







AND GOD SAID LET US MAKE MAN IN OUR IMAGE AFTER OUR
LIKENESS AND LET THEM HAVE DOMINION OVER THE FISH
OF THE SEA AND OVER THE FOWL OF THE AIR AND OVER
THE CATTLE AND OVER ALL THE EARTH AND OVER EVERY
CREEPING THING THAT CREEPETH UPON THE EARTH



Cross Cut
(The Last Supper)

by Colin Vercoe

Cross Cut (The Last Supper)

Medium: oil, acrylic and enamel on canvas, wood and steel.

Exhibited: Arts to Ashes exhibition, Long Gallery, Hobart.

13 February 1992

**Memo to :
TASMANIAN ENVIRONMENT NETWORK
(TEN)**

**Re : ENVIRONMENTAL LEGAL ACTIONS
UNDER TASMANIAN LAW**

**-----
STRICTLY PRIVATE AND CONFIDENTIAL
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INTRODUCTION

What follows is advice of my enquiries and preliminary research into environmental legal actions, undertaken in Hobart on 29th January, after discussions at the Jacky's Marsh Forest Festival.

Interest in pursuing this course was expressed in discussion which arose from my report of the North East Forest Alliance (NEFA's) Chaelundi - Old Growth Forest campaign, and during subsequent discussions on future directions for a Tas. forest campaign.

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Tasmania does not have a 'divided profession' for legal practitioners like NSW. In Tasmania, solicitors may act as the client's advocate in the court, as well as preparing the case and researching sometimes complicated and formal documents.

On the advice of TEN members, I contacted:

- * Mr Alan Blow, Barrister (002 233 844w);
- * Mr Henry Brookman, Solicitor & Barrister (002 346 377w);
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Hereafter I'll refer to each of them by their first names only.

Henry advised that there is only a small 'independent' Bar, consisting of lawyers who practice almost solely as barristers. Most cases undertaken in Tasmanian Supreme Court are effected by solicitors/barristers. He advises that there is only one practising Queen's Counsel (QC) resident in Hobart. Exceptionally senior barristers may come from Melbourne or Sydney.

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Unlike NSW laws, Tasmania has no automatic 'third party' standing provisions, whereby 'any person may commence proceedings to restrain or remedy a breach or the Act'.

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LEGAL COSTS

- i) lawyers professional fees;
- ii) incidentals and overheads;
- iii) expert witness costs;
- iv) ways of meeting costs;

Costs are very often the rock on which otherwise worthy legal cases founder. No legal action is free, and the extent to which costs are limited to reasonable sums depends on the particular nature of the case being litigated, and to a large degree how organised the applicant/plaintiff is in the preparation and progress of the case.

- ✓) search for costs
- ✓) undertakings to pay damages ↑

Costlawk Society
- v. conservative
- Hobart
- newly

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i) lawyers professional fees;

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Due to the terms of the NSW Legal Aid Commission (NSW LAC)'s grant of legal aid, NEFA's solicitors and barristers work without making a claim for costs to me as the applicant/plaintiff. In the event of a win the other side has to meet their fees and in the event of a loss the NSW LAC pays.

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ii) incidentals and overheads;

Every case has telephone, fax, photocopying costs, fees for lodging application with the court, issue of subpoenas, couriers etc.

These outgoings need to be met by client as upfront costs. While they can be minimised by careful consideration of the need for the phone call or copies of documents etc, there is no avoiding the bulk of these costs. If these costs can't be met you are unable to run a case.

NEFA's practice was to deposit sums of \$500 or \$1,000 at a time into the solicitors' trust account and have costs deducted and paid out of this account. This simplified the accounting and provided the solicitor with confidence that he would have the actual dollars necessary to meet various incidentals and overheads. When the case account in the solicitors trust fund started to look low, we made another deposit. In this way we didn't sink all our funds, also needed for the blockade support etc, into legal accounts, but we were able to keep the money flowing.

iii) expert witness costs;

Having expert witnesses, particularly expert scientific witnesses give evidence has been crucial for NEFA's cases. Yet experts don't come for free either!

In order to give coherent evidence under cross examination, or to produce sworn statements (affidavits) we had to provide 'our' scientists with copies of reports etc, sometimes urgently via fax or courier; and/or request them to travel to the forest and undertake surveys and inspections. All of the above costs money!

In some instances, individual experts would donate their time and effort at no financial cost, others would request a small heavily discounted payment, and in several instances, others were only able to undertake work for the case on a commercial basis. In each instance expenses were agreed to be covered, either upfront or by way of reimbursement.

