



Minister for Agriculture and Rural Affairs
New South Wales

AH 86/1460
(24580)

Mr R Chappell, MP
Member for Northern Tablelands
PO Box 1222
ARMIDALE NSW 2350

Dear Mr Chappell

I refer again to your personal representations on behalf of the Armidale branch of the National Parks Association of NSW (Mr P Metcalfe, President, PO Box 372, Armidale) concerning the sale of Travelling Stock Reserves (TSRs).

I strongly endorse the Rural Lands Protection Boards' policy of retaining a network of TSRs throughout the State. Important reasons for their retention include: a low cost means of stock transportation (walking), emergency grazing, recreation opportunities, and conservation value.

Accordingly, the Armidale Branch of the National Parks Association of NSW can be assured that, as the Minister responsible for administering the Rural Lands Protection Act, I have no intention of recommending any wholesale disposal of TSRs.

I trust this clarifies the position.

Yours faithfully

IAN ARMSTRONG

IAN ARMSTRONG, MP
MINISTER FOR AGRICULTURE
AND RURAL AFFAIRS

*Handed to Armidale NPA NSW
1 March 1991
when Minister received
presentation of brochures.*



Minister for Agriculture and Rural Affairs
New South Wales

AH 89/1460
(218)

Mr P Metcalfe and Ms B Williams
Armidale Branch
National Parks Association of NSW Inc
PO Box 372
ARMIDALE NSW 2350

14 AUG 1991

Dear Mr Metcalfe and Ms Williams,

Reference is made to your recent letter concerning the possible sale of Travelling Stock Reserves (TSRs).

Under the Rural Lands Protection Act, Rural Lands Protection Boards are responsible for the care, management and control of travelling stock reserves. As the Minister responsible for administering the Rural Lands Protection Act, after consultation with a Board, I can recommend to the Hon Gary West, MP, Minister for Conservation and Land Management, that a TSR be revoked. Naturally, I would only take this action where a Board no longer wanted a Travelling Stock Reserve for travelling stock.

While I strongly endorse the policy of the Rural Lands Protection Board retaining a network of TSRs throughout the State, you must appreciate that at times certain TSR's become no longer suitable for use by travelling stock. This mainly happens where they are adjacent to highways and become too dangerous to use.

→ As Mr West is responsible for what happens to a revoked TSR, I have referred your letter to him for his consideration and reply to you direct.

Yours sincerely

IAN ARMSTRONG

IAN ARMSTRONG, MP
MINISTER FOR AGRICULTURE
AND RURAL AFFAIRS



NEW SOUTH WALES

MINISTER FOR CONSERVATION
AND LAND MANAGEMENT

C.91/27

Mrs. B. Williams,
Armidale Branch,
National Parks Association of N.S.W. Inc.,
P.O. Box 372,
ARMIDALE N.S.W. 2350.

12 SEPT 1991

Dear Mrs. Williams,

I refer to your recent letter on behalf of the Armidale Branch of the National Parks Association of N.S.W. regarding the Travelling Stock Reserve System of N.S.W.

The sale of lands reserved for travelling stock is essentially a matter for consideration by the Hon. I.M. Armstrong, M.P., Minister for Agriculture and Rural Affairs. In this regard, I note that you have already received a reply from Mr. Armstrong. There is an exception to this in that the travelling stock routes and associated reserves of the Western Division are vested in the Western Lands Commissioner.

As far as my administration is concerned, disposal of travelling stock reserves is generally undertaken in response to a request by the local Rural Lands Protection Board with the consent of the Minister for Agriculture. However, as with any Crown land, the requirements of the Crown Lands Act, 1989 need to be satisfied in the first instance. Disposal of such reserves in the Western Division is actively opposed by the Western Lands Commission except in the most exceptional circumstances.

In terms of Part 3 of the Act, Crown land within the Eastern and Central Division of the State must be formally assessed before disposal can be considered. The assessment process involves the preparation of a comprehensive inventory of the physical characteristics, attributes and capabilities of Crown land as a means of identifying the most suitable use or uses for the land. Any draft assessment prepared is required to be publicised and representations from the public invited prior to adoption. The land assessment, together with consideration of submissions from individuals and interest groups, will determine the future use of the T.S.R. in question. Upon completion of the assessment process, any proposed significant dealing with Crown land is also required to be publicised.

The Association may be assured that the Government is well aware of the importance and committed to the maintenance of a viable network of Travelling Stock Reserves throughout the State.

Yours sincerely,

Garry West
GARRY WEST, M.P.,
Minister for Conservation and Land Management.



Minister for Agriculture and Rural Affairs
New South Wales

A4359
(24676)

2

All NSW Departments responsible for natural resources management have involvement in the preparation of Protected Land maps and the legislation covers all land uses and values, including forestry, flora and fauna conservation, heritage and sustainable agriculture and grazing.

Needs Review '92

In the light of current initiatives, a moratorium on clearing is not warranted, however, I can assure the Association that the issues will continue to be monitored.

Yours sincerely,

IAN ARMSTRONG
IAN ARMSTRONG MP
MINISTER FOR AGRICULTURE
AND RURAL AFFAIRS

"current initiatives" not warranted!

Mrs B Williams
Armidale Branch
National Parks Association of NSW Inc
PO Box 372
ARMIDALE NSW 2350

Dear Mrs Williams,

I refer to your letter on behalf of the Armidale Branch of the National Parks Association of NSW, concerning a number of issues in connection with the clearing of land.

All that you have said in this regard has been duly noted, however, I do not accept that further tightening of restrictions on the use of tree killing chemicals is warranted at this time. The restrictions I announced in March this year followed careful consideration of the issue by the Advisory Committee on Agricultural and Veterinary Chemicals and represents an immediate practical step towards the prevention of excessive and inappropriate tree killing. They have successfully prevented the large scale application of herbicides, which was the method most widely used to destroy timber on large areas of, often steep, land.

I share your concerns about the Macintyre River Catchment and the Soil Conservation Service has completed a land inventory for the catchment, including mapping land capability, tree cover, soil erosion, salinity and land use. In addition, the Service is preparing Protected Lands maps for the area which will be completed in December, 1990, and made available for public comment and review. *But not accurate*

As the Association would be aware, a major revision of the Soil Conservation Act, 1938, was completed this year resulting in greatly increased penalties and new Standard Erosion Mitigation Conditions for Forestry and Permanent Clearing.

The NSW Protected Land legislation has far more scope and practical application for vegetation management than any other Australian legislation including the new Victorian model you refer to which, being administered through Planning legislation, has no land management objective and significant difficulties in its administration are emerging.



work experience student with the Daily Examiner, available dogs available for adoption from the pound. people to drop by for a visit.

Council briefs . . .

THE generosity of Grafton employees in donations to the North Coast helicopter rescue service, will be honoured by Grafton City Council.

Council at its estimates meeting this week decided to increase its donation to the rescue service from \$80 to \$2000, to match the amount contributed in regular pay deductions by council staff.

The decision came in response to a letter from the rescue service which asked the council to meet the staff contribution on a dollar for dollar basis.

★ ★ ★

ORNAMENTAL gates on Fisher Park, which has a boundary fence, will not be chained and padlocked by Grafton City Council.

The move to padlock the gate on the unfenced park came through the council development and recreation committee, after members complained about the number of vehicles being driven onto the park by spectators at cricket and other sporting fixtures.

Aldermen said although there was no fence around the park access was impeded by trees and shrubs and most of the vehicles were being driven in through the large double gateway at the corner of the park.

City engineer Mr Mike Gorrie reminded the council he had opposed removal of the fence and a boundary hedge which were taken down some years ago.

Cars being driven onto the park were a bit of a problem, particularly in wet weather, but he believed there was plenty of points of access other than the main gateway.

It is quite a historical gate actually and I can't see any point in closing it," Mr Gorrie said.

Aldermen agreed that no action should be taken until the council also asked council officers to keep an eye on the problem of vehicles being driven onto Market Street, particularly when market days are being held there.

★ ★ ★

LECTED representatives on the Northern Rivers Regional Organisation of Councils (NOROC) had rebuffed their officers in the back on the question of funding. Ald. Les Weiley told a meeting of Grafton City Council this week.

Ald. Weiley was reporting on the last NOROC meeting where delegates considered a submission to council engineers and officers pressing the Roads and Traffic Authority for more road funding for the area.

He said the elected delegates had not been game to take it up to the RTA and had failed to support the submissions in the submission.

He hoped the matter could be redressed at NOROC's next meeting.

NOROC itself came under fire from Ald. Gordon during the council's budget debate.

Ald. Labour moved that the council withdraw its \$100 contribution to NOROC, claiming the organisation had achieved nothing for the benefit of the

The aggregation move to offer rural areas freedom of viewing choice and equal access, the spokesman said.

While the move, scheduled to come into effect in Northern NSW in January 1992, appeared to be good news for viewers it was interpreted as a disservice to the industry by the affected television stations.

Northern Rivers Television (NRTV) representatives claimed the station would suffer because it would be faced with significant levels of capital expenditure required to transmit into the new viewing area and the move would force them to share their advertising market with two other networks.

NRTV was also aligned with the failing Channel 10 and had made a plea to the Government to wait until the industry was more stable before making the aggregation move.

the financial problems and look into assistance packages.

The spokesman for the Minister said the Government was still looking into a financial package to assist in the transition.

"We want to make this a smooth change-over for everyone, but we are unquestionably committed to the change," he said.

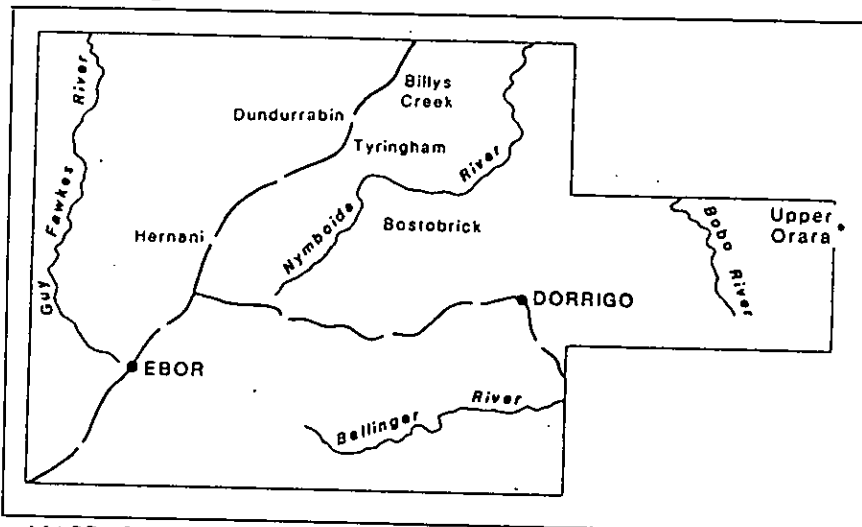
"The stations are upset because they have had the monopoly on their market forever and now we are forcing them to be competitive.

"That is the way the business world works these days.

"It's the rare business that isn't faced with competition."

Managers at the station refused to comment directly on the matter, with the exception of saying that aggregation continued to be strongly criticised by the majority of regional broadcasters.

Protected land maps to go on exhibition



DE. 5-12-90

MAPS of land protected under the Soil Conservation Act 1938 will be on public display during the next seven weeks at the Grafton Soil Conservation office.

Soil conservationist Mr Bob Attwood said the maps were updated to identify areas on the Dorrigo Plateau where a special approach to tree management was required and were the first of a series of maps for the entire Clarence River Catchment.

The new maps showed additional areas which were now considered to be environmentally sensitive

and were either mapped as being prone to land slip or containing important flora and habitat values, he said.

Director of Land Management Mr Max Ingram said the intention of protected lands provisions were not to lock up land, but rather to ensure that harvesting or clearing of trees was undertaken in a manner which would have minimum impact on the land.

The maps identified land that was in excess of 18 degrees slope gradient or within 20m of the bed or bank of a defined watercourse, areas of impor-

tant remnant forest including rainforest and areas of Rufous Scrub-bird habitat.

Officers of the Soil Conservation Service and National Parks and Wildlife Service would be meeting with farming, industry and environmental groups to discuss the maps and their implications, Mr Ingram said.

Maps will also be on display at Soil Conservation offices at Armidale, Coffs Harbour and Kempsey, as well as the Bellingen Shire Council Chambers and the National Parks office at Dorrigo.

Streets officially christened

TWO of South Grafton's most recently named thoroughfares were officially christened at a street party this week.

The Lawrence Lane party was held to mark the official signposting of Lawrence Lane and Zuber Lane with members of the Zuber and Lawrence families travelling from Newcastle and Wollongong to take part.

named by Grafton City Council in honour of pioneer families of the South Grafton area.

Mrs Irene Lawrence (nee Zuber) and her daughter Rhonda nominated the two family names when City Council called for suggestions about the naming of a number of untitled streets around South Grafton.

"We thought it would be nice if just one of the

"We were delighted when council agreed to use both names."

Street signs for the two lanes went up recently and a footpath party was arranged for the official family launch.

The Lawrence family has been associated with South Grafton since the township's earliest days and the first Zuber came to the area in 1912.

"It was a great day"

Given the increased workload that the requirements of the Endangered Fauna (Interim Protection) Act, 1991 has put on soil conservation officers (as a result of the need to carry out detailed assessment under S4A of the Environmental Planning and Assessment Act, 1979), at this stage I cannot justify the release of additional areas of protected land throughout the State.

With regard to the mapping of environmentally sensitive land by the National Parks and Wildlife Service, this is an opportunity that rests entirely with that department, to be resourced from within their administration. The opportunity to map various nature conservation values has been very clearly put to the National Parks and Wildlife Service through the State Catchment Management Co-ordinating Committee on a number of occasions.

Finally, with reference to control of clearing on private land which is not subject to the provisions of protected land, I am not empowered to stop any clearing unless owners or occupiers of land are causing serious soil erosion or land degradation as a result of the clearing activity. However, should serious soil erosion or land degradation result, there is a special notice provision in the Soil Conservation Act that may be invoked, subject to the prevailing circumstances, to stop the activity or have various remedial measures applied.

Yours sincerely,

GARRY WEST

GARRY WEST MP

Minister for Conservation and Land Management

A5427
D92/2443
D92/2618
D92/2255
D92/2367
D92/2199

27 MAY 1992

Ms M Edwards
PO Box U59
ARMIDALE 2351

Dear Ms Edwards,

I refer to your letter concerning Protected Land mapping on the Dorrigo Plateau. I note that you have also written to a number of my colleagues on the same matter.

You have identified several areas of private property where logging and clearing has been undertaken in the Dorrigo area. Much of this area is covered by existing protected land mapping (steep land) and as such, various operations have been undertaken under authority issued by a delegated officer of the Commissioner, Soil Conservation. These operations are predominantly hardwood and would not be affected under the proposed provisions of the draft C (f) mapping for the Dorrigo Plateau Protected Land Area (ie flora and fauna protection). While some areas of C (f) mapping are located within some of the portions mentioned in your letter, the operations did not significantly affect these areas. However, under the requirements of the Endangered Fauna (Interim Protection) Act, 1991, future operations may be subject to the provisions of a licence issued under the National Parks and Wildlife Act, 1974, or the proposal may be subjected to the requirements of a Fauna Impact Statement, before any approval can be given.

With reference to your suggestion that, "ALL COSTLY WORK HAS BEEN COMPLETED", it should be pointed out that the mapping is a very small component of the total administrative requirements of protected land legislation. You should be aware that there is a significant cost associated with implementing and servicing the legislation. Once maps are made legal, there are substantial costs associated with travel, administration of applications, environmental assessment and managing enforcement responsibilities.

Your letter indicates that the Soil Conservation Service is unable to "IMPLEMENT THEIR LEGISLATION EFFECTIVELY". You should be aware that whilst the protected land part of the Soil Conservation Act, 1938 (Division 2 Part IV) is a regulation by definition, the State simply cannot provide the resources required to administer a total regulatory approach. Under the circumstances, this part of the Act is implemented as a land management tool and "regulation" is applied where appropriate. In this regard, emphasis is placed on environmental assessment, education, and self-regulation and the activities are carefully monitored by field officers.

Thank you for bringing your views to my attention.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'J Williams', written in dark ink.

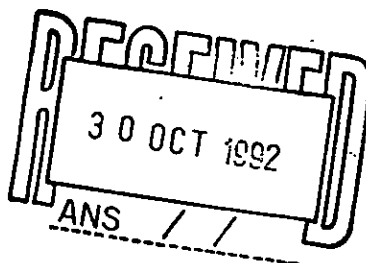
J Williams
Manager
Environmental Planning Unit

21/10/92.



NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE

Ms M Edwards
PO Box 1155
ARMIDALE NSW 2350



Our reference:
Your reference:

Dear Ms Edwards

I refer to your letter of 28 September 1992 to the Director, regarding Protected Lands Mapping by the Soil Conservation Service, Department of Conservation and Land Management.

As you are aware, the National Parks and Wildlife Service assisted the Soil Conservation Service in the mapping of 'environmentally sensitive lands' in the Dorriggo District. As a pilot study, the project revealed the enormous amount of resources required to undertake the necessary survey and mapping work involved and realistically the Service is unable to provide these, given other statewide natural heritage conservation priorities.

The Service has approached the Soil Conservation Service for assistance in relation to other catchments, but as you have stated this has not been forthcoming, despite a number of requests.

The Service shares your concern that it is unable to utilise its expertise in the mapping of environmentally sensitive lands, which, as a result, will not adequately reflect their natural and cultural heritage values. While the Service does not accept responsibility for administering the Protected Lands Mapping program, it is only too willing to be involved in the processes, providing adequate resources are made available.

In this regard the Service proposes to again approach the Department of Conservation and Land Management in an effort to obtain the additional funds needed to ensure the Service's input into achieving effective mapping of environmentally sensitive lands within the State.

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habitat, but did not include ecologically significant communities such as remnant rainforest and wetlands.

- the Tweed catchment maps have been prepared and released, however they do not identify areas that are environmentally sensitive.

- the MacIntyre catchment maps have been prepared and are currently on display. Category C includes areas such as, the Tingha tinfields (unconsolidated mullock heaps), Aerolian sandhills at Moree and areas of Smooth-barked Apple near Warialda. The focus for protection is based on the potential for erosion of their parent material, rather than the importance of these areas for other ecological reasons. The maps do not include other areas of ecological significance such as Regent Honeyeater habitat or remnants of Brigalow Scrub. The MacIntyre catchment maps were originally planned to be released for comment in December, 1990.

