OUR REF BSW 2489/0

#### YOUR REF

DATE 21st December 1992

Mr J. Corkill NSW Environment Centre 39 George Street The Rocks SYDNEY NSW 2000

Dear John

NORTH WASHPOOL LAND & ENVIRONMENT COURT PROCEEDINGS

As discussed I enclose cheque in your favour for \$2383.86. I understand this is part of the money which you will refund to persons who have loaned you monies in relation to the proceedings.

WOOLF ASSOCIATES

SOLICITORS

10th FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530

DX 1556 SYDNEY

BRUCE WOOLF BA LLB Dip URP Principal

The above amount represents the balance available after deduction of all costs and disbursements in relation to the matter. I will forward a statement in due course advising of the calculation of this amount.

Regards,

Bruce Stephen Woolf

# OUR REF BSW 3052/2

#### YOUR REF

DATE 16th October 1992

Dr J.W. McGarity Pedon Consultants Pty Ltd PO Box 1196 ARMIDALE NSW 2350

Dear Dr McGarity

#### OUTSTANDING ACCOUNTS

I refer to your letter of the 26th September 1992. As the WFA Group account of 19th March 1991 has been paid I have refunded this amount to Julie Slavin and Chris Sheed.

WOOLF

ASSOCIATES

SOLICITORS

10th FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522

FACSIMILE (02) 223 3530 DX 1556 SYDNEY

BRUCE WOOLF BA LLB Dip URP Principal

In relation to the other accounts forwarded with your letter:

- 1. Account Oates State Forest 10th May 1992 : I enclose cheque for \$1752.20.
- 2. Account Billilimbra Report 28th January 1991 in the sum of \$1438,50 : John Corkill is directly responsible in relation to this account and I understand he should be corresponding with you directly in relation to the account.
- 3. Account 3rd September 1990 Way Way State Forest balance due \$1414.42 : This work was not requested by our firm nor by John Corkill and was requested prior to the involvement of either John Corkill or ourselves in relation to the Way Way State Forest. Further work being report preparation of 6th April 1991 requested by either ourselves or John Corkill has been paid. You should refer the original account to whom ever requested the work to be carried out.
- 4. Account rehabilitation etc being account dated 1st June 1992 in the amount of \$480.00 : I am not aware of the basis or arrangements in relation to this account and you should refer directly to John Corkill.

Yours sincerely,

Bruce Stephen Woolf

cc. John Corkill

# PEDON CONSULTANTS PTY. LTD.

Registered Office: 111 Faulkner Street Arinidale, N.S.W. 2350 Australia. ÷

γ,

.):

1 . .

PEDON CONSULTANTS PTY LTD (A.C.N. 002 175 108) PO BOX 1196 ARMIDALE NSW 2350 Correspondence: J. W. McGarity "Karu" Bundarra Rd. Armidale, N.S.W. 2350 Australia. Tel. (067) 75-2173

10.5.92

Account:	J.Corkill. N	forth East F	orest Alliance.		
DR.	. Pedon Consul	tents Fty L	td.		
Re.	Cakes State April-May 19		Inspection, report	and affic	lavit.
Field Insp	<u>ection</u> Apri	1 12, 1 day	G \$300 .	•	
· · ·	reparation & r		•		
<u>Affidavit</u>	Preparation,	finalizatio	n of report, c.v.,	etc.	
	1 day @ \$300	•		•	\$1500.
Travel	Armidale-Thor	e-Armidale	318 km. @ 40c.		127.20
Miscellanec	us_ (at cost)		•		
	Photo,film	24,19,6,8	,		57.
	Xerox,fax	5,25.			30.
• •	Tel.	• .	· ·		20.
	Courier	9,9.			15.
	•		16	tal Duc	C 1752 201

16/10 J.W.NcGarity.

Nng. Dir.

# PEDON CONSULTANTS PTY, LTD.

Registered Office: 111 Faulkner Street Armidale, N.S.W. 2350 Australia.

TO

Correspondence: J. W. McGarity "Karu" Bundarra Rd. Armidale, N.S.W. 2350 Australia. Tel. (067) 75-2173

28.1.1991

Mr.J.Corkill Sydney NEFA Coordinator NSW Environment Centre 39 George St. THE ROCKS NSW 2000

# Account for October 1990 - January 1991

DR Pedon Consultants Pty. Ltd.

RE. J.Corkill vs NSW Forestry Commission

> Preparation of Billilimbra Report (1-10 Oct.) 5 days at \$300 but say \$1000

> > Modification to affidavit form (24 Dec.-2 Jan.) say 1 day at \$300 300

Miscellaneous Expenses (at cost)

Fax-Telephone Film,prints Typing 6ou#ier	20-20 60,13 <sup>17</sup> 7	40 73 17		
<u>k</u>		138.50	138.50	
-		TOTAL DUE	\$1438.507	

J.W.McGarity Mng. Dir.

Donk to B. Woolf. Ley 19.11. 9, Fax Ley Not Paild.

PEDON CONSULTANTS P PEDON CONSULTANTS PTY LTE (A.C.N. 002 175 108) PO BOX 1196 ARMIDALE NSW 2350

Bert Ko B. U<del>bolf</del> 19.11.91

DR. Pedon Consultants Pty Ltd.

: '

Bent Ko B. Woog 19.11.91

Re: Way Way S.F. Inspection and Report September 3, 1990.

Travel:	Armidale - Scotts Head - Armidale 482 km 0 45¢	\$219.31	
· •		•	
Field Work:	l day at \$300 Travel time	300.00 N.C.	
· · ·			
Report Prepa	More, but say 4 days at \$300	.1200.00	
Miscellaneou	us (at cost)		
	Film, Photos, 5.43, 6.43, 24.3; 13.00	48.16	
	Tape	6.95	
•	Xerox	20.00	
	Typing	15.00	
	Telephone, Postage	5.00	
		\$1,814.42	
	Credit received 29.11.90	\$400.00	
	Lalance due	\$1.414.42	
Banart Pren	aration 6.4.91. Affidavit material		
	requested by J.Corkill. 1 day.	\$300.00	
Miscellenco	us (at cost).	· ·	•
	Xerox	5.00	
	Typing	12.00	
	Telephone, Postage	8.25	
	PAID	\$325.25	
		\$1,739.67	

# PEDON CONSULTANTS PTY. LTD.

Registered Office: 111 Faulkner Street Armidale, N.S.W. 2350 Australin.

ر ځ

£ ... .

Correspondence: J. W. McGarity "Karu" Bundarra Rd. Armidale, N.S.W. 2350 Australia. Tel. (067) 75-2173

1.6.1992

#### Mr J.Corkill NEFA Coordinator

# NSW Environment Centre 79 George St. The Rocks NSW 2000

### Account for february 1991 - June 1992

DR.		Pedon Consultants 1/1	
RE.	· .	J.Corkill vs NEW Forestry Commission (North Washpool )	
TO,		Rehabilitation Requirements.	
	24.2-1.3.91.	Report, advice, preparation	
	16.9.91	Consultation, chambers Sydney.	
		say 1∄ days - \$300	\$450 °
		Typing, telephone, fax, taxi	30 ·
		Total due	<u>\$480</u>

# Note: After April 1991 all other expenses re advice, fax, telephone etc. have been charged against the FCNSW account.

J.W.McGarity MScAgr, FhD. MAIAS. MAAAG Mar. Dir.

94, 799.53 16, 508.95 109, 308.48 \$ 13, 979.00 Recher. 3117.50 4 Lotters. Sandy Justelge. 1400.20 Z then Sandy Gilinae 9429.00 Pup 3 + FCG 1,500 2185.00 Enhop\_ 4 انتم Sere W 2,000 1250.20 5 RIC 1,000 Adem 6 2320.00 Reconce 15 Jimiesu 7 1568.80 Planning NIL FO para Redo barro nil Rend Well 1,000.00 8 Parnaly 5 739.32 9 4192.7: 4192.71 Gitmine 6,192.71 41.19.83 8303-54 41.10.83 160# paid n! ni 18 83800 8303.54 Jet ki \$ 8,303,54 Knowle, 3512.44 p\_ 7724 pic louty. 1438-50 11 8102\_33 Coilmue 4110.83 12 45,239.00 Colme 00 . 828 81 Weal 15,698.57 12 9-00. 90 33598 S 7 106, 7 75.00 2,533.00

### Corkill vs FCNSW (North Washpool) ADDRESSEES FOR THANK YOU LETTERS Those to recieve cheques have \$XXX.yy amount under address P.1/2

Dr Paul Adam, Botanist, School of Biological Sciences, University of NSW. PO Box Kensington. 2033 \$2320.00

Attn Mr Woolf

بماح

Dr Keith Bishop, Limnologist, Lot 4, Sugar Creek Road, Bungwahl. 2433. \$2185.00

Prof. Sandra Bowdler, Archaeologist, Room 101, 1st Floor, General Purposes Building, Department of Archaeology, University of West Australia, Nedlands. 6009.

Dr Chris Dickman, Zoologist, School of Biological Sciences, Univesity of Sydney. 2001.

Dr Marilyn Fox, Botanist, School of Biological Sciences, University of NSW, PO Box Kensington. 2033

Dr Simon Ferrier, Wildlife GIS Manager, Mc Cannas Road, Tilbuster via Armidale.2350.

Forest Campaign Group (FCG), Australian Conservation Foundation, 88 George Street, The Rocks. 2000. \$1,500:00 {

Mr A.M. (Sandy) Gilmore, Wildlife Ecologist Mafeking Road, Goonengerry, via\_Federal\_2480. \$27,241.54 \$303.54

Mr Peter Jamieson, Consultant, Resource Planning P/L PO Box 388 East Maitland. 2323. \$1,568.80

Mr Ross Knowles, Biologist, 15 Priory Close, St Ives. 2075 \$3,512.44

#### Corkill VS FCNSW (North Washpool) - ADDRESSEES LIST

Dr John McGarity, Soil Scientist, 'Karu' Bundarra Road, Armidale. 2350 \$1,438.50

Mr David Millege, Wildlife Ecologist, Upper Coopers Creek Road, Upper Coopers' Creek via Federal. 2480 \$1,400.00\_

Hugh and Nan Nicolson, Terania Rainforest Nursery, Terania Creek Road, The Channon via Lismore, 2480

Dr Tony Norton, Wildlife Ecologist, Centre for Resources and Environmental Studies, Australian National University, GPO Box 4, Canberra. 2601

Dr Michael Olsen, Rainforest Botanist, Department of Botany, University of Queensland, St Lucia. 4067 \$1,250.00

Dr Will Osborne, Wildlife Ecologist, 17 Atkinson St, Cooke ACT 2614

Dr Harry Parnaby, Zoologist and Mammal Specialist, Australian Museum, College Street, Sydney. 2000. \$5,739.32

Mr Dailan Pugh, Naturalist, 41 Breimba Street, Grafton 2460. <u>\$9,429.80</u>

Rainforest Information Centre, PO Box 368, South Lismore. 2480. [\$1,000.00]

Prof. Harry Recher, Forest Researcher and Ecologist, 66 Rusden Street, Armidale. 2350. \$3,117.50

Ms Sue Walker, Friend of the Forest, 41 Breimba Street, Grafton. 2460. \$2,000.00

Prof. Len Webb, Rainforest Ecologist. PO Box 338, Alderley. QLD 4051 \$1,000.00

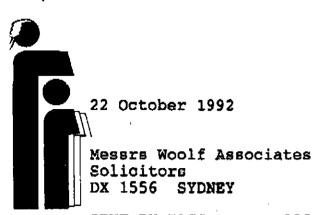
David Wittenden: Byren Bary [1,00] [] = loans owed: \$4,500

p.2/2

SENT BY LEGAL AID COMM

;22-10-92 ; 4:41PM ;

# LEGAL AID COMMISSION OF NSW



OUR REF SY92R2217 (ENV) WLC:SH(7)YOUR REF: BSW 2849/0

TEL: 2195 930

SENT BY FACSIMILE: 223 3530

Dear Sir/Madam

# RE: CORKILL - NORTH WASHPOOL

I refer to my letter dated 25th September 1992.

As indicated in our telephone conversation on 21st October 1992, I have received the cost consultants advice based on their perusal of the Commission file.

Their calculation is as follows:-

Profit Costs		
-Amount claimed on a solicitor		
and client basis	\$49,000.00	
Amount claimed on a		
party party bill	\$40,447.77	
Amount recovered	\$31,653.84	
Short fall in profit costs =		\$17,346.16

**Disbursements** Total disbursements (as per letter dated 24.8.92) on solicitor client basis \$141,889.48 Disbursements claimed in party party bill \$110,025.15 Amount allowed \$96,046.13 Shortfall in disbursements

Total Shortfall

\$63,189.51

\$45,843.35

Of the \$45,843.35 \$27,899.77 is made up of experts reports. A specific condition in the grant of legal aid limited the Commission's liability for expert witnesses to \$10,000; as \$4,396 has already been paid, the Commission's liability in relation to expert reports is \$5,604.

\*

OAKING HOUSE, 11-23 RAWSON PLACE, SYDNEY, NGW 2000.

Another condition of the grant of legal aid involved payment of a contribution of \$12,000 by your client.

To date, the Commission has paid \$36,680.56 in relation to Counsel's fees, disbursements and profit costs, some of which has been recovered on a party party basis.

It is suggested that amount be read as a global figure and not one where payments are apportioned against those received on a party to party taxation. To it should then be added the amount of \$5,604 being the Commission's remaining liability for expert reports. This will mean the Commission will have paid \$42,284.56.

When that amount is deducted from the total shortfall of costs and disbursements (\$63,189.51) the balance is \$20,904.95 and when the client contribution of \$12,000 is deducted from that it leaves a balance of \$8,904.95.

Your proposal does not take account of the condition limiting the Commission's liability for experts. A payment of the balance of the Commission's liability (\$5,604) plus the balance referred to in the previous paragraph (\$8,904.95), totalling \$14,508.95 would finalise the matter.

I note I was not able to finalise this calculation and discuss it with you on 21 October 1992, so am sending this letter by facsimile transmission.

Yours faithfully

١

W L CHARGE FOR ACTING DIRECTOR

#### IN THE LAND AND ENVIRONMENT

#### COURT OF NEW SOUTH WALES

No. 40208 of 1990

JOHN CORKILL

Applicant

#### FORESTRY COMMISSION OF NEW SOUTH WALES

Respondent

SHORT MINUTES

Applicant's address for service:

HILLMAN & WOOLF Solicitors 10th Floor 82 Elizabeth Street SYDNEY NSW 2000 DX: 1558 SYDNEY TEL-221 8522 FAX: 223 3530 REF: BSW 2489/0 Without admission of liability and upon the parties giving the following undertakings to the Court:

the Respondent by its servants, agents, 1. licensees and contractors shall not carry out or consent to or approve the carrying of roading works or logging or burning out activities (excluding such rehabilitation erosion control, stabilisation and and drainage activities as are sanctioned by the Scientific Committee established pursuant to the North Washpool Agreement annexed hereto and burning for the purposes of bush fire control or bush fire hazard reduction in accordance with the Casino District Fire Suppression Plan) in respect of the land comprised within Compartments 687-693 and 697-699 inclusive of the Washpool State Forest No. 355 and Compartments 695, 696 and 700-713 inclusive of the Billilimbra State Forest No. 815, without compliance with the provisions of Sections 111 to 113 of the Environmental Planning and Assessment Act, 1979 including examination and the obtaining, consideration of an environmental impact statement within the meaning of Part V, Environmental Planning and Assessment Act,

1979 in respect of the whole or any part or parts of the said land;

2. the parties undertake to perform the North Washpool Agreement; the Court grants leave to file in Court a notice of discontinuance and by consent orders: THIS AGREEMENT is made on  $SH_{\lambda}$  April, 1991 between JOHN ROBERT CORKILL, C/-Big Scrub Environment Centre Inc., 88A Keen Street, LISMORE NSW 2480 ("the Applicant")

and

FORESTRY COMMISSION OF NEW SOUTH WALES, 95 York Street, SYDNEY NSW 2000 ("the Commission")

- A. The parties have been in dispute concerning the legality of timber harvesting, roading and associated activities and approvals from 1 September, 1980 to date in North Washpool (comprising Compartments 687-693 and 697-699 inclusive of the Washpool State Forest No. 355 and Compartments 695, 696 and 700-713 inclusive of the Billilimbra State Forest No. 815) ("the said activities") and the liability for and extent of any necessary reinstatement of affected land.
- B. The parties recognise that some rehabilitation and erosion control measures may be appropriate at North Washpool whatever the legality of the said activities.
- C. The parties believe that the costs of litigating these issues can be better devoted to performing appropriate rehabilitation and erosion control measures at North Washpool.
- D. The parties consider that the public interest is best served by accepting the recommendation of Committees of scientific experts.

E. The parties will abide by the recommendation of the Committees.

IN CONSIDERATION of the Applicant discontinuing proceedings No. 40208 of 1990 between the parties hereto in the Land and Environment Court of New South Wales and the Commission agreeing to pay the Applicant's costs of those proceedings THE PARTIES AGREE AS FOLLOWS:

1. The parties shall establish two Scientific Committees, a Rehabilitation and a Soils Committee.

- 2 -

- Each party shall nominate a scientist with experience in botany, vegetation disturbance ecology or rehabilitation to comprise the Rehabilitation Committee.
- 3. The Rehabilitation Committee shall investigate the extent of disturbance to natural vegetation systems by the said activities in North Washpool and recommend what steps, if any, should be taken to rehabilitate the disturbed areas.
- Each party shall nominate a scientist with qualifications or experience in soil conservation to comprise the Soils Committee.
- 5. The Soils Committee shall investigate the roads, snig tracks, log dumps and creek crossings in North Washpool which were constructed or used for the said activities. It shall recommend what measures, if any, should be taken to prevent potential erosion and remedy actual erosion, to stabilise soils and to maintain permanent roads.

#### JOINT COMMITTEE

Where the Committees investigate the same area of land, they shall form
 a Joint Committee for the purposes of making recommendations.

#### DISAGREEMENTS

7. If the members of any Committee or Joint Committee disagree on any expert scientific question, then the parties shall choose a scientist independent of the parties to chair the Committee at any time but not later than 28 days after the disagreement or such later time as the parties may agree. The matter in dispute and any relevant material shall be submitted to the chairperson whose decision shall be the recommendation of the Committee. If the parties cannot agree upon a chairperson, then they shall invite the Chief Judge of the Land and Environment Court or his or her nominee to appoint a chairperson. The parties shall be notified in writing by the Committee of any such disagreement.

#### POWERS OF COMMITTEES

- 8. The members of the Committees shall have full and free access to North Washpool and to any specialist papers or research concerning the climate, vegetation, soils or growth data of that area or similar montane wet temperate and sub-tropical rainforest and wet sclerophyll areas in the possession of the parties and the parties agree to provide such papers and research without specific request to the relevant Committee.
- 9. The Committees shall undertake investigations within 3 months of the date of this Agreement or such later time as the parties shall agree for the purposes set out in clause 3 and 5 above.

#### REPORTS

- 10. The Committees shall report in writing to the parties within 3 months of the completion of their investigations. The reports may contain recommendations for rehabilitation or soil conservation measures as the case may be.
- 11. Once the Rehabilitation Committee is satisfied that all rehabilitation measures which have been recommended are likely to succeed, it shall prepare a final report to the parties and thereupon dissolve.
- 12. Once the Soils Committee is satisfied that all soil conservation or erosion control measures which have been recommended are completed and are effective the Committee shall prepare a final report to the parties and thereupon dissolve.

#### PERFORMANCE OF RECOMMENDATIONS

- The parties agree to accept and perform the recommendations of the Committees.
- 14. The Commission agrees to meet the reasonable costs of the Committees and the performance of any measures recommended.
- 15. The members of the Committees shall be entitled to reasonable remuneration and repayment for actual expenses incurred in performing their duties.

#### CASUAL VACANCIES

16. If a Committee member resigns, the party appointing that member shall appoint another scientist with relevant qualifications or experience within 28 days or such further time as the parties shall agree. If an independent scientist chosen in accordance with Clause 7 resigns, the provisions of Clause 7 shall apply to the appointment of another independent scientist.

#### AMENDMENTS

17. The parties may amend this agreement in writing signed by or on behalf of the parties and the amended agreement (with the amendments underlined) shall be filed in the Registry of the Land and Environment Court of New South Wales.

#### NOMINEES

B. Each of the parties may from time to time nominate a person or corporation to exercise their powers under this agreement and the nominating party may revoke the nomination. Such nomination or revocation shall be notified in writing to the other party and to the Committees. 19. The nominations pursuant to Clauses 2 and 4 and the appointments pursuant to Clause 7 (in case of disagreement on any expert scientific question) are set out in the Schedule hereto.

- 5 -

IN WITNESS WHEREOF the parties have signed below on the day and year first mentioned above.

The Seal of Office of the)
FORESTRY COMMISSION OF
NEW SOUTH WALES was
hereunto affixed in the
presence of:

Signed by <u>JOHN CORKILL</u> in) ) the presence of: )

, 1.R. Conkell.