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iv) Ways of meeting costs

Henry suggested one way of meeting legal expenses would be to share the costs between several supporting groups/individuals who may or may not be parties to the legal action. In my view this course would require some generosity and trust within the community of interest pursuing the legal action, because for efficiency, not everyone who contributes to the cases' expenses can be accommodated within the decisionmaking on the direction or progress of the case nor on the exact expenses which will be paid from their donation.

He also suggested that in some instances it may be suitable to form a trust or other legal entity for the purposes of channelling the money necessary to meet costs. This vehicle could be the forum for decisionmaking about the case and it could be from this vehicle that the liaison person would be delegated power to run the case on a day to day basis, providing instructions and direction to the lawyers and expert advisers.

Alternatively, there's the traditional funding method where the person who is pursuing court action pays the lot!

LEGAL AID

The Legal Aid Commission of Tasmania (LACT) is only just over one year old, and has been experiencing the usual 'teething' problems.

It is independent of government control but is funded from both state and federal government sources on a 3 year budget. It's next budget will commence on 1.1.1994. Henry advises that he is on a review committee of the LACT and that due to a number of reasons the LAC was 25% overspent in first 18 months! He advises that this situation is now being remedied, but has provoked a very conservative approach to the granting of aid.

In order to qualify for legal aid and applicant must be pursuing a case which has a public interest focus. A means test applies and even public interest cases where the applicant has considerable funds may not be funded! The LAC also requires a legal opinion as to the prospects for success.

Henry advises that LAC pays a reduced percentage of the current schedule of solicitors fees i.e. \$65.00 per hr. This makes it unattractive for most solicitors to do legal aid work. However, 'top up' funding, beyond the legal aid grant is not permitted under the terms of the legal aid retainer.

LACT's grants of legal aid include most disbursements but specific permission would have to be sought for briefing senior barristers, hiring experts etc.

Legal aid has not been very forthcoming to date due to financial pressures described above, and there has been a reluctance to grant aid to plaintiffs with public interest issues.

Henry described prospects for legal aid grants as being 'possible but unreliable'.

In my opinion, improving access to and the breadth of grants of aid should be part of a campaign focus among Tasmanian environmentalists and other social action groups.

Legal aid will not be granted generally
expressed Counsel refuse to advise that matters have good prospects for success unless aided with favourable expert opinions from experts (in cases where expert evidence is necessary). In the Chaulundi case, for example, the senior barrister refused to advise that I had a good case until he had seen our retained experts' affidavits. I had seen our retained experts' affidavits and was happy that the logging operation would be killed.

must be careful to avoid maintenance charges - see s.123 EPA Act

plaintiff

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INSTRUCTIONS

Assuming that legal actions could be commenced, clear and appropriate instructions to solicitors are crucial to any effective litigation.

Henry advised of previous difficulties in receiving instructions from a large group and his having to be involved in the group's formal decision making processes in order to receive relatively simple instructions. This has been an issue in NSW proceedings as well. Apart from the better use which could be made of this time, this process is expensive.

Further, Henry highlighted his confusion in receiving instructions from any member of the group commencing proceedings, where conflicting priorities or instructions were issued. He emphasised the need for a clear line of communication to the solicitor to be established through a case officer or liaison person. Group members should work through this nominated spokesperson.

In some instances it may be quite inappropriate to have all decisions or instructions the subject of the full consideration of the group. Minor, urgent or consequential decisions are best made with the least inefficiency. This may require delegating a range of matters to a spokesperson whose task it is to liaise with the lawyers.

If your group insists that all decisions on the direction and progress of the case must be made by the group, you can expect to be meeting every day, possibly incurring more legal costs than are necessary. Delay in making decisions on the direction or progress of a case can substantially undermine the success of a case, particularly where you are attempting to out-manoeuvre your opponent.

MERITS

Henry advises that the merits of legal action will depend on each case as it arises. In his view it is impossible to say that such and such a case would be likely to succeed because:

- * the actual state of the law would require a serious researching of the principal Act, and its amending Acts regulations, orders etc;
- * there is little or no coherent case law i.e. precedent, building up, since much legislation is untried in the court;
- * recent legislation is still being interpreted and put into effect.

Successful action will almost certainly require expert scientific evidence in addition to the legal arguments.

He is of the view however that rulings of other Courts e.g. NSW Land and Environment Court, Supreme Court, or Court of Appeal may be applicable in Tasmania where there is a direct correlation between the statutes of these two states e.g. National Parks and Wildlife Act. In his opinion the rulings of other state's courts could be 'very persuasive' arguments before the Tasmanian Bench.

This was our experience during the Chaelundi court actions, when we referred to Qld Supreme Court's rulings in the Mount Etna Bat Cave case Central Queensland Speleologists vs Central Queensland Cement and to case law from the United States and British Columbia.

The merit of any course of legal action will ultimately depend on a good legal issue from legislation or common law, expert evidence, supporting case law, a competent team of lawyers and the energy and focus of the individual or group who is plaintiff.

