

DISCUSSION PAPER FOR

# A MEDIATION CONFERENCE ON COMMUNITY CONFLICT

IN THE KEMPSEY MANAGEMENT AREA, Re: SUSTAINABLE TIMBER SUPPLY AND  
PROTECTION OF WILDERNESS, OLD GROWTH FORESTS AND  
ENDANGERED SPECIES

## Rationale

Community conflict over the protection of 'old growth' forests and continued employment in the timber industry costs the Kempsey community in financial, personal and emotional terms.

A Mediation Conference to address this conflict is proposed. This conference may not provide all the answers immediately, but it could be a useful vehicle to identify the critical issues, the stakeholders and potential areas of agreement.

If successful, this Conference could represent a historic breakthrough and provide a model for resolution of forest disputes throughout NSW.

## Introduction

The current conflict in the Kempsey Management Area revolves around the issues of old growth, critical habitat, endangered species, timber supply, employment and forestry management.

Several scenarios will entrench conflict in the short to medium term:

- A) 'Status Quo' Logging proceeds; environmental protests continue; supplies are exhausted in short term; endangered species, wilderness, and old growth forests are destroyed; jobs are lost in short term;
- B) 'Industry Prevails' - Logging proceeds; environmental protests continue; when current supplies are exhausted, EIS areas are logged next, without EIS completion; quota of Wood Supply Agreement is met; endangered species, wilderness, and old growth forests are destroyed; jobs are lost when supply ceases in short to medium term;
- C) 'Conservation Prevails' - Logging ceases before Carrai forest supply exhausted, with industry protests, wilderness, OGF & EnSp. protected, jobs are lost in short term;

The purpose of the conference is to explore other scenario(s) in which the potential for conflict is minimised, and where, to the greatest extent possible, all parties needs and concerns are met. It is not about guaranteeing "profit security" for corporations.



## 2.

### **Enabling Mediation**

It is proposed that the 3 Independents approach the Government to provide resources to enable those involved to come to the mediating table.

In order to allow time for an analysis of the 'crisis' to be developed through the conference, for ongoing processes to be established and to limit immediate impacts on employees and their families, it is suggested that the NSW Government agree to pay income and family support to industry employees. Assistance for mortgagees should be also be pursued. A moratorium on all 'old growth' forests in Kempsey MA would also have to be imposed to allow the mediation to proceed.

The Mediation Conference should focus on providing an immediate 'cool off' as its first priority, since it likely that only in a supportive atmosphere can progress be made.

### **A MEDIATION CONFERENCE.**

#### **To be convened by an independent dispute resolution specialist**

For the Conference to have credibility and engender a willingness to participate, it must be convened by an independent conflict resolution specialist. This person should be free of any affiliation with the conflict or parties to date. The Conference should be portrayed as a community based process which aims to assist and recommend urgent co-operative action between the parties and the NSW government, rather than 'another government inquiry'.

#### **To identify interested and affected parties**

The Convenor should advertise for (and otherwise solicit), expressions of interest from affected parties arising from the community conflict in Kempsey Management Area. These expressions of interest could be invited in a format to be devised by the Convenor (\*). The extent to which parties may be affected in the future should be documented, over the next 3, 6 and 12 months.

#### **To clarify and detail issues and concerns**

Claim and counter claim have been made as to the intention and purposes of the interested parties. A process is needed which excludes extraneous or erroneous concerns, and which clarifies, details and prioritises relevant issues the subject of the community conflict.

Some issues may need more information, or information to be independently verified, before they can be dealt with.



**To check 'claims' and 'facts'**

All relevant information to be pooled. The Government should support this process by making available all relevant information. There is a need for a process more directly responsive than FOI (see however attached list of impending FOI claims). Confidentiality could be maintained where appropriate. Where there are conflicting claims as to the accuracy, significance or meaning of information, an independent process of verification may need to be instituted. This may require reference to academic referees, published information etc. or engaging of independent consultants.

**To identify areas where more information is needed**

Areas of potential conflict which could be resolved with the addition of more information could be quickly identified. Urgent research to provide accurate independent advice could be funded.

**To recommend a process of transition**

Once issues have been clarified and parties identified, the opportunity for progress exists. Ideas for solutions could be pooled. Steps and stages may be proposed to achieve more complex goals. Transition strategies, substitute resources, alternative employment opportunities (in or outside the timber industry), options for retooling & retraining, could be canvassed, formulated, developed. New information could shape this process as it progresses. Design of this ongoing process could be the subject of inputs from all affected and interested parties, and could be agreed upon by them. For this purpose working groups could be established.



## FINANCIAL IMPLICATIONS

### **An independent dispute resolution specialist (the Convenor)**

Fees, travel, accommodation, and expenses. It should be possible for the convenor to proceed to the end of 3 meetings as a first stage and separable contract for less than \$20 000.

### **Conference Costs**

Venue hire, catering, field trips, copying, phone, fax, administration

### Consultancies:

to research, or verify disputed information.

Fees, travel, accommodation, and expenses

### Income and Mortgagee Support

Income and mortgagee support for affected families and individuals.