- the Lowbidgee Catchment Maps only includes Lignum Scrub areas in Category C, and this mapping was prepared by the Department of Water Resources.

It is mandatory that the current situation be rectified by the involvement of the NPWS in Protected Lands mapping throughout NSW, so that the Soil Conservation Act can be effectively implemented.

ENDANGERED FAUNA (INTERIM PROTECTION) ACT

Currently it is impossible to ascertain the status of many ecological communities in NSW due to the inadequacy of information about their distribution and importance as habitat. These reasons also hamper the effective implementation of the EF (IP) Act.

The Endangered Fauna (IP) Act has not as yet been effectively instigated. The Department of Conservation and Land Management employed Andrew Smith (UNE) to compile "Guidelines for Assessing the Significance of Logging and Clearing on Endangered Forest Fauna on Protected Land". These guidelines have not been released publicly, nor have they been distributed for use by the ecologists undertaking these surveys. According to these guidelines, the process for identifying whether a Fauna Impact Statement is required, is based on the expected presence of endangered species. The expected presence of these species is based on extremely inaccurate distribution maps. The document notes that the guidelines are intended for forest only, not wetland, estuarine, heath, scrubland, grassland or woodland fauna.

A number of areas of potentially high ecological significance have been logged or cleared since the instigation of the EF(IP) Act, and many are at risk from potential land mismanagement. Since 1980, private hardwood forest logging has increased, being approximately 36% of the total NSW timber yield, with higher rates in some local areas such as the Grafton Region, where private land timber yield makes up 64% of the total.

INCONSISTENCIES WITH MAPPING PROCESS

There are obvious inconsistencies with the Protected Lands Mapping process throughout the State. This impinges on the value of this information as a resource management tool on regional, state and national scales. This is mainly due to the fact that CALM have failed to allocate the necessary resources to the NPWS to enable the identification of Category C lands and design appropriate guidelines for their management.

The current status of Protected Lands Mapping in NSW reflects incompetent allocation and management of the L&WP funds. Problems with current projects include;

- Protected Lands Maps for the Dorriggo Plateau, which were released on the 3rd December 1990 and publicly displayed until 28 th February 1991 have still not been gazetted. This process cost CALM approximately \$50 000 and NPWS \$20 000, and the funds were allocated by the Land and Water Project. A number of areas mapped as Category C(f) and (h), have been logged or cleared since the maps were displayed.

- the Richmond catchment maps were finalised over two years ago, yet have not yet been gazetted. Category C identified bat roosting

The relevant amendment to the Soil Conservation Act states that;

" (6) land that is environmentally sensitive may consist of or

include:-

- (a) land in arid, semi-arid, landslip or saline areas;
- (b) land containing rare or endangered fauna and flora;
- (c) land containing sites of archaeological or historical interest;
- (d) land containing bird breeding grounds;
- (e) wetlands; and
- (f) areas of scenic beauty." (p.7)

Hon. I. Armstrong states in a letter to National Parks Association (Appendix C) that "The NSW Protected Land legislation has far more scope and practical application for vegetation management than any other Australian legislation" and that the legislation covers "all land uses and values, including forestry, flora and fauna conservation, heritage and sustainable agriculture and grazing."

COMPREHENSIVE MAPPING PROCESS MANDATORY

It is crucial that a comprehensive mapping process be instigated throughout the state which involves mapping remnant vegetation on private land and serves to identify areas of high conservation significance. It is these areas that fall within the jurisdiction of CALM as being of Environmental Significance (Category C).

Mapping of remnant vegetation and associated guidelines are crucial for a number of reasons:

- to ascertain the current status of vegetation communities in NSW
- to assess the adequacy of the current conservation reserve system
- to assist landholders in the management and maintenance of existing vegetation communities
- to assist in identifying areas for potential vegetation establishment in the future, for ecological and commercial purposes

- to assist the Environmental Protection Authority in the preparation of the State of the Environment Report which is to be released no later than 31 October, 1993). The major focus of this report lies in the assessment and status of major environmental resources of NSW, with existing vegetation being a priority as an "environmental indicator"

- an assessment of vegetation is mandatory to assist in the effective instigation of Endangered Species legislation
- to assess the conservation significance of areas of leasehold land currently under consideration for conversion to freehold land, due to the lifting of the moratorium by the Minister, Mr West. According to Gary West "the assessment process involves the preparation of a comprehensive inventory of the physical characteristics, attributes and capabilities of Crown land as a means of identifying the most suitable use or uses for the land." (Appendix D)

BRIEF ON MISMANAGEMENT OF PROTECTED LANDS MAPPING

The Minister for Conservation and Land Management has acted in contravention of his ministerial obligations by failing to administer legislation under his jurisdiction, such as the Soil Conservation Act.

His actions have led to the incompetent management of funding in relation to the mapping of Protected Lands in NSW by CALM, with special reference to the Dorrigo Protected Lands Maps, and the hampering of effective instigation of the Endangered Fauna (Interim Protection) Act.

In response to my concern about logging and clearing on identified Environmentally Sensitive Land, (Appendix A), Gary West states that:

- logging and clearing on Category C(f) lands did not "significantly affect these areas."

- that he can not justify the release of additional areas of protected land "given the increased workload that the requirements of the Endangered Fauna (Interim Protection) Act, 1991 has put on Soil Conservation Officers."

- he states that the NPWS have been invited to partake in the project through the State Catchment Management Co-ordinating Committee, and that they must provide the resources to undertake the project. However the NPWS in correspondence (Appendix B) states that the Service does not accept the responsibility for mapping protected lands, however they are only too willing to be involved in the process.

The National Soil Conservation Project, now the Land and Water Project, funded the NSW Government to map Protected Lands with the intention that Environmentally Sensitive Land be mapped. The Federal Government are still awaiting the procurement of gazetted maps after their allocation of funding for the project over three years ago. Similar resources have been allocated to the Northern Territory where mapping of this land category is currently underway.

It is the legislative responsibility of the Minister for Conservation and Land Management to adequately enforce legislation, and ensure that the necessary funds are made available for the mapping of Environmentally Sensitive Land. The NPWS have the expertise to undertake such an assessment.

In Hon. J. Halliass introduction to Parliament of the Soil Conservation Act amendments, (19th November 1986) he states that "the principal reason for this amendment is to empower the board [Catchment Areas Protection Board] to map environmentally sensitive areas of the State as an additional category of protected land "and that this "new category of protected land will be shown on the present protected lands maps displayed in government and council offices all over the State."

areas of native vegetation important for overall conservation but which, as leasehold, would not need to be acquired.

EXAMPLE OF LAND CLEARED AND SUBDIVIDED AFTER CONVERSION:

Leasehold Crown Land occurring along a ridgeline between the Abercrombie River and Mt. Werong Creek along Glen Rd. (off Jerong Rd.) was converted, then subdivided for hobby farms and cleared in 1977. The area is adjacent to Blue Mountains National Park and had significant natural heritage values. A display is attached.

CATCHMENT AREAS PROTECTION BOARD (C.A.P.B.) PROBLEMS:

The Secretary of Lands has suggested that the "protected lands" provisions of the Soil Conservation Act would provide adequate protection of heritage values following alienation. However, the Service is of the opinion that such provisions are not an adequate substitute for the environmental protection afforded by conditions on leasehold Crown Lands. C.A.P.B. policy cannot guarantee long term conservation goals.

1. The scope of protected land is limited to:
 - . land greater than 18 degrees slope.
 - . land within 20m of a prescribed stream.
 - . land affected by soil erosion, siltation or land degradation.
 - . environmentally sensitive land.

Environmentally sensitive land has been interpreted somewhat restrictively by the Catchment Areas Protection Board and its coverage is at present limited. In general, there is also a considerable area of land not covered by protected land mapping.

2. The administration of the Act is geared primarily to soil conservation objectives and has not satisfactorily achieved nature conservation objectives.
3. Consistent breaches of the protected land provisions of the Act indicate shortcomings in its potential to achieve environmental protection.
4. The Act has no control over subdivision or changes in land use.

LAND ASSESSMENT AND PLANNING PROCESS (L.A.P.P.) PROBLEMS:

It has been stated that the L.A.P.P. process will apply to the conversion of Crown Leasehold land. So far as the Service can ascertain, this is incorrect. The L.A.P.P. process only applies to the assessment of Vacant Crown Land.

Whilst an area is leasehold (e.g. Crown Lease) the Forestry Commission can refuse a clearing licence application on environmental grounds under Section 8A(2) of the Forestry Act, 1916 and Sections 111 and 112 of the Environmental Planning and Assessment Act, 1979. (See Evans & Spicer vs. Forestry Commission, 1982).

The Forestry Commission also have the added benefit in the present circumstances of being able to gazette over Crown Leases, whereas the Service has always acquired prior to gazettal. Additionally, profit a prendre ensures that despite conversion, commercial timber can still be extracted for a period of ten years.

Crown Leases cannot in practice be subdivided, whereas freehold land can. This has led to large scale clearing for hobby farms in some areas following conversion (see example below).

The change in policy has resulted in a substantial increase in the number of referrals sent to the Service. In addition, a three month deadline has been imposed for responses. The Service, unlike the Forestry Commission, must document its interests in detail and Service objections are not a statutory bar to conversion. Total referrals to the Service for 1988 - 1989 were 425, whereas 334 referrals have been received in the past four months alone. The Service's resources are being seriously stretched trying to keep within the response time limits.

SCOPE OF IMPACT:

Much of the Crown leasehold estate has significant natural heritage values. Service concerns regarding the conversion of lease areas fall into one of four categories:

- 1). Proposed Parks and Reserves - Referenced. Areas which have been identified for acquisition in the long term and in which Service interest has been formally established.
- 2). Areas of Identified Heritage Value - Not Referenced. These have been identified by the Service to be either areas of definite conservation significance or areas which warrant further investigation, but which have not as yet been referenced.
- 3). Large tracts of naturally vegetated country which are essential for the conservation of the State's natural heritage but which, as leasehold, need not be acquired for the reserve system.
- 4). Remnants natural lands, wildlife corridors and link

CONVERSION OF CROWN LEASES

ISSUE:

Conversion of Leasehold Crown Land into Freehold.

BACKGROUND:

The Department of Lands has in recent months changed its policies and procedures affecting the conversion of Crown leasehold land into freehold.

The leasehold tenure system in New South Wales has made a major contribution to protecting the State's natural and cultural heritage. Leasehold Crown land in the Eastern and Central Divisions, Crown Lease in particular, comprises mainly undeveloped, naturally vegetated lands. The 8.27 million hectares (approx.) of leasehold represents some of the more important areas of the State's natural heritage including areas with wilderness qualities, wild and scenic rivers, rare plant and animal species, restricted communities and some of the State's most spectacular scenery (e.g. Apsley-Macleay gorges).

There can be no doubt that the further alienation of leasehold Crown Land will have a profound affect upon the future of natural heritage values located therein.

ENVIRONMENTAL IMPACT OF NEW ALIENATION POLICY:

From the point of view of environmental conservation, the conversion of leasehold Crown land into freehold is of major concern as the level of environmental protection afforded is significantly less under freehold than under leasehold.

The two primary detrimental impacts to the State's natural heritage which can follow the conversion of leasehold Crown lands into freehold are:

a). Clearing

and

b). Subdivision

leading to:

- . loss of habitat.
- . loss of species.
- . loss of wilderness, wild & scenic, aesthetic and recreational values.
- . fragmentation of vegetation/habitat.
- . increased runoff.
- . erosion/siltation.
- . pollution.



Premier of New South Wales
Australia

18 JUL 1990

Dear Mr. Causley,

I have been concerned for some time now at the implications of the decision to lift restrictions on freeholding of leasehold land by removing the reservations from sale implemented under the Conservation Policy. Numerous groups have made representations to me regarding the lack of protection afforded to sensitive areas and the consequential clearing and subdivision of areas of conservation value. Particular attention has been focussed on areas identified for future additions to National Parks and Wilderness nomination areas.

In order to fully assess the impact of this change in policy and determine the appropriateness of measures to protect important values, I would like to arrange a meeting with yourself and the Ministers for Planning, Agriculture and Rural Affairs, and the Environment.

Until the matter is comprehensively reviewed, I feel that it is necessary to place an immediate moratorium on further conversions where the Forestry Commission and/or the National Parks and Wildlife Service have notified an interest in the land. My Office will make the necessary arrangements for the proposed meeting in the very near future and a paper will be circulated to provide the basis for discussion.

Yours sincerely,



Premier.

The Hon. I.R. Causley, M.P.,
Minister for Natural Resources.

MEDIA RELEASE MEDIA RELEASE MEDIA RELEASE MEDIA RELEASE

7 May 1993

Fahey to sell one million hectares of public land to National Party cronies

With the imminent lifting of the moratorium on the sell-off of Crown leases, conservation groups today labelled Premier Fahey a 'de-facto National Party Premier'.

"One million hectares are at stake, and about 80% of that has high conservation value," said the President of the National Parks Association of NSW, Mr Grahame Douglas.

"In his bid for the National Party leadership, Mr West will hand out public land at bargain basement prices. And Mr Fahey is doing nothing to stop him. He is an accomplice in the biggest public land sell-off since settlement."

The Minister for Conservation and Land Management (CALM), Garry West, will shortly announce the end of the moratorium on Crown lease conversion in the Central and Eastern divisions of NSW. The announcement is presently scheduled for Saturday.

Under threat of being absorbed into CALM, the National Parks and Wildlife Service (NPWS) has reversed its stance on Crown lease conversion. Three years ago, the NPWS recommended to its Minister that the environmental values of freeholded Crown land could not be protected.

Now it has agreed to freeholding before an adequate system has been put in place. While the NPWS has agreed to assess the conservation value of the land, it will have no control over its protection. That duty will fall to Garry West's ministry.

"The so-called protection measures have been completely unworkable in the past. Protected lands maps for Dorrigo rainforest remnants were drawn up several years ago, but land-owners screamed so loudly that Mr West never gazetted them. The same thing will happen again; NPWS conditions will be ignored," said Mr Douglas.

"Under the agreement, the NPWS can object to a lease being sold off for a limited period, but once that period expires it must give up its interest, regardless of the conservation value of the land. Without a major increase to its annual \$2 million acquisition budget, the NPWS will be unable to protect even one per cent of this million hectares."

"Mr Fahey is allowing Premier Greiner's moratorium to be lifted before a workable system is put in place. His failure to control the Nationals can only promote land subdivision and clearing."

For further information contact: Roger Lembit (047) 516 550
Peter Wright (02) 264 7994

WHEN I SAY "UNDER LAW" I MEAN BOTH THE LETTER AND SPIRIT OF THE LAW.

ONENTS OF THIS ASSESSMENT PACKAGE WILL INCLUDE:

INITIATING THE EIS PROCEDURE, INVOLVING COMMUNITY ASSISTANCE IN DETERMINING THE SCOPE OF THE STUDY AND THE ISSUES THAT WILL BE ADDRESSED

CO-ORDINATING THE PREPARATION OF EISs INVOLVING INDEPENDENT CONSULTANTS WHERE APPROPRIATE AND INPUTS FROM THE NEWLY APPOINTED REGIONAL PLANNING OFFICERS

EXHIBITING DRAFT EISs AND OBTAINING PUBLIC SUBMISSIONS

ASSESSING DRAFT EISs IN TERMS OF INPUTS FROM THE COMMUNITY AND DEPARTMENT OF PLANNING ADVICE, AND

PROVIDING ASSESSMENT AND POLICY ADVICE DIRECT TO THE COMMISSION IN RESPECT OF OVERALL COMPLIANCE WITH LEGISLATION AND POLICY, AND SPECIFIC PROJECT DETERMINATION.

WILL TAKE ON THE EXTREME ELEMENTS OF THE GREEN MOVEMENT BEAT THEM WITH FACTS.

ENTIFIC FACTS AND FACTS THAT WILL STAND ANY TEST.

R INDUSTRY MUST NOT ONLY BE GOOD BUT IT MUST BE SEEN TO GOOD IN THE WIDER COMMUNITY.

CHAIRMAN

WANT TO WORK WITH YOU AND FOR YOU.

IT IS MY GOAL AND I FIRMLY BELIEVE THAT TOGETHER WE CAN ACHIEVE AN OUTCOME THAT IS RIGHT, PROPER AND BENEFICIAL TO US AND TO THE PEOPLE OF NEW SOUTH WALES.

OFFICIALLY DECLARE YOUR CONFERENCE OPEN.

FIRST STEP IN THE PROCESS IS A COMPREHENSIVE STUDY TO
THE SUITABILITY OF THE COMMISSION FOR CORPORATISATION -
THIS THERE IS NO PRECONCEIVED INTENTION.

STUDY WILL BE UNDERTAKEN BY A CONSULTANT AND IT WILL BE
EEN BY A STEERING COMMITTEE COMPRISING THE COMMISSIONER
FORESTS AND REPRESENTATIVES FROM THE TREASURY, THE
ET OFFICE, THE PREMIER'S DEPARTMENT AND MY OWN OFFICE.
TION OF A CONSULTANT WILL BE MADE BEFORE THE END OF THE
YOUR ASSOCIATION WILL BE CONSULTED DURING THE COURSE
E FEASIBILITY STUDY.

ONTINUE TO SEE FORESTRY IN NSW UNDER THE SPOTLIGHT.
FROM THE MUCH PUBLICISED ENVIRONMENTAL DEBATES
UNDING EDEN AND THE NORTH COAST. OTHER INVESTIGATIONS
ING TO FORESTRY HAVE BEEN CONDUCTED BY THE NSW
AMENTARY PUBLIC ACCOUNTS COMMITTEE, THE RESOURCE
SMENT COMMISSION, AND THE INDUSTRIES COMMISSION WHICH
D AT PAPER RECYCLING.

OW THE PUBLIC ACCOUNTS COMMITTEE INQUIRY IS CAUSING
BURN TO COMMISSION STAFF AND PERHAPS TO MANY OF YOU.
NEWSPAPER REPORTS LAST WEEK ADDED INSULT TO THE INJURY.

ME CLARIFY THE KEY POINTS FOR YOU.