#### SCHEDULE

The FORESTRY COMMISSION OF NSW hereby nominates <u>ROSS HORNE</u> to the Rehabilitation Committee and <u>DR PETER CORNISH</u> to the Soils Committee.

JOHN CORKILL hereby nominates <u>PROFESSOR LEN WEBB A.O.</u> to the Rehabilitation Committee and <u>DR JOHN MCGARITY</u> to the Soils Committee.

The parties agree to appoint the following persons in the event of disagreement pursuant to clause 7 as Chairpersons of the respective Committees.

ALEXANDER FLOYD

REHABILITATION COMMITTEE

DR ALEC COSTIN

SOILS COMMITTEE

#### IN THE LAND AND ENVIRONMENT

#### COURT OF NEW SOUTH WALES

No. 40208 of 1990

JOHN CORKILL

Applicant

#### FORESTRY COMMISSION OF NEW SOUTH WALES

Respondent

SHORT HINUTES

Applicant's address for service:

HILLMAN & WOOLF Solicitors 10th Floor 82 Elizabeth Street SYDNEY'NSW 2000 DX: 1558 SYDNEY TEL: 221 8522 FAX: 223 3530 REF: BSW 2489/0 Without admission of liability and upon the parties giving the following undertakings to the Court:

1 the Respondent by its servants, agents, licensees and contractors shall not carry out or consent to or approve the carrying out of roading works or logging or burning activities (excluding such rehabilitation and erosion control, stabilisation and drainage activities as are sanctioned by Scientific. Committee established the pursuant to the North Washpool Agreement annexed hereto and burning for the purcoses of bush fire control or bush fire hazard reduction in accordance with the Casino District Fire Suppression Plan) in respect of the land comprised within Compartments 687-693 and 697-699 inclusive of the Washpool State Forest No. 355 and Compartments 695, 696 and 700-713 inclusive of the Billilimbra State Forest No. 815, without compliance with the provisions of Sections 111 to 113 of the Environmental Planning and Assessment Act, 1979 including the obtaining, examination and consideration of an environmental impact statement within the meaning of Part V, Environmental Planning and Assessment Act,

1979 in respect of the whole or any part or parts of the said land;

2. the parties undertake to perform the North Washpool Agreement; the Court grants leave to file in Court a notice of discontinuance and by consent orders:

 That the Respondent pay the Applicant's costs is agreed or otherwise as taxed. THIS AGREEMENT is made on STL April, 1991 between JOHN ROBERT CORKILL, C/-Big Scrub Environment Centre Inc., 88A Keen, Street, LISMORE NSW 2480 ("the Applicant")

anđ

FORESTRY COMMISSION OF NEW SOUTH WALES, 95 York Street, SYDNEY NSW 2000 ("the Commission")

- A. The parties have been in dispute concerning the legality of timber harvesting, roading and associated activities and approvals from 1 September, 1980 to date in North Washpool (comprising Compartments 687-693 and 697-699 inclusive of the Washpool State Forest No. 355 and Compartments 695, 696 and 700-713 inclusive of the Billilimbra State Forest No. 815) ("the said activities") and the liability for and extent of any necessary reinstatement of affected land.
- B. The parties recognise that some rehabilitation and erosion control measures may be appropriate at North Washpool whatever the legality of the said activities.
- C. The parties believe that the costs of litigating these issues can be better devoted to performing appropriate rehabilitation and erosion control measures at North Washpool.
- D. The parties consider that the public interest is best served by accepting the recommendation of Committees of scientific experts.

E. The parties will abide by the recommendation of the Committees.

IN CONSIDERATION of the Applicant discontinuing proceedings No. 40208 of 1990 between the parties hereto in the Land and Environment Court of New South Wales and the Commission agreeing to pay the Applicant's costs of those proceedings THE PARTIES AGREE AS FOLLOWS:

#### SCIENTIFIC COMMITTEES

 The parties shall establish two Scientific Committees, a Rehabilitation and a Soils Committee.

- 2

- Each party shall nominate a scientist with experience in botany, vegetation disturbance ecology or rehabilitation to comprise the Rehabilitation Committee.
- .3. The Rehabilitation Committee shall investigate the extent of disturbance to natural vegetation systems by the said activities in North Washpool and recommend what steps, if any, should be taken to rehabilitate the disturbed areas.
- Each party shall nominate a scientist with qualifications or experience in soil conservation to comprise the Soils Committee.
- 5. The Soils Committee shall investigate the roads, snig tracks, log dumps and creek crossings in North Washpool which were constructed or used for the said activities. It shall recommend what measures, if any, should be taken to prevent potential erosion and remedy actual erosion, to stabilise soils and to maintain permanent roads.

JOINT COMMITTEE

6.

Where the Committees investigate the same area of land, they shall form a Joint Committee for the purposes of making recommendations.

#### DISAGREEMENTS

7. If the members of any Committee or Joint Committee disagree on any expert scientific question, then the parties shall choose a scientist independent of the parties to chair the Committee at any time but not later than 28 days after the disagreement or such later time as the parties may agree. The matter in dispute and any relevant material shall be submitted to the chairberson whose decision shall be the recommendation of the Committee. If the parties cannot agree upon a chairperson, then they shall invite the Chief Judge of the Land and Environment Court or his or her nominee to appoint a chairperson. The parties shall be notified in writing by the Committee of any suchdisagreement.

- 7

POWERS OF COMMITTEES

- 8. The members of the Committees shall have full and free access to North Washpool and to any specialist papers or research concerning the climate, vegetation, soils or growth data of that area or similar montane wet temperate and sub-tropical rainforest and wet sclerophyll areas in the possession of the parties and the parties agree to provide such papers and research without specific request to the relevant Committee.
  - The Committees shall undertake investigations within 3 months of the date of this Agreement or such later time as the parties shall agree for the purposes set out in clause 3 and 5 above.

REPORTS

- 10. The Committees shall report in writing to the parties within 3 months of the completion of their investigations. The reports may contain recommendations for rehabilitation or soil conservation measures as the case may be.
- 11. Once the Rehabilitation Committee is satisfied that all rehabilitation measures which have been recommended are likely to succeed, it shall prepare a final report to the parties and thereupon dissolve.
- 12. Once the Soils Committee is satisfied that all soil conservation or erosion control measures which have been recommended are completed and are effective the Committee shall prepare a final report to the parties and thereupon dissolve.

#### PERFORMANCE OF RECOMMENDATIONS

- The parties agree to accept and perform the recommendations of the Committees.
- 14. The Commission agrees to meet the reasonable costs of the Committees and the performance of any measures recommended.
- 15. The members of the Committees shall be entitled to reasonable remuneration and repayment for actual expenses incurred in performing their duties.

#### CASUAL VACANCIES

16. If a Committee member resigns, the party appointing that member shall appoint another scientist with relevant qualifications or experience within 28 days or such further time as the parties shall agree. If an independent scientist chosen in accordance with Clause 7 resigns, the provisions of Clause 7 shall apply to the appointment of another independent scientist.

#### AMENDMENTS

17. The parties may amend this agreement in writing signed by or on behalf of the parties and the amended agreement (with the amendments underlined) shall be filed in the Registry of the Land and Environment Court of New South Wales.

#### NOMINEES

18. Each of the parties may from time to time nominate a person or corporation to exercise their powers under this agreement and the nominating party may revoke the nomination. Such nomination or revocation shall be notified in writing to the other party and to the Committees. 19. The nominations pursuant to Clauses 2 and 4 and the appointments pursuant to Clause 7 (in case of disagreement on any expert scientific question) are set out in the Schedule hereto.

IN WITNESS WHEREOF the parties have signed below on the day and year first mentioned above.

The Seal of Office of the)
FORESTRY COMMISSION OF
NEW SOUTH WALES
was
hereunto affixed in the
presence of:

Signed by <u>JOHN CORKILL</u> in) } the presence of: )

I.R. Conkell.

#### SCHEDULE ·

The FORESTRY COMMISSION OF NSW hereby nominates <u>ROSS HORNE</u> to the Rehabilitation Committee and DR PETER CORNISH to the Soils Committee.

JOHN CORKILL hereby nominates <u>PROFESSOR LEN WEBB A.O.</u> to the Rehabilitation. Committee and <u>DR JOHN MCGARITY</u> to the Soils Committee.

The parties agree to appoint the following persons in the event of disagreement pursuant to clause 7 as Chairpersons of the respective Committees.

ALEXANDER FLOYD	:
· · ·	
DR ALEC COSTIN	:

REHABILITATION COMMITTEE

SOILS COMMITTEE

# Loggers agree to rehabilitate rainforest

#### By PAUL BAILEY and RAY McCANN

In an unprecedented move, the NSW Forestry Commission has reached an agreement with conservationists to rehabilitate rainforest areas it has logged in North Washpool near Grafton.

The commission has also formally agreed to conduct a new environmental impact statement (EIS) before any further logging of North Washpool.

The agreement was made public before Justice Hemmings in the Land and Environment Court yesterday, ending a legal battle between the commission and Mr John Corkill of the North-East Forest Alliance (NEFA). In October last year the court

imposed a moratorium on logging in North Washpool after Mr Corkill successfully argued that the 1980 EIS the commission had prepared was inadequate because it was not site specific and did not cover rainforest areas in North Washpool.

In his judgment on the matter at the time, Justice Hemmings said that while the commission admitted that rainforest areas had been expressly excluded from the land to be logged in the EIS it had, nevertheless, authorised logging of such areas. This was in breach of the provisions of the NSW Environmental Planning and Assessment Act, the judge said.

Mr Corkill wanted the commission to be directed to undertake a new EIS and he also sought to

have the logged rainforest areas rehabilitated.

In January, the commission announced it had decided to conduct a new EIS.

Yesterday the court was told that the two parties had reached an agreement on the North Washpool dispute whereby a committee of scientists nominated by both sides would recommend what rehabilitation is needed.

The court's Chief Judge, Justice Cripps, is to nominate the committee's chairman in the event of a deadlock about the appointment. The rehabilitation work will be

paid for by the commission. Mr Corkill said last night that in reaching the agreement with NEFA the commission seem prepared to do anything to avoid the court's close

examination of "10 years of unlawful logging in Washpool and Billilimbra State Forests."

"After all the bravado and bluster this agreement is a late victory for commonsense," Mr Corkill said. "The turmoil and bitterness could have been avoided from day one if the commission had been prepared to drop its gruff hostility and comply with the law."

A commission spokesman described the agreement to look at rehabilitating the logged rainforest as "unusual", saying it had never happened before.

"No-one has ever applied to have restitution and rehabilitation after logging," he said. "But rather than them litigating further the two parties agreed we would appoint this scientific committee to look at the matter."

In a separate court action yesterday, Mr Corkill was not successful in getting an injunction to stop the commission logging and road building in the Way Way and Yarrahappini State Forests near Macksville.

Justice Hemmings said Mr Corkill had been unable to prove the area was under threat and that there was an urgent need for such an injunction.

Mr Corkill subsequently applied to withdraw his application and costs were awarded against him.

The commission's spokesman said the area of Way Way forest was a working, forest which had been logged regularly since the 1920s.

North East Forest Alli-John Corkill has de-scribed as unprecedent-ed an out-of-court settleance (NEFA) member Mr. ment between himself and the NSW Forestry Commission to terminate legal action over North Washpool forests, near Grafton.

 $\checkmark$ 

00

Norther

The settlement was made public before Mr Justice Hemmings in the NSW Land and Environment Court in Sydney on Friday.

Mr Corkill said the commission had agreed to repair soil erosion and rehabilitate logged rainforest areas — a 'first' for the settlement of disputes on forestry-related mat- commission won't considters.

would pay his legal costs.

"It seems the commission is prepared to do anything to avoid the court's close examination of and final judgment on 10 agreement reached on years of unlawful logging in the Washpool and Billi-

er legal issues in its logging plans until it is final-

"Yet the commission it is still refusing to concede the manifest inadequacies and inaccuracies of the Chaelundi EIS --so we'll be back in court on similar questions."

North Washpool required both parties to each ap-

to design rainforest reha-"It is clear that the bilitation and soil conservation works to stabilise the North Washpool forest ecology.

to rainforests

pair damage

Agreement reached on North Washpool

ommission

In a separate court action, an application by Mr Corkill for an injunction by the Land and Environment Court to suspend all said outside the court logging, roading and there was no EIS because burning by the Forestry the forests were essential-Commission in the Way ly regrowth forests. Way and Yarrahapinni Mr Corkill said the forests, near Macksville, ests had been harvested was withdrawn by consent for 101 years, and the logof both parties on Friday. ging was carried out with

applicant, Mr Corkill.

A general application vet to be heard claims logging in the forests by the commission is illegal because no EIS exists.

The manager of the Forest Products' Association, Mr Colin Dorber,

Mr Dorber said the for-Mr Justice Hemmings care and in strict accorlimbra State Forests," Mr point two expert scientists awarded costs against the dance with the harvesting

start of logging and roadworks by the NSW Forestry Commission . A NEFA spokesman said the alliance would be seeking an injunction from the Land and Envi-

ronment Court early this week to restrain the commission from roading, logging or burning in the compartments.

He said the NEFA was challenging the adequacy of the commission's decision to log the compartments, when alternative resources had been identified in an EIS for the area.

MR CORKILL aded sections of the Chaelundi State Forest in an attempt to prevent the

and management plans. The NEFA have block

He said the commission also had agreed to prepare ly taken to court. an environment impact statement (EIS) before hasn't learnt its lesson --any future logging of North Washpool and

Corkill said.

# Loggers agree to rehabilitate rainforest

#### By PAUL BAILEY and RAY McCANN

In an unprecedented move, the NSW Forestry Commission has reached an agreement with conservationists to rehabilitate rainforest areas it has logged in North Washpool near Grafton.

The commission has also formally agreed to conduct a new environmental impact statement (EIS) before any further logging of North Washpool.

The agreement was made public before Justice Hemmings in the Land and Environment Court yesterday, ending a legal battle between the commission and Mr John Corkill of the North-East Forest Alliance (NEFA). In October last year the court

imposed a moratorium on logging in. North Washpool after Mr Corkill successfully argued that the 1980 EIS the commission had prepared was inadequate because it was not site specific and did not cover rainforest areas in North Washpool.

In his judgment on the matter at the time, Justice Hemmings said that while the commission admitted that rainforest areas had been expressly excluded from the land to be logged in the EIS it had, nevertheless, authorised logging of such areas. This was in breach of the provisions of the NSW Environmental Planning and Assessment Act, the judge said.

Mr Corkill wanted the commission to be directed to undertake a new EIS and he also sought to

have the logged rainforest areas rehabilitated.

In January, the commission announced it had decided to conduct a new EIS.

Yesterday the court was told that the two parties had reached an agreement on the North Washpool dispute whereby a committee of scientists nominated by both sides would recommend what rehabilitation is needed.

The court's Chief Judge, Justice Cripps, is to nominate the committee's chairman in the event of a deadlock about the appointment. The rehabilitation work will be

paid for by the commission. Mr. Corkill said last night that in

reaching the agreement with NEFA the commission seem prepared to do anything to avoid the court's close examination of "10 years of unlawful logging in Washpool and Billilimbra State Forests."

"After all the bravado and bluster this agreement is a late victory for commonsense," Mr Corkill said. "The turmoil and bitterness could have been avoided from day one if the commission had been prepared to drop its gruff hostility and comply with the law."

A commission spokesman described the agreement to look at rehabilitating the logged rainforest as "unusual", saying it had never happened before.

"No-one has ever applied to have restitution and rehabilitation after logging," he said. "But rather than them litigating further the two parties agreed we would appoint this scientific committee to look at the matter."

In a separate court action yesterday, Mr Corkill was not successful in getting an injunction to stop the commission logging and road building in the Way Way and Yarrahappini State Forests near Macksville.

Justice Hemmings said Mr Corkill had been unable to prove the area was under threat and that there was an urgent need for such an injunction.

Mr Corkill subsequently applied to withdraw his application and costs were awarded against him.

The commission's spokesman said the area of Way Way forest was a working forest which had been logged regularly since the 1920s.

### NOW! THE HUNT FOR THE GUILTY Allegations of serious misconduct by senior Forestry Commission staff

NEFA alleges that in North Washpool, 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 in Septmeber, 1990;
  - 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 <u>Forestry Act, 1916</u>, 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 <u>EPA Act, 1979</u>.

NEFA has called on the Minister to immediately constitute an independent inquiry to:

- ascertain whether the Commission's policies and codes have been lawfully complied with;
  - identify any FCNSW staff and/or licencees who have transgressed and investigate the reasons behind their actions; and make findings and recommendations to prevent such occurrences from happening again.

# **Bundjalung Alliance**

MEDIA RELEASE 7 OCTOBER 1992

# New Alliance formed to protect environment and heritage

An alliance has been formed between North Coast environmentalists and Koori people of the Bundjalung Nation. The Bundjalung Nation is the traditional territory of the Koori people of the Far North Coast.

The Bundjalung Alliance has developed through a series of meetings over the past few months and was consolidated last weekend at the Nightcap Forest Festival, at Nimbin Rocks.

The Bundjalung Alliance begins a new era of co operation in which Koori people and environmentalists can work together to preserve aspects of our heritage that are sacred to us all.

A major focus of the Bundjalung Alliance in coming months will be united opposition to the NSW governments Natural Resources Package, which proposes to amend the Heritage Act to remove all protection for environmental heritage and Aboriginal cultural heritage. "The government has cooked up this disasterous package without any consultation with Koori people", said Mr John Roberts, Chairman of the Far North Coast Regional Lands Council,

The package contains 4 other bills which would emasculate existing laws relating to environmental assessment and endangered species, lock up vast tracts of forest for the exclusive benefit of private timber companies and remove the public's right to judicial review of Forestry activities", according to Mr Aidan Ricketts of the North East Forest Alliance.

It was agreed at the first meeting of the Bundjalung Alliance that "The Fahey Government must drop this draconian package or be driven from office by an unprecedented wave of public outrage. This minority government has no mandate to continue with it's agenda of environmental destruction and 'cultural genocide."

For more information contact...

Mr John Roberts (Chairman FNC Regional Lands Council) 066 221 010 Mr Aldan Ricketts (North East Forest Alliance) 066 213 278

# JOHN R. CORKILL

## ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISER

Sydney Co-ordinator: North East Forest Alliance (NEFA) Vice President: North Coast Environment Council Inc. Environment representative: Coastal Committee of NSW

27th October, 1992!

Ms Sue Walker, Friend of the Forest, 41 Breimba Street, Grafton. 2460.

Dear Sue,

#### <u>Re: Corkill vs FCNSW (North Washpool)</u> <u>Provision of professional services</u>

This is a letter which I have long wished to write - to advise you of the successful completion of my court action against the FCNSW in this matter.

Thank you very much for your assistance, your forebearance in the face of my urgent requests and your excellent expert evidence.

I have no doubt that the receipt of such a formidable body of evidence contributed to the Commission's decision to 'cave in' and agree to undertake the tasks I requested through the Court.

I apologise for not having written sooner with the attached repayment of your \$2,000.00 personal loan but the processes of the Court, and the machinations of both the Forestry Commission (FCNSW) and the Legal Aid Commission (LAC) have greatly delayed the settlement of this matter.

The Courts' 'taxed bill' was well below the actual costs and FCNSW tried rather unsuccessfully to beat it down even lower. Through my solictors, I requested the LAC to meet the difference in costs, since I had been granted legal aid. Advice of the LAC's agreement to fund outstanding costs was only recieved on 22nd October 1992.

-1-

As you may know, FCNSW agreed in January 1991 to prepare a new EIS before undertaking any further logging or roading work in either the Billilimbra or Washpool State Forests. That EIS is now understood to be the Grafton MA EIS, required by the <u>Timber</u> <u>Industry (Interim Protection) Act, 1992</u>.

I subsequently lodged in the Court an application for the forests to be rehabilitated and, after 4 weeks of negotiation, the FCNSW agreed to undertake soil conservation works to cure extant and prevent further soil erosion.

FCNSW will also rehabilitate, as far as is possible, the rainforest which was unlawfully logged in the ten years since 1980. These matters are reported in the attached press clipping from the Sydney Morning Herald 6.3.1991.

The basis of the rehabilitation works lies in an Agreement worked out between the FCNSW and myself, which sets up two expert scientific committees. These committees will design and oversee the rehabiliation and conservation works. A copy of the 'North Washpool Agreement' is attached for your information. It seems that the implementation of this Agreement is not proceeding properly and progress now needs to be checked...

A feature of the Agreement is the ability of the Chief Judge of the Land and Environment Court to appoint an arbiter to solve matters of dispute if deadlock is reached. He would do this in an administrative capacity rather than a in a judicial capacity. Such an Agreement, and the involvement of the Court, are both precedent setting achievements.

In noting the Agreement and formally discontinuing the court action Mr Justice Hemmings commended both parties, FCNSW and me, for reaching agreement and avoiding a lengthy and costly legal case. Of course, such a legal action could have been avoided from day one if the Commission had been reasonable, but now that's history!

Because this case has been successfully pursued through the efforts of many people, and in writing this final Washpool letter, I must record my thanks for the efforts of all who made this possible.