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Just because its never been done before doesn't undermine the merits or chances of success. Even the senior legal officer of the NSW NPWS said that the Chaelundi court action, under ss.98 & 99 of the NSW NPWA, couldn't be done!

EVIDENCE

- i) documentary evidence
- ii) expert evidence

i) documentary evidence

Documentary evidence will almost certainly be required. While some information may be able to be dragged from government departments or companies under the court's orders - subpoenas - once the case has been formally commenced, research into and the compilation of up to date information should be undertaken as a preliminary step.

Freedom of Information requests under Commonwealth FOI Act is one avenue for research. Corporate Affairs registry is another source depending on the nature of case. Tasmanian FOI requests may not be answered at this time (because the Act is not yet in force) but they may be worth making nonetheless. Informal, across the counter requests for information can yield results. Cultivate your friendly local bureaucrat.

Parliament House and University libraries may yield useful information too. This is the research which can be done immediately before the case commences, at little or no cost if you do it yourself, rather than leave it to the lawyers. Be discreet in disclosing why you want particular pieces of information. Suggesting that the information may be used in a court action may produce leaked documents, but more often such a disclosure will dry up information. Remember to protect your sources and double check information wherever possible.

ii) expert evidence

Evidence from experts in a wide variety of fields is extremely useful, indeed essential depending on the case. In cases seeking to protect forest and or water resources with their component flora and fauna, botanists, zoologists, geologists, geographers, economists, meteorologists etc will prove very useful.

The expert evidence is usually made in the form of sworn written statement - affidavits - wherein the expert recites his or her qualifications, experience, positions held etc to establish their credibility before the court. Post graduates - Masters degrees or better e.g. PhD - are highly respected.

In their affidavits experts would set out the questions they were asked to consider, the documents they reviewed, the area they inspected, any assumptions implicit in their consideration, the texts and references they consulted, and then they would express their considered opinion. A short hardhitting summary statement at the end is very powerful evidence, and eminently quotable in the media!

These experts must only express opinions within the limited field of their personal expertise. A zoologist's economic pronouncements are worth little before the court. Wherever possible experts should refer to published information with which they are familiar.

The prospects for legal actions in Tasmania to use expert evidence appears to be quite good due to the presence of an active group, United Scientists for Environmental Responsibility and Protection, (USERP).

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Dialogue with this group should be opened a.s.a.p. with a view to identifying people and fields of expertise which can be pursued in due course. If you make careful approaches to experts early in piece and they agree to be retained to assist you in the legal action, you can prevent their expertise being used against you by the other side. Moreover expert evidence they provide could be used in the media, your publications and in the Parliament.

Don't delay in making these initial approaches because it will be too late if Tas FC hires the best independent brains in the state to help it defend environmental legal actions.

EXPERT WITNESSES

Every expert must be approached carefully and their work obligations, e.g. at a university, respected. It is very, very rare that an expert scientist or economist has no work and is waiting for the phone to ring!

In engaging experts to assist in NEFA's cases, an initial approach was made explaining the nature of the case, and outlining the area where their expertise could be of assistance. A request for an expression of their interest would be made and except in the most urgent circumstances no pressure is exerted to have them answer immediately our request for assistance.

Once an interest in assisting is expressed, negotiations begin to establish what work can be done within the time available and the terms for which they would work. These negotiations were then formalised into a written brief, setting out the work, the timetable and the terms agreed in discussions. The expert would then write and accept or modify the brief. This exchange of correspondence was the contractual formulae for their involvement in the case. Legal aid in Tasmania can cover expert witnesses costs and expenses, provided prior approval is sought from and granted by LACT.

While the initial contacts and approaches were often made by my colleague and NEFA co-ordinator, Dailan Pugh, they were sometimes made by the solicitor, barrister or by me as applicant/plaintiff.

These lawyers would advise on what work was required (reviewing documents, preparing analyses, surveying or inspecting forests etc.) and the exact terms of brief, while the negotiations and formalising of the contract to undertake the work was usually done by me as applicant and legal aid recipient. (Legal aid in NSW covers expert witnesses.)

As part of the negotiations it is normal to request that they maintain the confidentiality of documents or information which you may provide. Experts may also agree to be retained, so that they will advise only you in the matter the subject of the court action. It is also prudent to discuss who, how and where there expert statement can be used or reproduced. Once a sworn statement is tendered to the court and read as evidence that statement becomes a public document and can be referred to, though it is courteous to check with the author before proceeding with its further publication.

Each expert deserves respect and the utmost consideration. If this is provided NEFA's experience has been that the scientific community is willing to assist if they can, often for little or no money. Expecting experts to do work, or failing to offer financial support doesn't attract much positive reaction.