Other costs to be calculated and included? (\*)

Processes to identify affected parties could be worked out in conference with the Convenor. The Convenor could meet confidentially with each affected party to: preview the mediation conference, its goals and processes; review the extent of adverse affect; and express in dollar terms the support required. The Convenor could advise parties, where appropriate, on savings in costs, potential sources of available financial support, and broader options for support.

To preserve confidentiality, information on the nature and extent of adverse affect should not be released in a form which allows individual affected parties to be identified publicly. This data could be disclosed on a 'coded' basis e.g. Party F = \$8,000 wages affected in 3 month period, mortgage payments of \$XX per month etc.

### **Sources of Funding (\*)**

The costs of conference, convenor and support of affected parties to be met by the NSW Government and be offset by savings in unproductive costs likely to be incurred in continued community conflict e.g. court actions, police, insurance, community health, road, infrastructure costs and corporate effort and inconvenience.

In addition, the Government has set aside \$100 million dollars for a Natural Resources Management Council which may not receive the support of the Parliament. A relatively small-fraction of this fund could be very well employed in this pilot project.

This may be supplemented by funds from other sources, including Commonwealth agencies and programs. Investigation of potential sources is required immediately.



### **Procedure of the Mediation Conference (\*)**

One suggested option is that the conference could run over several sessions, held on, say, 3 separate meeting dates within a six week period. Enough lead time should be allowed for the Convenor to meet separately with directly affected parties before the Conference advertisements are issued. This could take place over a 3 day period.

The conference could commence in the City of Kempsey, but may re-convene elsewhere, as agreed by the parties participating e.g. in Carrai SF, the Kempsey mill, or in nearby plantations.

The actual conduct of the conference would be in the hands of the Convenor, as an independent dispute resolution specialist, to devise, and subject to the agreement of the parties.

### **Appointment of the Convenor (\*)**

What skills and experiences are required for a 'Convenor'? As a minimum these would include experience in the processes of mediation and particular experience in natural resource disputes.

What process should be used to advertise for and hire a Convenor? The convener must be appointed by a body or process which is truly independent, free from any hint of bias.

Who should make the appointment:

- \* the Legislative Committee on the Forestry (Amendment) Bill 1992;
- \* a select committee of the Legislative Assembly;
- \* a panel of three parliamentarians - 1 Coalition, 1 Labor, 1 Independent;
- \* what other bodies / processes can be suggested?

### **Accountability of Conference (\*)**

As the Mediation Conference proceeds, to whom should it report? (\*)

A Report of issues and concerns, the number and extent of affected parties should be prepared by the Convenor. For appropriate action to be taken, NSW Parliament and the broader community need to have facts, issues and any recommendations before them.

### **\* Further Discussion Needed**

appointment of Convenor;

process and format for 'expression of interest as affected party'; 'expression of interest' to be limited to those directly affected?; financial support to be paid to directly affected parties; including assistance for mortgagees;

costings of financial implications;

additional costings not included;

sources of potential funds;

procedures for recommending process of transition;

accountability of conference;



Attn John Corkill

213-687-4455 KAWADA HOTEL

193 P01

NOV 05 '92 19:08

A  
TO: MS SUE SALMON - DII 61 2 247 1206  
FROM: DAVID NEWTON (LOS ANGELES)  
5 NOVEMBER 92  
2 PAGES

DEAR SUE,

THANK YOU FOR YOUR FAX WHICH I HAVE JUST RECEIVED.

I THINK YOUR PROPOSAL HAS BEEN VERY WELL PREPARED AND SHOWS A DEPTH OF UNDERSTANDING OF THE PROCESS. MY COMMENTS ARE:

- (1) ENOUGH LEAD TIME SHOULD BE ALLOWED FOR THE CONVENOR TO MEET SEPARATELY BEFORE THE CONFERENCE ADVERTISEMENT IS ISSUED WITH DIRECTLY AFFECTED PARTIES — PROBABLY 1 3 DAY PERIOD
- (2) ON PAGE 2, 3RD LAST PARAGRAPH "WHICH CLARIFIES, DETAILS AND PRIORITISES ...."
- (3) PAGE 3, UNDER "TO RECOMMEND A PROCESS OF TRANSITION", AT END ADD "FOR THIS PURPOSE WORKING GROUPS COULD BE ESTABLISHED."
- (4) PAGE 4, "SOURCES OF FUNDING" ADD TO FIRST PARA — "AND CORPORATE EFFORT AND INCONVENIENCE"



2.

CAN YOU GET INDUSTRY INTEREST  
AND SUPPORT FOR YOUR PROPOSAL  
SO THAT IT IS A JOINT PROPOSAL

NOTE THE SPELLING OF MORTGAGE A  
MORTGAGEE.

IT SHOULD BE POSSIBLE FOR <sup>the</sup> ~~THE~~  
CONVENOR TO PROCEED TO THE <sup>end</sup> ~~THE~~  
OF 3 MEETINGS AS A FIRST  
STAGE AND SEPARABLE CONTRACT ~~FOR~~  
LESS THAN \$20,000 THEREFORE  
NOT NEEDING FOR THE ROLE  
BE ADVERTISED UNDER STATE  
TENDERING PROCEDURES.