COMMITTEE WAS GIVEN A REFERENCE BY NATURAL RESOURCES
STER IAN CAUSLEY TO INQUIRE INTO THE COMMISSION'S
UNTING PROCESS, ITS PERFORMANCE, THE "FIT" BETWEEN
TIONS AND CHARTER, THE ROLE OF ITS AMENITY NURSERIES, AND
TED ISSUES.

COMMITTEE HAS TAKEN ORAL AND WRITTEN SUBMISSIONS FROM
QUARTERS, AND NO DOUBT MANY OF YOU. IT IS NOW AT THE
ORT-WRITING STAGE.

ANT TO ASSURE YOU ALL THAT WHAT WAS DESCRIBED IN THE
LD LAST WEEK WAS NOT THE COMMITTEE'S DRAFT REPORT, AS
TESTED, BUT A PACKAGE OF INITIAL WORKING DOCUMENTS. THE
REPORT IS UNLIKELY TO COME OUT BEFORE NEXT YEAR.

LEAKING OF THE WORKING DOCUMENTS CERTAINLY DOESN'T LEAD
A HARMONIOUS RELATIONSHIP BETWEEN ME, AS MINISTER, THE
MITTEE, THE COMMISSION AND OTHER INTERESTED PARTIES. I AM
APPOINTED AT THE WAY IN WHICH THE DOCUMENTS WERE
JLGED.

ER THE PUBLICITY I ISSUED A STATEMENT REJECTING THE WILD
GESTIONS OF WHOLESALE OVERCUTTING AND LACK OF
TAINABILITY. I GIVE YOU MY PLEDGE TO STAND BEHIND THE
BER INDUSTRY IN THIS STATE AND TO WORK, WITH YOU, TOWARDS
BETTERMENT.

THE RESOURCE ASSESSMENT COMMISSION INQUIRY HAS BEEN A WIDE
RANGING INVESTIGATION INVOLVING A NUMBER OF FPA MEMBERS. THE
FORESTRY COMMISSION HAS EXPENDED CONSIDERABLE EFFORT,
PARTICULARLY IN ANALYSING AND COMMENTING UPON SUBMISSIONS
FROM OTHER BODIES, SUCH AS THE AUSTRALIAN BUREAU OF
AGRICULTURAL AND RESOURCE ECONOMICS REPORT ON PRICING AND
TIMBER ALLOCATION FOR STATE FORESTRY AGENCIES.

THE INDUSTRIES COMMISSION HAS LOOKED AT PAPER RECYCLING
STARTING WITH THE VIEW THAT RECYCLING IS HIGHLY DESIRABLE.

IT HAS CLAIMED THAT LOG PRICES ARE TOO LOW AND INDUSTRY
SHOULD BE MADE TO PAY MORE, THEREBY RESULTING IN BETTER
ECONOMIES FOR RECYCLING.

I CAN IMAGINE HOW YOU FEEL ABOUT THAT CONCLUSION AND ITS
IMPLICATIONS.

THIS LEVEL OF INQUIRY INTO FORESTRY AND FOREST INDUSTRIES HAS
BEEN EDUCATIONAL, IF NOTHING ELSE, WITH MORE WORDS BEING
WRITTEN ON THE SUBJECT THAN EVER BEFORE.

THERE WILL CONTINUE TO BE PRESSURES TO CHANGE FORESTRY AND
THE TIMBER INDUSTRY, AND THEREFORE A CERTAIN LEVEL OF
INSECURITY. I HAVE CONFIDENCE IN THE TIMBER INDUSTRY AND
BELIEVE IT HAS A VITAL ROLE TO PLAY IN THE NSW ECONOMY.

I AM COMMITTED TO TAKE APPROPRIATE ACTION TO GIVE A HIGH
LEVEL OF SECURITY TO YOUR INDUSTRY.

THERE MAY BE SOME TOUGH TIMES AHEAD BECAUSE OF MARKET
CONDITIONS AND COMMUNITY INTEREST IN FORESTRY BUT THERE WILL
ALSO BE OPPORTUNITIES TO SEIZE THE INITIATIVE AND TURN THIS
INTEREST TO YOUR ADVANTAGE.

MR CHAIRMAN

EARLIER I SPOKE ABOUT THE ENVIRONMENT AND THE IMPORTANCE IT
HAS TO YOUR INDUSTRY.

I AM NOT A PERSON WHO BELIEVES THAT ALL GREENIES ARE BAD AND
MAD.

TO IGNORE THE ENVIRONMENT IS LIKE TURNING YOUR BACK ON THE
FUTURE.

I WOULD LIKE TO ANNOUNCE TODAY THAT I HAVE ASKED THE
FORESTRY COMMISSION TO ESTABLISH AN ENVIRONMENTAL ASSESSMENT
UNIT.

WE WILL CONTINUE OUR WORK TO LOOK AFTER THE ENVIRONMENT
WHILE AT THE SAME TIME GIVE THIS INDUSTRY A SECURE FUTURE.

THE UNIT WILL BE RESPONSIBLE FOR THE IMPLEMENTATION AND
MANAGEMENT OF THE TOTAL ENVIRONMENTAL ASSESSMENT PROCESS
THAT IS REQUIRED UNDER LAW.

TRY AND EXIT TO THE INDUSTRY IS DIFFICULT AND IF THERE ARE NO INCENTIVES FOR COMPANIES TO DEPART THE INDUSTRY, THIS COULD LEAD TO AN INDUSTRY PERFORMING BELOW POTENTIAL.

FOR THE GOVERNMENT, AS PROVIDER OF THE RESOURCE SHOULD BE AN INTEREST IN CUSTOMER IDENTITY TO GET THE BEST POSSIBLE RESULT.

HE STUDIED THE HISTORY OF THE POLICY CHANGES SURROUNDING THE GOVERNMENT'S DECISION TO STOP TRADING IN QUOTAS.

HE TOLD ME THAT THE DECISION TAKEN AT THAT TIME WAS NECESSARY AND REASONABLE BUT WITH THE PASSAGE OF TIME THAT DECISION, ALONG WITH OTHERS, MERITS REVIEW.

HE BELIEVES THAT THE GOVERNMENT CAN GO BACK TO THE DAYS OF AUTOMATIC TRANSFER OF QUOTAS WITH THE PURCHASE OF A BUSINESS.

THERE ARE TOO MANY DISADVANTAGES FOR THE FOREST OWNER UNDER THE PRESENT SYSTEM. HOWEVER, I DO BELIEVE THERE NEEDS TO BE A SHIFT IN MARKET FORCES TO HAVE A GREATER INFLUENCE ON LOG PRICING, ALLIED TO THE CONCEPT OF LONG TERM SECURITY OF EMPLOYMENT.

THE GOVERNMENT WANTS TO ENCOURAGE INDUSTRY TO INVEST IN NEW PLANT AND EQUIPMENT IT NEEDS TO LAY DOWN MORE CLEARLY THE RULES FOR ENTRY TO AND EXIT FROM THE INDUSTRY.

HE BELIEVES FUNDAMENTAL TO ME THAT A SUCCESSFUL BUSINESS PERSON NEEDS A FINANCIAL INCENTIVE TO SELL A BUSINESS, AND NOT BE FORCED TO WAIT UNTIL IT IS UNPROFITABLE BEFORE DEPARTING THE INDUSTRY.

HE BELIEVES IT SEEMS TO BE THE BASIC COMPLAINT ABOUT THE PRESENT SYSTEM THAT THERE WILL BE ENCOURAGING THE FORESTRY COMMISSION TO MAKE RECOMMENDATIONS IN THIS AREA.

HE IS ALSO AWARE OF SOME SECTORS OF THE INDUSTRY WHERE THE SITUATION OF SMALL INEFFICIENT BUSINESSES IS NOT IN THE INTERESTS OF THE INDUSTRY. THIS APPEARS TRUE OF SOME OF THE CYPRESS PINE AND HARDWOOD SAWMILLING COMMUNITY.

HE SAID EARLIER, THERE WILL ALWAYS BE A PLACE FOR THE SMALL INDEPENDENT PRIVATE OPERATOR FILLING A NICHE IN THE MARKET, BUT NOT IN THE MAINSTREAM PROCESSING SECTOR. COMPANIES AND SAWMILLS NEED TO BECOME AS COST EFFICIENT AND MARKET ORIENTATED AS POSSIBLE.

HE BELIEVES INITIATIVES FOR RATIONALISATION OR AMALGAMATION SHOULD NOT BE USED TO AWAIT THE SALE OF A BUSINESS.

HE BELIEVES THAT WORK ON THIS SUBJECT WILL BE DEVELOPED AS PART OF THE FORESTRY MARKETING STRATEGY.

I WANT TO SAY A FEW WORDS NOW ABOUT FOREST MANAGEMENT AND SOME OF THE GOVERNMENT'S INITIATIVES CONCERNING THE ADMINISTRATION OF THE FORESTRY COMMISSION.

THE PREMIER HAS MADE A STRONG AND PUBLIC COMMITMENT TO GOOD MANAGEMENT OF THE STATE'S PUBLIC SECTOR. THERE IS NO DOUBT THAT THE INITIATIVES TAKEN SO FAR HAVE BEEN WIDELY ACCEPTED AND AS MUCH NEEDED IMPROVEMENTS.

A FOCUS HAS NOW BEEN GIVEN TO GOVERNMENT TRADING ENTERPRISES WHERE THERE IS A LARGE COMPONENT OF COMMERCIAL ACTIVITY.

ONE METHOD OF ENSURING GOOD MANAGEMENT OF THESE ORGANISATIONS, INCLUDING THE FORESTRY COMMISSION, IS TO SET FINANCIAL OBJECTIVES SUCH AS TARGET RATES OF RETURN ON ASSETS EMPLOYED.

THE GOVERNMENT ALSO WISHES TO HAVE AT ITS DISPOSAL SUFFICIENT CASH FLOW TO MINIMISE THE GENERATION OF CENTRAL GOVERNMENT LOANS.

THESE NEEDS ARE ADDRESSED BY THE RECENTLY ANNOUNCED DIVIDEND POLICY. UNDER THIS POLICY, GOVERNMENT TRADING ENTERPRISES PAY A DIVIDEND BASED ON THE ASSETS EMPLOYED, AND COMMERCIAL PERFORMANCE.

SOME GOVERNMENT TRADING ENTERPRISES WHICH DO NOT HAVE AN ANNUAL SURPLUS OF CASH WILL THEREFORE NEED TO BORROW FUNDS TO MEET THE DIVIDEND.

THIS BRINGS ADDED COMMERCIAL DISCIPLINE TO THEIR MANAGERS BY ENSURING THAT CAPITAL INVESTMENT IS NOT UNDERTAKEN UNLESS THE RATE OF RETURN IS SUFFICIENT TO COVER A PROPORTION OF LOAN FUNDS.

THIS PROCESS WILL HELP ENSURE THAT THE FINANCIAL PRESSURES OF MANAGING THE NSW GOVERNMENT ARE SHARED AMONGST THE VARIOUS GOVERNMENT BODIES IN A MORE EQUITABLE WAY.

MANAGERS OF GOVERNMENT TRADING ENTERPRISES WILL NEED TO CAREFULLY MANAGE REVENUE AND EXPENDITURE UNDER MANY OF THE SAME PRESSURES AND CONSTRAINTS EXPERIENCED BY PRIVATE SECTOR MANAGERS.

INITIATIVES TO CREATE MORE STRINGENT MANAGEMENT GUIDELINES FOR ORGANISATIONS LIKE THE FORESTRY COMMISSION MAY BE SEEN AS THREATENING INDUSTRY VIABILITY.

I WOULD LIKE TO ASSURE YOU THAT THE REVERSE IS TRUE.

IF GOVERNMENTS CAN PROMOTE HIGH LEVELS OF PERFORMANCE FROM GOVERNMENT TRADING ENTERPRISES THERE WILL BE ADDED SECURITY FOR THE CUSTOMERS OF THOSE ENTERPRISES.

IN THE STATE BUDGET FOR 1990/91, THE COMMISSION WAS IDENTIFIED AS ONE OF FIVE GOVERNMENT TRADING ENTERPRISE CANDIDATES FOR THE GOVERNMENT'S CORPORATISATION PROGRAMME.

MY INSTIGATION. THE NSW CROWN SOLICITOR WAS ASKED TO ADVISE ON THE BEST WAY OF ORGANISING SECURE WOOD SUPPLY AGREEMENTS. THE ADVICE, WHICH HAS JUST BEEN RECEIVED, WILL GUIDE THE GOVERNMENT ON THE MOST PRACTICAL WAY TO SECURE TIMBER SUPPLIES FOR YOU.

SEPARATELY, I APPROACHED THE COMMONWEALTH TO OBTAIN A COMMITMENT THAT LOG SUPPLIES FROM NOMINATED WOOD PRODUCTION AREAS AT EDEN WILL NOT BE STOPPED UNLESS COMPENSATION IS PROVIDED. I HAVE GIVEN PRIORITY TO THESE ISSUES AND I EXPECT EARLY RESULTS.

ANOTHER EXAMPLE OF WORKING FOR A SECURE FUTURE IS THE STRATEGY FOR DEVELOPMENT OF ENVIRONMENTAL IMPACT STATEMENTS IN THE NORTH COAST OF NSW.

DON'T HAVE TO REMIND YOU HOW THE LAND AND ENVIRONMENT COURT VIEWS THE LAW ON THIS SUBJECT.

YOU WOULD BE WELL AWARE OF RECENT STATEMENTS BY JUSTICE GEMMINGS IN THE NORTH WASHPOOL CASE. THE GOVERNMENT MAINTAINS THAT THE LEGISLATION IN REGARD TO FORESTRY NEEDS AMENDMENT.

IT IS OUR FIRM BELIEF THAT THE EPA ACT WAS NEVER INTENDED TO HOLD UP AND ADD MASSIVE COSTS TO AN ONGOING LAND USE ACTIVITY LIKE FOREST MANAGEMENT, BUT WHILE THE CURRENT LAW IS IN OPERATION WE JUST HAVE TO WORK WITHIN IT AS BEST WE CAN.

THE NORTH COAST EIS STRATEGY LAUNCHED BY THE PREMIER IN JUNE IS NOW IN OPERATION, AND IT ADDRESSES BOTH THE NEED FOR GREATER PUBLIC CONSULTATION AND THE NEED TO MAINTAIN PREDICTABLE ACCESS TO WOOD SUPPLIES.

MANY OF YOU MAY WONDER WHAT THE FUTURE HOLDS FOR THE TIMBER INDUSTRY AND THE ADMINISTRATION OF FORESTRY.

I AM KEEN TO SEE THE DEVELOPMENT OF A TIMBER MARKETING STRATEGY WHICH AIMS AT ACHIEVING THE BEST POSSIBLE END USE OF QUALITY N.S.W. TIMBERS THROUGH INDUSTRY RATIONALISATION AND RE-INVESTMENT TO SECURE OPTIMUM VALUE ADDING.

SUITABLE LOG ALLOCATION AND PRICING ARRANGEMENTS WILL NEED TO BE IN PLACE, AND THE STRATEGY WILL BE DEVELOPED IN CONSULTATION WITH THE INDUSTRY.

PRELIMINARY CONSULTATION HAS ALREADY STARTED.

I AM CONVINCED THAT RESOURCE SECURITY MUST BE AN INTEGRAL PART OF ANY NSW TIMBER MARKETING STRATEGY, TOGETHER WITH MARKET PRICING AND ALLOCATION PROCESSES WHICH OPTIMISE RESOURCE VALUES AND ENCOURAGE INDUSTRY INVESTMENT.

MARKET INTELLIGENCE IS A KEY INDICATOR WHICH POINTS THE WAY TO DEVELOPING MARKETS. THERE IS NO POINT IN DEVELOPING STRATEGIES FOR VALUE ADDING IF THE MARKET IS NOT THERE OR CAN'T BE STIMULATED.

MANY OF YOU ARE WORKING HARD NOW TO DEVELOP NEW MARKETS AND I HAVE NO WISH TO SEE THE GOVERNMENT INTERFERE EXCESSIVELY IN THIS AREA.

WE CAN CONTRIBUTE BY UNDERTAKING STUDIES TO IDENTIFY OPPORTUNITIES FOR NEW MARKETS AND FOR MARKET DEVELOPMENT.

THE FORESTRY COMMISSION TOO NEEDS THIS INFORMATION TO DEVELOP FOREST STRATEGIES TO COMPLEMENT INDUSTRY NEEDS.

THE TIMBER MARKETPLACE IS RAPIDLY EVOLVING UNDER THE IMPACT OF LARGE VOLUMES OF PLANTATION GROWN PINE FROM AUSTRALIA AND NEW ZEALAND.

PINE PRODUCTS, INCLUDING PRESERVATIVE TREATED TIMBER, ARE TAKING SOME MARKETS FROM TRADITIONAL HARDWOOD AND CYPRESS PINE.

THIS IS INEVITABLE DUE TO THE LARGE VOLUMES BECOMING AVAILABLE. FOR EXAMPLE, IN NSW THE PINE SAWLOG YIELD WILL MORE THAN DOUBLE BY THE YEAR 2000.

IT IS CLEAR THAT THE PINE SAWMILLING INDUSTRY IN NSW WILL NEED TO DEVELOP MORE LARGE SCALE PLANTS WHICH ARE LABOUR EFFICIENT AND UTILISE UP TO DATE TECHNOLOGY.

THE MARKET FOR CONSTRUCTION GRADE TIMBERS CAN BE EXPANDED BUT ONLY WITH COST EFFICIENT PRODUCTION AND GOOD CUSTOMER SERVICE.

EVEN SO, THERE WILL ALWAYS BE A PLACE FOR SMALL SCALE PLANTS MAKING SPECIALTY PRODUCTS OR UNDERTAKING FURTHER VALUE ADDING SUCH AS FURNITURE MANUFACTURE.

THE NATIVE FOREST INDUSTRY WILL NEED TO FOCUS ON THE UNIQUE PROPERTIES OF ITS TIMBERS AND DEVELOP NEW AND EXISTING EXPORT MARKETS TO MAXIMISE RETURNS.

LOG PRICING, IN TURN, WILL NEED TO REFLECT THE TRUE VALUE OF THE PROCESSED WOOD.

I AM CONVINCED THAT THE HARDWOOD SAWMILLING SECTOR NEEDS MORE CAPITAL INVESTMENT AND PROBABLY MORE SPECIALISATION.