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QUASI-LEGAL PROCEDURES

Public Land Use Commission (PLUC)

Henry and Roland both advised that submissions/appeals to the new Public Land Use Commission (PLUC) may be very useful means of pursuing the protection of areas currently zoned for permanent wood production.

They recommend that members of TEN seek legal advice about the new laws interpretation, standard of arguments and evidence, and advice on tactics.

They advise that in their views, it would not be necessary to have lawyer to act as an advocate before the PLUC, and suggest that any person with a clear knowledge of the facts and understanding of the issues could appear before the PLUC.

Ombudsman's Inquiry

This could be an avenue for action. Ombudsmans Inquiries have been very damning of NSW Forestry Commission in the past, and the Government pays for the Inquiry via the Office of the Ombudsman. This needs considerably more checking out, but could prove very effective, cheap and politically powerful.

Public Accounts Committee Inquiry

This seems an obvious area for further action. As a multi-million dollar loss making operating, in a time of harsh financial times, the continued losses of TFC really ought to be exposed and brought to a halt. A PAC Inquiry would probably require a reference from the Parliament, but this may not be impossible to achieve with some well placed press statements, questions in parliament or quotes from Annual Reports.

Of more concern is the membership of the Committee. In the early days of the new Parliament the membership of this Committee would be reconstituted. Perhaps this Committee ought to be a target for GIMP's and good ALP members.

In NSW, the PAC Inquiry exposed such incredible rorts and inefficiencies that there is a very strong groundswell even within the Liberal National Parties Coalition for a total overhaul of the Commission. In addition having an expert business management consultant retained by the PAC to assist in its enquiries, meant that there was economic credibility as well as political credibilty to the final report.

Tas FC would appear to be wide open for some well placed financial / economic criticisms!

POTENTIAL FOR LEGAL ACTION

Potential for legal actions may exist under existing Tasmanian laws such as those Acts listed in the attached list.

Henry advises that rather than ask him to research sections of Acts which have potential for use to protect forested areas and catchment water resources, what is required is a research project which reviews the full ambit of Tasmanian law and notes down for further consideration, sections of Acts which appear as possible courses for legal action. He or other counsel could then consider that refined list. I am tentatively available to assist in that research as part of a team.

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Before such a project is contemplated however, Henry suggests sitting down with Green Independent MP Gerry Bates MHA and discussing this research project. Henry thinks that Gerry may be able to save time on such an undertaking, or circumvent its necessity.

Query to TEN members: What dialogue with Gerry has taken place already regarding scope for legal action?

While further research of Tasmanian statutes may be necessary to identify potential areas for course action, I am advised that there may be possible legal cases under Commonwealth law - e.g. Trade Practices Act, aboriginal cultural protection laws etc;

Further, common law remedies, which do not rely on legislation, may also be available. I do not have the legal training to comment on these possibilities and they remain areas for further research.

To actually realise the potential for legal actions under either Tas, Commonwealth or common law, it may be necessary to manoeuvre into a position where a case can be brought on. This may involve obtaining a water right, registering a well, making an application to remove forest materials, or the like.

What manoeuvring may be suitable will depend on Gerry's information, the across the board research of the Tasmanian statutes, or advice from counsel as to the options under Commonwealth or common law. Essentially this requires creating appropriate opportunities to commence litigation.

SUGGESTED NEXT COURSES OF ACTION

Talk to Gerry Bates;
Prepare for PLUC - areas, arguments, evidence, media info;
Make FOI requests under Commonwealth (Tas??) FOI Acts;
Pursue Public Accounts Committee Inquiry into TFC- PAC membership;
Investigate areas of possible Ombudsmans inquiry into TFC;
Research Tas statutes as necessary;
obtain further advice on potential courses of action under Tas law;
obtain further advice on potential action under Commonwealth law;
obtain further advice on potential action under common law;
where appropriate manoeuvre for causes for legal action;

SUMMARY

No-one can assume that there is no scope for environmental legal actions in Tasmania.

A great deal more research may be required to identify if and where actions could be pursued.

Access to considerable funding is required to progress any court action.

Legal, scientific and political resources exist to support legal actions to defend forest and water resources.

Successful legal actions against Tas FC undermine its political and public credibility.

Legal action should be seen as an adjunct to direct action protest in the forest, public education campaigns, parliamentary work.