I WILL BE SEEING PETER ADLE  
FRIDAY 6 PM 540 TIME (TODAY)  
AND WILL ASK HIM FOR HIS  
COMMENTS.  
MY ASSISTANT, WINA HARDING - HOME OFFICE TO  
AND FAX 929 7410 HAS MY CONTACT NUM  
ALL THE BEST

David



DISCUSSION PAPER FOR  
**A 'CRISIS' CONFERENCE  
ON COMMUNITY CONFLICT**

IN THE KEMPSEY MANAGEMENT AREA, Re: SUSTAINABLE TIMBER SUPPLY & PROTECTION OF WILDERNESS, OLD GROWTH FORESTS & ENDANGERED SPECIES

RATIONALE: Community conflict over the protection of 'old growth' forests and continued employment in the timber industry costs the Kempsey community in financial, personal and emotional terms.

A 'crisis' conference to address this conflict is proposed. This conference may not provide all the answers immediately, but it would signal the willingness of the broader NSW community to address real concerns with integrity.

INTRODUCTION: The present situation is that Kempsey Management Area is unable to continue to supply timber and employment for industry at current levels without breaches of law or threats to wilderness, 'old growth' forests and habitat of endangered species. As a result, timber workers are in conflict with environmentalists, in a classic 'jobs vs. environment' standoff.

Several scenarios will perpetuate conflict in the next 23-77 years:

- A) 'Status Quo' Logging proceeds; protests continue; supplies are exhausted in ? months; endangered species, wilderness, and old growth forests are sacrificed; ? jobs are lost in ? months;
- B) 'Industry Reigns' - Logging proceeds; protests continue; when current supplies are exhausted, EIS areas are logged next, without EIS completion; ?m3 quota of Wood Supply Agreement is met; endangered species, wilderness, and old growth forests are sacrificed; ? jobs are lost in ? months;
- C) 'Conservation' - Logging ceases before Carrai forest supply exhausted, with industry protests, wilderness, OGF & EnSp. protected, ? jobs are lost in 1? months time;

The purpose of the conference is to explore other scenario(s) in which the potential for conflict is minimised, and where, to the greatest extent possible, all parties needs and concerns are met. It is not about guaranteeing 'profit security' for corporations.

LET'S 'BUY' SOME TIME: In order to allow time for an analysis of the 'crisis' to be developed through the conference and ongoing processes and in order to limit immediate impacts on employees and their families, its suggested that the NSW Government agree to pay income and family support to industry employees. Assistance for mortgagees should be also be pursued. Further, in accordance with the 'pre-cautionary principle', a halt to logging in all 'old growth' forests in Kempsey MA, is recommended.

The 'crisis conference' should focus on providing an immediate 'cool off' as its first priority, since it likely that only in a supportive atmosphere can progress be made.



## A 'CRISIS' CONFERENCE...

### TO BE CONVENED BY AN INDEPENDENT DISPUTE RESOLUTION SPECIALIST

For the Conference to have credibility and engender a willingness to participate, it must be convened by an independent conflict resolution specialist. This person should be free of any affiliation with the conflict or parties to date. The Conference should be portrayed as a community based process which aims to assist and recommend urgent co-operative action between the parties and the NSW government, rather than 'another government inquiry'.

### TO IDENTIFY INTERESTED AND AFFECTED PARTIES

The Convenor should advertise for (and otherwise solicit), expressions of interest from affected parties arising from the community conflict in Kempsey Management Area. These expressions of interest could be invited in a format to be devised by the Convenor (\*). The extent to which parties may be affected in the future should be documented, over the next 3, 6 and 12 months.

### TO CLARIFY AND DETAIL ISSUES AND CONCERNS

Claim and counter claim have been made as to the intention and purposes of the interested parties. A process is needed which excludes extraneous or erroneous concerns, and which clarifies and details relevant issues the subject of the community conflict. Some issues may need more information, or information to be independently verified, before they can be dealt with.

### TO CHECK 'CLAIMS' AND 'FACTS'

All relevant information to be pooled. FOI to be used (see list). Confidentiality could be maintained where appropriate. Where there are conflicting claims as to the accuracy, significance or meaning of information, an independent process of verification may need to be instituted. This may require reference to academic referees, published information etc. or engaging of independent consultants.

### TO IDENTIFY AREAS WHERE MORE INFORMATION IS NEEDED

Areas of potential conflict which could be resolved with the addition of more information could be quickly identified. Urgent research to provide accurate independent advice could be funded.

### TO RECOMMEND A PROCESS OF TRANSITION

Once issues have been clarified and parties identified, progress could be possible. Ideas for solutions could be pooled. Steps and stages may be proposed to achieve more complex goals. Transition strategies, substitute resources, alternative employment opportunities (in or outside the timber industry), options for retooling & retraining, could be canvassed, formulated, developed. New information could shape this process as it progresses. Design of this ongoing process could be the subject of inputs from all affected and interested parties, and could be agreed upon by them.



## FINANCIAL IMPLICATIONS '\$' costs are required next stage:

AN INDEPENDENT DISPUTE RESOLUTION SPECIALIST = the 'Convenor'  
Fees, travel, accommodation, and expenses

### CONFERENCE COSTS

Venue hire, catering, field trips, copying, phone, fax, administration

CONSULTANCIES: to research, or verify disputed information.  
Fees, travel, accommodation, and expenses

### INCOME, FAMILY AND MORTGAGEE SUPPORT

Income, family and mortgagee support of affected parties.