Firstly, I want to pay tribute to Tim Robertson, my barrister and Bruce Woolf, my solicitor for their tremendous commitment and energy in mounting, running and concluding this case.

I must also acknowledge the crucial role which my friend Dailan Pugh had in organising, supporting and researching this case, even at a time of personal difficulty which followed his father's death.

I should also like to acknowledge the assistance and commitment of numerous members of the North East Forest Alliance (NEFA) who raised funds, assisted in field work, staffed blockades, were arrested and spread the message. Recognition must also be given to the invaluable assistance of members of The Big Scrub Environment Centre Inc., the Sydney based Forest Campaign Group of the ACF, to the staff and members of the Total Environment Centre, the Nature Conservation Council of NSW and The Wilderness Society.

Without these people and without your help, the case could not have been commenced, nor would it have been successfully concluded. My earnest thanks to you and all who have assisted me.

Of course, the end of this legal action is not the final chapter of the Washpool story: a conclusive ending remains to be written.

NEFA and I have provided all expert reports and affidavits, which attest to North Washpool's unique natural values, to the Australian Heritage Commission (AHC) to assist it in preparing a recommendation for a listing on the Register of the National Estate.

Announcement, by the AHC, of North Washpool's nomination for the National Estate Listing is said to be close at the time of writing, October 1992.

However, ultimately, we want to see the grand, ancient 'old growth' forests and the cold, pure waters of the Malara and Desert Creeks securely protected, for all time, as a addition to the existing World Heritage Washpool Wilderness National Park.

The Washpool Wilderness Assessment Report, which includes the North Washpool area, has been on exhibition for public comment in the last few months and, again, a decision on the acceptance of this assessment report by NPWS and the NSW Government is pending at the time of writing.

Dailan and I have discussed with the Federal Minister for the Environment, Mrs Kelly and her Department, the possibility of the Commonwealth Government including North Washpool in a soon to be announced nomination for additions to the extant NSW World Heritage Rainforest Parks.

Unfortunately, without the state's agreement the Commonwealth won't act, even though it did in the case of the Wet Tropics. So, this is not as hopeful as the AHC's imminent Listing.

We have recently discovered that the renomination of the World Heritage Rainforest Parks did <u>not</u> include North Washpool and was almost certainly in breach of the joint federal state Inter Governmental Agreement of the Environment (IGAE).

Facts about the significance of rainforests of the Richmond, Tooloom, Koreelah & other Ranges, Acacia Plateau, and the North Washpool area, (already in the NSW public domain) were apparently denied to Queensland and Commonwealth Governments by NSW agencies. convictions - yet public officals who've abused the public's trust and plundered NSW's public forests have remained unindicted. Some have even been promoted to very senior positions.

NEFA and I believe that this crazy situation must be halted & real public accountability instituted. That's why, with so many examples of gross mismanagement, we've given up on calling for action from Mr West, or the NSW Government, and have decided to pursue other courses of action: in the NSW and federal Parliaments, via the Office of the Ombudsman, through the media, and increasingly, through community based information and action days.

As part of the 'truce' offerred in the settlement discussions which led to the NW Agreement, NEFA was informed that the Forestry Commission had promised that the greater part of the Washpool State Forest would be protected as an Aboriginal Place under the <u>National</u> <u>Parks and Wildlife Act, 1974</u>.

Over 12 months later there has been no progress towards having this goal achieved - NPWS has no additional funding, and on reflection FCNSW no doubt thought such an offer reckless and a dangerous precedent. Consequently it would appear the Commission has not honoured its agreement with the local community.

While the NSW Ministers for Forests and for the Environment do not act, NEFA and the local aboriginal community at Baryulgil, as the newly formed 'Bundjalung Alliance', will continue defend this area and push for protection and appropriate management, consistent with the values and beliefs of the local aboriginal people.

So you see, while the case may be over, the campaign for North Washpool's protection still has some way to go before we can rest easy in the knowledge that this precious wilderness is safe for all time. With your help, we're closer to that achieving that aim.

Once again, thank you for your support and expert advice. I hope not to need your assistance again, but if need arises, I hope to be able to call on you.

Yours sincerely, For the Land...

John R. Corkill

Enclosures:

- \* North Washpool Agreement for Rainforest Regeneration and Soil Conservation: Corkill vs FCNSW
  - Report of Sydney Morning Herald 6.3.1991
  - Allegations of serious misconduct by senior staff of FCNSW Bundjalung Alliance News Release 7.10.1992

Dr Paul Adam, Botanist, Dr Keith Bishop, Limnologist, Prof. Sandra Bowdler, Archaeologist, Dr Chris Dickman, Zoologist, Far North Coast Regional Land Council, Dr Marilyn Fox, Botanist, Dr Simon Ferrier, Wildlife GIS Manager, Mr A.M. (Sandy) Gilmore, Wildlife Ecologist Mr Peter Jamieson, Consultant Hydrologist, Mr Ross Knowles, Biologist, Dr John McGarity, Soil Scientist, Mr David Millege, Wildlife Ecologist, Hugh and Nan Nicolson, Terania Rainforest Nursery, Dr Tony Norton, Wildlife Ecologist, Dr Michael Olsen, Rainforest Botanist, Dr Will Osborne, Wildlife Ecologist, Dr Harry Parnaby, Zoologist and Mammal Specialist, Mr Dailan Pugh, Naturalist, Prof. Harry Recher, Forest Researcher and Ecologist, Prof. Len Webb, Rainforest Ecologist.

CC:

-6-

# JOHN R. CORKILL

### ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISER

### Sydney Co-ordinator: North East Forest Alliance (NEFA) Vice President: North Coast Environment Council Inc. Environment representative: Coastal Committee of NSW

27th October; 1992!

Dr Paul Adam, Botanist, School of Biological Sciences, University of NSW. PO Box Kensington. 2033

Dear Paul,

#### <u>Re: Corkill vs FCNSW (North Washpool)</u> <u>Provision of professional services</u>

This is a letter which I have long wished to write - to advise you of the successful completion of my court action against the FCNSW in this matter.

Thank you very much for your assistance, your forebearance in the face of my urgent requests and your excellent expert evidence.

I have no doubt that the receipt of such a formidable body of evidence contributed to the Commission's decision to 'cave in' and agree to undertake the tasks I requested through the Court.

I apologise for not having written sooner with the attached payment of \$2,320.00 but the processes of the Court, and the machinations of both the Forestry Commission (FCNSW) and the Legal Aid Commission (LAC) have greatly delayed the settlement of this matter.

The Courts' 'taxed bill' was well below the actual costs and FCNSW tried rather unsuccessfully to beat it down even lower. Through my solictors, I requested the LAC to meet the difference in costs, since I had been granted legal aid. Advice of the LAC's agreement to fund outstanding costs was only recieved on 22nd October 1992.

-1-

**NOW! THE HUNT FOR THE GUILTY** Allegations of serious misconduct by senior Forestry Commission staff

NEFA alleges that in North Washpool, 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 in Septmeber, 1990;
  - 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 <u>Forestry Act, 1916</u>, 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 <u>EPA Act, 1979</u>.

NEFA has called on the Minister to immediately constitute an independent inquiry to:

- ascertain whether the Commission's policies and codes have been lawfully complied with;
  - identify any FCNSW staff and/or licencees who have transgressed and investigate the reasons behind their actions; and make findings and recommendations to prevent such occurrences from happening again.

# WITH GOMPLIMENTS

# 01 OCTA1992

# JOHN CORKILL .

A -

B



10th FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

For your information
For your approval
Please telephone us
Please acknowledge receipt
Please sign and return to us



# LEGAL AID COMMISSION OF NSW



25 September 1992

Woolf Associates Solicitors DX 1556 SYDNEY

Dear Sir/Madam

CORKILL - NONE Wallpeil. RE:

I refer to letter dated 24 August 1992 and the enclosures which accompanied it and to our recent telephone conversations. In my view, the proposal contained in your letter dated 23 June 1992 is affected by the conditions which attached to the grant of legal aid, particularly the one which fixed the Commission's maximum commitment to expert witnesses at \$10,000.00.

In an endeavour to achieve a fair resolution of the matter, I have referred the question to the Commission's cost consultants and will contact you immediately I have their response.

Yours faithfully

W.L. Charge Acting Assistant Director Referrals Division

54 E S 🕹 WC/DB SY90R2217 YCHF NEF 2849/0

YEL: 2195 930

# - - WITH COMPLIMENTS

.



10th Fl, 82 ELIZABETH STREËT SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

For your information
 For your approval
 Please telephone us
 Please acknowledge receipt
 Please sign and return to us

Ø

~

OUR REF **BSW 2489/0** 

YOUR REF

WLC:PR(6) SY90R2217(NV)

DATE

23 June 1992

The Director Legal Aid Commission of NSW DX 5 SYDNEY

Dear Sir

1.

2.

3.

4.

#### CORKILL & FORESTRY COMMISSION OF NSW - NORTH WASHPOOL No. 40208 of 1990 LAND AND ENVIRONMENT COURT

We refer to previous correspondence.

The party/party Bill of Costs has now been assessed and allowed by the Court in the sum of \$127,699.97.

The amount claimed in the party/party bill was an amount of \$150,472.92. There is accordingly a shortfall in the party/party costs between those claimed and allowed of \$22,772.95. This amount is comprised of counsel fees, solicitor costs and a claim in relation to temporary clerical (typing).

In addition to the consultants' fees claimed and allowed in the party/party Bill of Costs, Mr Corkill is indebted in the following sums to the following consultants:

Ross Knowles, frog biologist, invoice for fauna survey and report:

\$ 3,512.44

WOOLF

**ASSOCIATES** 

SOLICITORS

10th FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522

FACSIMILE (02) 223 3530 DX 1556 SYDNEY

BRUCE WOOLF

BA LLB Dip URP

Principal

Dr J.W. McGarity, expert soil scientist, invoice for preparation of report:

\$ 1,438.50

A.M. Gilmore & Associates, environmental consultants, invoice for survey of vertebrates in Millara Creek Catchment, North Washpool:

\$ 4,110.83

A.M. Gilmore & Associates, environmental consultants, professional services in relation to compiling report and Affidavit:

<u>\$18,838.00</u> \$27,899.77

./2

We enclose a schedule setting out the payments Mr Corkill has made in respect of his contribution as required by the Legal Aid Commission. The total of the expenses in the Schedule is \$14,142.81 which exceeds the minimum amount required by the Commission for contribution by the applicant. In addition Mr Corkill worked almost exclusively on the case for numerous weeks. We enclose a copy of the taxed party/party Bill of Costs and a copy of the accounts referred to above.

On our calculation, the Legal Aid Commission has to date paid the following amounts:

1.	Mr T.F. Robertson:	\$24,959.65
2.	Woolf Associates:	\$ 7,324.91
3.	Woolf Associates (in respect of filing fee on Bill of Costs and amount payable to Dr M.F. Olsen):	<u>\$ 4,396.00</u> \$36,680.56

As you will see, even on the party/party Bill of Costs as claimed together with the outstanding accounts from consultants, there is a shortfall payable by Mr Corkill of \$50,672.72 and this amount is beyond the amount thus far allowed and paid by your Commission.

There has been a lengthy delay in the assessment process to date. Accordingly, and rather than preparing a Bill of Costs on a solicitor/client basis for submission to your Commission, we suggest that the amount paid by the Commission to date be applied to the difference payable by Mr Corkill as mentioned above to the effect that this be in satisfaction of the grant of aid in the matter. Pending your reply, we reserve the right to submit a bill of costs on a solicitor/client basis.

We would appreciate your early attention so that the matter may be finalised.

Yours faithfully

Encl.

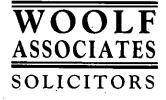
€ 1

31.8.90	Regional Forestry Map:	\$	5.00
7.9.90	Tenterfield Map FCNSW:	\$	5.00
12.9.90	4 maps - 2 sets of forest type:	\$	20.00
18.9.90	Freight to Dailan Pugh:	. \$	6.50
27.9.90	Cash advance to Pedon Consultants:	\$	500.00
27.9.90	Cash advance to Resource Planning Pty Ltd:	\$	500.00
28.9.90	3 topographic maps - Department of Lands:	\$	17.45
28.9.90	3 maps - 1 region, 2 forest type:	\$	15.00
28.9.90	Highlighter pens	\$	4.85
28.9.90	5 plan copies of maps:	\$	55.50
1.10.90	Fuel for field trip Grafton - forest:	\$	21.60
3.10.90	Cash advance to Dr Olsen:	\$	500.00
3.10.90	4 copies Chaelundi EIS @ \$25.00:	\$	100.00
15.10.90	Deposit for tape - Directions Hearing:	\$	25.00
16.10.90	Deposit for tape - Interlocutory Hearing:	\$	25.00
19.10.90	Freight to Gilmore - Resp Affidavits:	\$	6.00
24.10.90	Part payment to A.M. Gilmore:	\$	1,000.00
25.10.90	Copy Grafton Management Plan FCNSW:	\$	10.00
12.11.90	Settle a/c Pedon Consultants (McGarity):	\$	1,180.00
15.11.90	Settle a/c Ingrid Mather:	\$	1,591.18
20.12.90	A.M. Gilmore & Associates:	\$	3,000.00
7.12.90	A.M. Gilmore & Associates:	\$	350.00
21.12.90	M. Olsen:	\$	1,000.00
16.1.91	Printers Devil:	\$	277.29
8.2.91	TNT Air Couriers:	\$	59.90
8.2.91	Comet Express:	\$	61.21
8.2.91	Law Appointments Pty Ltd:	\$	471.63
10.4.91	Stephen Ibbott:	\$	1,038.85
6.5.91	Law Appointments Pty Ltd:	\$	265.70
22.17.5.91	Frog Couriers:	\$	30.15

Further expenses for period from 15.11.90 - April 1992 including travel expenses between Sydney, Grafton, the forest, Lismore, in connection with the conduct of the proceedings, freight of material, numerous and often lengthy long distance telephone calls, incidental expenses incurred in the conduct of the proceedings including meals (work being conducted out of hours), graphic reproduction costs, fuel expenses, copying and facsimiles, exceeding:

<u>\$ 2,000.00</u> \$14,142.81 OUR REF BSW 2489/0

YOUR RÈF



10th FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1556 SYDNEY

BRUCE WOOLF BA LLB Dip URP Principal

DATE24 June 1992

Mr J. Corkill c/Nature Conservation Council of NSW 39 George Street The Rocks SYDNEY NSW 2000

Dear John

### CORKILL V FORESTRY COMMISSION (NORTH WASHPOOL) LAND & ENVIRONMENT COURT No. 40208 of 1990

I enclose copy letter from Alex Gilmore dated 17 June, 1992 and my proposed reply. Please contact me to discuss these letters.

Regards,

Bruce Stephen Woolf

Encl.

## 2 2 JUN 1992

# A. M. GILMORE & ASSOCIATES

ENVIRONMENTAL CONSULTANTS Mafeking Road Federal, 2480 Ph. 84 9111

17 June 1992

Bruce Woolf 8 Bridge Street SYDNEY 2000

Dear Sir

### Re Corkill v Forestry Commission of NSW (North Washpool) No 40208 of 1990 Land & Environment Court

I understand that the above matter has been settled and that monies have been paid to you for disbursement.

John Corkill has informed me that my invoice was not included in the payment and was therefor not paid, although it was forwarded to John on 8 January 1991.

I wish to request from you, confirmation of this situation and would like to know why this invoice was overlooked when final accounts were submitted for payment by your office. I would also like to know if my invoice can be submitted for payment now. A copy of this invoice is enclosed.

I look forward to hearing from you in this matter to the above address.

Yours sincerely ALEX GILMORE

Alex alman

BSW 2489/0

1 . is

DRAFT

41

24 June 1992

Mr A. Gilmore A.M. Gilmore & Associates Environmental Consultants Mafeking Road FEDERAL NSW 2480

Dear Sir

CORKILL V FORESTRY COMMISSION OF NSW LAND & ENVIRONMENT COURT NO. 40208 OF 1990 NORTH WASHPOOL

We refer to your letter of 17 June, 1992.

Unfortunately we were not aware of your account dated 8 January, 1991 until June 1992. By that date the Certificate of Taxation issued by the Court certifying the amount payable by the Respondent had been issued by the Court. Furthermore, the time for appeal in respect of such Certificate had expired.

We understand that you have discussed directly with John Corkill your position in relation to the invoice.

We comment that the Bill of Costs which was submitted is one to which the Respondent may lodge objections and the Registrar assesses the Bill on what is called a party/party basis. This does not ever meet the full costs and disbursements incurred by an applicant. We make this comment because it is our assessment that it would not have been likely for the Registrar to have allowed the full amount of your bill even had a claim been made in the Bill of Costs submitted to the Court. We make no comment on the reasonableness of the bill but in our experience the Court would not allow the number of hours claimed in the invoice. We stress that such assessment is made not on the basis of arrangements between the person performing, for example consultancy work, and his client but is an assessment on the basis of an amount the Court allows to be paid by an unsuccessful party to a successful party in the proceedings.

We also comment that we had discussed further resolution of the matter with John Corkill and we are attempting to recover a portion of the invoiced amount notwithstanding the circumstances outlined in your letter and above.

Yours faithfully

# DONATIONS - North Washpool 1990.

-				
Date	Name	Address	Amaunt	Progressive Total
	Comopy Canee - Milo Dunphy	G-18 Argyle St., The Rocks	1	320
10/9	Sue Walker	40 George St South Grafton 2960	(2,000)	2,320
25/9	David Wittendon	4/14 Markay St Byron Bary 2481	1,000	?3,320.
	Barbara Stewart for Wilsons CKA. Grp	<u>40 George St South Grattan 2960</u> <u>4/14 Mackay St Byron Bary 2981</u> Upper Coopers CK Road via Mullumbimby		4,320.
	ACF FCG	18 Argyle St The Pockes		5,820
•	Rainforest Tuto Centre	P.O. Box 368 Lismere 2980	3,000 	8,820
-	Green Appeel	Ch. MI Thurse Green Harridan . no-	\$ 1,000.	
		₩ T	4,000	

♥= via ACF Preference Gronts Scheme to BSEC

CER1200.05.193 15:51

0.15

OUR REF BSW 2489/0

OUR REF. K.

DATES June 1992

Mr J. Corkill o/ Big Scrub Environment Cent

LISMORE NSW 2480

BY FACSIMILE: (066) 222 676

Dear John

NORTH WASHPOOL BILL

As discussed, I enclose a copy of our trust and office ledger cards in this matter.

Per Areduh.

Bruce Stephen Woolf

Encl.



ION, R. 82 ELLAABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 ENCSINILE (02) 223 3530 DN 1555 SYDNEY

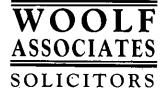
BRUCE WOOLF + BAILEDip URP

WASHPOOL EXPENSES INCURRED BY APPLICANT JOHN CORKILL FSUM EXPENSES DATE Fuel for Field Trip North Washpool 21.60 1-10-90 4x après of Chaelundi ES 100.00 3-10-90 Deposit for tape of Interlocitary Aplin 15-10-90 25.00 25.00 16-10-90 Freight to Gilmore (Raspondents Aff's) 600 19-10-90 Part payment AM Gilmore 1000.00 24.10.90 Colorer map + 6/w map photocopics 25.10.90 118.37 Gvætten Management Pon 26.10.90 10.00 Freight - 8.00 7.11.90 Pedar Casultant 4/c (Macharity) 1180.00 12-11-90 Sub total. 485-97 Advance to Mc Garity. 500 Jamieson 500 olsen 500 985-97 an A/C an A/C Ingrid Mather 700 Jamiesa 800 \$485.97 129.30 \$ 561527

WASHPOOL EXPENSES J.R. CORKILL Applicant

Out of pocket costs

FGAISW 7-9.90 Tententied Regar Map +7/6/90 5.00 V Freight to BSED 6-50 17.6.90 31.8.90 Мар 5.00 V 28.9.90 3 Mæps 15.00 V 20-00 4 Maps 12.9.90 Kirklands 6.50 / Freiglit to D. Righ. 18.9.90 D. of Cards. 17.45 1 28.9.90 3 maps #68-95 29.8.90 Baildevande Hotel - Breakfast, HGW, F, TFR. pre Moore meeting briefing 35.00 \$103-95 28.9.90 Pens Hightighters 4.85 Copies of Maps x5 55-50 \$ 164.30 35.00 \$129.30



10th FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1556 SYDNEY

BRUCE WOOLF BA LLB Dip URP Principal

OUR REF BSW 2489/0

YOUR REF.

DATE 11th May 1992

Mr J. Corkill c/ Nature Conservation Council of NSW 39 George Street The Rocks SYDNEY NSW 2000

Dear John

CORKILL v FORESTRY COMMISSION OF NSW (NORTH WASHPOOL) LAND & ENVIRONMENT COURT NO. 40208 OF 1990

I enclose copies of Bill of Costs as taxed by the Court in relation to disbursements.