J.R. Corke
13.2.92

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Draft list of laws affecting the environment or natural resources, in some way, extracted from
"INDEX TO TASMANIAN ACTS AND STATUTES, 1826-1991" Tas. Parliament House Library

Aboriginal Relics Act, 1975;
Aid to Mining Act, 1927;
Aluminium Industries Act, 1960;
Associated Pulp and Paper Mills Act, 1936;
Beauty Point Landslip Act, 1970;
Chlorofluorocarbons and other Ozone Depleting Substances Control Act, 1988;
Closer Settlement Act, 1957;
Coastal and Other Waters (Application of State Laws) Act, 1982;
Constitutional Powers (Coastal Waters) Act, 1970;
Cressy Longford Irrigation Act, 1969;
Cressy Longford Irrigation Water Act, 1972;
Crown Lands Act(s), 1976, 1978;
Crown Lands Amendment Act(s) 1985, 1986, 1988, 1989, 1990;
Cruelty to Animals Prevention Act, 1925;
Environmental Protection Act, 1973;
Environmental Protection Amendment Act(s), 1989, 1990;
Fisheries Act, 1959, (1959), 1963;
Fisheries Amendment Act, 1980, 1985, 1986, 1988, 1989, (1989);
Forest Practices Act, 1985;
Forestry Act, 1920, 1954, 1977;
Forestry Amendment Act 1989;
Forestry Rights Registration Act, 1990;
Freedom Of Information Act, 1991;
Groundwater Act, 1985;
Law of Animals, 1962;
Mining Act(s), 1929, 1958;
Mineral Resources Act, 1951;
Mines Inspection Act, 1968;
National Parks and Wildlife Act(s), 1970, 1974, 1977;
Native Forests Agreement Act, 1980;
Ombudsman's Act, 1978;
Pesticides Act, 1968;
Pollution of Waters by Oil and Noxious Substances Act, 1987;
Public Accounts Committee Act, 1970;
Public Land (Administration and Forests) Act, 1991;
Pulpwood Products Industry (E & C Tas.) Act(s), 1968, 1971;
Settled Land Act(s), 1884, 1911;
Softwood Forestry Act(s), 1972, 1978;
Sub-Ordinate Legislation Committee Act, 1969;
Tasmanian Development Act(s), 1983, 1988;
Timber Promotion Act, 1970;
Tourism Act, 1977; Tourism and Recreational Development Act, 1977;
Water Act(s) 1957, 1988, 1989;
Wesley Vale Pulp and Paper Industry Act, 1961;
Whales Protection Act, 1988;
Wood Pulp and Paper Industry Encouragement Act, 1926...

I don't believe that there is not
publicly available a consolidated
version of these laws which can
be copied - what about computers?

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Due to the terms of the NSW Legal Aid Commission (NSW LAC)'s grant of legal aid, NEFA's solicitors and barristers work without making a claim for costs to me as the applicant/plaintiff. In the event of a win the other side has to meet their fees and in the event of a loss the NSW LAC pays.

When legal aid was refused or withdrawn(!) in two cases, these lawyers worked on a commercial risk basis i.e. if we won the other side would have to pay costs, and if we lost they would waive their professional fees. This very significant generosity cannot be expected of lawyers in Sydney or elsewhere, because they and their families have to eat too! If it's offered great! but it is not appropriate to ask professionals to work for nothing.

ii) incidentals and overheads;

Every case has telephone, fax, photocopying costs, fees for lodging application with the court, issue of subpoenas, couriers etc.

These outgoings need to be met by client as upfront costs. While they can be minimised by careful consideration of the need for the phone call or copies of documents etc, there is no avoiding the bulk of these costs. If these costs can't be met you are unable to run a case.

NEFA's practice was to deposit sums of \$500 or \$1,000 at a time into the solicitors' trust account and have costs deducted and paid out of this account. This simplified the accounting and provided the solicitor with confidence that he would have the actual dollars necessary to meet various incidentals and overheads. When the case account in the solicitors trust fund started to look low, we made another deposit. In this way we didn't sink all our funds, also needed for the blockade support etc, into legal accounts, but we were able to keep the money flowing.

iii) expert witness costs;

Having expert witnesses, particularly expert scientific witnesses give evidence has been crucial for NEFA's cases. Yet experts don't come for free either!

In order to give coherent evidence under cross examination, or to produce sworn statements (affidavits) we had to provide 'our' scientists with copies of reports etc, sometimes urgently via fax or courier; and/or request them to travel to the forest and undertake surveys and inspections. All of the above costs money!

In some instances, individual experts would donate their time and effort at no financial cost, others would request a small heavily discounted payment, and in several instances, others were only able to undertake work for the case on a commercial basis. In each instance expenses were agreed to be covered, either upfront or by way of reimbursement.

iv) Ways of meeting costs

Henry suggested one way of meeting legal expenses would be to share the costs between several supporting groups/individuals who may or may not be parties to the legal action. In my view this course would require some generosity and trust within the community of interest pursuing the legal action, because for efficiency, not everyone who contributes to the cases' expenses can be accommodated within the decisionmaking on the direction or progress of the case nor on the exact expenses which will be paid from their donation.