Priority for financial support could be for parties who claimed direct 'adverse affects'. Since there may be little or no indirect economic impacts if the affected parties can be supported in the short term, those potentially indirectly affected could be considered when the Conference concludes.

NB Are there other costs to be calculated and included ?? (\*)

A suggested process to quick underwrite the 'costs' of resolution in community conflict could involve lodging with the Convenor an 'expression of interest' as 'interested party' to the Conference. Each party could identify the extent of adverse affect on their interest, of a moratorium on further logging for ?3 months (insert dates) (while discussions are held at the conference); and over 6 and 12 months periods (pending any transition processes).

The Convenor could meet confidentially with each affected party to: preview the 'crisis conference', its goals and processes; review the extent of adverse affect; and express in dollar terms the support required. The Convenor could advise parties, where appropriate, on savings in costs, potential sources of available financial support, and broader options for support.

To preserve confidentiality, information on the nature and extent of adverse affect should not be released in a form which allows individual affected parties to be identified publicly. This data could be disclosed on a 'coded' basis e.g. Party F = \$8,000 wages affected in 3 month period, mortgage payments of \$XX per month etc.

### SOURCES OF FUNDING (\*)

The costs of conference, convenor and support of affected parties could be met by the NSW Government and could be offset by savings in unproductive costs likely to be incurred in continued community conflict e.g. court actions, police, insurance, community health, road and infrastructure costs. This may be supplemented by funds from other sources, including Commonwealth agencies and programs. Investigation of potential sources is required immediately.



PROCEDURE OF THE 'CRISIS' CONFERENCE (\*)

The Conference will not be able to achieve much in one short session on one day only. So, it's suggested that the conference could run over several sessions, held on, say, 3 separate meeting dates within a six? week period.

The conference could commence in the City of Kempsey, but may re-convene elsewhere, as agreed by the parties participating e.g. in Carrai SF, the Kempsey mill, or in nearby plantations. The actual conduct of the conference would be in the hands of the Convenor, as an independent dispute resolution specialist, to devise, and subject to the agreement of the parties.

APPOINTMENT OF CONVENOR (\*)

What skills and experiences are required for a 'Convenor'?

What process should be used to advertise for and hire a Convenor? The convenor must be appointed by a body or process which is truly independent, free from any hint of bias.

Who should make the appointment:

- \* the Legislative Committee on the Forestry (Amendment) Bill 1992;
- \* a select committee of the Legislative Assembly;
- \* the Legislative Assembly as a whole;
- \* what other bodies / processes can be suggested?

ACCOUNTABILITY OF CONFERENCE (\*)

As the 'Crisis Conference' proceeds, to whom should it report? (\*) A Report of issues and concerns, the number and extent of affected parties should be prepared by the Convenor. For appropriate action to be taken, NSW Parliament and the broader community need to have facts, issues and any recommendations before them.

DISPUTE / WINDING UP PROVISIONS (\*)

What happens if the 'crisis' conference does not proceed to a useful conclusion? What procedures might come into play if parties 'pull out' part way through the conference?

FURTHER DISCUSSION NEEDED = (\*) Viz:

appointment of Convenor;  
process and format for 'expression of interest as affected party';  
'expression of interest' to be limited to those directly affected?;  
financial support to be paid to directly affected parties;  
including assistance for mortgagees;  
costings of financial implications;  
additional costings not included;  
sources of potential funds;  
procedures for recommending process of transition;  
dispute &/or windup provisions;  
accountability of conference;

04.11.'92



922 8487



2

MUST SAY UP FRONT (possibly include)  
THAT THE ISSUES ARE PROTECTION OF FORESTS +  
PROVIDING SECURITY OF EMPLOYMENT FOR WORKERS

draft 2

DISCUSSION PAPER FOR

+ THE COMMUNITY —

## A 'CRISIS' CONFERENCE <sup>NOT PROFIT</sup> to address COMMUNITY CONFLICT <sup>SECURITY</sup>

IN THE KEMPSEY MANAGEMENT AREA, Re: SUSTAINABLE TIMBER SUPPLY &  
PROTECTION OF OLD GROWTH FORESTS & ENDANGERED SPECIES. ~~CORPORATE~~ <sup>FOR</sup>

### RATIONALE

Community conflict has huge costs in financial, personal and emotional terms. A 'crisis' conference to address this conflict is proposed. This conference may not provide all the answers immediately, but it should signal the willingness of the broader community to address real concerns with ~~dignity~~ <sup>would</sup> and integrity. ~~and~~

*new* would help clarify ~~the~~ <sup>the</sup> facts, and could begin a process of healing within the community in that region.