THE GOVERNMENT WILL ASSIST THIS PROCESS BUT WILL NOT PROMOTE OVER REGULATION OR PROTECTION THAT LEADS TO INEFFICIENCIES AND POOR COMPETITIVE PERFORMANCE.

THE BALANCE BETWEEN SECURITY AND FLEXIBILITY IS DIFFICULT IN AN AREA LIKE TIMBER RIGHTS.

ON THE ONE EXTREME, IF TIMBER RIGHTS ARE TO BECOME SHORT TERM WITH REGULAR RE-TENDERING OF SUPPLIES, IT IS LIKELY THAT INVESTMENT IN THE INDUSTRY WILL NOT BE SUFFICIENT TO DEVELOP WORLD CLASS INDUSTRIES.

ADDRESS BY THE HON. GARRY WEST MP

FRIDAY 30 NOVEMBER 1990

TO THE NSW FOREST PRODUCTS ASSOCIATION

AT

HILTON HOTEL, SYDNEY

MR PRESIDENT, PARLIAMENTARY COLLEAGUES, COMMISSIONER FOR FORESTS HANS DRIELSMA, DISTINGUISHED GUESTS, LADIES AND GENTLEMEN.

SECURITY OF RAW MATERIALS IS VITAL TO ANY INDUSTRY WHICH NEEDS TO MAKE LARGE CAPITAL INVESTMENTS AS PART OF THE PRODUCTION PROCESS.

THE TIMBER INDUSTRY NEEDS A SECURE RESOURCE AND OUR GOVERNMENT HAS WORKED HARD IN THE PAST FEW YEARS TO GET THE BEST RESULT POSSIBLE FOR FOREST RESOURCES IN NSW.

THE 1990 DECISION ON EDEN WAS SIGNIFICANT BECAUSE IT INVOLVED SO MANY PLAYERS AND WAS FINALLY RESOLVED BY THE PREMIER AND THE PRIME MINISTER FOLLOWING EXTENSIVE NEGOTIATIONS BETWEEN MYSELF, TIM MOORE, ALAN GRIFFITHS AND ROS KELLY.

IT HAS RESULTED IN TRANSFERS OF FOREST FROM TIMBER PRODUCTION TO PRESERVATION PURPOSES.

HOWEVER, THE CUTBACKS OF ANNUAL SUPPLIES OF AROUND 10 PERCENT FOR SAWLOGS FROM 1992 ONWARDS, WERE PROBABLY INEVITABLE GIVEN THE NEED TO BALANCE ENVIRONMENTAL AND ECONOMIC INTERESTS.

IT IS A CREDIT TO YOUR INDUSTRY THAT YOU WERE ABLE TO INFLUENCE THE COMMONWEALTH GOVERNMENT TO PRODUCE A REASONABLE SOLUTION BY A POWERFUL YET PEACEFUL SHOW OF RESOLVE TO FIGHT FOR YOUR INDUSTRY.

I BELIEVE THAT THE NSW GOVERNMENT AND THE FORESTRY COMMISSION PROVIDED STRONG BUT FLEXIBLE AND OPEN MINDED SUPPORT THROUGHOUT THE NEGOTIATIONS.

ANY MAJOR DECISION SUCH AS THAT BETWEEN THE TWO GOVERNMENTS IN THE EDEN CASE NEEDS TO BE PROPERLY CODIFIED IN A LEGAL SENSE.

IT IS IMPORTANT THAT THE AGREEMENT IS LEGALLY ENFORCEABLE AND IS PROTECTED AGAINST ATTEMPTS BY FUTURE GOVERNMENTS OR PRESSURE GROUPS TO "REWRITE HISTORY".

AS A NUMBER OF YOU WOULD KNOW ALREADY, I AM VERY KEEN TO SEE PROPERLY BINDING AGREEMENTS BETWEEN THE PARTIES TO ENSURE THAT THE TIMBER INDUSTRY CAN RE-INVEST WISELY AND SAFELY IN ORDER TO ACHIEVE BETTER PERFORMANCE AND MORE VALUE ADDING.

I WANT THE EDEN DECISION INCORPORATED INTO BINDING AGREEMENTS SO THAT WHATEVER HAPPENS IN FUTURE THE INDUSTRY CAN BE SURE OF ITS RAW MATERIAL OR, AT WORST, CAN HAVE PROPER COMPENSATION PAID BY THE GOVERNMENT OF THE DAY.

NSW NEEDS ITS TIMBER INDUSTRY TO BE WORLD CLASS SO THAT IT CAN CONTRIBUTE MOST EFFECTIVELY TO THE ECONOMY. WE URGENTLY NEED MORE INVESTMENT IN NEW PLANT AND EQUIPMENT AND IN MARKET DEVELOPMENT.

IT IS MY AIM TO HELP YOU ACHIEVE THIS.

In response to your follow up letter on overcutting of north coast forests I want to assure you that all forest management areas are managed on explicit sustained yield strategies outlined in the published plans. Now, for the first time, all State forests are covered by management plans. A review and updating programme has commenced.

To the extent that overcutting did result from post-war building demands, it has now been or is close to being phased out of forest management systems as part of the adopted sustained yield strategies. The period needed to impose this strategy without disrupting dependent communities and industries has been about forty years or half the life of a native forest sawlog.

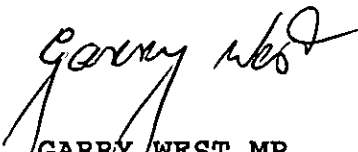
Any remaining imbalances are attributable to the withdrawal of productive forest areas from the sustained yield resource base due to additional reservations and increased environmental controls. Inevitably such reductions have an immediate impact on yield levels.

The Commission contends there has been no down grading of the North Coast forests as regards their long term ecological sustainability. The forests are well-stocked with the full range of tree and other major plant species. I am advised no indigenous species of plant or animal are known to have become extinct through tree harvesting operations.

Your references to the new Environmental Assessment Unit at the Commission are noted. The manager of the Unit, Peter Smith, has now taken up duty and I encourage you to establish a dialogue with him.

The only remaining issue stems from Cathy Eggert's letter of 8 March about environmental impact assessment for converted Crown leases. The Commission is continuing with its analysis of this issue and I will write to you as soon as the enquiries are finalised.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Garry West', with a stylized flourish at the end.

GARRY WEST MP

MINISTER FOR TOURISM, LANDS AND FORESTS

Mr Steed went on to ask for guidance on how the public can contribute to the nomination, assessment and declaration of wilderness areas. As you appreciate there is currently nothing to prevent the Alliance from lodging a wilderness nomination for an area. Contribution to the assessment and declaration process is primarily a matter for the Minister for the Environment to consider because the wilderness assessment reports are submitted to Cabinet by him. I encourage the Alliance to take up this question with Mr Moore direct.

Your letter of 25 November about the Commission's conduct as revealed in the North Washpool court proceedings obviously causes me concern. I do not propose to instigate the judicial inquiry you seek because the Commission was the subject of a reference to the Parliamentary Public Accounts Committee last year and is now under review as a potential candidate for corporatisation. Until the Government receives the report of the consultant performing the review I am unable to give any firm indications but I hear the calls for change that you and others are making.

On resource security, which Mr Steed raised with me in another letter dated 20 February, I can say that I view secure access to productive forest resources as vital to harnessing much needed investment in the timber industry particularly in research and value-added processing. I do not accept that long term resource agreements for the timber industry run counter to environmental protection. Forest management will continue to ensure that environmental values are conserved.

I will now address specific forest management issues covered by our correspondence shortly before Christmas. With the Wattle Tree Creek filter strips the Commission acknowledges the scope for improved supervision and welcomes the Alliance's role in reporting transgressions. To its credit the Commission has promulgated codes of practice, conditions, prescriptions and other instructional aids to govern field operations.

The Commission inspected the illegal logging operation at Punchbowl, and is considering legal action. To put the incident in perspective the area is vacant crown land in a remote location well removed from routine Commission operations. As you appreciate, policing of all crown timber lands is an impossible task but the Commission has shown it is willing to act on reports from citizens.

As to palm harvesting in Wallingat State Forest, the Commission is in the process of reviewing its "preferred management priority" instruction circular. The updated publication will be made available to the public.

Three EISs were produced under this strategy but it transpired that development of model EISs was not acceptable under the Environmental Planning and Assessment Act and would not hold up in the Land and Environment Court. This strategy was abandoned prior to the preparation of EISs for Walcha-Nundle and Bathurst and substituted by internal review of the environmental effects and modified establishment techniques.

The Commission believes it had complied with the requirements of the Act when it reviewed the environmental effects of the proposed Walcha-Nundle establishment activities and concluded in 1984 that significant effects were not likely. As you know recent pronouncements by the Court cast doubt on this approach. The strategy now adopted by the Commission is to consider all proposed activities in terms of the Act. If the analysis concludes that the activity is likely to significantly affect the environment, then an EIS is prepared.

Proposals for conifer establishment on Cusack's block and Sleeman's block were outlined in the 1987 Walcha-Nundle management plan based on environmental reviews completed in 1984. The plan reveals that clearing of native vegetation would be confined to these sites. Of course the clearing activities are now halted. New pine plantings in Walcha-Nundle will occur only on essentially cleared land.

Moving now to the issue Andrew Steed raised in his letter of 20 February it is not surprising that wilderness area nominations tend to be centred around existing national parks, since their size and present land use most readily fulfil wilderness criteria. Even so, additions of Crown land (including State forest) have occurred to consolidate and support wilderness claims. In January 1990, for example, some 9 400 ha of State forest were added to Nymboida National Park within the Mann wilderness area.

In the case of North Washpool, the revocation of some 24 000 ha of State forest in 1983 was undertaken with the clear knowledge of the severe repercussions this action would have on the dependent timber industry. Successive State Governments, including the Greiner/Murray Government, have publicly guaranteed that remaining timber resources in the area would not be alienated by further national park or wilderness declarations.

The basis for our Government's decision was announced by the Premier last September and was underpinned by a desire to respect the 1982 social contract between the people of the State and the government of the day. All relevant timber yield information had been provided to me by the Forestry Commission. I acknowledge the existence of apparently conflicting documentation elicited through the North Washpool proceedings in the Land and Environment Court but the Commission insists these documents are working papers only that do not categorically indicate the presence of adequate alternative timbers.



MINISTER FOR TOURISM
MINISTER FOR LANDS AND FORESTS

Mr J Corkill
Sydney Area Co-ordinator
North East Forest Alliance
NSW Environment Centre
39 George Street
THE ROCKS NSW 2000

21 MAY 1991

Dear Mr Corkill

I am responding to various letters sent to me by the Alliance and to discussions you and Mr Dailan Pugh have had with my office on issues including resource security, the North Washpool forests, management of State forests in northern NSW generally, and the clearing of native vegetation for pine plantations.

Taking the last issue first, I can confirm that the Forestry Commission is committed to minimising the area of native forest that is cleared for conifer plantation establishment. The Commission's Exotic Softwood Plantation Policy contains a strategy whereby plantation zones would be sited on cleared agricultural and pastoral land as much as possible. In pursuing this strategy the Commission purchased some 69 000 hectares of cleared land at a cost of \$34.4 million between 1978 and 1990, and spent another \$20.5 million in 1989 to acquire 13 000 hectares of privately established plantation.

The strategy has produced a major reduction in the proportion of native forest cleared to establish conifer plantations - from more than 80% in 1981 to less than 20% last year. The situation will further improve as the expansion rate of the plantation resource declines with an increasing proportion of each year's planting comprising a second or subsequent rotation on existing landholdings.

You have claimed that the Commission knowingly acted in breach of policy undertakings to produce an environmental impact statement for the Walcha-Nundle plantation project. I am told the EISs proposed in 1979 for the Walcha-Nundle and Bathurst plantations were part of a strategy developed by the Commission in collaboration with the then Department of Environment and Planning. The EISs were to be representative documents prepared to lessen the number of individual studies that might otherwise be required.

I am also advised that discussions have taken place with the Oyster Farmers' Association and that notice has been given of a probable reduced supply of palm sticks from State forest areas. It is possible that palm sticks could be replaced with sawn turpentine stakes as utilised in most other areas within NSW.

Illegal logging at Punchbowl - I am advised that an alleged illegal logging operation on vacant Crown land to the west of Punchbowl, about 30 km north west of Grafton, has been brought to the attention of the Grafton District Forester.

Due to bushfire priorities and the fact that it is understood by the Forestry Commission that the operator is not currently operating illegally, the District Forester has not yet investigated. It is intended that he will do so and take whatever action is necessary regarding prosecution and recovery of royalty at the earliest opportunity.

Logging of Old Growth Forests in non-EIS areas - Following the Government's Forest Strategy of June 1990 the total area of key old growth forest areas from which logging is now excluded amounts to 180,000 ha.

Those areas outside the excluded regions are subject to the normal review processes of the Commission and it is envisaged that EISs will be progressively prepared for virtually every management area in the State.

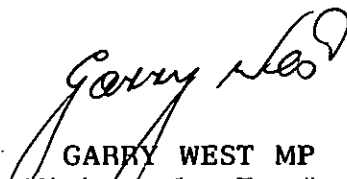
Your views regarding a preference for biological/scientific studies over the EIS process are noted, particularly in respect of the Chaelundi EIS.

North Washpool - As there has been only a preliminary hearing at this stage, I will not pursue this matter until after the full hearing in March 1991.

New Environmental Assessment Unit - As advised at our meeting I certainly look forward to receiving your ideas on this matter.

In closing I trust that you will not hesitate to bring issues of concern to my attention pending our next meeting in February. By that time I will have a considered response to the points raised in your letter of 25 November.

Yours sincerely


GARRY WEST MP
Minister for Tourism,
Lands and Forests



NEW SOUTH WALES

MINISTER FOR TOURISM
MINISTER FOR LANDS AND FORESTS

17 DEC 1990

Mr J Corkill
Sydney Area Co-ordinator
North East Forest Alliance
NSW Environment Centre
39 George Street
THE ROCKS NSW 2000

Dear Mr Corkill

I feel that Tuesday's meeting was a valuable exercise and trust that future dialogue, particularly in terms of stylistic approach, will benefit as a result.

As I indicated to you at that time, there are a number of specific issues you raised that I wish to investigate further before offering any comment.

In the meantime I will address the following issues.

Wattle Tree Creek filter strips - The Forestry Commission advises that between November and December 1988 four unmarked hardwood trees were felled by a licensed timber operator within a retained erosion filter strip along Wattle Creek in Compartment 233 of Spirabo State Forest. A log skidder entered the filter strip to remove the felled trees. Both these activities are prohibited under the conditions attached to the harvesting plan for this area.

When Mr Pugh brought this to the attention of the Tenterfield District Forester, an official warning letter was sent to the operator. I am advised that the District Forester was influenced by the time lapse between the offence and its discovery in deciding to issue a warning rather than a more substantial penalty.

Recent inspections of the site evidently show that the breach has not caused any unacceptable soil erosion.

Palm harvesting in Wallingat State Forest - The Forestry Commission advises that following the inspection of the site with the Great Lakes Environmental Group the contractor responsible for the observed harvesting breaches has been banned from operating in the State Forest until at least the end of 1991.

Areas carrying palms which are outside existing reserves and are unlikely to be damaged by removal of the hardwood overstorey are now being positively identified for reservation through the "preferred management priority" forest classification system for flora and fauna protection.

.../2

ATTACHMENT

Region	Area of native forest cleared for conifer plantation 1980-1990 incl.	Area where first rotation established 1980-1990 incl.
Albury	12 000 ha	23 700 ha
Bathurst	6 300 ha	18 400 ha
Batemans Bay	200 ha	300 ha
Coffs Harbour	900 ha	4 000 ha
Eden	4 300 ha	6 400 ha
Glen Innes	3 700 ha	5 300 ha

Region	Area of land purchased for conifer plantation establishment (1980-1990 incl.)
Albury	23 500 ha
Bathurst	23 700 ha
Batemans Bay	400 ha
Coffs Harbour	4 600 ha
Eden	3 600 ha *
Glen Innes	8 900 ha

* does not include the purchase of Kapunda; an area of 18 400 ha of which 13 000 ha were established conifer plantation.

At the beginning of 1991, the Commission had about 22 500 ha of land suitable for the establishment of conifer plantation. About 7 800 ha of this area is native forest which would be considered for clearing. This forested land is located as follows:

Albury Region	4 300 ha
Glen Innes Region	2 300 ha
Eden Region	300 ha
Batemans Bay Region	600 ha
Coffs Harbour Region	300 ha

As indicated in the acknowledgement letter from my office, clearing of native forest areas for the Walcha-Nundle project is now halted. The Commission is undertaking a comprehensive review of this project as regards directions of expansion. Until the review is completed and properly considered planting will be confined to essentially cleared sites.

Moving now to the PAC report on the Commission the Premier has already advised Mr Toyne the document will assist my consideration of the restructuring plans that flow from the corporatisation review. I have carefully noted the views expressed in your letter of 23 January on this point. Until the Government receives the report of the consultant performing the review I am unable to take the matter further.

As to the Land and Environment Court decision on the North Washpool forests I appreciated your willingness to make the documents available to me from your own sources. The Commission has advised that the documents are working papers only and do not categorically indicate the existence of adequate alternative timbers.

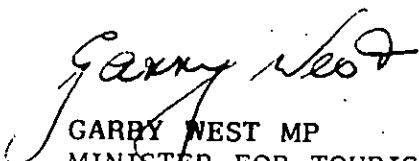
The decision to uphold the 1982 resolution of productive forest resources in the North Washpool area was reached by the Cabinet after addressing relevant issues such as nature conservation and heritage values, regional employment and community dependence on the timber resource.

In arriving at the decision to respect the social contract between the people of the State and the government of the day an important consideration was the presence of an adjoining tract of over 60,000 hectares of national park, including some 25,000 hectares designated as wilderness. Protection of Aboriginal sites was another important factor in the decision.

Following the Court action, I announced a fresh environmental impact statement will be prepared for the North Washpool forests managed by the Commission. No roading or harvesting operations will take place until the EIS is prepared and is determined in favour of logging.

Lastly, Mr Toyne questioned the basis of south east forests decision and sought assurances on koala management in Tantawangalo. I do not have full answers on these issues at this time but I will write to you shortly.