He also suggested that in some instances it may be suitable to form a trust or other legal entity for the purposes of channelling the money necessary to meet costs. This vehicle could be the forum for decisionmaking about the case and it could be from this vehicle that the liaison person would be delegated power to run the case on a day to day basis, providing instructions and direction to the lawyers and expert advisers.

Alternatively, there's the traditional funding method where the person who is pursuing court action pays the lot!

LEGAL AID

The Legal Aid Commission of Tasmania (LACT) is only just over one year old, and has been experiencing the usual 'teething' problems.

It is independent of government control but is funded from both state and federal government sources on a 3 year budget. It's next budget will commence on 1.1.1994. Henry advises that he is on a review committee of the LACT and that due to a number of reasons the LAC was 25% overspent in first 18 months! He advises that this situation is now being remedied, but has provoked a very conservative approach to the granting of aid.

In order to qualify for legal aid and applicant must be pursuing a case which has a public interest focus. A means test applies and even public interest cases where the applicant has considerable funds may not be funded! The LAC also requires a legal opinion as to the prospects for success.

Henry advises that LAC pays a reduced percentage of the current schedule of solicitors fees i.e. \$65.00 per hr. This makes it unattractive for most solicitors to do legal aid work. However, 'top up' funding, beyond the legal aid grant is not permitted under the terms of the legal aid retainer.

LACT's grants of legal aid include most disbursements but specific permission would have to be sought for briefing senior barristers, hiring experts etc.

Legal aid has not been very forthcoming to date due to financial pressures described above, and there has been a reluctance to grant aid to plaintiffs with public interest issues.

Henry described prospects for legal aid grants as being "possible but unreliable".

In my opinion, improving access to and the breadth of grants of aid should be part of a campaign focus among Tasmanian environmentalists and other social action groups.

Confidential memo to T.E.N. members re: possible legal actions

INSTRUCTIONS

Assuming that legal actions could be commenced, clear and appropriate instructions to solicitors are crucial to any effective litigation.

Henry advised of previous difficulties in receiving instructions from a large group and his having to be involved in the group's formal decision making processes in order to receive relatively simple instructions. This has been an issue in NSW proceedings as well. Apart from the better use which could be made of this time, this process is expensive.

Further, Henry highlighted his confusion in receiving instructions from any member of the group commencing proceedings, where conflicting priorities or instructions were issued. He emphasised the need for a clear line of communication to the solicitor to be established through a case officer or liaison person. Group members should work through this nominated spokesperson.

In some instances it may be quite inappropriate to have all decisions or instructions the subject of the full consideration of the group. Minor, urgent or consequential decisions are best made with the least inefficiency. This may require delegating a range of matters to a spokesperson whose task it is to liaise with the lawyers.

If your group insists that all decisions on the direction and progress of the case must be made by the group, you can expect to be meeting every day, possibly incurring more legal costs than are necessary. Delay in making decisions on the direction or progress of a case can substantially undermine the success of a case, particularly where you are attempting to out-manoeuvre your opponent.

MERITS

Henry advises that the merits of legal action will depend on each case as it arises. In his view it is impossible to say that such and such a case would be likely to succeed because:

- * the actual state of the law would require a serious researching of the principal Act, and its amending Acts regulations, orders etc;
- * there is little or no coherent case law i.e. precedent, building up, since much legislation is untried in the court;
- * recent legislation is still being interpreted and put into effect.

Successful action will almost certainly require expert scientific evidence in addition to the legal arguments.

He is of the view however that rulings of other Courts e.g. NSW Land and Environment Court, Supreme Court, or Court of Appeal may be applicable in Tasmania where there is a direct correlation between the statutes of these two states e.g. National Parks and Wildlife Act. In his opinion the rulings of other state's courts could be 'very persuasive' arguments before the Tasmanian Bench.

This was our experience during the Chaelundi court actions, when we referred to Qld Supreme Court's rulings in the Mount Etna Bat Cave case Central Queensland Speleologists vs Central Queensland Cement and to case law from the United States and British Columbia.

The merit of any course of legal action will ultimately depend on a good legal issue from legislation or common law, expert evidence, supporting case law, a competent team of lawyers and the energy and focus of the individual or group who is plaintiff.

Confidential memo to T.E.N. members re: possible legal actions

Just because its never been done before doesn't undermine the merits or chances of success. Even the senior legal officer of the NSW NPWS said that the Chaelundi court action, under ss.98 & 99 of the NSW NPWA, couldn't be done!

EVIDENCE

- i) documentary evidence
- ii) expert evidence

i) documentary evidence

Documentary evidence will almost certainly be required. While some information may be able to be dragged from government departments or companies under the court's orders - subpoenas - once the case has been formally commenced, research into and the compilation of up to date information should be undertaken as a preliminary step.