### INTRODUCTION <sup>which are currently in dispute</sup>

The present situation is that Kempsey Management Area is unable to continue to supply timber ~~and employment~~ for industry at current levels without breaches of law or threats to wilderness, 'old growth' forests and habitat of endangered species. *As a result, timber workers are in conflict with environmentalists in the classic 'jobs versus forests' standoff.*

Several scenarios will perpetuate conflict in the next 3-7 years:

- A) 'Status Quo': → logging proceeds, with continued protests; supplies are exhausted in 3? months; jobs are lost in 3? months time;   
⊗ wilderness <sup>or</sup> ensp are sacrificed.
- B) 'Industry Reigns': → logging proceeds, with continued protests; when current supplies are exhausted EIS areas are logged next, irrespective of EIS completion, to meet quotas of Wood Supply Agreement;   
⊗ ~~to protect W. OGF + EnSp~~
- C) 'Conservation': → logging ceases before Carrai forest supply exhausted, with industry protests, wilderness OGF & EnSp. protected, jobs are lost in 1? months time;   
*different (or alternative)*

The purpose of the conference is to explore ~~alternate~~ <sup>different (or alternative)</sup> scenario(s) in which the potential for conflict is minimised, and where, to the greatest extent possible, all parties needs and concerns are met.

*BROADER*  
~~LESS~~ <sup>BUY</sup> SOME TIME  
in order to:

- \* allow time for an analysis of the 'crisis' to be developed through the conference and ongoing processes, and
- \* to limit immediate impacts on employees and their families, payments for income and family support should be provided to industry employees as a pre-requisite to their involvement. Assistance for mortgagees should be also be pursued. ⊗

*check!*  
The discontinuation of logging in the disputed compartments of Carrai SF ~~should also~~ be a pre-requisite to the conferences commencement. The 'crisis conference' should focus on providing immediate 'cool off' as its first priority, since it likely that only in a supportive atmosphere can progress be made.



4986

## LEGISLATION

17 July 1992

## FORESTRY ACT 1916—REGULATION

(Relating to the delegation of the Forestry Commission's powers)

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Forestry Act 1916, has been pleased to make the Regulation set forth hereunder.

GARRY WEST,

Minister for Conservation and Land Management.

The Forestry Regulation 1983 is amended by omitting clause 6 (1) and by inserting instead the following subclause:

(1) For the purposes of section 10A (1) (d) of the Act, the following are prescribed as persons or classes or descriptions of persons to whom the Commission may delegate its powers, authorities, duties or functions:

- (a) the Western Lands Commissioner appointed for the time being under the Western Lands Act 1901;
- (b) an Assistant Western Lands Commissioner appointed for the time being under that Act;
- (c) in relation to the powers, authorities, duties or functions conferred on the Commission under section 30I of the Act only:
  - (i) any person for the time being employed under Part 2 of the Public Sector Management Act 1988; and
  - (ii) any police officer; and
  - (iii) the spouse of any police officer.

## EXPLANATORY NOTE

Section 30I of the Forestry Act 1916 empowers the Forestry Commission to authorise a person to take small quantities of timber, products of trees or shrubs, vegetable growth or forest materials on or from Crown land or certain land within a State forest. Such authority is often issued for the taking of firewood.

Section 10A of the Act permits the Commission to delegate the performance of its powers, authorities, duties or functions to any prescribed person or a member of a prescribed class or description of persons. The object of this Regulation is to prescribe persons to whom the Commission may delegate its power to issue an authority to take timber, products and forests materials. The prescribed persons will include public servants, police officers and the spouses of police officers.



*CRISIS*  
*TOWARDS A CONFERENCE...*

-2-

TO BE CONVENED BY AN INDEPENDENT CONFLICT RESOLUTION SPECIALIST  
For the Conference to have credibility and engender a willingness to participate, it must be convened by an independent conflict resolution specialist. This person should be free of any affiliation with the conflict or parties to date.

The Conference should be portrayed as a community based process which aims to assist and recommend urgent action, rather than 'another government inquiry'. *co-operative*

TO IDENTIFY INTERESTED AND AFFECTED PARTIES

*esp. & comm.* The Convener should advertise for (and otherwise solicit) registrations of interest from affected parties arising from the conflict in Kempsey Management Area. *between the parties + UN part. (X) Committee by UN Parliament to deal with this crisis or required*

*Expression of* Registrations of interest could be invited in a format to be devised by the Convener ~~in association with the Committee~~. The extent to which parties may be affected in the future should be documented, over the next 3, 6 and 12 months.

TO CLARIFY AND DETAIL ISSUES AND CONCERNS

Claim and counter claim have been made as to the intention and purposes of the interested parties. A process is needed which excludes extraneous or erroneous concerns, and which clarifies and details relevant issues the subject of the community conflict.

Some issues may need more information, or information to be independently verified, before they can be dealt with.

TO CHECK 'CLAIMS' AND 'FACTS'

*but confidentiality should be maintained where appropriate*  
All relevant information needs to be pooled. Where there are conflicting claims as to the accuracy, significance or meaning of information, an independent process of verification may need to be instituted.

This may require reference to academic referees, published information etc. or the engaging of independent consultants.

TO IDENTIFY AREAS WHERE MORE INFORMATION IS NEEDED

Areas of potential conflict which could be resolved with the addition of more information should be quickly identified.

Research to provide accurate independent advice should be funded as an urgent priority.

TO RECOMMEND A PROCESS OF TRANSITION

Once the issues have been clarified and parties identified, progress towards achieving solutions to community conflict should be possible. Steps and sub-processes may be proposed. Transition strategies, alternative resources, retooling, retraining, re-employment, additional information etc may require an ongoing commitment beyond a brief conference.