Yours sincerely



GARBY WEST MP
MINISTER FOR TOURISM, LANDS AND FORESTS

I am assured the environmental effects associated with clearing native forest for conifer plantations are considered by the Commission according to the requirements of the Environmental Planning and Assessment Act. The EISs proposed in 1979 for Walcha-Nundle and Bathurst plantation projects were part of a strategy developed by the Commission in collaboration with the Department of Environment and Planning. The EISs were to be representative documents prepared to lessen the number of individual studies that might otherwise be required.

Three EISs were produced under this strategy but I am told the development of model EISs was not acceptable under the legislation and would not hold up in the Land and Environment Court. This strategy was abandoned prior to the preparation of EISs for Walcha-Nundle and Bathurst and substituted by internal environmental effects review procedures and modified establishment techniques.

Preparation of an EIS for Tallaganda area has been delayed because the Commission is reviewing the establishment proposal and it is probable that it will not proceed.

Monitoring and research form an integral part of conifer plantation management. Plantations are monitored intensively in keeping with their relatively small areas, the ease of access and the high level of management activity. Operational activities are monitored to evaluate the success of the operation and to minimise environmental effects. Techniques of establishment are modified in line with results of monitoring.

Specified research projects with a variety of themes have been undertaken within and adjacent to conifer plantation. Many of these have been documented in the scientific literature, and more recent and current projects will be similarly documented.

Studies relating to the effects on flora and fauna have been documented by Suckling et al (1976), Recher et al (1987), Barnett et al (1977) and Driscoll (1977). A major, long-term project relating to island biogeography is currently being undertaken by a CSIRO team led by Margules. Recently a review of literature relating to the effects on hydrology has been completed by Cornish (1990).

Results of such studies have been incorporated into design and management of plantations to provide for conservation of flora and fauna and maintenance of hydrological values, for instance by retention of corridors and filter strips of natural vegetation, where existing. Remedial procedures are being developed for use when replanting areas which were first established using lesser standards than those now applied.



- 3 MAY 1991

MINISTER FOR TOURISM
MINISTER FOR LANDS AND FORESTS

- 1 MAY 1991

Ms S Salmon
NSW Campaign Co-ordinator
Australian Conservation Foundation
Level 1
88 George Street
SYDNEY NSW 2000

Dear Ms Salmon

I am responding to your various letters to me and to a letter Mr Toyne sent to the Premier on issues including the south east forests decision, koala management in the Tantawangalo area, the North Washpool forests, the Public Accounts Committee report into the Forestry Commission, and the clearing of native vegetation for pine plantations.

Taking the last issue first, I can confirm that the Commission is committed to minimising the area of native forest that is cleared for conifer plantation establishment. The Commission's Exotic Softwood Plantation Policy contains a strategy whereby plantation zones would be sited on cleared agricultural and pastoral land as much as possible. In pursuing this strategy the Commission purchased some 69 000 hectares of cleared land at a cost of \$34.4 million between 1978 and 1990, and spent another \$20.5 million in 1989 to acquire 13 000 hectares of privately established plantation.

This strategy has produced a major reduction in the proportion of native forest cleared to establish conifer plantations - from more than 80% in 1981 to less than 20% last year. The situation will further improve as the expansion rate of the plantation resource declines with an increasing proportion of each year's planting comprising a second or subsequent rotation on existing landholdings.

In your letter of 14 January you requested specific information on native forest areas cleared for conifer plantation and on land purchases since 1979. The information is summarised, for each of the Commission's regions where conifers are planted, in an attachment.

.../2

FROM NPWS LEGAL SERVICES

(FRI) 10.16.92 12:06:49

NO.15 PAGE 2, 1



**NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE**

Messrs. Woolf Associates
Solicitors
82 Elizabeth Street
SYDNEY 2000

= NEFA's solicitor

Our reference:
Your reference:

Dear Sirs,

I refer to your letter of the 14th October 1992, and wish to advise that Forestry licence TS 0045 has been varied today by the Director. I attach a copy of new condition 6.

I also wish to advise that the Service is obtaining an independent assessment of the Commission's compliance with the prescriptions. In addition, the Service will investigate the adequacy of these prescriptions.

Your faithfully

A handwritten signature in dark ink, appearing to read "David Papps".

David Papps
Deputy Director
(Policy And Wildlife)

16 October, 1992

Head Office
43 Bridge Street
Hurstville NSW
Australia
PO Box 1967
Hurstville 2220
Fax: (02) 585 6555
Tel: (02) 585 6444



BRUSH BOX
Lophoceros confertus

NORTH EAST FOREST ALLIANCE

SYDNEY: NSW Environment Centre, 39 George St, The Rocks. 2000. Ph. 02 2474 206, Fx 02 2475 945
LISMORE: The Big Scrub Environment Centre Inc, 88A Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 219 420

NEWS RELEASE - 16/10/1992

N.P.W.S. FORCES HALT TO FORESTRY COMMISSION ATTACKS ON ENDANGERED SPECIES, IN CARRAI SF

The National Parks and Wildlife Service's (NPWS) intervention today (Friday) to stop the Forestry Commission destroying the homes of endangered species in Carrai State Forest, and make them abide by their own prescriptions to locate and protect the homes of Yellow-bellied Gliders, Sooty Owls and Parma Wallabies, was welcomed with relief by the North East Forest Alliance (NEFA).

NEFA has been maintaining a blockade in Carrai State Forest (80 kilometres west of Kempsey) since last Wednesday (7 October) in an effort to stop the logging of the last stands of high quality old-growth forest on the Carrai plateau - home to a rich diversity of endangered species. Despite 24 arrests and some successful actions the Forestry Commission has been able to continue logging.

Spokesperson for NEFA, Dailan Pugh, said the Forestry Commission had totally ignored their own charter to manage forests for fauna as well as timber by flouting the requirements of their own harvesting plan and agreements reached with the Director of the NPWS.

"The NPWS today (Friday) amended the Forestry Commission's licence for compartments 34 and 35 Carrai State Forest (issued under the National Parks and Wildlife Act) to include prescriptions that the Commission claims to already abide by".

"This makes the prescriptions legally binding and thus if the Commission continues flouting them they will be criminally liable", Mr. Pugh said.

"The Forestry Commission has proven that they don't give a damn about Australia's unique fauna and are prepared to recklessly cause the extinction of any animal that gets in their way."

"The couple of surviving fragments of old growth forest left on the Carrai plateau have become a refuge for exceptionally high numbers of Spotted-tailed Quolls, Yellow-bellied Glider, Parma Wallaby, Rufous Bettong, Hastings River Mouse, Rufous Scrub Bird and Sooty Owl."

"Despite recent sightings of Eastern Quolls (previously considered extinct on the Australian mainland) in the area by CSIRO, Forestry Commission, landholders and loggers the Forestry Commission refused their own wildlife researcher's recommendation to undertake a full survey before NEFA intervened in August."

"The Forestry Commission then refused to wait for the full results (hair analysis from 'hair tubes') of the subsequent brief survey or completion of discussions with the NPWS before recommencing logging a week and a half ago."

"The Forestry Commission has repeatedly refused to adopt adequate prescriptions or practices to stop the extinction of our native fauna. They must be stripped of their powers over the fate of native species and the NPWS given the resources and responsibility for safeguarding fauna during logging operations", Mr. Pugh said.

Mr Pugh said that the Forestry Commission only had about a weeks logging left in the area after which there would be no significant volumes of sawlogs available from Carrai State Forest for another 60 years.

"I only hope that it is not too late for the Eastern Quoll and the other endangered species in the area." Mr. Pugh said.

For further information contact Dailan Pugh 066 439074

FROM 16/10/92 16:46 4845346

Forestry Commission of N.S.W.

Building 2
423 Pennant Hills Road
Pennant Hills, N.S.W. 2120
Fax No. (02) 484 5346

Messrs Woolf Associates
Solicitors
82 Elizabeth Street
SYDNEY NSW 2000

Your reference:

Our reference: Mr. A. Ireland:imb
(Legal)

By Facsimile No. 223 3530

Tel. No. 980 4176

16th October, 1992.

Dear Sirs,

I refer to your letter of today's date sent by facsimile to our Central Regional Office proposing jointly funded faunal survey works in Carrai State Forest.

Co-operation between the Forestry Commission and National Parks and Wildlife Service has led to inclusion of ameliorative prescriptions in the Commission's Harvesting Plans for this area of State forest. These prescriptions include the retention of additional habitat trees for arboreal wildlife. The Service also asked that the Commission consider recommendations 1, 2 and 3 noted in your letter.

Inspections for Yellow-bellied Glider feed trees and Sooty Owl nest and roost trees are carried out routinely as the operation proceeds. A Regional wildlife officer has already inspected compartment 35 to assist local Commission staff in these works. Had the NEFA blockade not prevented it, compartment 34 would also have by now been inspected and staff further instructed.

The Service does not require the prescription 3 referred to in your letter.

A joint survey is not favoured by this Commission and certainly not at night when it would be more difficult to locate the trees frequently used by Yellow-bellied Gliders for feeding or by Sooty Owls for nesting and roosting.

Yours faithfully,

A. E. Ireland
Senior Legal Officer - Environmental

Woolf/Ireland-imb

VARIATION TO LICENCE TS0045

Licence is varied to add new condition 6:

6. In compartments 34 and 35, the following prescriptions will apply:
- (a) No post logging burning will take place.
 - (b) Disturbance of hollow logs to be kept to a minimum to provide and protect possible denning sites of Tiger Quolls and (should they occur) Eastern Quolls.
 - (c) Five mature or overmature trees to be retained per hectare to retain tree cover and minimise disturbance.
 - (d) Streams and drainage lines as shown on the 1:25000 topographic maps to be reserved from logging operations and protected by 20 metres either side, comprised of a 10 metre exclusion zone and a 10 metre filter strip.
 - (e) Yellow-bellied Glider feed trees and denning trees will be located and reserved from logging. An area of 20 metres radius around each such tree will be reserved from logging operations, and surrounding trees will not be felled into the reserved area. Nocturnal spotlighting surveys will be used to locate feed and denning trees. Diurnal surveys will also be conducted for feed trees.
 - (f) Sooty Owl nests and roost sites are to be located and protected from logging and logging damage. Sooty Owl nests and roosts will be located by nocturnal surveys using spotlighting and call playback tapes.
 - (g) A buffer strip of 20 metres will be retained around rainforest to protect Parma Wallaby habitat. The buffer strip will be reserved from logging operations, and trees adjacent to the reserved area will not be felled into the reserved area.

W.J. Gillooly
Director

END

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Could you please explain how such a farcical exercise meets your requirements?

The harvesting plans for compartments 34 and 35 make it clear that the Forestry Commission will not exclude a 20 metre buffer zone around rainforest from logging or establish a reserve to provide for Parma Wallaby habitat. Why have you allowed logging to proceed without there even being a token effort to meet this requirement?

Given that the NPWS have recommended further surveys for the Eastern Quoll in the Carrai area on the grounds that surveys done to date are inadequate could you please explain why you have allowed logging to continue in what is still considered potential habitat of the Eastern Quoll?

The Forestry Commission today told NEFA that they will complete logging in compartments 34 and 35 within 2 weeks and then they will have no significant quota sawlog resource left until the EIS for the Kempsey M.A. is completed. How can you justify threatening the survival of so many Schedule 12 species to prop up unsustainable logging for less than two weeks?

You have failed to answer my previous three letters over Carrai, given the urgency of the present situation could you please reply immediately.

Save Our endangered Species



Dailan Pugh.

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retention prescriptions are totally inadequate to ensure their persistence in logged areas;

(iii) Kavanagh (1989b) recommends "that old growth forest be reserved in gullies in wide (>200m) corridors for distance of up to 1km in either direction at all locations where Sooty Owls were detected." and that a specialist nest finder be employed to locate nest and roost trees;

(iv) Parma Wallaby, Rufous Bettong, Hastings River Mouse, Eastern Quoll and Tiger Quoll are known to suffer from predation and/or competition by foxes and dingoes, and the ingress and hunting efficiency of foxes and dingoes is considered to be facilitated by roading and the habitat simplification resulting from logging (Jarman 1986, Annon 1988, Bennett 1990, Claridge et al. 1991);

(v) Rufous Scrub Birds in the Carrai area are known to be primarily restricted to eucalypt forests with a rainforest understorey and are intollerant of logging in this habitat type (Ferrier, pers. comm.); and

(vi) The largest population of Hastings River Mouse was apparently eliminated following logging and unintentional burning in Forestland SF in 1986 despite the implementation of a 100 metre filter strip (excluded from logging) (Hastings River Mouse Recovery Team 1992).

Could you please similarly detail the the research and information you used in determining that the prescriptions you have suggested will safeguard the survival of the Schedule 12 species known or likely to inhabit compartments 34 and 35 in Carrai State Forest. Could you also inform me as to what measures you have taken to assess the population sizes of the Schedule 12 species within that area (encompassing Carrai) to which they are effectively restricted by dispersal barriers, and to determine viable population sizes for each species.

For compartments 34 and 35 the NPWS recommended that;

1. Yellow-bellied Glider trees be located and protected.
2. Sooty Owl nest and roost sites be located and protected.
3. 20 metres around rainforest be protected in a reserve providing Parma Wallaby habitat.

The District Forester today informed NEFA that their efforts to locate Yellow-bellied Glider and Sooty Owl roost/den and feeding trees consisted of the District Forester and foreman looking around during daylight on one occasion in compartment 35. This can be considered as no more than a token effort with no chance of identifying nest or den sites of nocturnal species. As you are allowing logging to proceed you obviously consider the Commission's methodology is adequate to fulfil your requirements.

Dailan Pugh
North East Forest Alliance
149 Keen St. Lismore 2480
12 October 1992

Mr Bill Gilloooley
Director
National Parks and Wildlife Service

Dear Mr Gilloooley,

Re: Compartments 34 and 35 Carrai State Forest.

Further to my recent requests to you to take action to withdraw or vary the licences you issued and ensure that a Fauna Impact Statement was prepared before allowing the Forestry Commission to continue threatening the survival of the Eastern Quoll, Tiger Quoll, Yellow-bellied Glider, Parma Wallaby, Rufous Bettong, Hastings River Mouse, Sooty Owl and Rufous Scrub Bird in Carrai State Forest.

NEFA is concerned that you have abrogated your legal responsibilities under the Endangered Fauna (Interim Protection) Act by allowing the Forestry Commission to log the last stands of tall old-growth forest on the Carrai plateau under inadequate and inappropriate prescriptions.

The necessity of retaining significant areas of old-growth forest free of adverse disturbance to ensure the survival of forest dependent fauna has been recognised in the scientific literature for a decade (Shaw 1983, Shields and Kavanagh 1985, Loyn 1985, Dunning and Smith 1986, Lunney, Cullis and Eby 1987, Norton and Lindenmayer 1991, Bennett 1990, Milledge, Palmer and Nelson 1991, Goldingay and Kavanagh 1991, Smith 1991a,b). It has also been recognised that while prescriptions such as habitat tree retention and filter strip retention can provide habitat for those species that can survive in harvested forest, they do not cater for species dependent on, or reaching maximum density, in old-growth forest (Smith 1991b, Recher 1991).

It is also recognised that forest retained on poor soils and steep terrain (unloggable areas) lack the requirements of many old-growth dependent species (Recher, Rohan-Jones and Smith 1980, Binns 1981, Mackowski 1984, Kavanagh 1985b, Neave and Norton 1990, Recher et al. 1991, Scotts 1991).

As you should be aware:

(i) knowledge of the habitat requirements and demography the Schedule 12 species found in the Carrai area is either non-existent or totally inadequate;

(ii) research on the impacts of logging on the Yellow-bellied Glider (Binns 1981, Kavanagh 1985a, Kavanagh and Webb 1989, Milledge, Palmer and Nelson 1991) and Sooty Owl (Milledge, Palmer and Nelson 1991) show that habitat tree



NEW SOUTH WALES

MINISTER FOR CONSERVATION
AND LAND MANAGEMENT

28 JUN 1990

Mr J Corkill
Sydney Area Co-ordinator
North East Forest Alliance
NSW Environment Centre
39 George Street
THE ROCKS NSW 2000

Dear Mr Corkill

I refer to our recent discussions and the undertaking I gave to respond by today with the Minister's intentions on rehabilitation of Desert Creek Road in the North Washpool forests and on proposals for establishment of a consultative forum on the north east forests.

I understand Desert Creek Road was constructed in 1988/89 to provide a major access route to the southern part of the logged compartments. The road was left uncompleted because of an anthropological survey and the subsequent Court injunction. These incomplete drainage works were interfered with by protesters, causing major slumping and loss of road material to local drainage lines when heavy rainfalls occurred in 1990.

The Soils Scientific Committee established under the North Washpool Agreement investigated the condition of the Road. It agreed a proper and comprehensive rehabilitation plan was beyond its professional expertise and that an independent civil engineering report was required. I also understand the Committee has prepared a shortlist of suitably experienced consulting engineers for the task, and is now drafting guidelines for a consultant's report.

Progress with the assessment of other rehabilitation works continues to be made by the two expert scientific committees. As you appreciate, NEFA has equal representation on each committee. Because of the perception that NEFA is uncomfortable with the deliberations of the committees, it has been decided to invite a NEFA member to the next field meeting of the Rehabilitation Committee.

Mr West has accepted your request for a meeting to discuss topics of interest and it would be appropriate to canvass the North Washpool issue at that time. You will hear from this office later today to settle arrangements for the meeting.

.../2

MINISTER FOR CONSERVATION
AND LAND MANAGEMENT

Mr J Corkill
Sydney Area Co-ordinator
North East Forest Alliance
NSW Environment Centre
39 George Street
THE ROCKS NSW 2000

Dear Mr Corkill

I refer to our recent discussions and the undertaking I gave to respond by today with the Minister's intentions on rehabilitation of Desert Creek Road in the North Washpool forests and on proposals for establishment of a consultative forum on the north east forests:

I understand Desert Creek Road was constructed in 1988/89 to provide a major access route to the southern part of the logged compartments. The road was left uncompleted because of an anthropological survey and the subsequent Court injunction. These incomplete drainage works were interfered with by protesters, causing major slumping and loss of road material to local drainage lines when heavy rainfalls occurred in 1990.

The Soils Scientific Committee established under the North Washpool Agreement investigated the condition of the Road. It agreed a proper and comprehensive rehabilitation plan was beyond its professional expertise and that an independent civil engineering report was required. I also understand the Committee has prepared a shortlist of suitably experienced consultants to undertake the work and is now drafting guidelines for a consultant's report.