Freedom of Information requests under Commonwealth FOI Act is one avenue for research. Corporate Affairs registry is another source depending on the nature of case. Tasmanian FOI requests may not be answered at this time (because the Act is not yet in force) but they may be worth making nonetheless. Informal, across the counter requests for information can yield results. Cultivate your friendly local bureaucrat.

Parliament House and University libraries may yield useful information too. This is the research which can be done immediately before the case commences, at little or no cost if you do it yourself, rather than leave it to the lawyers. Be discreet in disclosing why you want particular pieces of information. Suggesting that the information may be used in a court action may produce leaked documents, but more often such a disclosure will dry up information. Remember to protect your sources and double check information wherever possible.

ii) expert evidence

Evidence from experts in a wide variety of fields is extremely useful, indeed essential depending on the case. In cases seeking to protect forest and or water resources with their component flora and fauna, botanists, zoologists, geologists, geographers, economists, meteorologists etc will prove very useful.

The expert evidence is usually made in the form of sworn written statement - affidavits - wherein the expert recites his or her qualifications, experience, positions held etc to establish their credibility before the court. Post graduates - Masters degrees or better e.g. PhD - are highly respected.

In their affidavits experts would set out the questions they were asked to consider, the documents they reviewed, the area they inspected, any assumptions implicit in their consideration, the texts and references they consulted, and then they would express their considered opinion. A short hardhitting summary statement at the end is very powerful evidence, and eminently quotable in the media!

These experts must only express opinions within the limited field of their personal expertise. A zoologist's economic pronouncements are worth little before the court. Wherever possible experts should refer to published information with which they are familiar.

The prospects for legal actions in Tasmania to use expert evidence appears to be quite good due to the presence of an active group, United Scientists for Environmental Responsibility and Protection, (USERP).

Confidential memo to T.E.N. members re: possible legal actions

Dialogue with this group should be opened a.s.a.p. with a view to identifying people and fields of expertise which can be pursued in due course. If you make careful approaches to experts early in piece and they agree to be retained to assist you in the legal action, you can prevent their expertise being used against you by the other side. Moreover expert evidence they provide could be used in the media, your publications and in the Parliament.

Don't delay in making these initial approaches because it will be too late if Tas FC hires the best independent brains in the state to help it defend environmental legal actions.

EXPERT WITNESSES

Every expert must be approached carefully and their work obligations, e.g. at a university, respected. It is very, very rare that an expert scientist or economist has no work and is waiting for the phone to ring!

In engaging experts to assist in NEFA's cases, an initial approach was made explaining the nature of the case, and outlining the area where their expertise could be of assistance. A request for an expression of their interest would be made and except in the most urgent circumstances no pressure is exerted to have them answer immediately our request for assistance.

Once an interest in assisting is expressed, negotiations begin to establish what work can be done within the time available and the terms for which they would work. These negotiations were then formalised into a written brief, setting out the work, the timetable and the terms agreed in discussions. The expert would then write and accept or modify the brief. This exchange of correspondence was the contractual formulae for their involvement in the case. Legal aid in Tasmania can cover expert witnesses costs and expenses, provided prior approval is sought from and granted by LACT.

While the initial contacts and approaches were often made by my colleague and NEFA co-ordinator, Dailan Pugh, they were sometimes made by the solicitor, barrister or by me as applicant/plaintiff.

These lawyers would advise on what work was required (reviewing documents, preparing analyses, surveying or inspecting forests etc.) and the exact terms of brief, while the negotiations and formalising of the contract to undertake the work was usually done by me as applicant and legal aid recipient. (Legal aid in NSW covers expert witnesses.)

As part of the negotiations it is normal to request that they maintain the confidentiality of documents or information which you may provide. Experts may also agree to be retained, so that they will advise only you in the matter the subject of the court action. It is also prudent to discuss who, how and where there expert statement can be used or reproduced. Once a sworn statement is tendered to the court and read as evidence that statement becomes a public document and can be referred to, though it is courteous to check with the author before proceeding with its further publication.

Each expert deserves respect and the utmost consideration. If this is provided NEFA's experience has been that the scientific community is willing to assist if they can, often for little or no money. Expecting experts to do work, or failing to offer financial support doesn't attract much positive reaction.

Confidential memo to T.E.N. members re: possible legal actions

QUASI-LEGAL PROCEDURES

Public Land Use Commission (PLUC)

Henry and Roland both advised that submissions/appeals to the new Public Land Use Commission (PLUC) may be very useful means of pursuing the protection of areas currently zoned for permanent wood production.

They recommend that members of TEN seek legal advice about the new laws interpretation, standard of arguments and evidence, and advice on tactics.