Yours sincerely,

Bruce Stephen Woolf 0

-75-

Expert Witnesses/Consultants:

### PROF. HARRY RECHER

### DAVID MILLEDGE

Referencing background material; examination, preparation and organisation of Affidavit and Affidavit material; photocopying and faxing - 5 days @ \$200/ day; field inspection of subject area; transport - 2 days @\$200/day: on fix of technol. \$1400.00

### DAILAN PUGE

Field work; 12.5 days spent in field - 3 on preliminary inspections and 9.5 as guide for expert witnesses and barrister. 10hr. days # \$30.00hr: \$3750.00

Field work; transport costs. 2,620km @ 0.45¢ per km:

Research, document review and assistance in case preparation. 135hrs @ \$30.00hr:

Expenses; telephone, fax, courier, mail, purchase of maps and documents:

os per afc.

### DR KEITH BISHOP

Survey of aquatic environment and preparation of Affidavit; professional services (60hrs @ \$40/hr); vehicle use (1300km @ 45c/km); miscellaneous (telephone, facsimiles; consumables):

as pula.

\$3185.00

\$9429.00

\$1179.00

\$4050.00

\$ 450.00

Sub-total:

<u>\$17,131.50</u>

AHOUNT

### Expert Witnesses/Consultants:

.

DR M.F. OLSEN

5/10/90 Fee (4 days • \$400.00/day): Fuel for field inspection: an proof	\$1600.00 - \$ 150.00 -
25/1/91 Fee for 10 days • \$400.00/day: Vehicle hire: Fuel for hire vehicle: as purato	\$4000.00 \$ 93.00 ~ <u>\$ 53.00</u> ~ \$5896.00
DR P. ADAH	
Preparation of first report - 7hrs @ \$80.00/hr:	\$ 560.00 -
Field inspection - 1 October 1990 (including travel) 13hrs @ \$80.00/hr:	\$1040.00
Preparation of second report - 9hrs • \$80.00/hr: a sec of C	<u>\$ 720.00</u> \$2320.00

RESOURCE PLANNING PTY LTD (Mr P. Jamieson)

Typing; field assessment; report compilation; telephone, facsimile and vehicle costs: or her staried of c \$1568.80 -

PEDOM CONSULTANTS PTY LTD (Dr J.W. McGarity)

Field inspection; preparation of Affidavit; facsimile and telephone expenses: an function \$1680.00 arc

### INGRID MATHER & ASSOCIATES

Enlargement of maps; overlays; meeting; additional overlays of forest type maps; alterations to overlays; costs of additional materials (mounting base plan; transparencies; prints; enlarging forest type maps): as her ilented at

<u>\$1591.18</u> -

Sub-total:

\$13,055.98

AHOUNT

### Expert Witnesses/Consultants:

\_ **4** 

۲

PROF. L.J. WEBB

Drafting	of Affi	davit; a	mending	Affic	davit	·· ///	
costs of	faxing,	typing,	travel:	ling:	os	per details	\$1000.00
						ou y=	

### Dr HARRY PARMABY

Food for 4 volunteers:	\$ 210.55	
Maps, luggage straps, cooking gas:	\$ 47.49	
Fax, Melbourne-Sydney:	\$ 47.50	
Conference with Tim Robertson and		
Secretary, 6hrs @ \$60.00 per hour:	\$ 360.00	
Vehicle expenses for Toyota 4wd, 4 litre		
engine - 2,541km @ 0.58¢/km:	\$1473.78	
6 days field work + 2 days report		
preparation • \$450.00 per day: met afc	<u>\$3600.00</u>	\$5739.32

### A.N. GILMORE

3/9-7/9/90: Preparation of Affidavit -12hrs • \$48.00 per hour: \$ 576.00 -Field survey: 15/10/90 12.5hrs 16/10/90 12.8hrs 17/10/90 12.5hrs 18/10/90 12.7hrs 19/10/90 9.0hrs 59.5hrs • \$48.00 per hour: \$2856.00 -Technical assistants x 2 - 59.5hrs @ \$25.00 \$2975.00 per hour x 2: 4WD vehicle - 583km @ 0.37¢: \$ 215.71 Preparation of preliminary report: 20/10/90 4.5hrs 21/10/90 5.4hrs 22/10/90 6.6hrs 23/10/90 11.5hrs 24/10/90 6.0hrs 25/10/90 6.0hrs \$1920.00 \$8542.71 40.0hrs @ \$48.00 per hour: as her i herica a c

STEPHEN IBBOTT "Ware Hill"

Costs of accommodation/meals for expert witnesses/consultants:

\$ 706.35

Sub-total:

AHOUNT

### Couriers:

JET SERVICES (AUST) PTY LTD - interstate and intrastate courier services: dogets fundered \$ 268.91 -<u>COMET EXPRESS</u> - courier services to Brisbane QLD: doclass fundered \$ 85.71 -<u>THT COURIERS</u> - courier services Brisbane QLD to Sydney NSW: doclass fundered. \$ 59.90 -<u>TROG COURTERS</u> - local courier services: <u>aff:</u> 80.45 -<u>consencing 27/12/90 finishing 28/12/90</u>: wot fundered. <u>LAW APPOINTMENTS PTY LTD</u> - supply of temporary staff and payment of wages (commencing 27/12/90 finishing 28/12/90): wot fundered. <u>LAW APPOINTMENTS PTY LTD</u> - supply of temporary staff and payment of wages (commencing 29/12/90 finishing 4/1/91): wot fundered. <u>S1538.65</u>-

Temporary Staff:

LAW APPOINTMENTS PTY LTD - supply of temporary staff and payment of wages (commencing 29/12/90 finishing 4/1/91): Holp (required in view of time to meet Court directions as to filing Affidavits and occasioned by availability of expert witnesses and counsel)

### Photocopying:

PRINTER'S DEVIL - photocopying of documents/maps: le cut's stiplied FORESTRY COMMISSION OF MSW - photocopying	\$1108.24 -
FORESTRY COMMISSION OF MSW - photocopying fees:	\$ 70.50
DEPARTMENT OF PLANNING - photocopying fees:	\$ 12.00

### <u>General:</u>

LAND & ENVIRONMENT COURT ~ application fee:	\$ 325.00
PREMIER COAST SECURITY & INVESTIGATIONS	
PTY LTD - service fees: a/c mplied	\$ 70.00-
RAPID PROCESS SERVICE PTY LTD - service fees: a/c upplied	\$ 55.00-

Sub-total:

ABOUNT

General:

•

OFFICE ASSIST PTY LTD - transcription services:	\$ 165.00
ARCHIVES AUTHORITY OF MSW - conduct monies:	\$ 30.00
D.H.H. GIBBS - conduct monies:	\$ 20.00
AVIATION CENTRE PTY LTD - fees for chartering aircraft: a mphical	81515.00 -
ARMIDALE COMMERCIAL AGENCY - service fees:	\$ 37.50
JOHN HUNTER - production fee:	\$ 30.00
DEPARTMENT OF PLANNING - production fee:	\$ 30.00
FORESTRY COMMISSION - production fee:	\$ 30.00
<b>WATIONAL PARKS &amp; WILDLIFE</b> - production fee:	\$ 30.00
PETER HITCHCOCK - production fee:	\$ 30.00
<b>DEPARTMENT OF PLANNING</b> - production fee:	\$ 228.60
CABINET OFFICE - production fee:	\$ 30.00
<u>FORESTRY COMMISSION</u> - regional forestry maps, Tenterfield Map, forest type maps, regional maps, copies E.I.S. Chaelundi	
State Forest, Grafton Management Plan:	\$ 210.50
DEPARTMENT OF LANDS - topographic maps:	\$ 17.45
LAND & ENVIRONMENT COURT - fees for tape	
recordings of proceedings:	\$ 50.00
LAND & ENVIRONMENT COURT - filing fee on Bill of Costs:	\$ 100.00
TELEPHONE: (including STD charges): ilens spflied	\$ 265.27-
FACSINILES:	\$ 887.00
In these proceedings it was reasonable or necessary for use of facsimile correspondence given the urgency of the original application and expedition granted by the Court and the circumstances of the matter. Nearly all of the experts of the Applicant resided in places other than in Sydney. Facsimiles were forwarded to and received from respondents and courset.	is but.
FACSIMILE TELEPHONE: (including STD charged):	<u>\$ 157.87</u>

Sub-total:

\$3,864.19

AHOUNT



### GRIFFITH UNIVERSITY

Nathan, Brisbane, Queensland, Australia, 4111.

Telephone: (07) 875 7111. Telegrams: Unigriff Brisbane Fax G3: (07) 875 7965 Telex: AA40362 Please use private postal address for L.J. Webb PO Box 338 Alderley Q 4051 Australia

Division of Australian Environmental Studies

Ref: Please Contact: Telephone: 875 Fax: (07) 875 7459 17 October 1991

Mr John Corkhill NSW Environment Centre 39 George Street THE ROCKS NSW 2000

Dear John,

I'm writing to you about my outstanding account for consultancy fee which I reduced to \$1000 in my letter to you of 7 February this year, and which I reminded you about in my letter of 21 February. This was for the preparation of my Affidavit which required a large amount of work. As I explained to you and Tim, I reduced the fee because I thought that the conservation side would be paying for it out of restricted funds from Legal Aid.

On 24 January Bruce Woolf had formally notified me that I should forward him my memorandum of fees for preparation of the Affidavit, but in a further letter dated 29 January he notified me that my account should be forwarded to "John Corkhill in accordance with your previous arrangements with him".

So far I have received nothing and when I raised it with Ross Horne during our field work, he said that he thought that any liability the Forestry Commission had would not commence until the Agreement was signed - from memory I think this was April.

Would you please clarify this for me and let me know what I should do to receive payment. I plan to be in Sydney on 11 through 13 November and would like to see you and certainly discuss the final report on Washpool with Tim Robertson. I would be working on this with Ross Horne at Pennant Hills on 14 and 15 November before going on to Melbourne for a weekend seminar on definition etc. problems of Cool Temperate Rainforest at the Victorian Museum (in conjunction with Monash University).

Looking forward to hearing from you. With best wishes,

Yours sincerely,

Leonard J. Webb (Honorary Professor)

Teaching, Research and Consulting in Environmental Management, Pollution, Health and Environmental Sciences incorporating Ecology, Chemistry, Mathematics, Social Sciences and Land Use

# Department of Conservation, Forests & Lands

Message

Our Rel Al Date 6/2/91 From Al Phone Subject		Your Ref	<u>To</u>
<u>Dear John</u> , <u>Juic already faxed a copy of</u> <u>The codesed claim to Brace Woolf</u> (following his fax of 24/1) but any now forwarding it to you re his direction of 29/1. <u>The withdrawal of the Commission</u> <u>uns no doubt as expected, and most</u> <u>Satisfactory, and I'm also plansed to</u> <u>see youth not letting them escape</u> <u>relatively unscathed</u>	(( 🛡 ))	Our Ref	At
<u>Dear John</u> , <u>Juie already faxed a copy of</u> <u>The conclesed claim to Brace Woolf</u> (following his fax of 24/1) but any now forwarding it to you re his direction of 29/1. <u>The withdrawal of the Commission</u> <u>uns no doubt as exposted, and most</u> <u>Satisfactory, and I'm also plansed to</u> <u>see youth not letting them escape</u> <u>relatively unscathed</u>		Date 6/2/91	From
Dear John, <u>I've already faced a copy of</u> the enclosed claim to Bruce Woolf (following his fax of 24/1) but any now forwarding it to you re his direction of 29/1. The withdrawal of the Commission uns no doubt as expected, and most satisfactory, and I'm also pleased to see youth not letting them escape relatively unscathed			
Dar John, <u>I've already faxed a copy of</u> <u>the enclosed claim to Bruce Woolf</u> (pollowing his fax of 24/1) but any now portwarding it to you re his direction of 29/1. <u>The withdrawal of the Commission</u> <u>uns no doubt as emported, and most</u> <u>satispectory, and I'm also pleased to</u> <u>see youth not letting them escape</u> <u>relatively unscathed</u>		,	
<u>The already faced a copy of</u> <u>the enclosed claim to Brace Woolf</u> <u>(pollowing his fax of 24/1) but any now</u> <u>convacting it to you re his direction</u> <u>of 29/1.</u> <u>The withdrawal of the Commission</u> <u>uns no doubt as empoted, and most</u> <u>satisfactory, and I'm also pleased to</u> <u>see you're not letting them escape</u> <u>relatively unscathed</u>		Subject	
<u>The already faced a copy of</u> <u>the enclosed claim to Brace Woolf</u> <u>(pollowing his fax of 24/1) but any now</u> <u>convacting it to you re his direction</u> <u>of 29/1.</u> <u>The withdrawal of the Commission</u> <u>uns no doubt as empoted, and most</u> <u>satisfactory, and I'm also pleased to</u> <u>see you're not letting them escape</u> <u>relatively unscathed</u>			
<u>The already faced a copy of</u> <u>the enclosed claim to Brace Woolf</u> <u>(pollowing his fax of 24/1) but any now</u> <u>convacting it to you re his direction</u> <u>of 29/1.</u> <u>The withdrawal of the Commission</u> <u>uns no doubt as empoted, and most</u> <u>satisfactory, and I'm also pleased to</u> <u>see you're not letting them escape</u> <u>relatively unscathed</u>			
<u>The already faced a copy of</u> <u>the enclosed claim to Brace Woolf</u> <u>(pollowing his fax of 24/1) but any now</u> <u>convacting it to you re his direction</u> <u>of 29/1.</u> <u>The withdrawal of the Commission</u> <u>uns no doubt as empoted, and most</u> <u>satisfactory, and I'm also pleased to</u> <u>see you're not letting them escape</u> <u>relatively unscathed</u>		····	
<u>The already faced a copy of</u> <u>the enclosed claim to Brace Woolf</u> <u>(pollowing his fax of 24/1) but any now</u> <u>convacting it to you re his direction</u> <u>of 29/1.</u> <u>The withdrawal of the Commission</u> <u>uns no doubt as empoted, and most</u> <u>satisfactory, and I'm also pleased to</u> <u>see you're not letting them escape</u> <u>relatively unscathed</u>		0 - TI	
The enclosed claim to Druce Woolf (pollowing his fax of 24/1) but any non forwarding it to you re his direction of 29/1. The withdrawal of the Commission uns no doubt as expected, and most satisfactory, and I'm also pleased to see you're not letting them escape relatively unscathed.		Dar John,	
The enclosed claim to Druce Woolf (pollowing his fax of 24/1) but any non forwarding it to you re his direction of 29/1. The withdrawal of the Commission uns no doubt as expected, and most satisfactory, and I'm also pleased to see you're not letting them escape relatively unscathed.			I've already faxed a copy of
(pollowing his fax of 24/1) but any now forwarding it to you re his direction of 29/1. The withdrawal of the Commission use no doubt as expected, and most satisfactory, and I'm also pleased to see you're not letting them escape relatively unscathed.		Her exclar	- A AL - T- KNAR (ALAALA
The with drawal of the Commission was no doubt as expected, and most satisfactory, and I'm also pleased to see youthe not letting them escape relatively unscathed.	•••	The cards	ali 11
The with drawal of the Commission was no doubt as expected, and most satisfactory, and I'm also pleased to see youthe not letting them escape relatively unscathed.		f fallowing hi	s fax of 271 but any how
The with drawal of the Commission was no doubt as expected, and most satisfactory, and I'm also pleased to see youthe not letting them escape relatively unscathed.		forwarding	it to you re his direction
uns no doubt as expected, and most 		of 29/1.	
uns no doubt as expected, and most 		The	withdrawal as the Commission
See youthe not letting them escape velatively unscathed			
relatively unscathed		Satis factory	, and I'm also pleased to
relatively unscathed	. <u></u>	sec your	not letting them escape
		relatively .	unscated.
Keep in touch			
KCGU IN INUCH			Vero in First
			Keep in touch
			Dwid

ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

JOHN CORKILL DIPLOMA IN TEACHING

8 October 1991

....2/.

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

Louise Resource Planning P/L, Métford Road, Metford. 2323.

per fax no. 049 331 107

Dear Louise,

### Re: Outstanding account - North Washpool.

My apologies for my tardiness in supplying this letter to confirm our two recent conversations regarding the settlement of an outstanding account of \$1568.80. As you may be aware, I have been extremely busy seeking the protection of another 'old growth' forest - the Chaelundi SF - through similar court actions.

I have discussed my capacity to pay this invoice with my solicitors Woolf Associates. Mr Woolf confirms what I have advised you in these recent phone conversations. Resource Planning's account is one of a number which are at issue between me and the Forestry Commission of NSW, in the settlement of costs for the discontinuance of the North Washpool legal action.

Earlier this year, your account was submitted to FCNSW as part of my claim for payment of costs. The Forestry Commission has objected to every item in every account - perhaps as a legitimate costs reducing measure, but more likely as a tactic to frustrate me and my consultants and deny me access to funds for further actions.

Mr Woolf reviewed all the items in all the accounts in our total bill and confirms the legitimacy of claiming your account from FCNSW as an expense for which the Commission has a liability.

We are submitting our reviewed bill to the Registrar of the Land and Environment Court this week for his adjudication of the accounts. In the event that his assessment is not further challenged by FCNSW, Mr Woolf advises that I may be able to settle this account in 8 weeks time. In the event that there is a further objection by FCNSW to any item in my bill we will have to go back to court to argue the legitimacy of the accounts submitted being paid. This could add another 8 weeks to the delay in payment possibly 4 months from now...

I recall from my recent conversations with you and earlier discussions with Mr Jamieson that Resource Planning P/L would await the settlement of my expenses before pressing for payment.

I regret that I still cannot advise of an exact date when this account will be settled.

If this situation is not satisfactory, and Resource Planning is unable to wait until the finalisation of the payment of my expenses, may I suggest an alternative course of action.

Mr Woolf advises that because I have been granted legal aid, your account could be forwarded to the Legal Aid Commission with a request for an urgent settlement. The LAC would then seek this sum from the FCNSW as a part of my overall bill.

In order to make such a request to LAC it would be necessary for me to recieve a further invoice from Resource Planning P/L, with a request for urgent settlement. Mr Woolf would forward these to LAC with a covering letter requesting that LAC pay your account immediately.

I hope that this has clarified the matter. I apologise for not having settled the account already, but as you can see from the above, I am facing a difficult set of circumstances - and all because no-one else in NSW is prepared to enforce NSW environmental planning laws!

Feel free to phone or fax me on the above numbers if you wish to further discuss this matter, or to take up the alternative course of action described above.

Thank you for your forebearance.

Yours sincerely, JR. Conkell John R. Corkill JOHN CORKILL DIPLOMA IN TEACHING

22.4.1991

...2/.

ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

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

Dr Mike Olsen, Botany Department, University of Queensland, St Lucia. 4072.

Per Fax No. 07 365 1699

Dear Mike,

### Re: Payment of your account for North Washpool work

I refer to our phone conversation of today's date and your invoice dated 18.2.1991.

I regret not having settled this account (\$4,396.00) before now, and further advise that it may be some little while yet before this matter can be fully paid out.

As I indicated in our phone conversation, the case against the Forestry Commission of NSW has recently been discontinued in the NSW Land and Environment Court due to the Commission's out of court agreement to do those things which the court action sought: viz

the preparation of an environmental impact statement (EIS) in accordance with the <u>Environmental Planning and Assessment Act</u>, 1979; and

the rehabilitation and conservation of disturbed rainforest and soils.

The Forestry Commission of NSW has also agreed to pay my costs.

I am currently completing the compilation of all the bills I've recieved from my consultants for forwarding to the Forestry Commission for payment. This process is a little complicated since I must send one final compilation of all accounts, complete with the bills from my solicitor and barrister, which are still being finalised.

Once this compiled account is transmitted to the Commission payment could be made quite quickly, i.e. within a month. Alternatively, payment could be further delayed if the Commission objects to any item in any of the bills. If the Commission does object, the whole compiled account is referred to the Court for checking and a process known as 'taxing', which my solicitor advises is a complicated process of shaving small amounts off all the legal charges.

When the Court issues a statement of the 'taxed bill' the Commission is required to pay this amount without further argument. In the past they have settled these accounts within a month of being invoiced.

That then is the situation. I definitely intend to pay your account, but the method of doing so involves waiting for the Commission to pay my costs. As soon as I recieve the Commission's payment I will forward to you the monies owed to you, \$4,396.00.

I hope this has clarified the matter. I'm sorry that the matter has been unresolved for a number of months already, but hope that it can be finally resolved in the very near future.

If you are unhappy with any of the above, please don't hesitate to contact me: 02 2474 206 w, 02 2475 945 wfx, or 02 660 3496 h.

Thank you for all your hard work in this case Mike. It's been much appreciated by me and all the others working on the North Washpool case.

Yours sincerely, For the Land...

ヮ

John R. Corkill

### THE COLONG FOUNDATION FOR WILDERNESS LTD.

5th. Oct., 1990

Mr. John Corkhill, C/o NSW Environment Centre, 39 George St., SYDNEY.

Dear John,

### North Washpool

Dear John,

The Colong Foundation discussed your request for financial assistance for the proposed legal action on North Washpool at its meeting on 4th. Oct.

We applaud your energy and dedication to the protection of this important area which we too regard as an essential part of the Washpool Wilderness.