Progress with the assessment of rehabilitation works continues to be made by the two expert scientific committees. NEFA has equal representation on each committee. Because of the perception that NEFA is uncomfortable with the deliberations of the committee, I have decided to invite a NEFA member to the next field meeting of the Rehabilitation Committee.

Mr West has accepted your request to discuss topics of interest and it would be appropriate to canvass the North Washpool issue at that time. You will hear from this office later today to settle arrangements for the meeting.

.../2

much of the data also indicates many if not most mammals and birds use the interface between mature and developing forest more than undisturbed mature forest. These species do better after logging or at least ~~that~~ are not eliminated.

LOADING / LOGGING.

ACTUALLY - the ~~the~~ roading system proposed in the EIS is very similar to the presently proposed one if one eliminates the N.P. and the links to that pattern.

|| The EIS proposed a pattern that had not been surveyed or coated and therefore could not be spot on.

The EIS was altered by the 82 Decision and should be looked at in that context.

broken down. The result was that the community now trusts local officers and will tell them of sites as well as look at areas for sites. This has been done in CPT 695 Billibirra SF.

Therefore even though the Commission has not followed what it said it would, it has achieved a result much better than if it had followed the proposal in the EIS.

2. BIOLOGICAL STUDIES.

To date the local complaints have been that we did insufficient surveys to know what is there and we don't know enough about the species to know how to manage them properly.

Mr Pugh has emphasised the need to retain all growth on high fertility sites of moderate terrain. It could be argued that the area does not contain huge areas of this type and more of this type was reserved in the National Park.

We have done greater glider surveys mainly to see if they occur rather than number as well as a rough rufous scrub bird survey. The quality of these could be criticised but without spending long periods in the area are the best we can do.

The rainforest species are probably least at risk as only a small area is to be logged compared with the total rainforest in the area (NP).

E.I.S. WASHPOOL.

1) ARCHEOLOGICAL STUDIES.

The Commission made certain commitments in the EIS (P.98) that it has not abided to.

The main reason the commitment were not abided with was the reluctance by the Bundjalung Community not to divulge information about sites because of a lack of trust. For example the site in Redbank is still obscure with very little information available. S. Bowlder when she visited the community in 83 obtained very little new information if any.

Employing an Anthropologist/Archeologist for a year would have not produced any more as there ~~is~~ was this reluctance to speak to anyone who is not a Bundjalung. This has been stated by members of the community.

It was only when sites were threatened that an approach was made to the Commission and reading was stopped. Mr Donnelly was picked for the Washpool report not because it was thought he would do a good job but because he was the only person that might have been able to do the job and that the community would talk to. If Mr Donnelly had not been a Bundjalung he would not have received the information he did.

Mr Donnelly was not really suitable to do the job as far as the Commission's requirements or the Community's requirements. It was really a combined dissatisfaction that resulted in the Community / Commission barrier being



MINISTER FOR TOURISM
MINISTER FOR LANDS AND FORESTS

EIS FOR NORTH WASHPOOL/BILLILIMBRA

It is understood the North East Forest Alliance will proceed with its legal challenge to the 1980 EIS for the North Washpool/Billilimbra areas on the following grounds:

1. absence of archeological studies
2. insufficient details in the biological studies that were done
3. the Commission intends to log/do roadworks in areas outside the scope of the 1980 EIS.

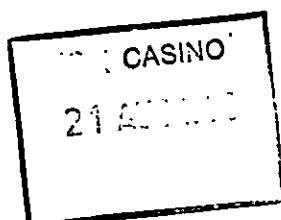
Please prepare for the Minister an advice which addresses these points. Your advice on the ability of the EIS to withstand these challenges would also be appreciated.

(D. HERSCHEL)
Executive Officer 14/07/90

Dr. H. Drielsma
Commissioner
FORESTRY COMMISSION

MR. BRUNCK/SQUIRE

in conjunction with legal.
advise by 24/8/90, he.



FORESTRY COMMISSION OF N.S.W.

FC. 374 (3/85)

(Use black pen or typewriter)

TELEX/FAX MESSAGE

To *Dist. Forests
Casino*From *B. Brooks
HO-MPD*

2018 11990

Subject

Washpool EIS.

Ref:

URGENT As discussed by phone, could you please supply short, handwritten comments on matters 1, 2 and 3 in the following letter from the Minister's Executive Officer. Please send to me by fax by tomorrow evening (Tuesday 21st) if possible; if not, by early Wednesday morning.

sent 22/8/90

I formally request that you now initiate an independent inquiry into these allegations, to ascertain whether the Commission's policies and codes have been lawfully complied with, to identify any FCNSW staff and/or licencees who have transgressed and to make findings and recommendations to prevent such occurrences from happening again.

Further, will you please inquire into the status and progress of the dedication of part of North Washpool as an aboriginal place under the National Parks and Wildlife Act, 1974, to protect important sites identified by the Baryulgil aboriginal community.

I have no evidence that the many breaches of the Commission's policies and codes committed in North Washpool amounted to corruption. As such, it is inappropriate for me to place these allegations before the Independent Commission Against Corruption (ICAC). Should such an independent inquiry uncover corrupt conduct; the evidence, findings and recommendations can then be forwarded to ICAC.

Of course, should you constitute such an inquiry, I would co-operate with it fully and provide to it all the information in my possession.

I look forward to your early reply to this most serious matter.

Yours sincerely,

John R. Corkill
Sydney Co-ordinator.

jrc: fordisk [nw-gwest.fcn] 26/4/1991

The Forestry Commission of NSW has agreed to:

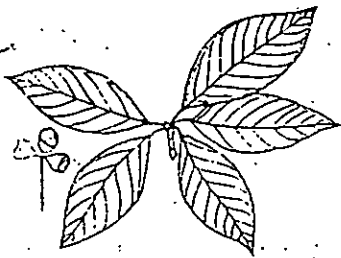
- * prepare an environmental impact statement (EIS) in accordance with the Environmental Planning and Assessment Act, 1979;
- * rehabilitate and conserve disturbed rainforest and soils; and
- * pay my costs in this legal action to enforce the law.

The allegations which I made in November 1990, and now repeat, are of such a serious nature that they cannot be 'swept under the carpet'. They refer to a period of approximately ten years, from October 1980 - until very recently in 1990.

I allege that the Commission has unlawfully:

- * logged rainforest despite the express exclusion of rainforest in North Washpool from the 1980 EIS;
- * misled Cabinet in its consideration of the North Washpool wilderness dedication recommended by NPWS;
- * breached its Management Plans by :
 - * logging rainforest adjacent to roads in contravention of prescription 2.3.4.1(x);
 - * logging sub-tropical rainforest at greater than the prescribed 50 per cent canopy retention prescription;
- * failed to comply with its policies by:
 - * logging rainforest without preparing harvesting plans;
 - * not enforcing the Standard Erosion Mitigation Conditions (SEMC) adopted as Commission policy to protect soil;
 - * ignoring its Wildlife Policy by not identifying rare endangered or sensitive species, and taking their habitat requirements into account in management practices;
- * breached s.45 of the Forestry Act, 1916, by recording 'false information' on the history of unlawful works;
- * 'covered up' breaches of prescriptions and conditions by later amending the Casino West Management Plan to permit the logging of rainforest buffer strips to continue;
- * 'closed the forest' to the public to facilitate their unlawful work and caused the arrest and prosecution of protestors who were seeking to enforce the EPA Act, 1979.

...3/.



BRUSH BOX

Lophostemon confertus

N.E.F.A.

NORTH EAST FOREST ALLIANCE

SYDNEY: NSW Environment Centre, 39 George St, The Rocks. 2000. Ph. 02 2474 206, Fx 02 2475 945

LISMORE: The Big Scrub Environment Centre Inc, 88A Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 219 420

26th April, 1991.

The Hon. Garry West, MLA,
Minister for Forests and Lands,
Level 12, First Chicago House,
33 Pitt Street,
Sydney. 2000.

Dear Mr West,

Re: Serious misconduct at North Washpool 1980-1989
by senior staff of the Forestry Commission of NSW

I refer to my letter on this matter dated 25.11.1990.

I note your response (27.11.1990) and the response of the Cabinet Office, (2.1.1991) on behalf of the Premier, which advised that it was inappropriate to pursue the allegations of serious misconduct by senior officers of the Forestry Commission, while the matter was under consideration by the Land and Environment Court.

Judgement on the allegations of serious misconduct by senior officers of FCNSW was never sought from the Court. The canvassing of these matters by my counsel only sought to illustrate the principle issue in the case: the complete inadequacy of the 1980 EIS for works which subsequently took place in the years 1980-1989.

I did not propose that the Land and Environment Court undertake an inquiry into the full range of allegations which I have placed before you. Such a course was, and is, clearly inappropriate.

Many of the allegations of serious misconduct refer to breaches, by senior officers of the Commission, of policies, Management Plans, prescriptions or conditions made under the Forestry Act, 1916. As you well know, this Act does not offer the same opportunities for third party enforcement that are available under s.123 of the EPA Act.

As you would now be aware, the North Washpool court action has been discontinued because the Commission and I have reached an out of court agreement to achieve the goals the court action sought.

...2/.

jrc: fordisk [nw-gwest.fcn] 26/4/1991

In conclusion, might I remind you that these concerns were first raised by me in writing over 8 months ago, yet no action or credible response has eventuated. Please make haste to take the necessary steps to properly publicly ventilate these concerns and investigate the facts of these allegations.

I look forward to your early reply to this most serious matter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "J.R. Corkill".

John R. Corkill
Sydney Co-ordinator.

jrc: fordisk [nw-gwest.fcn] 26/6/1991

If no action has taken place on these two commitments, will you immediately instruct and direct the Commission to honour these written promises immediately?

Mr West, I have no evidence that the many breaches of the Acts, the Commission's policies and codes committed in North Washpool amounted to corruption.

As such, it is inappropriate for me to place these allegations before the Independent Commission Against Corruption (ICAC). Should such an independent inquiry uncover corrupt conduct, the evidence, findings and recommendations can then be forwarded to ICAC.

You should be aware, as would Mr Sturgess when he invites me to place these matters before the ICAC, that it is the Ministers of the Crown and the Cabinet office who have a public duty and a statutory obligation to refer any issues of corruption to the ICAC should they be disclosed.

If you or he believe there is corrupt conduct involved in these allegations, I am advised by counsel that the responsibility to forward concerns to the ICAC rests with you and or the Cabinet office, not with me.

Of course, should you constitute an independent inquiry to investigate the many concerns raised above, I would co-operate with it fully and provide to it all the information in my possession.

Following a verbal assurance that such an inquiry is being actively considered and a request made by your adviser, Mr Dominic Herschel, may I suggest that Mr Justice Hope, Chairman of the Heritage Council of NSW, and a part-time judge, would be an appropriate chairman of such an inquiry because of his experience in natural resource and heritage issues and his legal and judicial background.

In conclusion, allow me to advise that an Inquiry into 'breaches of discipline' under the Public Sector Management Act, 1988 will be rejected by NEFA because this inquiry would be ordered by and report to the Commissioner for Forests. This is clearly unacceptable since the current Commissioner was himself involved in North Washpool during the period in question.

It is a central tenet of natural justice that any inquiry or investigation into complaints of serious misconduct not be undertaken by those who may have been involved in the matters at issue. Thus no internal inquiry by FCNSW will be seen to be even remotely credible.

...6/.

jrc: fordisk [nw-gwest.fcn] 26/6/1991

- * breached s.45 of the Forestry Act, 1916, by recording 'false information' on the history of unlawful works.

Specifically, the Harvesting Plan for Compartment 679 reports that the forest was unlogged when logging had been underway for 10 years; it states "there are no obvious signs of recent harvesting operations" despite the fact that virtual clearfelling of rainforest continued up to and throughout 1988, and possibly as late as 1989;

- * 'covered up' breaches of prescriptions and conditions by later amending the Casino West Management Plan to permit the logging of rainforest buffer strips to continue;
- * 'closed the forest' to the public in August/September 1990, to facilitate their unlawful work and caused the arrest and prosecution of protestors who were seeking to enforce the EPA Act, 1979.
- * attempted to shift its burden of responsibility and culpability for the gross degradation and unmitigated exploitation of the North Washpool forests by making false and unsubstantiated allegations about unnamed 'protestors' 12 months after the time of alleged interference.

The conduct of the Commission and the actions of various senior staff in permitting the offences detailed above are unconscionable and require a full public inquiry.

I therefore formally request that you now initiate an independent inquiry into these allegations, to ascertain whether the Commission's policies and codes have been lawfully complied with, to identify any FCNSW staff and/or licencees who have transgressed and to make findings and recommendations to prevent such occurrences from happening again.

Further, will you please inquire into the status and progress of the Commission commitment, given in a letter (23/4/1990) signed by Mr John Bruce, Regional Forester to Mr Ken Gordon, a leader of the Baryulgil aboriginal community, to dedicate the whole of Desert Ck catchment as an Aboriginal Place under the National Parks and Wildlife Act, 1974, to protect important sites identified by the Baryulgil aboriginal community.

Will you also please advise what action has been taken by FCNSW in conformity with a commitment in that same letter to "shift the existing (Desert Ck) road, if possible to avoid site 6, and to carry out any restoration work to that site that the (Baryulgil aboriginal) community might request".

...5/.

jrc: fordisk [nw-gwest.fcn] 26/6/1991

- * logging sub-tropical rainforest at greater than the prescribed 50 per cent canopy retention prescription;
Harvesting Plans for Compartments 679, 688, 695, despite the fact that they were prepared after work commenced, required harvesting at 50% canopy retention.
- * permitting log dumps and tracks to be built in locations other than that shown in the Harvesting Plans for Compartments 679 and 694;
- * failed to comply with its policies by:
 - * logging rainforest without preparing Harvesting Plans; e.g. Compartment 695 and 679; the Harvesting Plan for Compartment 694 is unauthorised, unsigned and undated, as well as containing an illegible map.
 - * not enforcing the Standard Erosion Mitigation Conditions (SEMC) adopted as Commission policy to protect soil;

Specifically, FCNSW failed to enforce the construction of any cross banks in some roads; failed to construct cross banks to required spacing; and in other cases constructed banks were inadequate and have since failed.

FCNSW improperly constructed stream crossings e.g. the tributary of Desert Creek within Compartment 694; permitted the virtual clearfelling of the filter strip in Compartment 694; failed to stock pile and respread topsoil at logging dump locations;
- * not maintaining Compartment history files for any work in the North Washpool forests. Logging history maps were not maintained up to date, and to the extent that they exist at all, they are inaccurate in that they do not show the full extent of logging in many areas particularly in Compartment 694;
- * ignoring its Wildlife Policy by not identifying rare endangered or sensitive species, and taking their habitat requirements into account in management practices;

...4/.

jrc: fordisk [nw-gwest.fcn] 26/6/1991

As you would now be aware, the North Washpool court action has been discontinued because the Commission and I have reached an out of court agreement to achieve the goals the court action sought.

The Forestry Commission of NSW has agreed to:

- * prepare an environmental impact statement (EIS) in accordance with the Environmental Planning and Assessment Act, 1979;
- * rehabilitate and conserve disturbed rainforest and soils; and
- * pay my costs in this legal action to enforce the law.

The allegations which I made in November 1990, and now repeat, are of such a serious nature that they cannot be again 'swept under the carpet'. They refer to a period of approximately ten years, from October 1980 - until very recently in 1990. Having disposed of the furphy of the legal proceedings, there can be now no reasonable argument to prevent the commencement of such an inquiry.

I allege that the Commission has unlawfully:

- * logged rainforest despite the express exclusion of rainforest in North Washpool from the 1980 EIS;

The 1980 EIS states explicitly on pages 21, 36, and 44 that rainforest within North Washpool will not be logged. The EIS also states that subtropical rainforest within the Casino West MA would only be logged on a 50 canopy retention harvesting prescription (pages 13, 20 and 56).

Thus the FCNSW's determination to log rainforest in North Washpool at 'maximum economic utilisation' was both illegal and not in accord with EIS.

- * bulldozed an significant aboriginal site, in constructing the Desert Spur Road, despite an explicit undertaking in the 1980 EIS that a detailed archeaological survey would be undertaken prior to any harvesting commencing;

An aboriginal site Redbank Creek site was also identified as requiring further investigation prior to any operations but this wasn't done either.

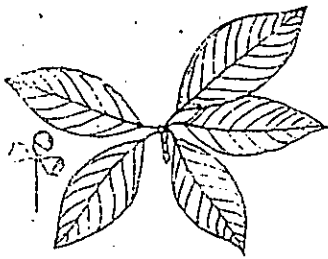
- * misled Cabinet in its consideration of the North Washpool wilderness dedication recommended by NPWS specifically on alternative timber supplies;

- * breached its Management Plans by :

- * logging rainforest adjacent to roads in contravention of prescription 2.3.4.1(x); 20m wide buffer strips

...3/.

jrc: fordisk [nw-gwest.fcn] 26/6/1991



BRUSH BOX
Lophoceros confertus

N.E.F.A.

NORTH EAST FOREST ALLIANCE

SYDNEY: NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206, Fx 02 2475 945

LISMORE: The Big Scrub Environment Centre Inc, 88A Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 272 676
26th June, 1991.

The Hon. Garry West, MLA,
Minister for Conservation and Land Management,
Level 2, 151 Macquarie Street,
Sydney. 2000.

Dear Mr West,

Re: Serious misconduct at North Washpool 1980-1989
by senior staff of the Forestry Commission of NSW

I refer to my letter on this matter dated 25.11.1990.

I note your response (27.11.1990) and the response of the Cabinet Office, (2.1.1991) on behalf of the Premier, which advised that it was inappropriate to pursue the allegations of serious misconduct by senior officers of the Forestry Commission, while the matter was under consideration by the Land and Environment Court.

Allow me to correct your and Mr Sturgess' misunderstanding of the relevance of the legal action to our concerns regarding serious misconduct.

Judgment on the allegations of serious misconduct by senior officers of FCNSW was never sought from the Court, nor was contemplated. The canvassing of these matters by my counsel only sought to illustrate the principle issue in the case: the complete inadequacy of the 1980 EIS for works which subsequently took place in the years 1980-1989.

I did not propose that the Land and Environment Court undertake an inquiry into the full range of allegations which I have placed before you. Such a course was, and is, clearly inappropriate. Clearly then, my legal action regarding compliance with ss. 111 and 112 of the EPA Act, provided no impediment at all to proceeding with the constitution of an independent inquiry.

