential. As it stands in the draft, it is open ended and it could be months (unfortunately as it sometimes is now) before inspection. If the Government intend to require the onsite inspection it must be prepared to fund the inspectorate at a level to permit a reasonable service level to industry.

FIAT believe that the “Standard Protocols for Damage/Risk Assessment and Shooting Effort” provided at the end of the Code provide a quantifiable procedures for assessing damage/risk to crops. Due to the rigor and quantifiable nature of these guidelines, applicants should be able to carry out these assessments and provide the Authorising Officer with the results, and given that the requirements of Clause 3.1 are satisfied, a permit must be issued within 24 hours of the request.

- 2.3 WAM is committing to provide a 1080 service within "15 working days of receiving a request from a permitted land-holder". This 15 working days (3 weeks) added to the 2 days in 2.1 plus the indefinite time between request for an inspection and it actually happening is totally unacceptable. It must be possible make an interim request to the WAM officer before the permit has been issued, so that it can be scheduled quicker than 3 weeks from permit issue.

The code draft doesn't take into account in any way the practicality of the timeline it creates. If an attempt has been made to use alternate methods and that has failed, this Code of practice confronts us with at least a month before 1080 can be applied! Complete crop failure is likely to follow. If this is permitted by way of a result of Government regulation it will result in a considerable flight of investment from the State.

- 2.4 The wording in this section has been altered from “...1080 poison is used as directed by a DPIWE officer **so as to** minimize any potential adverse effects...” to “...officer **and to** minimize any potential...”. FIAT believe that the wording should be retained in its original format. This constitutes much more than a semantic difference and the intention evinced from the earlier wording must be retained.

- 3.2 As noted in our previous submission the sentence that reads “The authorized officer is required to undertake an on-site inspection before issuing a permit.” needs to be removed from this clause.

It was discussed and agreed at the Browsing Damage Management Group, (at which Alex Schaap was present), that once the applicant was able to provide the authorized officer with evidence that the requirements in Clause 3.1 are met, a permit would be issued as a matter of course, without question, within 24 hours of the request. A 24 hour turn around on these requests is absolutely crucial due to the fact that other control methods have been tried and are not working, therefore the crop will have sustained an unacceptable level of damage and any further delay will result in additional damage, and therefore impact adversely on the economic viability of the crop. From an investors perspective this is unacceptable.

- 3.4 In our previous submission FIAT requested a definition of “crops of high value”. We accept a change has been made to the wording of this clause but suggest that the wording be ...”crops of high value **and/or** high vulnerability...”. This would address our concern.

- 3.7 FIAT acknowledge that the word “contract” has been removed from this clause and are supportive of this change.
- 3.8 FIAT are supportive of the removal of the word “adjacent” from this clause.

The first dot point allows "unfavourable weather conditions" as a reason an authorising officer may permit another 1080 application within the 3 year period. On very cold sites (eg Southern Surrey Hills, a plantation area south of Burnie) it may take two growing seasons before plantation seedlings are large enough to compete with browsing vertebrates. It is very similar to native forest regeneration in this respect. A follow up 1080 application is often needed to ensure the crop survives until it is large enough. Whilst it could be argued that this is due to weather conditions, the Code of Practice should be more explicit in allowing repeat use within three years in any circumstances where it can be reasonably justified on evidence.

The second dot point allows the specific forestry use to "protect native forest regeneration" or "to prevent bark stripping in pine plantations". It should allow replanting of failed plantation establishment as an "exceptional circumstance". That failure may have been due to frost, scarabs etc.

FIAT suggest that clause 3.9 be included in clause 3.8 as in the initial draft as the two clauses are directly related.

- 5.1 FIAT are disappointed that there has been no change to this clause as requested in our previous submission. FIAT still believe that the requirement to notify landholders within 1000 metres of the intended poison line places unnecessary and unreasonable administrative cost on the applicant for little or no gain. There is no demonstrated basis for the enlargement of the notification area and this proposal will in all likelihood only increase, unnecessarily, the public nervousness about the use of 1080 and thereby public rancour.

With respect to neighbour notification, the recent APVMA review identified that 1080 labels must contain the following:

*“Neighbours must be notified to allow them to take appropriate action. This notification must be in writing and must be given to all **adjoining** landowners at least 72 hours in advance except where alternative arrangements (eg individual multi baiting letters and/or media notice) are necessary due to large scale projects and the impracticality of individual advice, but where overall safety criteria are met.”*

This is a far more practical approach and based on a scientific assessment of the strictures that should underpin 1080 usage.

The current 500 metre requirement should remain unchanged.

- 6.2 FIAT are supportive of the inclusion of the change to this clause to include the words “or instruction” and feel this has addressed our initial concerns.

We note that clause 6.3 of the initial draft has now been included in clause 6.2 of the current draft. In FIAT’s initial submission we suggested that the wording “At the discretion of the Competent officer” needed to be removed – FIAT acknowledge that these words have been removed, however the new wording still implies the same intent by using the word “may” throughout the clause as this still leaves a decision at the discretion of the Competent Officer. Industry require far greater certainty that this provision allows.

- 6.4 We note the amendment to the “picnic facility” provision but we continue to be perplexed by the rationale that attaches to this prescription.

There does not appear to be any sound basis for the selection of a 500 metre radius and in fact the selection of this distance appears totally arbitrary. Given the high level of resistance by humans to 1080 we can only conclude that this is a politically inspired prescription.

This provision as written lacks specificity for example where does a picnic area start and finish, what is the definition of a public authority etc?

If this stipulation is to remain in the Code then the “facility” needs to be defined explicitly.