Unfortunately our funds are fully committed on other wilderness areas, but we are prepared to provide \$500 in the event that you <u>lose</u> the case. It was felt that you could include this amount in your discussion with the Legal Aid Commission. We note that your legal advisers are acting in sn honorary capacity at this stage, and would expect to recoup their costs from the Forestry Commission in the event that you win.

Yours sincerely,

Alar Golley (A. G. Colley, O.A.M.)

Hon. Secretary

### OUR REF BSW 2489/0

### YOUR REF

DATE

26 September 1990

Mr John Corkill 3 Albert Street FOREST LODGE NSW 2037

O

# HILLMAN &WOOLF SOLICITORS

10 FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff Accredited Migration Consultant

	•	
CORKILL V PORESTRY COMMISSION OF NSW - NORTHERN WASHPOO		
LAND & ENVIRONMENT COURT NO. 40208 OF 1990	Ť	
DISBURSEMENTS		, · · ·
· · · · · · · · · · · · · · · · · · ·		
Land and Environment Court - filing fee:	\$ 325.00	
Premier Coast Security and Investigations		
Pty Ltd - service fee:	\$ 70.00	
ę		
Facsimiles (including local and STD charges):	\$ 581.03	
Telephone (STD charges to Armidale, North,		
Coast, ACT, WA):	\$ 176.70	
Photocopying @0.80¢ per copy:	\$ 316.00	
		<u>\$1468.7</u>
		\$1468.73
LESS amount received from you:	· ·	<u>\$ 320.00</u>
<b>v</b> o		\$1148.73
LESS amount received from Trust:		<b>\$1148.7</b> 3
BALANCE DUE:	· · .	\$ NIL
<u></u> .	· .	<u> </u>
With complements		
With compliments, 4.		
P ( 0 P		
E. & O.E.		

# HILLMAN &WOOLF SOLICITORS

10 FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff. Accredited Migration Consultant

	E ENVIRONMENT COURT NO. 40208 OF 1990		
	Trust Statement		
BY:	Amount received on 12 September, 1990:	\$2000.00	· .
0:	Amount paid for conduct monies on Subpoenas:		\$ 150.0
<b>'0</b> :	Amount paid to Department of Planning for photocopying of uplifted documents under Subpoen	1   1	\$ 228.0
ro:	Amount paid to Jet Services (interstate courier)		\$ 15.0
:0	Amount transferred to office account on account of costs and disbursements:		\$1148.
:01	Amount remaining in Trust:	<u>\$</u>	<u>\$ 457.</u>
		\$2000.00	\$2000.0
lith	compliments,		•

OUR REF BSW 2489/0

YOUR REF

DATE

26 September 1990

Mr John Corkill 3 Albert Street FOREST LODGE NSW 2037

	26. AUGUST	1	9
M	JOHN CORKILL		
Ør.	MR. GREG P CLANCY IN SE ARMIDALE ROAD COVITS CROSSING N.S.W. 2410		
AUG	26 FIELDWORK AND REPORT		
	ON FAUNA OF NORTH		
	WASHPOOL		
	07.08.89 - 16.09.89		
	9 DAYS AT \$200/DAY	1800	00
	+ EXPENSES	20	00
	LESS AMOUNT ALREADY RÉCEIVED	300	00
	TUTAL OUT STANDING	1520	00
<u> </u>	COPY OF ALC 56		
	COPY OF A/C 56 DATED 03/10/89		

,



# THE UNIVERSITY OF NEW SOUTH WALES

SCHOOL OF BIOLOGICAL SCIENCE • PO BOX 1 • KENSINGTON • NSW • AUSTRALIA 2033 TELEX: AA26054 • TELEGR.: UNITECH, SYDNEY • FAX: (02) 6622918 • Ph.: (02) 6972067

16 October 1990

8 OCT 1990

Mr J Corkill C/- Nature Conservation Council of NSW 39 George Street SYDNEY NSW 2000

Dear John,

Please find attached a statement of account with respect to the North Washpool matter.

As I indicated earlier, payment would be expected only if you receive costs from the Commission. In the event of any payment, the cheque should be made payable to "University of New South Wales A/c B200 439" but sent to me.

With best wishes,

Yours sincerely.

Dr P Adam

Encl.



### FAR NORTH COAST REGIONAL ABORIGINAL LAND COUNCIL

P.O. Box 494 Lismore NSW 2480 Telephone (066) 221010

25 Orion Street Lismore NSW 2480

Our Ref:

Your Ref:

13th November, 1990

Mr John Corkill, NSW Environment Centre, 39 George Street, THE ROCKS SYDNEY. N.S.W. 2000.

Dear John,

Re: NORTH WASHPOOL

This is to formally congratulate you on the success of your recent court action and to thankyou for your last letter and It may be of interest to you that we most invitation. recently made a submission to the Forestry Commission of NSW respect of Chaelundi State Forest. in We found their E.I.S/Management Plan rather inadequate and said as much. Drawing upon their policy of divide and conquer consultation at Washpool, as well as the blatant bulldozing of stone arrangements in Boorook State Forest as our precedents in demanding correct and comprehensive investigation of Aboriginal concerns.

They made it very difficult at Washpool to ensure that the interests of the Aboriginal Community were met and elders were unaware of the illegality and underhandedness of the Forestry Commission of NSW's agreements and logging practices, once we had talked to them. Such, things will not occur in the future we hope.

Things are quite busy at present and personally I will try to make it to the Channon but can't be too sure. Thanks again and keep in touch.

Yours in Unity,

Will Ledde

Neil Liddell, ACTING HERITAGE OFFICER.

John Corkhill Sydney NEFA Co-ordinator

Will Octome 17 Arkinson St Cook ACT 2614 12-11-90

Dear John, many thanks for your letter thanking me for helping in legol action to poted North Vertipoel I am pleased that my ollidan't was of some use to your case. I was not able to greatically comment on the other affidands that you provided although I thought Wayne Braith waites comments were a bit weak! Got news last week that I have parced my PhD. tereant on complore frags - what a relief that is over Slowly beginning to bid the time to do other things again

I wish you well inthe all of your work regarding the protection of our forests. Will.

There call from Sandy Gilmore D. 40am 21.10.20 Permit still arrived: asked to be sent to rederal - has not avoired said 1/ 10 been sent to rederal - has not avoired it has Sandy FCNSN If not rec'd by Monday's mail - will be beek in truch nothing in cage Traps - normal to have law success rate Reliminary Rosults Frog skink, both unidentified - ned toget to thisken to Tel raire "golden Fipped bart" -"deme headed ' Sandy is broke and art of pocket: #500 -> Access A/c ANZ Limme 253 601 - 012 - 506 -AM Gilmore. 5455-56842. 30 c por k-# 2.500 2.500 + Ion Goillard + Andrew Steed \$25 - gh Sandy Gilmore @ \$50p2 5 days = 50 hours 5,000 Paid \$1000 24/10/90. ANZ A/C



### GRIFFITH UNIVERSITY

Nathan, Brisbane, Queensland, Australia, 4111.

Telephone: (07) 875 7111. Telegrams: Unigriff Brisbane Fax G3: (07) 277 3759 Telex: AA40362

C/1 P.O. BOX 338, ALDERLEY Q 4051

Division of Australian Environmental Studies

(Te1. (07) 3565782 Ref: Please Contact: Telephone: 875 Fax: (07) 875 7459

Mr. John Corkhill,

c/1 Woolf Associates, Solicitors, 10th Fl., 82 Elizabeth St., SYDNEY NSW 2000

Dear John,

I have been notified bythe above solicitors that discussions are under way with the Forestry Commission to end the Court proceedings in relation to North Washpool, and that I should forward you my consultancy claim "in accordance with" my previous arrangement with you (when you first rang me 18 Dec.).

As I explained to you, it is necessary for me to show income for taxation deductibility purposes. This case and the preparation of my Affidavit were rather hectic, just before Christmas, but we managed to provide a substantive submission, given the help of Aila Keto"s FAX machine at RCS, Bardon, and frequent phone calls between me and Tim Robertson in Sydney.

Details of my commitments are in my diary. To summarize, I drafted my Affidavit (after phone call from Tim on 19 December) during the days of December 1990: 20, 21, 22, 29, 30, 31, with amendments on January 2 (over phone to Amanda, Tim's secretary) and 5 (signed at Fingal with Tim and JP), and trips from mychomerat Wilston to Rainforest Conservation Society (RCS) Fax facilities at Bardon, onDecember 22, 28, 29, 30, 31 and January 1. In addition, I made several phone calls to Tim in Sydney, although most of theolengthy calls were from his office. I understand that Aila Keto of RCS has claimed for FAX expenses from you.

Allowing an average of 3-5 hours per day during 6 days = 24 hours; plus faxing, typing, travelling, amending Affidavit for about 8 days averaging 2 hours per day () = 16 hours, gives a total of approx. 40 hours of my time spention this consultancy.

I wish to claim for  $\frac{1}{4}$  of this time i.e. 10 hours at the standard rate of \$100 per hour = \$1000 total.

I would be grateful to have this fee paid so that I can finalize this commitment.

With kind regards,

Yours sincerely,

(L.J./Webb) Teaching, Research and Consulting in Environmental Management, Pollution, Health and Environmental Sciences incorporating Ecology, Chemistry, Mathematics, Sucht Sciences and Land Use

Your ref. BSW 2489/0 C/- Department of Conservation and Environment, P.O. Box 137, Heidelberg, ····· Vic. 3084V -- ------- -. . 31. . . . . 91. , . . . · · · · · · · · · . . .. Memorandum of fees for preparation of affidavit re: Corkhill v. Forestry Commission of NSW -(North Washpool), No. 40.208 of 1990 - Land and Environment Court Item 1: referencing of back ground motenial, inclusive at rate of \$200 / day: Total \$ 1,000:00. I tem 2: cicle inspection of North Wash pool area, in cluding transport; over 7 to 8 January 1991 at rate of \$200 / day: Total \$ 400.00 ••••• ··· -· ·· ·· ·· Total fees to date: \$ 1,400.00 RMillinge. (D.R. Minedge)



OUR REF: SY90R2217(ENV) WLC:DG(6) YOUR REF:

TEL: 2195 891

Mr J R Corkill 3 Albert Street FOREST LODGE NSW 2037

Dear Mr Corkill

RE: YOUR APPLICATION FOR LEGAL AID

Pursuant to Section 34 of the Legal Aid Commission Act 1979, I enclose, for your information, a copy of a letter which I have today sent to your solicitors.

Your attention is drawn to the provisions of <u>Section 56</u> of the Legal Aid Commission Act 1979 which enables you to appeal to the Legal Aid Review Committee if dissatisfied with any determination referred to in the enclosed letter.

Any such appeal must be in writing and must be lodged with the Commission within a period of seven (7) days from the date of receipt by you of this letter.

Yours faithfully

W L CHARGE for Director

### LEGAL AID CUMIMISSIUN OF NSW



OUR REF: SY90R2217(ENV) WLC:DG (6) YOUR REF: BSW: 2489/0

TEL: 2195 891

24 October 1990

Messrs Hillman & Woolf Solicitors DX 1558 SYDNEY

Dear Sir/Madam

RE: CORKILL & FORESTRY COMMISSION OF NSW NORTHERN WASHPOOL OLD GROWTH FOREST

I refer to your letter dated 10 October 1990 and previous correspondence in relation to your client's application for legal aid and confirm my telephone conversation with your Mr Woolf on Thursday, 18 October 1990 to the effect that all that material was placed before the meeting of Environmental Consultative Committee on 11 October 1990 and that, following the meeting, it has been determined that a grant of legal aid should issue to enable you to undertake the proceedings which have been listed for three weeks, the first of those being the week commencing 22 October 1990.

The conditions of the grant of aid are as follows:-

- 1. The grant extends to solicitors costs and Junior Counsel's fees incurred as from 24 July 1990.
- 2. The applicant to pay an initial contribution of \$12,000.00 towards the cost of the proceedings.
- 3. The cost of expert witnesses not to exceed \$10,000.00.
- 4. That in the event of the legally assisted person being ordered to pay the costs of any other party to the proceedings, the Commission will bear the responsibility for the payment of those costs.
- 5. No agreement shall be entered into without the prior approval of the Commission for the settlement of the proceedings on any basis involving payment by the legally assisted person or the Commission of the costs of any other party to the proceedings. Failure to obtain such approval may result in termination of this grant of aid.
- 6. Should the length of the case appear likely to exceed the estimate of three weeks as set out in your letter dated 10 October 1990, the Legal Aid Commission is to be advised in sufficient time to enable further consideration to be given to the matter.

Incorporating The Australian Legal Aid Office (NSW Branch) DAKING HOUSE, 11-23 RAWSON PLACE, SYDNEY, NSW 2000. PO BOX 47, RAILWAY SQUARE 2000. FAX: (02)219 5935. DX 5 SYDNEY.

TEL: (02)219 5000.

Your attention is drawn to Section 56 of the Act which enables your client to appeal to the Legal Aid Review Committee if dissatisfied with any determination referred to herein and to Section 57 of the Act which provides for the adjournment of proceedings by a court or tribunal pending the determination of an appeal by the Legal Aid Review Committee.

Pursuant to Section 34(6) - (8) of the Act, as soon as practicable after the commencement of proceedings you are required to give notice to the other parties, if any, to the proceedings that you are acting for a legally assisted person. The notice shall be in writing, contain a reference to the effect of Section 47 of the Act, and may be given in any manner authorised for the service of process in the proceedings to which the notice relates. Further, within 7 days of giving such notice you are required to advise the Commission in writing that the notice has been given.

In accordance with the provisions of Section 34(2) of the Legal Aid Commission Act, a copy of this letter is being sent to your client.

Yours faithfully

W L CHARGE for Director



WA ALFRED STREET, DIRCODAR ODAY DIDNEY/N.S.V./2005 Phone: 241-3699

Photograph Allaun Fon Washpool photos.



AUSTRALIAN GEOGRAPHIC PTY LTD 321 Mona Vale Road, Terrey Hills 2084 P.O. Box 321, Terrey Hills, 2084 Australia Phone: (02) 450 2344 Fax: (02) 450 2990 Telex: AA176203

HW:AB

30 November 1990

John Corkill NSW Environment Centre 39 George Street The Rocks NSW 2000

Dear John

Thank you for your letter requesting financial sponsorship, for the legal costs incurred protecting the North Washpool wilderness from roading and logging, in the Land and Environment Court.

I very much regret that we are unable to assist you at the present time. Over the last six months we received an enormous number of requests for sponsorship and unfortunately our Fund is overextended.

Good luck with your project.

Yours sincerely

Howard J Whelan Editor

# EGAL AID COMMISSION OF NSW



3 0 0 CT 1990

OUR REF: SY90R2217(ENV) WLC:DG(6)YOUR REF: BSW: 2489/0

TEL: 2195 891

24 October 1990

Messrs Hillman & Woolf Solicitors DX 1558 SYDNEY

Dear Sir/Madam

CORKILL & FORESTRY COMMISSION OF NSW RF· NORTHERN WASHPOOL OLD GROWTH FOREST

I refer to your letter dated 10 October 1990 and previous correspondence in relation to your client's application for legal aid and confirm my telephone conversation with your Mr Woolf on Thursday, 18 October 1990 to the effect that all that material was placed before the meeting of Environmental Consultative Committee on 11 October 1990 and that, following the meeting, it has been determined that a grant of legal aid should issue to enable you to undertake the proceedings which have been listed for three weeks, the first of those being the week commencing 22 October 1990.

The conditions of the grant of aid are as follows:-

- The grant extends to solicitors costs and Junior Counsel's fees 1. incurred as from 24 July 1990.
- 2. The applicant to pay an initial contribution of \$12,000.00 towards the cost of the proceedings.
- The cost of expert witnesses not to exceed \$10,000.00. 3.
- 4. That in the event of the legally assisted person being ordered to pay the costs of any other party to the proceedings, the Commission will bear the responsibility for the payment of those costs.
- 5. No agreement shall be entered into without the prior approval of the Commission for the settlement of the proceedings on any basis involving payment by the legally assisted person or the Commission of the costs of any other party to the proceedings. Failure to obtain such approval may result in termination of this grant of aid.
- Should the length of the case appear likely to exceed the estimate of 6. three weeks as set out in your letter dated 10 October 1990, the Legal Aid Commission is to be advised in sufficient time to enable further consideration to be given to the matter.

Your attention is drawn to Section 56 of the Act which enables your client to appeal to the Legal Aid Review Committee if dissatisfied with any determination referred to herein and to Section 57 of the Act which provides for the adjournment of proceedings by a court or tribunal pending the determination of an appeal by the Legal Aid Review Committee.

Pursuant to Section 34(6) - (8) of the Act, as soon as practicable after the commencement of proceedings you are required to give notice to the other parties, if any, to the proceedings that you are acting for a legally assisted person. The notice shall be in writing, contain a reference to the effect of Section 47 of the Act, and may be given in any manner authorised for the service of process in the proceedings to which the notice relates. Further, within 7 days of giving such notice you are required to advise the Commission in writing that the notice has been given.

In accordance with the provisions of Section 34(2) of the Legal Aid Commission Act, a copy of this letter is being sent to your client.

Yours faithfully

W L CHARGE for Director

Dr Keith Bishop 4 Sugar Creek Rd. Bungwahl N.S.W. 2423 (tele: 049 976193) (fax: 049 976149)

28th Sept. 1990

Att: John Corkill \_\_e/- Tim Robertson(+Brace Woolf)\_ \_\_(Fax 02 223 3530)\_\_

Subject: Survey of aquatic environment of the North Washpool

I confirm my interest in the above survey and accordingly detail responses to 'a' to 'd' as per your letter of 27th September.

a) Ammendments: note that underling indicates insertion and the numbers correspond to those in the consultant's brief.

1) ... in describing the <u>aquatic</u> environment <u>and its biota</u> of the north Washpool area....

2) ... of impacts on aquatic biota from roadworks...

3) ... the aquatic environment <u>of North Washpool;</u> the likely...

b) Fees

Professional services: \$2400 (60hrs at \$40/hr; this comprises 12hrs for the survey, 32 hrs pre-draft Affidavit and 16 hrs post-draft Affidavit)

Miscellaneous: \$200 (telephone, fax, consumables, etc.)

Total = \$3185

(A per diem allowance of \$140/day for appearances in Sydney - plus use of vehicle and professional services)

c) CV following in mail.

d) Arrive Wave Hill homestead in evening of Friday 28th Sept. Overnight Friday and Saturday. Leave Sunday morning.

Yours sincerely,

K. Biohop

	. ONBATO			MONITI W	
	+========	+=======	+=======+		t=====t
	\$	· .			
	PAID	OWED	TOTAL	FARE	COURT
	-========		-=======+	========	<b>॑</b> =====≠
Dr Adam, Botanist 		2,320			
Dr Bishop, Limnologist			3,180		
Prof. Bowdler, Archaeologist					
Dr Fox, Botanist			······	,	
Mr Gilmore, BS <sub>c</sub> Wildlife Eco	1,000	4,000	5,000		
-Di-Hyde; -Mgteorologist-					
Mr Jamieson, B. Eg Hydrologist	\$500				
Mr Liddel, Heritage Adv	ni/ _		/		
Dr McGarity, Soil Scientist	500	1,180	1680		\$ 600
Dr Olsen, Botanist	500	1,250	1750		
Dr Osborne, Wildlife Eco					
Prof. Recher, Forest Eco					
Ms. Mather BLAnd Landscape Architect		!,59[.18	700 josh		
============	-=========	-=======	-========		-====+

CHECKLIST OF DEPONENTS - CORKILL v. FCNSW - NORTH WASHPOOL

10 MIM ROBERTEON + DAVGHJER\*1 De SECRETARY (Juliet) \$ 50 per person per per night \$ 25 child per night. 28th February to 4th March 4 rights \_ evening meals, hed 4×125 = \$500-THURSDAY 28th February John Cortill - Evening Meak, Bed Breakfast D. Pugh - Evening Meal, Shover o Breakfast Hugh o Nan Nieolson - Evening Meel, Bed o Breakfast \$ 50-FRIDAY IST MARCH. Picnic lunche & drinks prepared\_\_\_\_\_\_ for 7 people @ \$5 per person \$35-= Hugh\_onen\_Nicolson : Evening Med accommadation \$ 65 -John Lorbill & D. Pugh, Evening real, Showes D. Breakfast @ \$35each \$70-Ξ SATURDAY 2ND MARCH. Picnie Lunch & drinks prepared for 7 people \$ 35~ Supper for Hugh o nan niedsof o D. Pugh \$10-SUNDAY 3RD MARCH. Pictural o drivites prepared for 2 people \_\_\_\_\_ -\$10 \$ 875-\_ cout. next page

12 Carmed forward -\$ 875-00 SUNDRY EXPENSES 35 litres of diese fuel for Heigh o Man\_ Micoleon's vehicle @ 724 pre litre. 35 x 72 -\$25-20 Carta of Pavers Bites \$22.501 / hour compiling Fax notes - answering Fax machine @ # 10 per hour Sat, 2nd March 10:00 AM => 11:00 AM = \$10.000. Telephone calls\_\_\_\_ = \$106-15 TOTAL =\$1038-854 Thanking you ..... Attahen Ibbott. Ware teil Copmanhusst. NSW, 2460.