Many of the allegations of serious misconduct refer to breaches, by senior officers of the Commission, of policies, Management Plans, prescriptions or conditions made under the Forestry Act, 1916. As you well know, this Act does not offer the same opportunities for third party enforcement that are available under s.123 of the EPA Act.

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jrc: fordisk [nw-gwest.fcn] 26/6/1991

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persons in NSW have under the Heritage Act to attend the head office of the Commission to inspect the Heritage Register.

The appalling situation where the Commission has cut itself out of communication with such a large number of incorporated community organisations reflects very badly upon the FCNSW's commitment to public consultation. I can see no possible means of resolution of the ongoing dispute over old growth logging unless the FCNSW is prepared to submit to a formal process of dispute resolution, under the facilitation of an independent mediator with sufficient legal experience to adjudicate the complex legal and administrative issues involved.

I take this opportunity to inform you that, the Commission's delays in supplying information have now achieved what we believe was the Forestry Commission's intentional aim, namely denying the North Coast environment organisations the opportunity for informed input into Forestry EISs in that region. The Glen Innes, Dorrigo, Wingham, and Mt Royal EISs are now completed and the public exhibition period for Wingham and Mt Royal has closed. The Grafton and Casino/Murwillumbah EISs will be completed shortly. The Commission has deliberately frustrated both the spirit and the letter of the Freedom of Information Act. I request that you now close the file and report upon the Commission's breach of the Freedom of Information Act.

Thank you for the efforts that your office has made over the past year or so to attempt to enforce compliance by the FCNSW with the Freedom of Information Act. It is regrettable that those efforts have not been entirely successful. The Commission has deliberately and unlawfully refused and continues to refuse our valid FOI request of April 1991.

Yours sincerely,



A K Ricketts LLB (Hons)
Research Officer
Big Scrub Environment Centre

Please find enclosed "Directive" from the Commissioner of Forests to staff, which prohibits Forestry Commission staff from co operating with representatives of North Earth Forest Alliance (NEFA) in any capacity other than under specific statutory responsibilities.

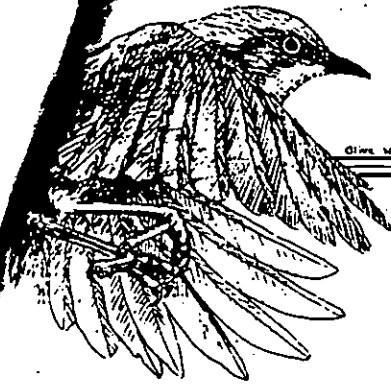
The Commission states in the Directive that the refusal to communicate follows the occupation of Head Office on Wednesday 18 November. Dr Dreilisma is attempting to use the peaceful occupation as the reason for refusal to communicate with any NEFA representatives, regardless of whether they attended the action in person, and regardless of whether they represent any other organisation. I note that myself (Representative of the Big Scrub) and Mr Steed, have been specifically named notwithstanding that we did not take part in the occupation. It appears the Commission considers the fact that Mr Steed and myself spoke to the media concerning the occupation as sufficient cause to exclude us. Mr Steed was not even in the vicinity of the FCNSW office at the time. This is clearly indicative of the Commissions attitude to our constitutional right to free speech.

I phoned Mr Hickman (1-00 pm 3 December 1992) and asked if he would speak to me about list "A", Mr Hickman refused.

According to the Directive it is now not possible for Mr Hickman to communicate with myself, (the representative of the Big Scrub in this complaint) nor will it be possible for members of NEFA to access any of the information on list "A", as District Foresters have been prohibited from making appointments with NEFA representatives. In my opinion the enclosed Directive is inconsistent with access to list "A" documents as all of the nominees on the original FOI request are also representatives of NEFA.

The Commission appears to fundamentally misunderstand that NEFA is not a separate entity from the rest of the North Coast Environmental Organisations, but is rather a network of members of incorporated groups who share a common interest in forestry issues. The ramifications of the Forestry Commissions refusal to communicate effectively means that the Commission is no longer in communication with any of the incorporated environment centres of the North Coast nor any of the 40 member groups of the North Coast Environment Council of which Mr Corkill is a vice president.

The Commissioners Directive places the Commission in breach of it's responsibilities under the Freedom of Information Act, notwithstanding the disclaimer on p1 that it will still comply with statutory obligations. I also note that the Directive has failed to specifically mention the right that all



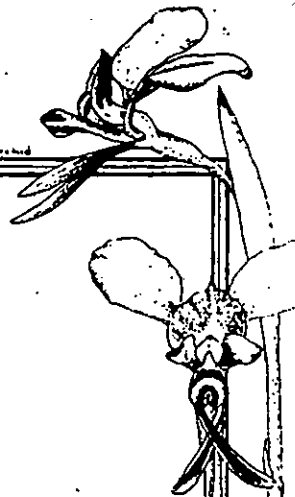
Olive Whistler

THE BIG SCRUB ENVIRONMENT CENTRE

INC.

149 Keen Street, Lismore 2480.
Phone (066) 21 3278
Fax (066) 22 2676

Shiny Orkid



4 December 1992

Mr David Watson
Investigating Officer
Office of the Ombudsman
580 George st
Sydney 2000

Dear Mr Watson,

I am writing to inform you of further developments in our ongoing saga of attempting to gain access to information held by the Forestry Commission.

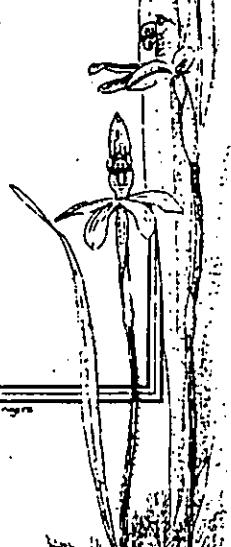
Since my previous letter to you of 4 November 1992 there has been no further action by the Forestry Commission in dealing with the status of documents held under subpoena.

You will recall that the Forestry Commission has attempted to deal with the question of access to information by producing list ('A') of documents which FCNSW claimed would be available by appointment with District Foresters without the need for a formal FOI request. You will also recall my concerns that the Commission, in creating list "A" may have been attempting to remove those documents from the range of matters falling under the provisions of the FOI Act, and the current investigation. I have already mentioned to your office my concern that the Forestry Commission has reserved the right to take documents off List "A" at any time and that there is no dependable mechanism to ensure access to those items.



Spiny-tailed Monitor

Red Tanager



Please find enclosed "Directive" from the Commissioner of Forests to staff, which prohibits Forestry Commission staff from co operating with representatives of North Earth Forest Alliance (NEFA) in any capacity other than under specific statutory responsibilities.

The Commission states in the Directive that the refusal to communicate follows the occupation of Head Office on Wednesday 18 November. Dr Dreilsma is attempting to use the peaceful occupation as the reason for refusal to communicate with any NEFA representatives, regardless of whether they attended the action in person, and regardless of whether they represent any other organisation. I note that myself (Representative of the Big Scrub) and Mr Steed, have been specifically named notwithstanding that we did not take part in the occupation. It appears the Commission considers the fact that Mr Steed and myself spoke to the media concerning the occupation as sufficient cause to exclude us. Mr Steed was not even in the vicinity of the FCNSW office at the time. This is clearly indicative of the Commissions attitude to our constitutional right to free speech.

I phoned Mr Hickman (1-00 pm 3 December 1992) and asked if he would speak to me about list "A", Mr Hickman refused.

According to the Directive it is now not possible for Mr Hickman to communicate with myself, (the representative of the Big Scrub in this complaint) nor will it be possible for members of NEFA to access any of the information on list "A", as District Foresters have been prohibited from making appointments with NEFA representatives. In my opinion the enclosed Directive is inconsistent with access to list "A" documents as all of the nominees on the original FOI request are also representatives of NEFA.

The Commission appears to fundamentally misunderstand that NEFA is not a separate entity from the rest of the North Coast Environmental Organisations, but is rather a network of members of incorporated groups who share a common interest in forestry issues. The ramifications of the Forestry Commissions refusal to communicate effectively means that the Commission is no longer in communication with any of the incorporated environment centres of the North Coast nor any of the 40 member groups of the North Coast Environment Council of which Mr Corkill is a vice president.

The Commissioners Directive places the Commission in breach of it's responsibilities under the Freedom of Information Act, notwithstanding the disclaimer on p1 that it will still comply with statutory obligations. I also note that the Directive has failed to specifically mention the right that all

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ective)

The FOI guidelines you have sent made good holiday fiction reading. It is a joke that the Commission can propose to do on paper that which it has refused to do in reality for nearly two full years. It is impossible to have any confidence in the current administration of the NSW Forestry Commission.

Yours sincerely,

Aidan Ricketts LLB (Hons)
Research Officer

In view of the circumstances generated by the Commissioners Directive, it is now the case that supposed "over the counter" access to documents has been deliberately made administratively impossible, not only for myself but for all of the nominees listed on the original application of April 1991. (all of whom are "representatives of NEFA", within the terms of the Directive). Consequently, all of the information requested is still covered by our original formal request which remains unsatisfied.

The FOI
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In so far as our substantive request for information xx41 is concerned, the guidelines you have issued are irrelevant and inoperative. The Commissioners Directive is simply the latest in a long line of refusals, diversions, lost correspondence and delays occasioned by the Commission for well over eighteen months with the deliberate aim of frustrating our attempts to gain information under the Freedom of Information Act. What we have witnessed is glaring dishonesty thinly disguised as bureaucratic ineptitude. Our substantive request has been delayed unlawfully for nearly two years whilst the Commission has slowly progressed towards adopting an FOI procedure. Now that there is a procedure, it has been rendered meaningless by the Commissions own refusals to communicate with North Coast environment groups.

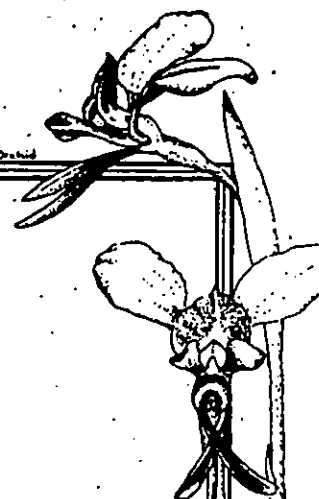
The FCNSW has been aware throughout this dispute that the purpose for requesting the information was to allow North Coast environmental groups, including NEFA, to make constructive and informed input to EISs. The Forestry Commission has successfully prevented that flow of information and in the process have voided any claim that the EISs involved genuine and informed public consultation. I am convinced that the Commissions frustration of our access to this information has been deliberate.

In respect of the guidelines in general I note several key areas in which the guidelines depart significantly from the requirements of the legislation and impose restrictions that are not to be found in the Freedom of Information Act. Given the Commissions previous track record of insisting on unsupportable but convenient interpretations of statutory requirements, it is not unlikely that the matter will ultimately require judicial interpretation.



THE BIG SCRUB ENVIRONMENT CENTRE INC.

149 Keen Street, Lismore 2480.
Phone (066) 21 3278
Fax (066) 22 2676



Mike Hickman
FOI co-ordinator
Forestry Commission of NSW
Locked bag 23
Pennant hills
NSW 2120

13 January 1993

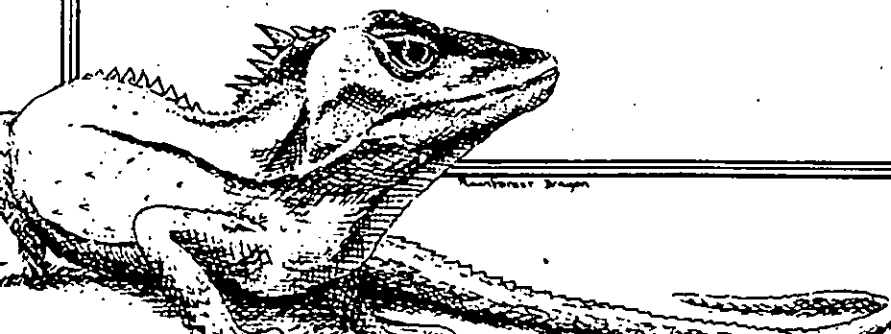
Dear Mr Hickman,

Re : FOI application xx41

Thank you for forwarding a copy of the Commissions belated "FOI guidelines". I note that your letter was addressed generally to the "Information Officer" of the Big Scrub Environment Centre, rather than to myself, presumably to avoid the official embarrassment generated by the Directive under which the Commission refuses to communicate with members of North Coast environment organisations.

As you are aware I am employed by the Big Scrub Environment Centre as "Research Officer", and as such I am the appropriate officer with whom the Commission must deal in respect of this matter.

You will recall that I phoned you at approximately 1-00 pm on the 3rd December 1992, shortly after I had received a copy of the Commissioners Directive concerning contact with NEFA. I was concerned at how the Commission would be able to fulfill it's obligations to this Centre under the FOI Act following the issue of that Directive. I asked if you could talk to me about access to list "A" documents and you refused outright. I told you that I would have to contact the Ombudsman concerning your refusal and you advised me to do so.



Forestry 'is a health risk'

Working in the forestry industry can damage your health, a new study has warned.

The study reveals that such traditionally country-based industries as forestry and logging account for a disproportionate number of work related accidents and fatalities in the State.

The research data was released recently by the general manager of the WorkCover Authority of NSW, Mr Ian Ramsay.

Amongst other findings, the research shows that the number of work related deaths occurring in country areas over the last two years represented more than 50 per cent of all workplace fatalities occurring during that period, while country workers account for only 34 per cent of the labour force.

The report found that most deaths were caused by workers stepping on or being struck by objects, falling, being caught between two objects and being exposed to electric currents.

Analysis of workers compensation statistics for the 1988-1989 period showed that the industries with the highest overall injury rates were coal mining, forestry and logging, other mining industries, and building construction. The statistics also show that in the forestry and logging industry, the chance of being killed or permanently disabled is one in 63.

Mr Ramsay said the same research showed that a high level of all prosecutions under occupational health and safety legislation resulted in convictions.

Common sense ^{DE 26-11-90}

SIR. - Ever since Australians took a stand at Eureka against what they perceived as bureaucratic and arrogant bungling, it has been an accepted practice in this country to stand up for the things in which we believe.

The people of the North Coast took their own stand when it came to plans to site a chemical pulp mill on the Clarence River, while in Corowa the local people have rallied to fight for a clean and healthy environment for themselves and their children in condemning the proposed siting of a high temperature incinerator in their midst.

It seems that every time we stop for breath another issue crops up that summons us to speak up for common sense and common interest. Most of us would much rather be doing other things besides acting as watchdogs for what we see as poor bureaucratic decisions and flawed advice to governments.

It seems timely to point out to the spokesperson of the Grafton branch of the Forest Protection Society that she is mistaken in attributing the motives of today's conservation movement to "greed" (DE 17/11/90).

We speak out as we do because we believe that the people of today's and tomorrow's Australia will not be well served by a country whose finite resources have been exhausted by sectional interests that have until now, not had to make long term plans for the sustainability of their industries.

The "Conservation Movement" is a burgeoning one that embraces a wide cross section of the community; it is made up of people of all political persuasions, all religions, white collar workers, blue collar workers, men, women and children as well as the proverbial "doctors, lawyers and indian chiefs".

Those conservationists who question bureaucratic decisions that they believe to be wrong, certainly are not motivated by greed and one hopes that the unworthy practice of personal denigration will cease in the interests of intelligent debate.

Tullymorgan.

Rosemary Richards,

Commission record

SIR. - In reply to the numerous letters from John Bruce, Dale McLean and Hans Drielsma I would like to quote the following statement from the NSW Public Accounts Committee draft report. (Sydney Morning Herald 19/11/90).

"The (Forestry) Commission is neither efficient, economical nor effective because of an overstaffed and under-performing head office, surplus and under-performing assets and a failure to address key areas."

This damning criticism follows the recent North Washpool Court action where Justice Hemmings stated: "Regrettably there is conceded to be a history of departure by the Commission from not only its own approvals of logging in this area, but apparently a continuous avoidance of the obligations imposed by the EP & A Act. In such circumstances, it is difficult to have confidence that, unless restrained, the Commission will observe its statutory duties."

Colin Dorber, manager of the Forest Products Association has stated that: "the Forestry Commission had deceived the industry about the annual availability of 30,000 cubic metres of hardwood in the Casino District outside of North Washpool" and agreed that the Commission had broken EPA regulations (Daily Examiner 30/10/90).

It is obvious from the numerous successful court actions against the Commission and the NSW Public Accounts Committee draft report that the Commission has been deceiving the public about the standard of management of our public native forests.

The Commission is seriously mismanaging our forest resource and eventually will provoke the downfall of the timber industry and the rise of the export woodchippers.

The Commission must be transformed into a modern, efficient, economical and effective authority that is publicly accountable with a clear public participation process framed within appropriate legislation.

Rosebank

DE 27-11-90

Andrew Steed

Page 3.
Sydney Morning Herald
15th April 1993

This EIS is being prepared. NEFA are aware of this as they have made a submission to the Department of Environment on the guidelines for the EIS and they have also attended EIS workshops held as part of the consultation process.

The EIS is now in draft form and will be ready for submission to the Minister in the near future. In the meantime the Minister has approved an export licence for SEPL for 1993 pending determination of the EIS.

This is all proceeding according to plan and in consultation with relevant authorities and in compliance with the law.

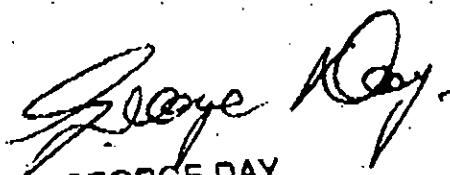
I wish to thank you for phoning and trying to ascertain the facts concerning the allegations made about SEPL and I hope I have been able to help.

It is my opinion that NEFA is trying to be mischievous as it is constantly bombarding the media with misinformation about SEPL and other industry operations.

With respect to Mr Chambers, we have grounds to believe his motivation is not entirely about concern for the environment but that he has a separate agenda that he wishes to promote.

If you really feel that all of this is newsworthy and you would like to inspect any of our operations to verify our bona fide we would be delighted to make appropriate arrangements.

Yours sincerely,



GEORGE DAY
Resources Manager

FGD470

I have not delved into our archives but anecdotal evidence indicates that a supplier to SEPL did purchase pulpwood for chipping from a property in the area described in 1987.