*This process should be the subject of inputs from all affected parties and be agreed upon by them.*

*alternative employment strategies both within & outside of the timber industry*



17 July 1992

## LEGISLATION

4987

**FORESTRY ACT 1916—REGULATION**

(Relating to the taking of small quantities of timber etc. from certain lands)

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Forestry Act 1916, has been pleased to make the Regulation set forth hereunder.

**GARRY WEST,**

Minister for Conservation and Land Management.

The Forestry Regulation 1983 is amended by omitting Division 2 of Part 4.

**EXPLANATORY NOTE**

The object of this Regulation is to repeal Division 2 of Part 4 of the Forestry Regulation 1983, which relates to authorisations (under section 30I of the Forestry Act 1916) to persons to take small quantities of timber etc. from certain lands. The Division is not necessary as section 30I deals adequately with the matters it contains.



#### FINANCIAL IMPLICATIONS OF A 'CRISIS CONFERENCE'

*A 'ball park' figure assessing costs of the below is required at the next stage.*

#### AN INDEPENDENT CONFLICT RESOLUTION SPECIALIST

Professional fees and expenses will need to be provided for ICRS. Meetings in and travel to Kempsey will also need to be budgeted.

#### CONSULTANCIES

Professional fees and expenses will need to be provided for any consultants engaged by the Conference or the Committee to research additional information or to verify disputed information.

Meetings in and travel to Kempsey will also need to be budgeted.

#### INCOME, FAMILY AND MORTGAGEE SUPPORT

Since the aim of the conference is to encourage all parties' participation in a co-operative exercise, funding will need to be provided for income, family and mortgagee support of affected parties.

*Suggest a process could involve*  
It is suggested that each party lodge with the convenor an 'expression of interest as an affected party' which identifies the extent to which they would be adversely affected by a moratorium on further work in the next 3 months pending discussions at the 'crisis conference', and subsequently over 6 and 12 months during any ongoing process of resolution.

*Counseling i.e. party*  
The Convenor could meet confidentially with each affected party, to review the extent of affect and express in dollar terms the support required. The Convenor could attempt to mediate savings in costs, identify potential sources of available financial support, and suggest broader options for support where appropriate. *etc*

The lodging of an 'expression of interest' could be strictly limited to parties directly affected. Submissions may not be invited from those who may be potentially indirectly affected since, if the affected parties can be supported in the short term, there may be little or no indirect economic impacts.

#### SOURCES OF FUNDS

It is proposed that the costs of the conference, convenor and the support of affected parties will be met by the NSW Government and be offset by savings in unproductive costs likely to be incurred in continued community conflict: court actions, police operations, insurance premiums increases, road repairs, community health costs etc.

This may be supplemented by available funds from other sources, including Commonwealth agencies and programs. *Preliminary investigations at these potential sources is required immediately.*

*to p.3.* *(X)* A Report of the issues and concerns, and the number and extent of affected parties should be prepared for submission to the Committee.

*to preserve confidentiality.*  
This information should not be released 'into the public' but should be disclosed on a confidential basis: eg. Affected party F - \$ 65,000.

→ Are there other costs to be calculated + included?



FAX NUMBER: (02) 230 2871  
(02) 230 2866



The Honourable Richard Jones, M.L.C.  
Legislative Council,  
Parliament House,  
SYDNEY, N.S.W. 2000.  
Telephone: (02) 230 2858

AUSTRALIAN  
DEMOCRATS

FACSIMILE COVER SHEET

TO: All Groups

FROM: Simon Disney

TO FAX No:

SUBJECT: Forestry Regulations

PAGES TO FOLLOW:

I DON'T LIKE "PROSCRIBED PERSONS"!  
I CAN SEE IT NOW. - PEOPLE APPLYING FOR BUSH ROCK & TREE FERN COLLECTING  
PERMITS AT THE LOCAL HAIR-DRYERS! FEEDBACK PLEASE on 230 2858

ALSO, PLEASE URGE PEOPLE TO WRITE TO PHILLIP SMITHS OFFICE  
OR (FAX LETTERS TO HIM) FAX 909-2654

AND EXPRESS SUPPORT FOR HIS INTENTION TO INTRODUCE  
CONTAINER DEPOSIT LEGISLATION.

HIS POSTAL ADDRESS IS 3/65 MILITARY ROAD, NEUTRAL BAY  
2089.

PHILLIP HAS JUMPED ON THE C.D.L. BANDWAGON & PLEASE  
MAKE IT KNOWN TO HIM HOW MUCH SUPPORT IS OUT THERE.

REMEMBER, PARLIAMENT GOES BACK ON SEPT. 2.



# APPOINTMENT OF CONVENOR ~~AND~~ ACCOUNTABILITY OF CONFERENCE

These crucial issues need close discussion.

The convener must be appointed by a body or process which is truly independent, free from any hint of bias.

Who should it be:

- \* the Legislative Committee on the Forestry (Amendment) Bill 1992;
- \* a select committee for the Legislative Assembly;
- \* the Legislative Assembly as a whole;
- \* what other bodies / processes can be suggested?

As the 'Crisis Conference' proceeds, to whom should it report?