	. ·			
3				
<u></u> <u></u>	<u></u>			* *****
	<u> </u>			•
	u.u	1		<del></del>
	,			, <b>, ,</b>
		-		
			,,,,,,	
· · · · · · · · · · · · · · · · · · ·	••••••••••••••••••••••••••••••••••••••	·		
· · · · · · · · · · · · · · · · · · ·				
			<u>_</u>	
······································		18	······································	
	F	E E		
	<u> </u>	- <u>}</u>	······	
			<u></u>	
· · · · · · · · · · · · · · · · · · ·	Strong and	the intervention		
	<u> </u>	Ę,	· · · · · · · · · · · · · · · · · · ·	<u></u>
	ter		,,	· • · · · · · · · · · · · · · · · ·
·····				
· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	·	·
			<u> </u>	
<b>. .</b>	• • • • • • • • • • • • • • • • • • • •		<u> </u>	·····
· · · · · · · · · · · · · · · · ·				
			·····	
	• • •			
	·····		<u></u>	
· · · · · · · · · · · · · · · · · · ·	•	 		<u> </u>
	<u> </u>		<u> </u>	· · · · · · · · · · · · · · · · · · ·
<u> </u>			<u> </u>	<u> </u>



10 FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

.../2

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff Accredited Migration Consultant

26 September 1990

BSW 2489/0

SY90R2217

WLC:GM(6)

OUR REF

YOUR REF

DATE

Legal Aid Commission of NSW DX 5 SYDNEY

FACSIMILE: 219 5906

Dear Sir

CORKILL & FORESTRY COMMISSION OF NSW NORTHERN WASHPOOL OLD GROWTH FOREST No. 40208 of 1990 LAND AND ENVIRONMENT COURT

We refer to previous correspondence.

We provide the following further information in support of the application for legal aid:-

1. Our Counsel's estimate of the likely hearing time for the case is a period of some three weeks. The case will commence on 22 October, 1990 when one week has been allowed for the case. At the expiration of that period, it is anticipated the case will be adjourned to resume at a later time for the remainder of the hearing of the case.

2. Affidavits in support of the Applicant's case have been or are being obtained from the following experts:

Dr K. Bishop Mr P. Jamieson Dr T. Norton Mr D. Lunne Mr E. Linacre Mr A. Gilmore Dr M. Olsen Dr J. McGarity Dr H. Recher Dr P. Adam Dr M. Fox Fortech Professor S. Bowdler

3. Mr Robertson of Counsel has prepared a document styled "Applicant's Contentions" which partly forms the function of advice on evidence. We can forward a copy of this to you if you feel it will be helpful. 4. As previously advised Mr Corkill has been seeking contributions toward the conduct of the proceedings including payment of experts. Mr Corkill informs us that he now has in hand some \$5,000.00 (including \$2,000.00 in our trust account) and that he anticipates he will be able to obtain further contributions of between \$5-10,000.00 towards the conduct of the proceedings on a final basis.

We submit that the case readily qualifies in the first order in relation to the issues of environmental public interest and legal interest and thus ought to be fully funded from the Commission subject to the above contribution as able to be obtained by Mr Corkill.

Yours faithfully

J. . . . . .



Understanding our natural environment and cultural heritage

6 February, 1991

Mr John Corkill, 3 Albert St., Forest Lodge NSW 2037

Dear Mr Corkill,

The following expenses result from the preparation of my affidavit on bats for the North Washpool case:

Food	\$ 210.55
Maps, luggage straps, cooking gas	\$ 47.49
Fax, Melbourne-Sydney	\$ 57.50
Conference with Tim Robertson and	
Secretary, 6 hrs @ \$60 per hour	\$ 360.00
Field assistance, 4 people for 4	-
days @ \$125 per person	\$ 2000.00
Vehicle expenses for Toyota 4wd,	
4 litre engine, 2541 km @ 58c/km	\$ 1473.78
Field work, 6 days + 3 days report	
preparation, @ \$450 per day	\$ 4050.00

TOTAL \$ 8199.32

Please advise if yourrequire receipts. Payment should be made out to "Australian Museum Mammal Research Fund", from which I can arrange payment of the four people who worked with me.

yours faithfully,

r a

Harry Parnaby, Mammal Depart.



10 Fl, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff Accredited Migration Consultant

OUR REF BSW 2489/0

YOUR REF

---- ×'|

١

**.** 

DATE

3 October 1990

Mr J. Corkill New South Wales Environment Centre 39 George Street The Rocks SYDNEY NSW 2000

Dear John

CORKILL v FORESTRY COMMISSION (NORTH WASHPOOL) LAND & ENVIRONMENT COURT No. 40208 of 1990

I enclose copy undated letter we have received from the Forest Campaign Group. I assume that the conditions of the grant are acceptable to you or that you will discuss the conditions with the Forest Campaign Group.

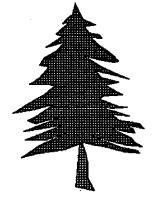
Yours sincerely

Bruce Stephen Woolf

Encl.

C/- A.C.F. Level 3, Argyle Centre The Rocks, Sydney. 2000.

· 3 OCT 1990



Mr. Bruce Woolf, Hillman and Woolf, 10th Floor, 82 Elizabeth Street, SYDNEY. 2000.

. 1

Dear Mr. Woolf,

# RE: JOHN CORKHILL'S NORTH WASHPOOL LEGAL ACTION

**ST CAMPAIGN GROUP** 

Please find enclosed a cheque for \$1,500.00, being our contribution towards the abovementioned action. The contribution is being made to your trust account upon the following conditions being agreed upon by John Corkhili:-

- That the funds shall be solely used to meet expenditure incurred in the contracting of consultants in providing expert evidence on the natural values of North Washpool and the inadequacy of the 1980 E.I.S.
- Should the legal action be successful and costs are awarded to John Corkhill, then an appropriate proportion of the contribution made by the Forest Campaign Group shall be reimbursed.

In addition, we ask that a receipt for the \$1,500 be supplied, and that copies of all reports produced by the consultants on the North Washpool area be forwarded to the Forest Campaign Group.

Yours faithfully,

David Welch, Forest Campaign Group, A.C.F.

Enc.



# FOREST CAMPAIGN GROUP

C/- A.C.F. Level 3, Argyle Centre The Rocks, Sydney. 2000.

Mr. John Corkhill, N.S.W. Environment Centre, 39 George Street, The Rocks, Sydney. 2000.

Dear John,

## **RE: NORTH WASHPOOL LEGAL ACTION**

We wish to confirm that at a meeting of the members of the Forest Campaign Group held on 26 September, 1990, it was decided to support your legal action against the validity of the Environment Impact Statement prepared in 1980 on the North Washpool area.

The members decided to donate an amount of \$1,500.00 upon yourself agreeing to the following conditions:-

- 1) That the funds shall be solely used to meet expenditure incurred in the contracting of consultants in providing expert evidence on the natural values of North Washpool and the inadequacy of the 1980 E.I.S.
- 2) Should the legal action be successful and costs are awarded to you, then an appropriate proportion of the contribution made by the Forest Campaign Group shall be reimbursed.

A cheque for the \$1,500 has been forwarded to your solicitor with a letter stating the abovementioned conditions. Also we have requested a receipt for the contribution, plus copies of any reports produced by the consultants on the North Washpool area.

Regards,

David Welch, Forest Campaign Group, A.C.F.

EMPLY RELEASED STATES

850 2409/0

DRAFT

SY20R2217 WLC:GM(6)

10 October 1990

Legal Aid Commission of NSW DX 5

#### BY PACEINILE: 215 5906

. TON: MR V. CHARGE

C.L.

OCT FORRSWRY COMMISSION CF HSH NORTHFRN UASH, DOL OLD GROHY IST 40208 04 1900 (AAD AND ENVIRONMENT COURT CORTE HASHFOOL

v to our telephone conversation on 10 October, 1990.

He provide the following further information in relation to likely coevenses in these proceedings and our client's request for aid:

- As previously advised, we anticipate the case will take three weeks and of this one week has been ast aside by the Court commencing 22 Genober, 1990. At the end of that time, the Chief Judge has indicated the court is Lakely to be adjourned for some perion of true and the Court with pending adjournment, determine whether to grant an interloadingy injunction. A hearing had been previously set for interloadingy proceedings and Affidavits prepared for the hearing of interloadingy interloadings by the Applicant and Respondent. The outcold of the interloadings and he considered that the judge hearing the final proceedings would be in a better position to determine whether interlocutory relief should be granted on the adjournment of the first week of hearing of those proceedings.
- 2. The case will involve Affidavit and report evidence by a number of experts who will also be required for cross-examination. At this stope known experts fees are approximately: Dr Olsen (\$2,500.00), Mr A.M. Gilmore (\$3,000.00), Dr J. McGarity (\$2,000.00), Mr P. Jamieron (\$2,000.00), Dr K. Bishop (\$3,200.00), Hs M. Mather (\$1,000.00); in addition there will be airtares for interstate and intrastate organt vitnesses should these be : quired for cross-examination (ap ve enticipate) and these include: Professor 5. Bowdler from Period OF

The Fees for Rof Recher, br Adam, Rot Baveller, Mr Liddell' are still to befinalised: They have yet to submit accounts + have agreed to defer payment until completia of the case. - - - <del>-</del> -

-2-

Mr AM Gilmore and

NÉ.

Olsen from Brisbane, Professor H. Recher and Dr J. McGarity from Armidale, Dr J. Osborne from Canberra, Ar N. Liddell from Vesnore (approximately \$3,000.00); there is further expenditure relating to experts to provide transport to and from the Porest and accomposation for Sydney and at and near the Forest on inspection by experts which we estimate at \$2,000.00. He believe these figures to be conservative estimates and in particular it may well be that consultants from the is not unusual are greater than anticipated.

3. A sublet finds to Hr Corkill, we are instructed, remains as pur to value of our provious letter annely that there is approximately 20,000 00 is hard to value of and Hr Corkill anticipates he was be able to obtain / further sum 5 to between 210 15,000.00 from grants and contributions.

When 65-60,000 may Accordingly, we now request on behalf of Hr Forkill grant of aid on a fee basif for legal costs and disbursements excluding costs of and incidental to expert and consultant evidence for which Hr Corkill seeks a lump sum contribution grant of, say, 60,000.00 on the basis that he would bear the first, say, \$12,000.00 of costs and disbursements associated with expert and consultant evidence; and which would comprise his monetary contribution to the case.

Should you require any further information, please contact us.

\$10

Yours faithfully

Rainforest Information Centre. P.O. BOX 368 LISMORE N.S.W. 2480 AUSTRALIA 4 OCT 1950 Dear Bruce Enclosed please fin cheque for \$2,000 which is a no interest learn to be used on the M. Washpor campaign as sein appropriate We would appreciate Thanks Sincerely Bolt heard



OUR REF BSW 2489/0

YOUR REF

DATE

4 October 1990

Mr B. Keane Rainforest Information Centre P.O. Box 368 LISMORE NSW 2480

Dear Bob

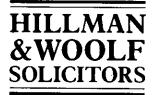
CORKILL v FORESTRY COMMISSION OF NSW (NORTH WASHPOOL) NO. 40208 of 1990 LAND & ENVIRONMENT COURT

We enclose receipt for \$2,000.00 in respect of the loan being made to John Corkill for the purpose of the above proceedings.

Yours sincerely

Bruce Stephen Woolf

Encl.



10 FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff Accredited Migration Consultant

# NOTES ON CORKILL US FENSIV FUNDS COMMITTED.

EXPENSES

FOR WHAT AMOUNT PAID TO WHOM DATE Advance on fees 27/9  $\checkmark$ Dr McGarity \$ 500 Advance à fees Mr Jamiesan 27/9  $\checkmark$ \$ 500 Aviation Centre Air Charter 1/10/90 \$ 1515 \$3, Dr Bishop Limonological Survey Sue Tucker Steve Ibbott WAVE HILL' Accommodiation \$ 500 + cannal meals Dr Olsen \$ 500 Advance on fees 3/10  $\checkmark$ 

Dear Friends,

# Re: Legal Action to defend the North Washpool Wilderness

The North Washpool wilderness is immediately north of the World Heritage Washpool National Park northwest of Grafton. It is part of the area which was ommitted from the 1982 Rainforest decision as a part of a deal to appease the timber industry. It was not sacrificed to the timber industry in an unqualified way despite claims by many that it was.

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes: firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation; secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donations totalling \$5,500. This is not nearly enough.

Dear Friends,

#### Re: Legal Action to defend the North Washpool Wilderness

The North Washpool wilderness is immediately north of the World Heritage Washpool National Park northwest of Grafton. It is part of the area which was ommitted from the 1982 Rainforest decision as a part of a deal to appease the timber industry. It was not sacrificed to the timber industry in an unqualified way despite claims by many that it was.

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes: firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation; secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donations totalling \$5,500. This is not nearly enough.

#### Lake George Escarpment

#### Submission from the Colo Committee

# Motion:

THAT the NCC urge the NSW Government to protect the Lake George escarpment by inclusion in a gazetted national park reserve.

#### Background

The escarpment is of major regional scenic amenity and provides valuable woodland habitat for a variety of native animals. Few such reserves occur in the area, yet this important feature is potentially compromised by plans to reroute the Federal Highway above the fault-scarp.

# Expansion of the South-East Region protected areas

## Submission from the Colo Committee

#### Motion:

THAT the NCC contact the NSW Government and the Opposition urging the significant expansion of the existing protected area system in the South-East of NSW. In addition to the Alpine Parks and South-East forests, mentioned elsewhere, priority should be given to;

- the poorly conserved South-East Slopes region, and in particular the establishment of Dora Dora National Park to the North-East of Albury;
- (2) the establishment of Murriangah Nature Reserve, North-East of Bombala;
- (3) the establishment of Murrumbidgee Gorge Nature Reserve, east of Bredbo;
- (4) the establishment of Swan Lake National Park, north of Ulladulla;
- (5) the establishement of Biou Lake Nature Reserve, north of Narooma;
- (6) extending Murramurrang National Park, north of Batemans Bay;
- (7) extending Deua National Park, south-east of Braidwood;

DUT (CA BSV 2439/0

्व एम्म

DATE 27 September 1990

20: Mr JOHN CORKILL

Dip S de Fr des Aff Accredited Migration Consultant

LLB. Dip B Admin

DX 1558 SYDNAY BRUCE WOOLF BALLEDIP UK2 BRIAN HILLMAN

FAX NO. :247 5945

RETEN

W WZ

10 FJ, 82 ELIZAPETEL STR. 1.1 SVDNEY NSW 2020 TELEPHONE (22) 271 6:27 FACSIMILE (27) 272 1:00

FROM: Bruce Woolf

RE: CORKILL V FORESTRY COMMISSION OF NEW (NORTHERN WASHPOOL) NO. 40208 of 1990

FNCL.:

No. of pages including this page: 23

IF THE ABOVE NO. OF PAGES IS NOT RECEIVED PLEASE FFLERENCE (02) 221 8522

# FURTHER MESSAGE IF ANY

I enclose draft letter to the Legal Aid Commission.

Please advise me of your instructions concerning the letter to the Legal Aid Commission.

Yours sincerely

Bruce Stephen Woolf

BSH 2489/0

r

ST9000011 WLC:CH(6)

DRAFT

26 September 1990

Legal Aid Commission of NSW DX 5 SYDNEY

Dear Sir

3

CORRILL & FORESTRY COMMISSION OF NEW NORTHERN HASHPOOL OLD GROWTH FOREST No. 40208 of 1990 LAND AND ENVIRONMENT COURT

We refer to previous correspondence.

se provide the following further information in support of the application for it gal aid:-

ter et al tradición de la companya d

\* n

- Our Counsel's estimate of the likely hearing time for the case is a period of some three weeks. The case will commence on 22 October, 1999 when one week has been allowed for the case. At the exploration of that period, it we anticipated the case will be adjourned to resume at a later true for the remainder of the bearing of the case.
- Affidavits in support of the Applicant's case have been or are being obtained from the following experts:
  - Dr K. Bishop
  - Nr P. Jamieson
  - Dr T. Norton
  - Mr D. Lunae
  - Hr E. Linacre
  - Mr A. Gilmore
  - Dr H. Olsen
  - NI DA VADQU
  - Dr J. McGarity
  - Dr H. Recher
    - Dr P. Adam
  - Dr M. For
  - Fortoch
    - Erofegaor S. Rowfler

States of Counsel helperperiod a document styled "Applicant's States" the hopertly form the function of advice on evidence. We can a state of the helpertly for the fact field it will be helpful. 4. As previously advised Mr Corkill has been seeking contributions for a firm conduct of the proceedings including payment of experts. Mr Corkill inforus that he now has in hand some \$5,000.00 (including \$2,000.00 in our fir account) and that he anticipates he will be able to obtain further contributions of between \$5-10,000.00 towards the conduct of the proceed on a final basis.

We submit that the case readily gualifies in the first order in relation to " issues of environmental public interest and legal interest and thus ought to fully funded from the Commission subject to the above contribution as able of a obtained by Hr Corkill.

v

Yours faithfully

-2-

114

Wave Hill Station Homestead Reith to phase ahead + advise arrival Fine TARIFF \$75 per night double \$ 180 ic dime sprekky \$ 50 per penson per night Bishop + wife 2 nights @\$7500 Dble \$150-00 McGarity I night @ \$50-00 Sat Jamiesan " " Sat 50-00 50.00 75.00 Pugh + friend Sat night @ 75.000 50.00 Casual Meals (Knaules/Stacker Sat) 375.00

Dear ACF FCG Helpers of NHh Washpool, Attached 20 copies (of my mailant letter + supporting information) + the originals + a start on a mailing list from my address back. Dloaso, Mease, a) Write in the name + address of addressees in space under my letterhead. b) fill in the gaps (i.e. addresses) in my list c) copy, fill in + send more letters to people who you know may be able to denate d) plut in envelopes + address ( Con you do the possage? NCC may agree it not) e) post by today!

N.B. This letter has been amended since Wednesday so don't reproduce my earlier draft please that's why I dane new arginals. I want Mese arginals back too please! Thank you very much

P.S. Stacks of recyclable envelopes here in bos an shelf near windos in main computer office They need cross out + paste overs for new address

SYDNEY HARBOUR

Submitted by Wild Life Preservation Society of Australia.

We propose that the NCC adopt the following policy:

- 1. "No more sales of publicly owned foreshore land into private hands, either as freehold or long term lease.
- 2. Every opportunity must be taken to repurchase foreshore land as it becomes available. In the case of major new developments open space must be provided on the foreshores.
- 3. All Councils are to prepare maps of foreshore public open space and make them available to ratepayers. Access paths and public space signs to make the public aware of their rights to be erected. All owners of illegal encroachments to be given one year to remove them. If they are not removed this is to be done by government and the owners charged the costs of the removal.
- 4. Where large open spaces are difficult of access the feasibility of joining them by boardwalks is to be examined.
- 5. A Sydney Harbour Conservation Authority is to be set up, responsible for the ecological and aesthetic aspects of harbour conservation.

Background

- 1. "More than 360 parcels of the waterfront reclaimed land have been earmarked for sale "starting with 46 in the eastern suburbs. Preliminary negotiations over 23 parcels in the Manly municipality and 14 in the Concord municipality have begun with the Councils ... the Eastern Suburbs sell-off may net the State Government at least \$6 million". (Sydney Morning, Herald, 20 June 1990).
  - 2. "'The Save Neptune Engineering lobby group believes virgin harbourside bushland at ''the controversial Lavender Bay site - earmarked for luxury homes - could be saved from development'", (The Mosman, Daily, 5 July 1990).
  - 3. "The last of the private encroachments on public foreshore land at Beauty Point on Middle Harbour was removed this week by Mosman Council" (Northern Herald, 12 July 1990).

4. "The Commissioners of Inquiry agreed with an earlier report by the State Ombudsman that too many authorities had responsibility for the Harbour. With three ministers, six public authorities, 14 councils, 16 Acts of Parliament, and more than 14 local environment plans, that statement cannot be disputed" (Sydney Morning Herald, 18 February 1984).

/Mike Jacobs, GONDWANALAND PROJECT, 19 Muttama Road, Artarmon. 2064. Greenpeace (Australia) Ltd. (ph 555 7044 37 Nicholson St Balman 2091 Graham and Denise ✓Fundamental Foods, 140 Keen Street, Lismore 2480 Stefan and Margaret Bruggisser P.O. Box Coramba via Coffs Harbour, Helen Caldicott, 7 Old Bangalow Road, Byron Bay. 2481. Peter Hardwick, Wilderness Foods, The Epi-Centre, P.O. Box 201, Byron Bay: 2481. Bob Keane, 'Bombarra', Wallace Road, P.O. The Channon. 2480 Dr Ailo Keto,

- Rainforest Preservation Society of Australia? or Qld?

Vincent Serventy,
/ Wildlife Preservation Society,
8 Reiby Road, Hunters Hill. 2110.