The Export Licence No. 27 signed by the Minister (Mr Kerin) for 1987 specifically provides under the heading "Source Material" that;

5. (a) *Source material for production of woodchips for export under this licence shall be limited to logging wastes, silvicultural residues, sawmill residues and roundwood derived from private land in New South Wales under terms and conditions agreed between the company and the Department.*

At the time the use of roundwood from private property was agreed to under certain conditions that this particular operation met i.e. the prime purpose of the logging operation was to provide sawlogs with pulpwood being a recovery item and the ability to sell pulpwood was not to be the driving force behind a land clearing operation. It finally transpires that the quality and volume of sawlog material was not satisfactory and the operation ceased.

Sawlogs being Chipped

It is our policy never to woodchip any log that can be used as a sawlog - whether this log is derived from State Forest, private property or company owned land. There are several reasons for this;

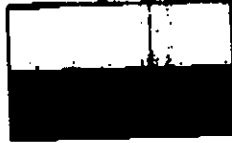
- we do not want the criticism that such action could bring
- there is more than sufficient woodchip material available without needing to use potential sawlogs
- while woodchips are a good form of value adding to waste material and pulpwood they are a relatively low value product and to use sawlogs for chip production would be economic suicide. The landed cost of woodchips from sawlogs is greater than the selling price.

Environmental Impact Statement

SEPL has complied with every request and condition set by the Minister. We do not respond to NEFA or Mr Chambers.

The Minister has now designated SEPL under the Commonwealth Environment Protection (Impact of Proposals) Act 1974 and as a result an EIS is now required to be prepared covering the use of silvicultural residues from State Forests and the use of roundwood from private lands.

BORAL TIMBER



Head Office 360 Victoria Street (PO Box 6764) Wetherill Park NSW 2164 Australia
Telephone (02) 725 9333 Facsimile (02) 604 0284

15th April 1993

American Steel

The Editor
The Sydney Morning Herald

Fax: 223 1531

Attention: Sigrid Kirk

Dear Sigrid,

I refer to our telephone conversation yesterday when you sought some details about the operation of Sawmillers Exports Pty Ltd (SEPL).

I understand your enquiry was in response to a letter you have received from a Mr Arthur Chambers and the North East Forest Alliance in which claims are made that SEPL has operated illegally in that:

- Woodchips sourced from private property were exported in 1987 in contravention of the export licence
- sawlogs were used for woodchipping
- SEPL has not complied with the need to compile an environmental impact statement into the use of silvicultural residues for export woodchip production.

Woodchips sourced from Private Property

The allegation made is that late in 1987 Chambers was involved in debarking logs on a property in the Nymboldia Shire located on the Eastern side of Doboy Road and 2.7 kms north of the intersection of Doboy Rd and the Old Glen Innes Road, and that these logs were used to produce woodchips for export in contravention of SEPL's export licence.

Cont...2/

Return address for correspondence ☐ Head Office or

- ☐ Allen Taylor & Company Ltd ACN 081 303 056 Bruce Highway (PO Box 2243) Coonung Qld 4561 Telephone (07) 17 6288 Facsimile (07) 47 6365
- ☐ Timber Industries Ltd ACN 000 027 911 Olympic Way (PO Box 400) Mullumbidgee NSW 2525 Telephone (066) 31 5622 Facsimile (066) 32 2400
- ☐ Sawmillers Exports Pty Ltd ACN 090 029 221 Lot 3 Hume Road Kooragang Is NSW 2204 (PO Box 319) Mayfield NSW 2104 Telephone (019) 28 2644 Facsimile (019) 28 3050
- ☐ Duncoox Pty Ltd ACN 000 080 791 90 St Hilliers Road (PO Box 1051) Auburn NSW 2144 Telephone (02) 748 6111 Facsimile (02) 748 6566
- ☐ Boral Timber Tasmania Ltd ACN 009 492 801 Long Reach East Tamar Tas (PO Box 945) Launceston TAS 7240 Telephone (03) 194 7303 Facsimile (03) 94 7100
- ☐ Tasmanian Board Mills Ltd ACN 009 127 429 231 Main Road Austons Ferry 7011 (PO Box 72) Chesham Tas 7011 Telephone (002) 49 1133 Facsimile (002) 49 5272
- ☐ George Hudson Parquetery Flooring (Sales) Pty Ltd ACN 000 114 661 59 St Hilliers Road (PO Box 1024) Auburn NSW 2144 Telephone (02) 748 6100 Facsimile (02) 748 6152
- ☐ Hardys Pty Ltd ACN 000 071 705 Longlie Road (PO Box 22) Tumnah NSW 2203 Telephone (000) 48 2377 Facsimile (000) 21 3299

3) Boral Annual Report 1989 Extract page 57, showing the Mr Free was a Non-Executive Director of an Operating Subsidiary Company of Boral (SEPL) in 1989.

4) Boral Annual Report 1991 Extract page 11, showing that Mr Free was still a Non Executive Director of an Operating Subsidiary Company of Boral in 1991.

5) Australian Security Commission records for SEPL, Extract pages 3 and 25, for the year ending 30th June 1992, showing that Mr Free had retired from the Board of SEPL before this date.

6) FCNSW Wood Supply Agreements as at 2nd February 1993, showing that Boral's wholly-owned subsidiary company Allen Taylor have three 20 year Agreements on the NSW North Coast, all of which commenced on 1st January 1988.

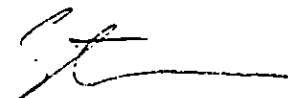
6) Signed statement by Mr Arthur Chambers, made in April 1993, stating that illegal woodchipping occurred on the NSW North Coast in 1987-8, while Mr Free was both a Director of SEPL and an Assistant Commissioner of the NSW Forestry Commission.

I am deeply concerned by this situation as it involves a public resource and because the viability of a locally-based timber industry on the North Coast may have been jeopardised by a potentially corrupt arrangement by public officials.

I trust that the above information will alert you to the situation that I believe, on face value, involves corruption. I hope that you will thus recognise the importance of commencing an investigation into this matter as a matter of urgency. Should you require any further assistance from me, please do not hesitate to contact me at your convenience.

Thank you for your time in looking at this matter and I look forward to your correspondence in the very near future,

yours sincerely,



Andrew Steed.

handedly. Hence, Mr Free would have played an integral role in the negotiation of these Wood Supply Agreements.

Mr Gwaelter went on to say that Mr Free was somewhat of a political animal who was an insider's man who knew all the right people speak to in order to get things done. This small character insight adds weight to the possibility that a situation conducive to corruption has occurred.

There appears to be a conflict of interest and a situation conducive to corruption because of Mr Free's membership of SEPL's Board of Directors at the same time as being the Assistant Commissioner of the Forestry Commission when the Wood Supply Agreements were signed with SEPL's parent company Allen Taylor.

5. Loss of Public Good

As a result of the Wood Supply Agreements and sawlog quota transfers mentioned above it appears that there has been a loss of public good because of the favouritism given to Boral, Allen Taylor and SEPL. Mill closures have been caused because of Boral's expansion on the North Coast, and there is serious discontent with Boral amongst many timber workers.

In the Wauchope area, a local sawmill Beechwood Timbers, has allegedly been refused a supply of quota sawlogs because of the Forestry Commission had to obtain timber from the Wauchope area to satisfy Allen Taylor's Wood Supply Agreement for the Kempsey area.

The Commission was unable to fulfil its timber volume to Boral in the Kempsey area because of an unforeseen shortfall in available quota sawlogs and was forced to borrow it from the Wauchope area.

Mr Chambers has said that while employed as a contractor to SEPL supplying timber for woodchips he received preferential treatment from the Forestry Commission over other non SEPL contractors working in the State Forests.

He gave an example that while he was working in State Forests in the Bulahdelah Management Area he complained to the Forestry Commission about the state of the roads and requested the Commission to repair roads that were deteriorating due to wet weather. Other non SEPL contractors had made similar requests, but to no avail. Following Mr Chambers requests 20 truckloads of gravel were promptly used to repair the roads Mr Chambers complained about, while other roads used by non SEPL contractors were not repaired.

Mr Chambers has said that he is willing to speak with the Independent Commission Against Corruption. He has indicated that he has kept a comprehensive of his dealings with SEPL and the Forestry Commission in a series of dairies. Mr Chambers can be contacted on (066) 880 141.

I have attached the following documents for your examination:-

1) Corporate Affairs Commission records of SEPL, dated 17th January 1985, (signed by SEPL) 30th November 1984), Extract page "A", showing that Mr Free was a Director of SEPL in 1984.

2) FCNSW Annual Report Extract page 14, showing that Mr Free had retired from the Forestry Commission before 30th June 1989, the end of the 1989 financial year.

4. Wood Supply Agreements

I am also concerned about the Mr Free's relationship with SEPL and the Forestry Commission because of decisions the Forestry Commission have made concerning SEPL's parent company Allen Taylor & Co.

While Mr Free was a Director of SEPL and an Assistant Commission of the Forestry Commission, Allen Taylor & Co negotiated and signed 3 Wood Supply Agreements, covering periods of 20 years, with the Forestry Commission. These Wood Supply Agreements were all signed to take effect from 1st January 1988. At least one of these Wood Supply Agreements was signed in mid 1988 and was backdated to commence on 1st January 1988.

Mr Hatton, MP for the South Coast, asked the Minister for Conservation and Land Management questions in Parliament about Mr Free and the Allen Taylor Wood Supply Agreements on 10th March 1993. The Minister for Conservation and Land Management, Mr Gary West, in reply to Mr Hatton's questions confirmed the dual role of Mr Free.

Period of Agreement	Forest type	Product and Annual Supply	Region of Supply	District sources
1.1.88 to 31.12.2007	Broadleaf (native)	Sawlogs 40, 530 cu m	Northern	Dorrigo Grafton Urunga
1.1.88 to 31.12.2007	Broadleaf (native)	Sawlogs 51, 390 cu m	Northern & Central	Kempsey Wauchope Urunga
1.1.88 to 31.12.2007	Broadleaf (native)	Sawlogs 21, 660 cu m	Central	Gloucester

(Source: Document supplied by H. Drielsma, Commissioner for Forests on 2.2.93)

The total Annual Product Supply to Allen Taylor is therefore 113, 580 cubic metres/year, and this gives a Total Product Supply to Allen Taylor over 20 years of 2, 271, 600 cubic metres, which is a very large amount of timber.

In the 1987/8 Boral Director's Report it states that:

" SEPL continued to supply woodchip exports to Japan utilising sawmill residues from the Company's own (Allen Taylor) and other sawmills, to achieve satisfactory results.

From this statement it is apparent that Allen Taylor are benefiting twofold from the Wood Supply Agreements. Firstly it guarantees them a supply of sawlogs, and secondly guarantees a supply of material for the woodchipping mill owned by their subsidiary company, SEPL.

In a discussion with an ex-Forestry Commission employee, Mr John Gwaelter of Crescent Head, he said that during the period when Mr Wal Gentle was Commissioner of Forests, and often absent through ill-health, and Mr Free was Assistant Commissioner, Mr Free virtually ran the Forestry Commission single

What decisions that may have benefited SEPL, Allen Taylor or Boral did Mr Free participate in during his dual role of Director of SEPL and Assistant Commissioner of the Forestry Commission of NSW?

Mr Free retired from the Forestry Commission in 1989 and resigned from the Board of Directors of SEPL during the 1991/2 financial year. Why did Mr Free retain his Directorship of SEPL for 2 years after retiring from the Commission?

Has Mr Free ever held any shares in Boral Ltd Group or any of its subsidiaries or major shareholders? The 20 largest shareholders are given in each Boral Annual Report. From the Sydney 1992 Telecom Telephone Directory, a Mr R A Free lives at 7 Bokana Place, North Rocks, with a telephone number of 02 871 8008.

3. Obtaining woodchips without proper approval

As a result of my investigation into the operations of Sawmillers Exports Pty Ltd I have revealed that SEPL has obtained woodchips for export from a North Coast private property in Nymboida Shire without the required Federal Government approval.

This investigation was made following the release of a signed statement by an ex-employee of Sawmillers Exports Pty Ltd, Mr Arthur Chambers of Coffs Harbour in April this year.

In this statement Mr Chambers states that in late 1987 - 88 he hired machinery to Sawmillers Exports Pty Ltd to log private property in the Nymboida Shire, west of Grafton, for woodchips.

Federal Government records of approval to obtain woodchips from private property show that Sawmillers Exports Pty Ltd did not have the proper Federal approval for any properties in the Nymboida Shire area.

Mr Chambers also stated that from his recollections of discussions with other people involved in the timber industry around this time that apparently a similar situation was occurring at a number of other private properties.

As a Director of SEPL during the period when the above property at Nymboida was logged for export woodchips without the proper Federal Government approval, was Mr Free aware of any operations on private land occurring without the proper Federal approval?

3. Sawlog quota transfers

In discussions with Mr Chambers he stated that Boral appear to received favoured treatment from the Forestry Commission in regard to the transfer of sawlog quotas when a sawmill with a current quota closes.

Mr Chambers said that when Boral purchased and closed a sawmill with a current quota, the quota was transferred to Boral, but this did not occur for any other sawmill operators. This particularly applied when a sawmill closed on its own account and other sawmill operators sought to purchase their quota.

Did Mr Free ever show preference for Boral when allowing or refusing quota transfers while he was a member of the SEPL Board of Directors and the Assistant Commissioner of the Forestry Commission of NSW?

recently said that he was only a Honorary Director, but the SEPL company records we have clearly state Director, and not Honorary Director.

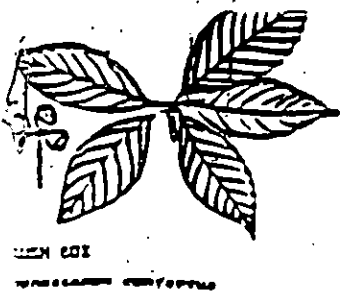
Messrs Free, McCall, Hayashi and Ohashi were described as "Non Executive Directors of Operating subsidiaries other than Directors of the Holding Company" in the 1989 Boral Annual Reports.

Mr Free is not described as an Honorary Director in any of the documents we have viewed, and hence it appears that he was receiving remuneration for attending SEPL Board of Director meetings. If this was the case, then it could constitute a situation conducive to corruption.

The Directors of SEPL during 1985 -1989 included (Directors in 1989 in bold type):

Koy Alan Free	Assistant Commissioner of Forestry Commission of NSW
Eric James Neal	Managing Director Boral until July 1987 (Resigned from SEPL before 1988, ? 1987)
Bruce Raymond Kean	Chief Exec. Boral after July 1987 Director Boral Ltd group after July 1987 Managing Director Boral after 1989 (Appointed to SEPL after 1984, ? 1987)
Roger Glen Pysden	Chief Exec. of Boral Australian Gypsum Ltd National Association of Forest Industries (Appointed to SEPL after 1984)
Kevin Spencer McCall	Company Executive
Anthony Clement Hogarth	Executive Boral subsidiaries (Alternate SEPL Director for Kean. Resigned 1988)
Keith Thomas Sullivan	Executive Boral subsidiaries (Alternate SEPL Director for Kean, Pysden and McCall)
Akira Watanabe	C Itoh, Harris Daishowa Company Executive Resigned from SEPL 30th June 1984
Masaaki Hayashi	Chairman and Managing Director, C. Itoh Appointed to SEPL 30th June 1984
Shiro Tamakoshi	Toyomenko Resigned 31st July 1984
Kiyoshi Ohashi	Director, Toyomenko (Aust) P/L Appointed 31st July 1984
Robert Albert John Kelly	Gen Manager (Alternate for Ohashi)
Hajime Nakamura	Harris Daishowa (alternate for Masaaki) Appointed 30th June 1984, resigned 1989
Yasuhiro Morimoto	(alternate for Masaaki) Appointed 28th April 1989

It is clear from the membership of the SEPL Board of Directors that Mr Free was in regular contact with Directors and Chief Executives of Boral. The membership of Boral Managing Director, Mr B.R. Kean on the SEPL Board of Director is a particular case in point.



N.E.F.A.

NORTH EAST FOREST ALLIANCE

SYDNEY: NSW Environment Centre, 39 George St, The Rocks, 2000. Ph. 02 2474 206, Fx 02 2475 945
LISMORE: The Big Scrub Environment Centre Inc. 149 Keen St, Lismore, 2480. Ph 066 213 278, Fx 066 222 67.
21st June 1993.

Independent Commission Against Corruption
PO Box 500 Sydney 2001
Ph 008 463 913/909

Dear Sir/Madam,

I would like to refer to you a matter that I believe on face value involves corruption. I believe that I have discovered a situation whereby there is potential for corruption to occur. As such thought that it was appropriate to refer the matter to you for your investigation.

From my research into the Woodchipping industry on the North Coast of NSW, I have been compiling information on the company known as Sawmillers Exports Pty Ltd (SEPL).

1. Company Structure

From the 1989 SEPL Annual Report the major shareholders are:-

ALLEN TAYLOR & CO	680 000 (80%)
C ITOH & CO	85 000 (10%)
TOYOMENKA	85 000 (10%)

C Itoh and Toyomenka and both major players in the Japanese paper manufacturing industry and are represented on the SEPL Board of Directors.

SEPL is a subsidiary of Boral, through Boral's wholly owned company Allen Taylor P/L. Allen Taylor operates a number of sawmills on the North Coast of NSW and has recently taken over Duncan's, who were the second largest sawmilling company on the North Coast after Allen Taylor.

Allen Taylor are now the largest sawmilling company on the North Coast, and receive nearly 80% of North Coast sawlog supplies. The situation where Allen Taylor now have a monopoly in quota sawlogs on the North Coast may have resulted from decisions made by the Forestry Commission of NSW at a time when Mr Roy Allan Free was both a member of the SEPL board of Directors while also the Assistant Commissioner of NSW

2. Conflict of Interest in the Dual roles of Mr Roy Alan Free as SEPL Director and Assistant Commissioner of the NSW Forestry Commission

A search of SEPL and Forestry Commission documents shows that during the years 1985 - 1989 Mr Roy Alan Free was both a Director of SEPL and an Assistant Commissioner for the Forestry Commission of NSW.

During my inquiries I was informed that Mr Free was appointed to the Board at the invitation of SEPL. Hans Drielsma, the Commissioner for Forests,