Perhaps this answer, lies in the answer to the above question...

It appears that the NSW Parliament and the broader community need to have facts, issues and any recommendations before them.

What skills/experiences are required?

What processes should be used to advertise <sup>for</sup> + hire a ~~convener~~ Convenor

⊛ = ~~is~~ needs further discussion + clarification.  
[1st issues ⊛'d in text above]

New heading.

PROCESS OF THE CONFERENCE.  
PROCEDURE

Seven ~~by~~ Sessions <sup>over</sup> ~~at~~ <sup>3</sup> conference meeting dates  
+ venues (eg. Carron 8F - CPT 84 85)



# CRISIS CONFERENCE ON 'TIMBER SUPPLIES' + CA/MCV FORESTS

independently/expertly convened by DR specialist  
identify interested parties; (call for judgement of experience of int;

clarify issues;  
check claims as to facts; / additional info needed  
towards a process of transition;  
report to: FAB Leg. Can.? LA.? DoP EIS sp. <sup>Kempsey</sup>  
When: ? '93 Leg. Can.  
(ongoing process to consider)

urgency? @ party to address immediate ~~for income support, infrastructure~~  
needs/commitments 3, 6 12 months to maintain 'status quo'

@ parties needs costs to be calculated

total parties costs assessment req. for @ option  
3, 6, 12 months + (for 6-12, 2 month by month cost)

costs assessments to include ongoing police legal + pr  
road repair expenses quote Cha \$

⊕ DR Specialists professional fees + exp.

immediately + directly

parties/affected by timber crisis in Kempsey MA to  
address: needs for

income supplementation  
family support.  
mortgage deferral  
houses  
land  
vehicles

rescheduling. int payments

@ party to have 1 on 1 conf. session  
to discuss options to meet id needs. <sup>3, 6, 12</sup>

DRS to rely on advice from ? re

TAFE retraining

NIIES scheme.

federal programmes.

• employment broker

• fin. mktg. cons.

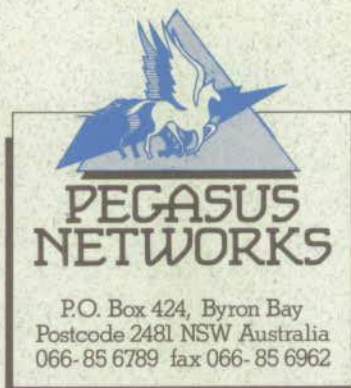
• F&C + DSS dept.

NOT PROFITS FOREGONE!

NOT MULTIPLIER indirect affects  
since aim is support in short term

→ little or no indirect impacts on  
corner stores, etc service industry





31st May 1992

John Corkill,  
3 Albert Street  
Forest Lodge  
SydneyNSW 2037

Dear Mr Corkill,

We have been informed by our Credit Control Company that your account for \$84.03 is still outstanding and you have not made any attempts to rectify this matter.

Perhaps embarrassment of your present situation has prevented you from doing so. If this is the case, please feel free to contact our office to make some definite arrangements for payment of this account.

Or if you dispute the account, please let us have the details, perhaps negotiation may resolve the matter without legal action.

If the matter has to go to court and it was found that you were liable after the court awarded judgment then your debt would be greater. Interest may also be applied from the date of judgment on the debt amount including costs, and further action to recover these monies may be undertaken anytime in the next 11 years. Please compare the costs and ramifications as opposed to payment of this account now.

Court Costs	\$74.25
Judgment/Warrant Costs	\$59.40

Please avoid the possibility of further costs by either paying the amount in full or by paying a reasonable portion of the debt within 7 days and every 14 days thereafter. Payment will also ensure the removal of your name from our Credit Control Company's Computer records.

Yours faithfully,  
Wendy Simpson  
Pegasus Networks Communications

*W Simpson*



## A 'CRISIS' CONFERENCE to address COMMUNITY CONFLICT

IN THE KEMPSEY MANAGEMENT AREA, Re: SUSTAINABLE TIMBER SUPPLY &  
PROTECTION OF OLD GROWTH FORESTS & ENDANGERED SPECIES.

### RATIONALE

Community conflict has huge costs in financial, personal and emotional terms. A 'crisis' conference to address this conflict is proposed. This conference may not provide all the answers immediately, but it should signal the willingness of the broader community to address real concerns with dignity and integrity.

### INTRODUCTION

The present situation is that Kempsey Management Area is unable to continue to supply timber and employment for industry at current levels without breaches of law or threats to wilderness, 'old growth' forests and habitat of endangered species.

Several scenarios will perpetuate conflict in the next 3-7 years:

- A) 'status quo' - logging proceeds, with continued protests; supplies are exhausted in 3? months; jobs are lost in 3? months time;
- B) 'industry reigns' - logging proceeds, with continued protests; when current supplies are exhausted EIS areas are logged next, irrespective of EIS completion, to meet quotas of Wood Supply Agreement;
- C) 'conservation' - logging ceases before Carrai forest supply exhausted, with industry protests, wilderness OGF & EnSp. protected, jobs are lost in 1? months time;

The purpose of the conference is to explore alternate scenario(s) in which the potential for conflict is minimised, and where, to the greatest extent possible, all parties needs and concerns are met.

