

Draft only - BRIEFING NOTE - N.S.W MEMBERS OF PARLIAMENT  
"IMPLICATIONS OF SUBMISSION ON MISMANAGEMENT OF KEMPSEY M.A."

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- \* NO PUBLIC DISCLOSURE OF ACTION BY N.S.W. GOVERNMENT TO ADDRESS PUBLIC ACCOUNTS COMMITTEE INQUIRY INTO F.C.N.S.W - NO FOLLOWUP INQUIRY HAS BEEN ANNOUNCED IN ACCORDANCE WITH P.A.C. RECOMMENDATIONS TO REVIEW PROGRESS IN 12 MONTHS  
(Refer to correspondence from the Hon. J. Longley, then Chairman of PAC 31.7.'91, News Release the Hon Garry west 17.12.'92)

N.S.W. PARLIAMENT IS BEING DENIED RELEVANT INFORMATION. RECOMMENDATIONS MADE BY A COMMITTEE (PAC) OF THE HOUSE HAVE NOT BEEN IMPLEMENTED

- \* NO EVIDENCE OF ENDANGERED FAUNA ACT CREATING JOB LOSSES IN KEMPSEY MANAGEMENT AREA;  
(Refer to NPWS Reports to Parliament required under TIIP Act, tabled in L.A. 29.4.'92 and 30.9.'92; also Statement by Ms G. Kibble Director Department of Planning to Estimates Committee meeting quoted in SMH article 'Fauna Act 'has not cost jobs'' 24.10.'92)
- \* EVIDENCE IS JOB LOSSES ARE CONTINUING TO OCCUR DUE TO INTERNAL INDUSTRY PRESSURES: AMALGAMATIONS, DOWNTURN IN DEMAND  
(Refer to Daily Examiner (Grafton) articles and Northern Star (Lismore) articles)

N.S.W. PARLIAMENT SHOULD EXTEND ENDANGERED FAUNA INTERIM PROTECTION ACT 1991 FOR A FURTHER 12 MONTHS SINCE IT IS WORKING.

THE GOVERNMENTS' ENDANGERED AND OTHER THREATENED SPECIES CONSERVATION BILL 1992 IS UNACCEPTABLE AND SHOULD BE REJECTED.

12 MONTH EXTENSION TO EFIP ACT SHOULD FOCUS ON ACHIEVING A SCIENTIFICALLY CREDIBLE ENDANGERED SPECIES LAW, UNCONTAMINATED BY PARTY POLITICS OR MISTRUTHS.

- \* IN 1988, F.C.N.S.W. ENTERS 20 YEAR WOOD SUPPLY AGREEMENT WITH ALLEN TAYLORS P/L (BORAL) KNOWING THAT IT DID NOT HAVE ACCURATE DATA ON WHICH TO BASE FORECASTS OF AVAILABLE SAWLOG YIELDS  
(Refer to FCNSW Annual Reports for years 1988/89-1990/91)
- \* EVIDENCE IS THAT F.C.N.S.W. KNEW IN AUGUST 1990 THAT FORECASTS OF YIELDS ACHIEVEABLE FROM KEMPSEY M.A. WERE VERY SIGNIFICANTLY WRONG >/= 20% OVERESTIMATED  
(Refer to FCNSW Annual Reports for years 1988/89-1990/91)

F.C.N.S.W. CANNOT BE TRUSTED TO PURSUE 'RESOURCE SECURITY AGREEMENTS' WITH INDUSTRY WHEN THEY HAVE FAILED TO ASSESS AND FORECAST SAWLOG YIELD ACCURATELY IN THE PAST.



RESOURCE SECURITY BILL SHOULD BE REJECTED SINCE NO CREDIBLE AGREEMENTS COULD BE ENTERED INTO IN THE FACE OF A LACK OF VERIFIABLE INFORMATION.

F.C.N.S.W. PROJECTIONS OF YIELD AVAILABILITY SHOULD BE INDEPENDENTLY REVIEWED BY EXPERT RESOURCE ECONOMIST

F.C.N.S.W. SHOULD BE RESTRUCTURED AND MADE ACCOUNTABLE

- \* EVIDENCE IS THAT F.C.N.S.W. HAS NOT REDUCED QUOTA ALLOCATIONS IN KEMPSEY MANAGEMENT AREA, AS REQUIRED BY MANAGEMENT PLAN, NOR HAVE THEY ADJUSTED QUOTAS IN CONSIDERATION OF HUGE OVER-ESTIMATION OF ACTUAL RESOURCE  
(Refer to FCNSW Annual Reports for years 1988/89-1990/91)

F.C.N.S.W. HAS FAILED TO IMPLEMENT KEMPSEY MANAGEMENT PLAN, AND ITS SUSTAINED YIELD STRATEGY: AND THUS IS IN BREACH OF T.I.(I.P.) ACT s. 10.