- 6.5 FIAT acknowledge that this clause has been changed but still feel it needs to be more specific. It will need to make reference to the section at the back of the document that describes the “Assessment of risk to non-target species”. FIAT do not support of this clause as it stands. FIAT believe this clause must be specific so as to provide certainty to avoid decisions being taken ie establishment of a crop, that subsequently are unable to be implemented solely on the basis of the vagueness in the Code. The use of 1080 should only be restricted if the general population of the non-target species is at risk, not the immediate local population.

In this respect it is worth remembering that 1080 is highly target specific and impacts beyond intended species is rare. The target species are in alarming proportions and not likely to suffer any long term detrimental effect.

- 7.3 As in our initial submission FIAT believe that the 1000 metre carcass collection zone is unreasonable and should be reduced to 500 metres.

The Code states "The permit holder or their agent must also attempt to collect and dispose of all carcasses on a neighbour's land within 1000 metres of the poison line **when requested to do so by that neighbour**". The circumstance of why a permit holder has been contacted by a neighbour asking for collection needs to be taken into account. With a 1 km range it is highly unlikely carcasses will be found that far

from the point of application. In some areas permit holders could be confronted with an orchestrated and vexatious campaign with demands to collect carcasses **when none are evident** (eg when notification has been received before the laying of 1080 has been carried out). The cost of searching when there are no carcasses evident, or the likelihood of finding any is remote, is very considerable over the 300 hectares minimum a 1 km range creates.

It is current practice to collect and remove carcasses from neighbour properties when a land-holder has found some and contacts the permit holder or when they have been seen on neighbouring properties during the normal carcass pickup, and that neighbour has given access permission. Ambiguity in the quoted sentence should be removed by, for example, the following modification: "The permit holder or their agent must also attempt to collect and dispose of all carcasses **found** on a neighbour's land within 1000 metres of the poison line when **either access permission has been given or when** requested to do so by that neighbour".

The problem is as much with the practicality of a 1 km radius zone as with the wording. To treat every point between the poison and line and 1 km out the same way is folly when we know that 1km out is much less important than the first 100 metres from the poison line.

We acknowledge and are supportive of the inclusion of the words "on the permit holders land."

STANDARD PROTOCOLS FOR DAMAGE/RISK ASSESSMENT AND SHOOTING EFFORT

These protocols should be able to be used by the applicant to indicate a need for the use of 1080. As they are currently presented there is a requirement for an authorized officer to visit the site to assess damage or risk which often results in lengthy delays and loss of valuable resource due to browsing. These time delays must be reduced.

Assessment of Risk to Crop or Pasture.

Tree Plantations

- The minimum threshold has been increased from 5% to 10% and the word "severely" has been added. Ten percent could be well on the way to complete failure of the crop. FIAT recommend a return to the threshold of 5%.

Native forest regeneration

- We believe there is a need to take the words "to consider" out of the first sentence.
- A damage threshold of 10% has been introduced and wasn't in document before. What is the rationale for this addition? FIAT do not believe that this is appropriate at this late stage in the consultation process.

Assessment where crop is yet to be planted

- Words have been added “Procedures should be employed to ensure a uniform and repeatable distribution of baits so as to ensure accurate assessment of bait take.”
- When a pre-plant permit is being applied for, the time-line for onsite inspection, issue of permit and baiting should be adjusted so that the risk assessment free-feeds can be included as part of the five free-feeds carried out as part of the 1080 operation. This may require an interim permit application process (inspection, and booking of WAM officer etc) where the steps leading up to the application of 1080 could be initiated but a go/no-go step be put in prior to poisoning. This will provide at least some minor amelioration of the time delays inherent in the draft.

Assessment of risk to non target Species

- This clause should refer to **threatened** non target species. We are not clear whether or not it only includes the species listed in this section. Given that these provisions are or should be directed to non-target native species we are highly surprised to find an introduced species, fallow deer, included in this list. We cannot accept this inclusion.

The use of 1080 in areas where there is known habitat of non target species potentially at risk from 1080 poison should only be restricted if the **general population** of the species is at risk not the immediate **local population**.

- The APVMA review indicates under specialist advice from the Department of Environment and Heritage that while the poisoning of individual non target animals may occur, there is no evidence that the use of 1080 baits leads to an adverse impact on non target species at a population level. Guidance should be taken from this science based analysis.

Assessment of alternative control measures

- The total of 5 hours has been decreased to 3 hours and the 1 hour per 20 ha has been changed to 1 hour per 30 ha. We note that our suggestion of “whichever is less” has not been included it is still “whichever is the greater”. FIAT believe this sentence should refer to whichever is less.

Minister, we wish again to express our concern that the legitimate comments made on the previous draft by FIAT and other submitters seem to have fallen on deaf ears. Whilst the forest industry is prepared and indeed have already taken extensive steps at considerable cost to reduce 1080 usage we are implacably opposed to many of the proposed guidelines as they ignore the devastating impact they will have in the commercial environment within which industry must operate.

We implore you to consider the further suggestions we have made and to undertake the in field assessment you had previously committed to undertake. TFGA have advised FIAT that should this inspection program proceed, they would be keen to participate and to provide you with an opportunity to observe first hand browsing damage to agricultural crops.

FIAT are prepared to again meet with you to expand upon any issue within this submission to assist you and the Department to obtain a more comprehensive understanding of the actual impacts of some of these provisions.

FIAT also note from your correspondence dated 17 August 2005 that “funding provided through the Tasmanian Community Forest Agreement for a research, field testing and demonstration program to provide alternative options for private landholders” and FIAT would be keen to progress discussions with the State and/or Federal Governments over appropriate implementation processes for this funding.

Yours sincerely,

Terry Edwards
Chief Executive