In order to:

- \* allow time for an analysis of the 'crisis' to be developed through the conference and ongoing processes, and
- \* to limit immediate impacts on employees and their families, payments for income and family support should be provided to industry employees as a pre-requisite to thier involvement. Assistance for morgagees should be also be pursued.

The discontinuation of logging in the disputed compartments of Carrai SF should also be a pre-requisite to the conferences commencement. The 'crisis conference' should focus on providing immediate 'cool off' as its first priority, since it likely that only in a supportive atmosphere can progress be made.

David Mossop  
959 4868(h)



TO BE CONVENED BY AN INDEPENDENT CONFLICT RESOLUTION SPECIALIST  
For the Conference to have credibility and engender a willingness to participate, it must be convened by an independent conflict resolution specialist. This person should be free of any affiliation with the conflict or parties to date.

The Conference should be portrayed as a community based process which aims to assist and recommend urgent action, rather than 'another government inquiry'.

#### TO IDENTIFY INTERESTED AND AFFECTED PARTIES

The Convener should advertise for and otherwise solicit, registrations of interest from affected parties arising from the conflict in Kempsey Management Area.

Registrations of interest could be invited in a format to be devised by the Convener in association with the Committee.

The extent to which parties may be affected in the future should be documented, over the next 3, 6 and 12 months.

#### TO CLARIFY AND DETAIL ISSUES AND CONCERNS

Claim and counter claim have been made as to the intention and purposes of the interested parties. A process is needed which excludes extraneous or erroneous concerns, and which clarifies and details relevant issues the subject of the community conflict.

Some issues may need more information, or information to be independently verified, before they can be dealt with.

#### TO CHECK 'CLAIMS' AND 'FACTS'

*Can we identify precisely info requirements - likely to be sleepers?*  
All relevant information needs to be pooled. Where there are conflicting claims as to the accuracy, significance or meaning of information, an independent process of verification may need to be instituted.

This may require reference to academic referees, published information etc. or the engaging of independent consultants.

#### TO IDENTIFY AREAS WHERE MORE INFORMATION IS NEEDED

Areas of potential conflict which could be resolved with the addition of more information should be quickly indentified.

Research to provide accurate independent advice should be funded as an urgent priority.

#### TO RECOMMEND A PROCESS OF TRANSITION

Once the issues have been clarified and parties identified, progress towards achieving solutions to community conflict should be possible. Steps and sub-processes may be proposed. Transition strategies, alternative resources, retooling, retraining, re-employment, additional information etc may require an ongoing commitment beyond a brief conference.



#### FINANCIAL IMPLICATIONS OF A 'CRISIS CONFERENCE'

##### AN INDEPENDENT CONFLICT RESOLUTION SPECIALIST

Professional fees and expenses will needed to be provided for ICRS. Meetings in and travel to Kempsey will also need to be budgetted.

##### CONSULTANCIES

Professional fees and expenses will needed to be provided for any consultants engaged by the Conference or the Committee to research additional information or to verify disputed information. Meetings in and travel to Kempsey will also need to be budgetted.

##### INCOME, FAMILY AND MORGAGEE SUPPORT

Since the aim of the conference is to encourage all parties' participation in a co-operative exercise, funding will need to be provided for income, family and mortgagee support of affected parties.

It is suggested that each party lodge with the convenor an 'expression of interest as an affected party' which identifies the extent to which they would be adversely affected by a moratorium on further work in the next 3 months pending discussions at the 'crisis conference', and subsequently over 6 and 12 months during any ongoing process of resolution.

The Convenor could meet confidentially with each affected party, to review the extent of affect and express in dollar terms the support required. The Convenor could attempt to mediate savings in costs, identify potential sources of available financial support, and suggest broader options for support where appropriate.

This lodging of an 'expression of interest' could be strictly limited to parties directly affected. Submissions may not be invited from those who may be potentially indirectly affected since, if the affected parties can be supported in the short term, there may be little or no indirect economic impacts.

It is proposed that the costs of the conference, convenor and the support of affected parties will be met by the NSW Government and be offset by savings in unproductive costs likely to be incurred in continued community conflict: court actions, police operations, insurance premiums increases, road repairs, community health costs etc.

This may be supplemented by available funds from other sources, including Commonwealth agencies and programs.

A Report of the issues and concerns, and the number and extent of affected parties should be prepared for submission to the Committee.



APPOINTMENT OF CONVENOR AND ACCOUNTABILITY OF CONFERENCE  
These crucial issues need close discussion.

The convener must be appointed by a body or process which is truly independent, free from any hint of bias.

Who should it be:

- \* the Legislative Committee on the Forestry (Amendment) Bill 1992;
- \* a select committee for the Legislative Assembly;
- \* the Legislative Assembly as a whole;
- \* what other bodies / processes can be suggested?

As the 'Crisis Conference' proceeds, to whom should it report?  
Perhaps this answer, lies in the answer to the above question...

It appears that the NSW Parliament and the broader community need to have facts, issues and any recommendations before them.

\* Foundat<sup>n</sup> needs to be agreed on

- biodiversity protect<sup>n</sup>
- old growth
- reserves

without which there  
can be no resolution

\* Access to information / FOI