Peter Maslen, The Colong Foundation for Wilderness Ltd., oundation. 18 Argyle Street, The Rocks. 2000 The Australian Conservation Foundation, request for Tax deductibity 340 Gore Street, Fitsroy. 3065. Bruce Diekman ACF Forest Campaign Group, 3rd Floor, 18 Argyle Street, The Rocks. 2000 The Rainforest Foundation (Australia), 38 Riverview Road, Avalon, 2177 The Colo Committee, Hayden Washingta c/- 267 Eastern Valley Way, Middle Cove, 2068 The North Coast Environment Council Inc., Havard Whelan Secretary, Mr Jim Tedder, PO. 321 Temy Hitts Pavan's Road, Grassy Head via Stuart's Point. 2441. 321 Mona Vale /Australian Geographic-Society-Terrey Hile 929 8544 F80 2344 Corporate Relations Officer MacDonald's Systems P/L of Aust. Ltd Thornleigh 21 Central Are 2120 Turn Back the Tide Inc, /P.O. Box 387, Glebe. 2037 Attention: Neil Clugston. 1 Hal Wotton QC -> 1 1-Han St North Ashfield, 2131 Murray Wilcox QC \$16 Boyce St Glebe 2037 Richard Morecroft Work 950 4702 h 950 4712 fax suggest fix the him ∠∕Don Henry, World Wildlife Fund, 31 Market Clarence 22 York? streets?? Michael Kennedy 918 4982 h 261 5572 w Kevin Condon, Managing Director, Environmental Marketing Services EMS Level 4, 62 Clarence Street, Sydney. 2000 O cáthy Antram, Chris Eltermann (ph 4 502122) V Fund for Animals, 313 Mora Vale Rd. Terry Hills. Jack Thompson, Actors for the Environment, see Sonia Mellor,

JOHN CORKILL DIPLOMA IN TEACHING

NVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

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

28.9.1990

... 2/.

Dear Friends,

. \_ \_ . ....

-----

Re: Legal Action to defend the North Washpool Wilderness

The North Washpool wilderness is immediately north of the World Heritage Washpool National Park northwest of Grafton. It is part of the area which was ommitted from the 1982 Rainforest decision as a part of a deal to appease the timber industry. It was not sacrificed to the timber industry in an unqualified way despite claims by many that it was.

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes: firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation; secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donations totalling \$5,500. This is a not nearly enough.

What is required for the case is field research by a team of experts who have been agreed to give evidence to the Court about the natural values of the North Washpool wilderness and about the lack of credible investigation of the environment in the 1980 EIS.

My plea to you is for any contribution you can make to assist me in defending this priceless rainforest wilderness. I am seeking urgent grants of cash or cheques made payable to my solicitors 'Hillman and Woolf' 10th Floor, 82 Elizabeth Street, Sydney. 2000. marked clearly for John Corkill's North Washpool legal action.

If you are seeking tax deductibility for your contribution, this is available by writing a cheque to the Australian Conservation Foundation (ACF) and attaching to the cheque a statement which reads:

"I prefer this donation to be used for the purposes of The Big Scrub Environment Centre, Forests Campaign." It is essential that this wording is used.

A request that the ACF forward the money urgently would also be appreciated since it may take up to 6 weeks to be received at The Big Scrub EC. BSEC will the forward it to me. Please write or phone me at the above address at advise me of your donation so that I may budget to include your contribution.

Your donations will not be absorbed by my legal team, since my solicitor and my Barrister, Mr Tim Robertson, have very generously agreed to work on the case for the cost of their disbursements only (phone, fax and sundry costs), and will await the grant from LAC or the outcome of the case for settlement of their professional fees. They are confident that we can win the case.

An summary of the case to date, and a background paper on the North Washpool issue are appended.

Please give this request your urgent and serious attention. I know that there have been many requests for money for forest legal cases in the past, I hope this one is recognised as being just as worthy and elicits the same generosity.

When, not if, I am successful in knocking out this shonky EIS and forcing a new rigorous assessment to be undertaken, the FCNSW will be required to pay my costs. I undertake to reimburse to you any grants made to support the case, or to reallocate your funding as you direct.

Thank you for your consideration of this crucial matter.

Yours sincerely, For the Land...

J.R.Corkul. John Corkill Sydney NEFA Co-ordinator

Encl. 1×ds.sheet

order of \$10,000 for the LAC to consider making a grant.

- (3) the Walls of China/Fiery Range/Munyang extensions to Kosciusko National Park (NSW)
- nominate the expanded Tri-State Alpine National Park system (the Federal Government, with the support of the NSW and ACT Governments) for entry on the World Heritage List.

#### NPWS services in Kosciusko National Park

Submission from the Colo Committee

Motion:

THAT the NCC urge the NSW National Parks and Wildlife Service to contract out the provision of services such as sewerage, parking and even interpretation to park users or leaseholders. The service should have a planning and monitoring role, rather than day-to-day management of such services.

### Rehabilitation of Kosciusko National Park

Submission from the Colo Committee

Terri A. 20. Store

Motion:

THAT the NCC urge the NSW National Parks and Wildlife Service to;

- make greater efforts to control exotic plants and feral animals in Kosciusko National Park;
- (2) rehabilitate areas damaged by them, by soil erosion, by roads, by grazing and by other developments;
- (3) consider the introduction of a permit system in areas where human use is causing environmental damage, such as the summit area or Blue Water Holes.

M. C. Ward

- <u>- -</u> -

Summary of North Washpool case and legal action to date...

Following Cabinet's rejection on 4.9.'90, of protection of the North Washpool Wilderness under the Wilderness Act 1987, I instructed my solicitor to commence legal proceedings against the Forestry Commission (FCNSW) to prevent roading, logging or burning in the North Washpool until and unless the FCNSW had complied with Part V of the Environmental Planning anmd Assessment Act 1979, by preparing and considering an Environmental Impact Statement (EIS).

,

In 1980 FCNSW prepared an EIS for the whole of the Washpool area including the area now the National Park. This EIS was substantially criticized by the NPWS and the then Department of Environment and Planning (DEP) as being an inadequate document to fulfill the requirements for an EIS.

FCNSW now argues that the 1980 EIS is valid and permits it to log the North Washpool area. We reject this since no site specific survey was done in the area now proposed to be logged. Further, the nature of the logging and roading has changed and so have the social and economic impacts. This is what the case is about.

With the assistance of Tim Robertson, Barrister, and Bruce Woolf, Solicitor we have obtained sworn affidavits from a range of experts who have testified to the natural values of North Washpool and the inadequacy of the 1980 EIS.

People who are assisting us, so far, are: Sandy Gilmore, Wildlife Ecologist; Will Osborne, Wildlife Ecologist; Dr Marilyn Fox, Botanist; Dr Paul Adam, Botanist; Professor Sandra Bowdler, Archaeologist; Mr Neil Liddell, Heritage Officer, FNC Regional Land Council; Dr Harry Recher, Forest Ecologist; and Dr John McGarity, Soil Scientist.

We hope to employ, other experts to investigate impacts on water quality, hydrology, aquatic biology, and invertebrate fauna (insects etc). A forest economist is also required to critically evaluate resource availablity and jobs arguments.

Subpoenas have been issued to the Dept of Planning, FCNSW and NPWS to obtain all relevant documents on North Washpool. We have also subpoenaed Mr Peter Hitchcock, Deputy Director NPWS, and Mr John Hunter, NPWS Rainforest Expert.

On Monday 10th September, I made an application for an interlocutory injunction to restrain works while the validity of the EIS was argued before the Court. That hearing was adjourned until 21st September in order to allow FCNSW time to oppose our application. In the meantime, FCNSW has given an undertaking that no works will take place in the forest.

On 21st September, Chief Justice Cripps admitted that there was a serious case to be tried and set the case down for trial commencing on October 22nd 1990.

Under pressure FCNSW agreed not to commence works before the case was heard by the Court. We have only 5 days available then, due to another case 'dropping out', and if the matter is still not concluded, we can pursue an injunction to prevent works commencing until the hearing can be concluded sometime in 1991.

With only 4 weeks to the full trial, we were given 14 days to complete the lodging of our evidence. This makes the task difficult, since we were hoping to have until Feburary 1991, and so we must now work with greater urgency to finalise our experts' sworn evidence and consolidate our arguments.

# HISTORY OF WASHPOOL ISSUE

An Environmental Impact Statement (EIS) for the whole of the Washpool area covering approximately 42 000 ha was produced by the Forestry Commission (FCNSW) in 1980.

This EIS was very severely criticised by the NPWS in 1981, by Department of Environment and Planning in 1982 and again in 1983 by Dr Fox, from the National Herbarium, in a review prepared for the DEP. All concluded the EIS was inadequate and did not meet requirements of Part V of the EPA Act.

As part of the Wran Government's 1982 "Rainforest Decision" nearly 28 000 ha was protected as Washpool National Park whilst a further 7000 ha was made available to the timber industry in Washpool and Billilimbra State Forests. This area, arbitarily ommitted, is known as North Washpool.

In 1985, Washpool National Park was declared a wilderness area under the NPW Act 1974 and was nominated for World Heritage Listing. It was accepted and included in the World Heritage Listing of NSW rainforests in 1986 partly because of the importance of the Willowie Scrub, the largest coachwood forest in the world. At least 16 percent of the Willowie Scrub is in North Washpool, outside the Park.

The North Washpool area was nominated by the Wilderness Society under the Wilderness Act in 1988 to seek the secure protection of the whole of the Scrub and to maintain the wilderness values of the greater Washpool ecosystem.

When the Forestry Commission of NSW (FCNSW) was informed North Washpool's the wilderness nomination, it informed The Wilderness Society it was due to proceed immediately with roading operations into the nominated area.

Interim protection was requested in January 1989, and again in March 1990, but was twice refused by Minister Tim Moore.

Roading commenced into Desert Creek catchment (Washpool SF) and The Wilderness Society and NEFA, along with other north coast conservation groups, blockaded the roading operations in August 1989.

Roadwork was called to a halt and the blockade was lifted when FCNSW agreed to undertake an archaeological survey on the Aboriginal sites in the area. A brief anthropological survey-was completed of part of the area proposed for logging.

An 1100 ha Aboriginal Place is proposed to be created in Washpool SF, yet no formal declaration or gazettal has occurred. Other areas of Aboriginal significance haven't been identified by FCNSW and will be threatened by proposed works.

Work was due to recommence in August 1990 but after representation to the new Minister for Forests, Gary West, and the Minister for the Environment, Tim Moore, it was determined that work would not proceed until the Wilderness Assessment by the NPWS had been considered by Cabinet.

Further contacts: Haydn Washington (TWS) 969 9090, Elise Newbury (TWS) 267 7929 or John Corkill (NEFA) 247 4206.

OUR REF BSW 2489/0

YOUR REF

DATE 24th September 1990

Mr J. Corkill FAX: 247 5945



10 FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff Accredited Migration Consultant

Dear John,

CORKILL V FORESTRY COMMISSION OF NSW NORTHERN WASHPOOL

I enclose copy letter dated 20th September 1990 which I have received from the Legal Aid Commission of NSW and also copy letter dated 18th September 1990 which I forwarded to the Legal Aid Commission.

I confirm that it appears to me the Commission may require substantial contribution if it is to grant funding for the hearing of this matter. Please let me have your reply in this regard and any other matters you wish me to put to the Commission by Thursday 27th September 1990 as required by the Commission.

Yours sincerely,

Bruce Stephen Woolf

WC1:002

legal aid and the scandalous derilection of duty on the behalf of the NSW government in not enforcing NSW laws, such a course won't advance the case.

What will advance the case is field research by a team of experts who have been agreed to give evidence to the Court about the natural values of the North Washpool wilderness and about the lack of credible investigation of the environment in the 1980 EIS. This is why money is urgently required.

My plea to you is for any contribution you can make to assist me in defending this priceless rainforest wilderness. I am seeking urgent grants of cash or cheques made payable to my solicitors 'Hillman and Woolf' 10th Floor, 82 Elizabeth Street, Sydney. 2000. marked clearly for John Corkill's North Washpool legal action.

If you are seeking tax deductibility for your contribution, this is available by writing a cheque to the Australian Conservation Foundation (ACF) and attaching to the cheque a statement which reads:

"I prefer this donation to be used for the purposes of The Big Scrub Environment Centre, Forests Campaign." It is essential that this wording is used.

A request that the ACF forward the money urgently would also be appreciated since it may take up to 6 weeks to be received at The Big Scrub EC. BSEC will the forward it to me. Please write or phone me at the above address at advise me of your donation so that I may budget to include your contribution.

Your donations will not be absorbed by my legal team, since my solicitor and my Barrister, Mr Tim Robertson, have very generously agreed to work on the case for the cost of their disbursements only (phone, fax and sundry costs), and will await the grant from LAC or the outcome of the case for settlement of their professional fees. They are confident that we can win the case.

An summary of the case to date, and a background paper on the

Please give this request your urgent and serious attention. I know that there have been many requests for money for forest legal cases in the past, I hope this one is recognised as being just as worthy and elicits the same generousity.

When, not if, I am successful in knocking out this shonky EIS and forcing a new rigorous assessment to be undertaken, the FCNSW will be required to pay my costs. I undertake to reimburse to you any grants made to support the case, or to reallocate your funding as you direct.

Thank you for your consideration of this crucial matter.

Yours sincerely, For the Land...

John Corkill Sydney NEFA Co-ordinator

North Washpool issue are appended.

Summary of North Washpool case and legal action to date ...

Following Cabinet's rejection on 4.9.'90, of protection of the North Washpool Wilderness under the Wilderness Act 1987, I instructed my solicitor to commence legal proceedings against the Forestry Commission (FCNSW) to prevent roading, logging or burning in the North Washpool until and unless the FCNSW had complied with Part V of the <u>Environmental Planning</u> anmd Assessment Act 1979, by preparing and considering an Environmental Impact Statement (EIS).

1

In 1980 FCNSW prepared an EIS for the whole of the Washpool area including the area now the National Park. This EIS was substantially criticized by the NPWS and the then Department of Environment and Planning (DEP) as being an inadequate document to fulfill the requirements for an EIS.

FCNSW now argues that the 1980 EIS is valid and permits it to log the North Washpool area. We reject this since no site specific survey was done in the area now proposed to be logged. Further, the nature of the logging and roading has changed and so have the social and economic impacts. This is what the case is about.

With the assistance of Tim Robertson, Barrister, and Bruce Woolf, Solicitor we have obtained sworn affidavits from a range of experts who have testified to the natural values of North Washpool and the inadequacy of the 1980 EIS.

People who are assisting us, so far, are: Sandy Gilmore, Wildlife Ecologist; Will Osborne, Wildlife Ecologist; Dr Marilyn Fox, Botanist; Dr Paul Adam, Botanist; Professor Sandra Bowdler, Archaeologist; Mr Neil Liddell, Heritage Officer, FNC Regional Land Council; Dr Harry Recher, Forest Ecologist; and Dr John McGari;y, Soil Scientist.

We hope to employ other experts to investigate impacts on water quality, hydrology, acuatic biology, and invertebrate fauna (insects etc). A for $\epsilon$ st economist is also required to critically evaluate resource availablity and jobs arguments.

Subpoenas have been issued to the Dept of Planning, FCNSW and NPWS to obtain all relevant locuments on North Washpool. We have also subpoenaed Mr Peter Hitchcock, Deputy Director NPWS, and Mr John Hunter, NFWS Rainforest Expert.

On Monday 10th September, I made an application for an interlocutory injunction to restrain works while the validity of the EIS was argued before the Court. That hearing was adjourned until 21st September in order to allow FCNSW time to oppose our application. In the meantime, FCNSW has given an undertaking that no works will take place in the forest.

On 21st September, Chief Justice Cripps admitted that there was a serious case to be tried and set the case down for trial commencing on October 22nd 1990.

Under pressure FCNSW agreei not to commence works before the case was heard by the Court We have only 5 days available then, due to another case 'dropping out', and if the matter is still not concluded, we can pursue an injunction to prevent works commencing un:il the hearing can be concluded sometime in 1991.

With only 4 weeks to the full trial, we were given 14 days to complete the lodging of our evidence. This makes the task difficult, since we were hoping to have until Feburary 1991, and so we must now work with greater urgency to finalise our experts' sworn evidence and consolidate our arguments. OUR REFBSW 2489/0

YOUR REF

DATE11th September 1990

Mr J. Corkill The Nature Conservation Council 39 George Street SYDNEY NSW 2000

Dear John

# CORKILL V THE FORESTRY COMMISSION OF N.S.W - NOR THERN WASHPOOL FOREST

I enclose copy letter dated 11th September which I have forwarded to the Legal Aid Commission and note that you have seen all previous correspondence with the Commission.

Please let me know as soon as possible whether you have been able to secure further funding and if so forward such funding to be held in our trust account. Please give this aspect your urgent attention.

Yours sincerely,

Bruce Stephen Woolf



10 Fl, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des' Aff Accredited Migration Consultant



10 Fl, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff Accredited Migration Consultant

#### OUR REF BSW 2489/0

#### YOUR REFSY90R 2217WLC:FH(6)

#### DATE11th September 1990

The Legal Aid Commission of N.S.W DX 5 SYDNEY

Dear Sir

#### CORKILL V THE FORESTRY COMMISSION OF N.S.W - NOR THERN WASHPOOL OLD GROWTH FOREST

We refer to previous correspondence.

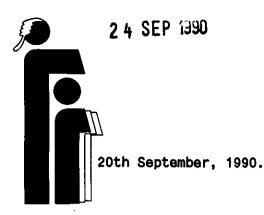
We also refer to our telephone conversations with your Mr Charge on 7th September 1990 and your Mr Murphy on 10th September 1990.

We have requested Mr Corkill to again pursue the question of contribution from environment groups as discussed with Mr Murphy.

We advise that on 10th September 1990 his Honour Judge Hemmings stood the matter over for hearing on the 21st September 1990 with the applicant to file further Affidavits(at least in draft form) by 14th September 1990 and the respondent Commission to file its Affidavits by 19th September 1990.

Yours faithfully,

### LEGAL AID COMMISSION OF NSW



Messrs. Hillman & Woolf, Solicitors, <u>D.X. 1558 SYDNEY</u>

Dear Sirs,

RE: CORKILL & FORESTRY COMMISSION OF NSW NORTHERN WASHPOOL OLD GROWTH FOREST

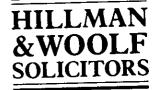
I acknowledge receipt of your letter dated 11th September, 1990, note the enquiries which your client is undertaking in relation to the contributions that might be available from other environmental groups and also note the hearing date which has been fixed.

I refer you to my letter, also of 11th September, 1990 which invited you to submit any material which you wished to place before the next meeting of the Commission's Environmental Consultative Committee by Thursday, 27th September, 1990.

Yours faithfully,

W.L. CHARGE <u>for Director</u>.

Incorporating The Australian Legal Aid Office (NSW Branch) DAKING HOUSE, 11-23 RAWSON PLACE, SYDNEY, NSW 2000. PO BOX 47, RAILWAY SQUARE 2000. FAX: (02)219 5935. DX 5 SYDNEY. TEL: (02)219 5000. OUR REF: SY90R2217 WLC:GM(6) YOUR REF: BSW 2489/0 TEL: 2195 891



10 FI, 82 ELIZABETH STREET SYDNEY NSW 2000 TELEPHONE (02) 221 8522 FACSIMILE (02) 223 3530 DX 1558 SYDNEY

BRUCE WOOLF BA LLB Dip URP

BRIAN HILLMAN LLB. Dip B Admin. Dip S de Fr des Aff Accredited Migration Consultant

2489/0

URGENT

SY90R2217 WLC:GM(6)

DATE

19 September 1990

Legal Aid Commission of NSW DX 5 SYDNEY

#### FACSIMILE: 219 5935

#### Dear Sir

CORKILL & FORESTRY COMMISSION OF NSW NORTHERN WASHPOOL OLD GROWTH FOREST No. 40208 of 1990 LAND AND ENVIRONMENT COURT

. We refer to your letter of 11 September, 1990.

As we have previously advised interlocutory application in this matter is set down for hearing on 21 September, 1990 and Mr Corkill would appreciate grant of legal aid in relation to interlocutory application prior to the hearing of the application. While Mr Corkill has proceeded on the basis that grant of aid if and when made will date back to date of original application it is of considerable concern that you have taken the view that the matter can wait until the consultative committee meeting of 11 October, 1990. The Court has accepted the urgency of the application, the Forestry Commission seeks an early resolution of the interlocutory application and it appears at least to us that the significance of the issues both in regard to public interest and legal interests is beyond question.

We accordingly request your urgent reconsideration of the matters set out in your letter of 11 September, 1990 with a view to an immediate grant of aid in relation to application for interlocutory proceedings.

We can also advise that Mr Corkill has procured a further grant of \$2,000.00 toward legal fees in relation to the interlocutory application and that we no hold those funds in trust. We understand that there is an indication that a further \$1-2,000.00 might also be made available to Mr Corkill in relation to the interlocutory application.