- \* N.S.W. PARLIAMENT WAS NOT INFORMED IN MARCH 1992, DURING TI.(I.P.) ACT DEBATE AND BRIEFINGS, OF F.C.N.S.W.'S ERROR IN SAWLOG FORECASTS,  
(Refer to L.A. Hansard The Hon Garry West - 4.3.'92)
- \* MINISTER AND COMMISSIONER FOR FORESTS TELLS PARLIAMENT KEMPSEY CRISIS IS DUE TO ENDANGERED SPECIES ACT, (and later) FAILURE TO PREPARE TIMELY E.I.S.'s  
(Refer to L.A. Hansard The Hon Garry West - 4.3.'92)
- \* MINISTER WEST TELLS PARLIAMENT THAT N.P.W.S. "DIRECTOR HAS POWER TO PLACE SPECIAL CONDITIONS ON THE LICENCE"... YET MR WEST LOBBIED MINISTER HARTCHER, AND PREMIER FAHEY TO OVERTURN THE LAWFUL ACTIONS OF N.P.W.S. DIRECTOR.  
(Refer to L.A. Hansard The Hon Garry West - 4.3.'92, and 'Logging jobs threat' Sun Herald article 18.10.'92, and also Northern Star (Lismore) article 'Logging talks sought' 19.10.'92)

N.S.W. PARLIAMENT PASSED LEGISLATION ON AN INACCURATE BASIS, MINISTER WEST MISLEADS HOUSE AS TO HIS ACTIONS AND INTENTIONS

ENVIRONMENTALISTS SEEK A CLARIFICATION OF THE REAL ISSUES AND INVITE THE N.S.W. PARLIAMENT TO CONVENE A SPECIAL CRISIS CONFERENCE TO SEPERATE THE ACTUAL ISSUES FROM THE INACCURATE CLAIMS.

AN ALL AFFECTED PARTIES ROUND TABLE CONFERENCE IS SOUGHT UNDER THE FACILITATION OF AN EXPERT INDEPENDENT DISPUTE RESOLUTION COUNSELLOR/MEDIATOR, SUCH AS THE SYDNEY DISPUTE MEDIATION CENTRE.

FUNDS TO CONVENE SUCH A CONFERENCE AND TO PROGRESS A PROCESS, TO DETERMINED IN THE CONFERENCE, TO EFFECT TRANSITIONAL ARRANGEMENTS TO BE SOUGHT FROM AND PROVIDED BY N.S.W. GOVERNMENT



OBSERVATIONS

Your instructing solicitors act for John Corkill.

Counsel is briefed to advise on prospects of success of enforcement proceedings which Mr Corkill wishes to commence to enforce Section 10(1)(a) of the Timber Industry (Interim) Protection Act, 1992 to enforce the Kempsey Management Plan and its sustained yield strategies. I assume action would be taken via Section 25 of the Environmental Offences and Penalties Act, 1989.

Counsel is briefed with a preliminary analysis of the FCNSW actions in regard to the requirements of the management plan and which has been prepared by NEFA Co-ordinator Mr Andrew Steed. It is submitted that the preliminary analysis reveals a continuing non-compliance with the sustained yield strategy required by the management plan.

Counsel is also briefed with copies of the Kempsey Management Plan and KMA Annual Reports on the progress of the Management Plan for the years 1989-89, 1989-90, 1990-91.

Please review the above material and advise as to the potential for proceedings, prospects for success, evidence requirements and such other matters as counsel considers appropriate.

Should you feel that junior counsel would be of assistance, we would propose to brief Mr Mark Anderson.

We confirm that the above matters will be considered in conference with you and Mr Corkill on 23 October, 1992.

WOOLF ASSOCIATES

23 October 1992



JOHN CORKILL

and

FORESTRY COMMISSION OF NSW

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BRIEF TO  
ADVISE

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