Yours faithfully : J. Kelmerd

## ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

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

Dear Friends,

WILLIAM

#### Re: Legal Action to defend the North Washpool Wilderness

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes: firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation; secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donation of \$500 from the Canopy Committee of the TEC and another \$2,000 donation from a generous individual. This is not nearly enough. My solicitor estimates that the case will cost in the order of \$70,000 (!) and I need to offer a contribution of the order of \$10,000 for the LAC to consider making a grant.

An Environmental Impact Statement (EIS) for the whole of the Washpool area covering approximately 42 000 ha was produced by the Forestry Commission (FCNSW) in 1980.

This EIS was very severely criticised by the NPWS in 1981, by Department of Environment and Planning in 1982 and again in 1983 by Dr Fox, from the National Herbarium, in a review prepared for the DEP. All concluded the EIS was inadequate and did not meet requirements of Part V of the EPA Act.

As part of the Wran Government's 1982 "Rainforest Decision" nearly 28 000 ha was protected as Washpool National Park whilst a further 7000 ha was made available to the timber industry in Washpool and Billilimbra State Forests. This area, arbitarily ommitted, is known as North Washpool.

In 1985, Washpool National Park was declared a wilderness area under the NPW Act 1974 and was nominated for World Heritage Listing. It was accepted and included in the World Heritage Listing of NSW rainforests in 1986 partly because of the importance of the Willowie Scrub, the largest coachwood forest in the world. At least 16 percent of the Willowie Scrub is in North Washpool, outside the Park.

The North Washpool area was nominated by the Wilderness Society under the Wilderness Act in 1988 to seek the secure protection of the whole of the Scrub and to maintain the wilderness values of the greater Washpool ecosystem.

When the Forestry Commission of NSW (FCNSW) was informed North Washpool's the wilderness nomination, it informed The Wilderness Society it was due to proceed immediately with roading operations into the nominated area.

Interim protection was requested in January 1989, and again in March 1990, but was twice refused by Minister Tim Moore.

Roading commenced into Desert Creek catchment (Washpool SF) and The Wilderness Society and NEFA, along with other north coast conservation groups, blockaded the roading operations in August 1989.

Roadwork was called to a halt and the blockade was lifted when FCNSW agreed to undertake an archaeological survey on the Aboriginal sites in the area. A brief anthropological survey-was completed of part of the area proposed for logging.

An 1100 ha Aboriginal Place is proposed to be created in Washpool SF, yet no formal declaration or gazettal has occurred. Other areas of Aboriginal significance haven't been identified by FCNSW and will be threatened by proposed works.

Work was due to recommence in August 1990 but after representation to the new Minister for Forests, Gary West, and the Minister for the Environment, Tim Moore, it was determined that work would not proceed until the Wilderness Assessment by the NPWS had been considered by Cabinet.

Further contacts: Haydn Washington (TWS) 969 9090, Elise Newbury (TWS) 267 7929 or John Corkill (NEFA) 247 4206.

An Environmental Impact Statement (EIS) for the whole of the Washpool area covering approximately 42 000 ha was produced by the Forestry Commission (FCNSW) in 1980.

۰. ۱

This EIS was very severely criticised by the NPWS in 1981, by Department of Environment and Planning in 1982 and again in 1983 by Dr Fox, from the National Herbarium, in a review prepared for the DEP. All concluded the EIS was inadequate and did not meet requirements of Part V of the EPA Act.

As part of the Wran Government's 1982 "Rainforest Decision" nearly 28 000 ha was protected as Washpool National Park whilst a further 7000 ha was made available to the timber industry in Washpool and Billilimbra State Forests. This area, arbitarily ommitted, is known as North Washpool.

In 1985, Washpool National Park was declared a wilderness area under the NPW Act 1974 and was nominated for World Heritage Listing. It was accepted and included in the World Heritage Listing of NSW rainforests in 1986 partly because of the importance of the Willowie Scrub, the largest coachwood forest in the world. At least 16 percent of the Willowie Scrub is in North Washpool, outside the Park.

The North Washpool area was nominated by the Wilderness Society under the Wilderness Act in 1988 to seek the secure protection of the whole of the Scrub and to maintain the wilderness values of the greater Washpool ecosystem.

When the Forestry Commission of NSW (FCNSW) was informed North Washpool's the wilderness nomination, it informed The Wilderness Society it was due to proceed immediately with roading operations into the nominated area.

Interim protection was requested in January 1989, and again in March 1990, but was twice refused by Minister Tim Moore.

Roading commenced into Desert Creek catchment (Washpool SF) and The Wilderness Society and NEFA, along with other north coast conservation groups, blockaded the roading operations in August 1989.

Roadwork was called to a halt and the blockade was lifted when FCNSW agreed to undertake an archaeological survey on the Aboriginal sites in the area. A brief anthropological survey was completed of part of the area proposed for logging.

An 1100 ha Aboriginal Place is proposed to be created in Washpool SF, yet no formal declaration or gazettal has occurred. Other areas of Aboriginal significance haven't been identified by FCNSW and will be threatened by proposed works.

Work was due to recommence in August 1990 but after representation to the new Minister for Forests, Gary West, and the Minister for the Environment, Tim Moore, it was determined that work would not proceed until the Wilderness Assessment by the NPWS had been considered by Cabinet.

Further contacts: Haydn Washington (TWS) 969 9090, Elise Newbury (TWS) 267 7929 or John Corkill (NEFA) 247 4206.

legal aid and the scandalous derilection of duty on the behalf of the NSW government in not enforcing NSW laws, such a course won't advance the case.

What will advance the case is field research by a team of experts who have been agreed to give evidence to the Court about the natural values of the North Washpool wilderness and about the lack of credible investigation of the environment in the 1980 EIS. This is why money is urgently required.

My plea to you is for any contribution you can make to assist me in defending this priceless rainforest wilderness. I am seeking urgent grants of cash or cheques made payable to my solicitors 'Hillman and Woolf' 10th Floor, 82 Elizabeth Street, Sydney. 2000. marked clearly for John Corkill's North Washpool legal action.

If you are seeking tax deductibility for your contribution, this is available by writing a cheque to the Australian Conservation Foundation (ACF) and attaching to the cheque a statement which reads:

"I prefer this donation to be used for the purposes of The Big Scrub Environment Centre, Forests Campaign." It is essential that this wording is used.

A request that the ACF forward the money urgently would also be appreciated since it may take up to 6 weeks to be received at The Big Scrub EC. BSEC will the forward it to me. Please write or phone me at the above address at advise me of your donation so that I may budget to include your contribution.

Your donations will not be absorbed by my legal team, since my solicitor and my Barrister, Mr Tim Robertson, have very generously agreed to work on the case for the cost of their disbursements only (phone, fax and sundry costs), and will await the grant from LAC or the outcome of the case for settlement of their professional fees. They are confident that we can win the case.

An summary of the case to date, and a background paper on the

North Washpool issue are appended.

Please give this request your urgent and serious attention. I know that there have been many requests for money for forest legal cases in the past, I hope this one is recognised as being just as worthy and elicits the same generousity.

When, not if, I am successful in knocking out this shonky EIS and forcing a new rigorous assessment to be undertaken, the FCNSW will be required to pay my costs. I undertake to reimburse to you any grants made to support the case, or to reallocate your funding as you direct.

Thank you for your consideration of this crucial matter.

Yours sincerely, For the Land...

John Corkill Sydney NEFA Co-ordinator

An Environmental Impact Statement (EIS) for the whole of the Washpool area covering approximately 42 000 ha was produced by the Forestry Commission (FCNSW) in 1980.

This EIS was very severely criticised by the NPWS in 1981, by Department of Environment and Planning in 1982 and again in 1983 by. Dr Fox, from the National Herbarium, in a review prepared for the DEP. All concluded the EIS was inadequate and did not meet requirements of Part V of the FPA Act.

As part of the Wran Government's 1982 "Rainforest Decision" nearly 28 000 ha was protected as Washpool National Park whilst a further 7000 ha was made available to the timber industry in Washpool and Billilimbra State Forests. This area, arbitarily ommitted, is known as North Washpool.

In 1985, Washpool National Park was declared a wilderness area under the NPW Act 1974 and was nominated for World Heritage Listing. It was accepted and included in the World Heritage Listing of NSW rainforests in 1986 partly because of the importance of the Willowie Scrub, the largest coachwood forest in the World. At least 16 percent of the Willowie Scrub is in North Washpool, outside the Park.

The North Washpool area was nominated by the Wilderness Society under the Wilderness Act in 1988 to seek the secure protection of the whole of the Scrub and to maintain the wilderness values of the greater Washpool ecosystem.

When the Forestry Commission of NSW (FCNSW) was informed North Washpool's the wilderness nomination, it informed The Wilderness Society it was due to proceed immediately with roading operations into the nominated area.

Interim protection was requested in January 1989, and again in March 1990, but was twice refused by Minister Tim Moore.

Roading commenced into Desert Creek catchment (Washpool SF) and The Wilderness Society and NEFA, along with other north coast conservation groups, blockaded the roading operations in August 1989.

Roadwork was called to a halt and the blockade was lifted when FCNSW agreed to undertake an archaeological survey on the Aboriginal sites in the area. A brief anthropological survey-was completed of part of the area proposed for logging.

An 1100 ha Aboriginal Place is proposed to be created in Washpool SF, yet no formal declaration or gazettal has occurred. Other areas of Aboriginal significance haven't been identified by FCNSW and will be threatened by proposed works.

Work was due to recommence in August 1990 but after representation to the new Minister for Forests, Gary West, and the Minister for the Environment, Tim Moore, it was determined that work would not proceed until the Wilderness Assessment by the NPWS had been considered by Cabinet.

Further contacts: Haydn Washington (TWS) 969 9090, Elise Newbury (TWS) 267 7929 or John Corkill (NEFA) 247 4206.

di,

An Environmental Impact Statement (EIS) for the whole of the Washpool area covering approximately 42 000 ha was produced by the Forestry Commission (FCNSW) in 1980.

This EIS was very severely criticised by the NPWS in 1981, by Department of Environment and Planning in 1982 and again in 1983 by Dr Fox, from the National Herbarium, in a review prepared for the DEP. All concluded the EIS was inadequate and did not meet requirements of Part V of the FPA Act.

As part of the Wran Government's 1982 "Rainforest Decision" nearly 28 000 ha was protected as Washpool National Park whilst a further 7000 ha was made available to the timber industry in Washpool and Billilimbra State Forests. This area, arbitarily ommitted, is known as North Washpool.

In 1985, Washpool National Park was declared a wilderness area under the NPW Act 1974 and was nominated for World Heritage Listing. It was accepted and included in the World Heritage Listing of NSW rainforests in 1986 partly because of the importance of the Willowie Scrub, the largest coachwood forest in the world. At least 16 percent of the Willowie Scrub is in North Washpool, outside the Park.

The North Washpool area was nominated by the Wilderness Society under the Wilderness Act in 1988 to seek the secure protection of the whole of the Scrub and to maintain the wilderness values of the greater Washpool ecosystem.

When the Forestry Commission of NSW (FCNSW) was informed North Washpool's the wilderness nomination, it informed The Wilderness Society it was due to proceed immediately with roading operations into the nominated area.

Interim protection was requested in January 1989, and again in March 1990, but was twice refused by Minister Tim Moore.

Roading commenced into Desert Creek catchment (Washpool SF) and The Wilderness Society and NEFA, along with other north coast conservation groups, blockaded the roading operations in August 1989.

Roadwork was called to a halt and the blockade was lifted when FCNSW agreed to undertake an archaeological survey on the Aboriginal sites in the area. A brief anthropological survey-was completed of part of the area proposed for logging.

An 1100 ha Aboriginal Place is proposed to be created in Washpool SF, yet no formal declaration or gazettal has occurred. Other areas of Aboriginal significance haven't been identified by FCNSW and will be threatened by proposed works.

Work was due to recommence in August 1990 but after representation to the new Minister for Forests, Gary West, and the Minister for the Environment, Tim Moore, it was determined that work would not proceed until the Wilderness Assessment by the NPWS had been considered by Cabinet.

Further contacts: Haydn Washington (TWS) 969 9090, Elise Newbury (TWS) 267 7929 or John Corkill (NEFA) 247 4206.

legal aid and the scandalous derilection of duty on the behalf of the NSW government in not enforcing NSW laws, such a course won't advance the case.

What will advance the case is field research by a team of experts who have been agreed to give evidence to the Court about the natural values of the North Washpool wilderness and about the lack of credible investigation of the environment in the 1980 EIS. This is why money is urgently required.

My plea to you is for any contribution you can make to assist me in defending this priceless rainforest wilderness. I am seeking urgent grants of cash or cheques made payable to my solicitors 'Hillman and Woolf' 10th Floor, 82 Elizabeth Street, Sydney. 2000. marked clearly for John Corkill's North Washpool legal action.

If you are seeking tax deductibility for your contribution, this is available by writing a cheque to the Australian Conservation Foundation (ACF) and attaching to the cheque a statement which reads:

"I prefer this donation to be used for the purposes of The Big Scrub Environment Centre, Forests Campaign." It is essential that this wording is used.

A request that the ACF forward the money urgently would also be appreciated since it may take up to 6 weeks to be received at The Big Scrub EC. BSEC will the forward it to me. Please write or phone me at the above address at advise me of your donation so that I may budget to include your contribution.

Your donations will not be absorbed by my legal team, since my solicitor and my Barrister, Mr Tim Robertson, have very generously agreed to work on the case for the cost of their disbursements only (phone, fax and sundry costs), and will await the grant from LAC or the outcome of the case for settlement of their professional fees. They are confident that we can win the case.

An summary of the case to date, and a background paper on the North Washpool issue are appended.

Please give this request your urgent and serious attention. I know that there have been many requests for money for forest legal cases in the past, I hope this one is recognised as being just as worthy and elicits the same generousity.

When, not if, I am successful in knocking out this shonky EIS and forcing a new rigorous assessment to be undertaken, the FCNSW will be required to pay my costs. I undertake to reimburse to you any grants made to support the case, or to reallocate your funding as you direct.

Thank you for your consideration of this crucial matter.

John Corkill (/ Sydney NEFA Co-ordinator P.S. May I suggest \$3,000 as a donation in an opening bid, please. F

26.9.90

## ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

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

Dr. Jonathon King, The Rainforest Foundation (Australia), 38 Riverview Rd., Avalon. 2177.

Dear Friends, Jonathon

William

Re: Legal Action to defend the North Washpool Wilderness

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes: firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation; secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donation of \$500 from the Canopy Committee of the TEC and another \$2,000 donation from a generous individual. This is not nearly enough. My solicitor estimates that the case will cost in the order of \$70,000 (!) and I need to offer a contribution of the order of \$10,000 for the LAC to consider making a grant.

26.9.90

## ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

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

Mr Bruce Diekman, ACF Forest Campaign Group, 18 Argyle Street, The Rocks. 2000

Dear Friends, Bruce

NUMBER

Re: Legal Action to defend the North Washpool Wilderness

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes: firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation; secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donation of \$500 from the Canopy Committee of the TEC and another \$2,000 donation from a generous individual. This is not nearly enough. My solicitor estimates that the case will cost in the order of \$70,000 (!) and I need to offer a contribution of the order of \$10,000 for the LAC to consider making a grant.

### ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

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

Dear Friends,

#### Re: Legal Action to defend the North Washpool Wilderness

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes:

firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation;

secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donation of \$500 from the Canopy Committee of the TEC and another \$2,000 donation from a generous individual. This is not nearly enough. My solicitor estimates that the case will cost in the order of \$70,000 (!) and I need to offer a contribution of the order of \$10,000 for the LAC to consider making a grant.

is still not concluded, we can pursue an injunction to prevent works commencing until the hearing can be concluded sometime in 1991.

With only 4 weeks to the full trial, we were given 14 days to complete the lodging of our evidence. This makes the task difficult, since we were hoping to have until Feburary 1991, and so we must now work with greater urgency to finalise our experts' sworn evidence and consolidate our arguments.

#### Summary of North Washpool case and legal action to date ...

Following Cabinet's rejection on 4.9.'90, of protection of the North Washpool Wilderness under the Wilderness Act 1987, I instructed my solicitor to commence legal proceedings against the Forestry Commission (FCNSW) to prevent roading, logging or burning in the North Washpool until and unless the FCNSW had complied with Part V of the <u>Environmental Planning</u> anmd Assessment Act 1979, by preparing and considering an Environmental Impact Statement (EIS).

In 1980 FCNSW prepared an EIS for the whole of the Washpool area including the area now the National Park. This EIS was substantially criticized by the NPWS and the then Department of Environment and Planning (DEP) as being an inadequate document to fulfill the requirements for an EIS.

FCNSW now argues that the 1980 EIS is valid and permits it to log the North Washpool area. We reject this since no site specific survey was done in the area now proposed to be logged. Further, the nature of the logging and roading has changed and so have the social and economic impacts. This is what the case is about.

With the assistance of Tim Robertson, Barrister, and Bruce Woolf, Solicitor we have obtained sworn affidavits from a range of experts who have testified to the natural values of North Washpool and the inadequacy of the 1980 EIS.

People who are assisting us, so far, are: Sandy Gilmore, Wildlife Ecologist; Will Osborne, Wildlife Ecologist; Dr Marilyn Fox, Botanist; Dr Paul Adam, Botanist; Professor Sandra Bowdler, Archaeologist; Mr Neil Liddell, Heritage Officer, FNC Regional Land Council; Dr Harry Recher, Forest Ecologist; and Dr John McGarity, Soil Scientist.

We hope to employ other experts to investigate impacts on water quality, hydrology, aquatic biology, and invertebrate fauna (insects etc). A forest economist is also required to critically evaluate resource availablity and jobs arguments.

Subpoenas have been issued to the Dept of Planning, FCNSW and NPWS to obtain all relevant documents on North Washpool. We have also subpoenaed Mr Peter Hitchcock, Deputy Director NPWS, and Mr John Hunter, NPWS Rainforest Expert.

On Monday 10th September, I made an application for an interlocutory injunction to restrain works while the validity of the EIS was argued before the Court. That hearing was adjourned until 21st September in order to allow FCNSW time to oppose our application. In the meantime, FCNSW has given an undertaking that no works will take place in the forest.

On 21st September, Chief Justice Cripps admitted that there was a serious case to be tried and set the case down for trial commencing on October 22nd 1990.

Under pressure FCNSW agreed not to commence works before the case was heard by the Court. We have only 5 days available then, due to another case 'dropping out', and if the matter

### ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

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

Dear Friends,

MMM

#### Re: Legal Action to defend the North Washpool Wilderness

The Forestry Commission of NSW intends to road and then log approx. 7,000 ha of this magnificent ancient wilderness - a mosaic of rainforest and wet sclerophyll forests of World Heritage standard.

Your help is needed to forestall and hopefully prevent this act of vandalism. I am challenging the validity of an Environmental Impact Statement (EIS) prepared in 1980, in the Land and Environment Court

This is my third case this year to protect 'old growth' forests and rainforests from the Forestry Commission (FCNSW). While I have been granted legal aid in the previous two cases (Mount Royal SF adjacent to Barrington NP and Chaelundi SF adjacent to Guy Fawkes NP), this time I have encountered some reluctance on the behalf of the Legal Aid Commission.

This reluctance seems to have two causes: firstly, the ex-Minister for Natural Resources, and local MP for Clarence, Mr Ian Causley, has publicly attacked the Legal Aid Commission (LAC) for funding my actions and appears to have succeeded in his intimidation; secondly, various media have incorrectly reported the legal action as being undertaken by the Wilderness Society, the ACF and the National (sic) Conservation Council.

The LAC has written to my solicitor, Bruce Woolf from Hillman and Woolf, indicating that if these groups are undertaking the case, they should pay for it. We have advised the LAC that the media reports are inaccurate and that I am undertaking the case as an individual.

It seems that neither TWS, ACF or NCC are in a position at this time to contribute funds, however, if the LAC is to make a grant of aid it will require a substantial contribution from groups and individuals who support my legal action.

To date I have received a donation of \$500 from the Canopy Committee of the TEC and another \$2,000 donation from a generous individual. This is not nearly enough. My solicitor estimates that the case will cost in the order of \$70,000 (!) and I need to offer a contribution of the order of \$10,000 for the LAC to consider making a grant.

To John Corkill BARS AL GAR Private Dae goina Real ill equiprise des contiges paris pur out thirt a attrict is use, pestilling weller them and in putters THE ISSUE, SO INTERVISION M LS A NEWCOMER TE THE THE I CAN D CURREST THAT THE OFFICE PREMIER ELACILY WHERE THE NUMBER Willing and milea ATTENTION IS TO SE MUNICE. THE REAL hoing to THE LASSINGLE MARK I WINE THAT MANY FREDRIC W. - MAKE AREA IN BUESTON - MULTING - HAVE HEARD OF THE WHAPPODEL ARE SO FAMILLAR WITH THAT MENT THE EXPLAINT THREE WHEN - < (ie ille 7000 MA) is a spenilly M TED AT ALL RECOLD e e e ALL OF -MIS CONTURING 1. CONT NON IS ADEQUARE FOR THEFT IN GRORDER COMMUNICITY - PART SANCE. OBVICELLY FRANK IS · YOUR mail south why south ursiz MAND SOND TO ACTORS THAT