They advise that in their views, it would not be necessary to have lawyer to act as an advocate before the PLUC, and suggest that any person with a clear knowledge of the facts and understanding of the issues could appear before the PLUC.

Ombudsman's Inquiry

This could be an avenue for action. Ombudsmans Inquiries have been very damning of NSW Forestry Commission in the past, and the Government pays for the Inquiry via the Office of the Ombudsman. This needs considerably more checking out, but could prove very effective, cheap and politically powerful.

Public Accounts Committee Inquiry

This seems an obvious area for further action. As a multi-million dollar loss making operating, in a time of harsh financial times, the continued losses of TFC really ought to be exposed and brought to a halt. A PAC Inquiry would probably require a reference from the Parliament, but this may not be impossible to achieve with some well placed press statements, questions in parliament or quotes from Annual Reports.

Of more concern is the membership of the Committee. In the early days of the new Parliament the membership of this Committee would be reconstituted. Perhaps this Committee ought to be a target for GIMP's and good ALP members.

In NSW, the PAC Inquiry exposed such incredible rorts and inefficiencies that there is a very strong groundswell even within the Liberal National Parties Coalition for a total overhaul of the Commission. In addition having an expert business management consultant retained by the PAC to assist in its enquiries, meant that there was economic credibility as well as political credibilty to the final report.

Tas FC would appear to be wide open for some well placed financial / economic criticisms!

POTENTIAL FOR LEGAL ACTION

Potential for legal actions may exist under existing Tasmanian laws such as those Acts listed in the attached list.

Henry advises that rather than ask him to research sections of Acts which have potential for use to protect forested areas and catchment water resources, what is required is a research project which reviews the full ambit of Tasmanian law and notes down for further consideration, sections of Acts which appear as possible courses for legal action. He or other counsel could then consider that refined list. I am tentatively available to assist in that research as part of a team.

Confidential memo to T.E.N. members re: possible legal actions

Before such a project is contemplated however, Henry suggests sitting down with Green Independent MP Gerry Bates MHA and discussing this research project. Henry thinks that Gerry may be able to save time on such an undertaking, or circumvent its necessity.

Query to TEN members: What dialogue with Gerry has taken place already regarding scope for legal action?

While further research of Tasmanian statutes may be necessary to identify potential areas for course action, I am advised that there may be possible legal cases under Commonwealth law - e.g. Trade Practices Act, aboriginal cultural protection laws etc;

Further, common law remedies, which do not rely on legislation, may also be available. I do not have the legal training to comment on these possibilities and they remain areas for further research.

To actually realise the potential for legal actions under either Tas, Commonwealth or common law, it may be necessary to manoeuvre into a position where a case can be brought on. This may involve obtaining a water right, registering a well, making an application to remove forest materials, or the like.

What manoeuvring may be suitable will depend on Gerry's information, the across the board research of the Tasmanian statutes, or advice from counsel as to the options under Commonwealth or common law. Essentially this requires creating appropriate opportunities to commence litigation.

SUGGESTED NEXT COURSES OF ACTION

Talk to Gerry Bates;
Prepare for PLUC - areas, arguments, evidence, media info;
Make FOI requests under Commonwealth (Tas??) FOI Acts;
Pursue Public Accounts Committee Inquiry into TFC- PAC membership;
Investigate areas of possible Ombudsmans inquiry into TFC;
Research Tas statutes as necessary;
obtain further advice on potential courses of action under Tas law;
obtain further advice on potential action under Commonwealth law;
obtain further advice on potential action under common law;
where appropriate manoeuvre for causes for legal action;

SUMMARY

No-one can assume that there is no scope for environmental legal actions in Tasmania.

A great deal more research may be required to identify if and where actions could be pursued.

Access to considerable funding is required to progress any court action.

Legal, scientific and political resources exist to support legal actions to defend forest and water resources.

Successful legal actions against Tas FC undermine its political and public credibility.

Legal action should be seen as an adjunct to direct action protest in the forest, public education campaigns, parliamentary work.

J.R. Corke
13.2.92

Confidential memo to T.E.N. members re: possible legal actions

Draft list of laws affecting the environment or natural resources, in some way, extracted from
"INDEX TO TASMANIAN ACTS AND STATUTES, 1826-1991" Tas. Parliament House Library

Aboriginal Relics Act, 1975;
Aid to Mining Act, 1927;
Aluminium Industries Act, 1960;
Associated Pulp and Paper Mills Act, 1936;
Beauty Point Landslip Act, 1970;
Chlorofluorocarbons and other Ozone Depleting Substances Control Act, 1988;
Closer Settlement Act, 1957;
Coastal and Other Waters (Application of State Laws) Act, 1982;
Constitutional Powers (Coastal Waters) Act, 1970;
Cressy Longford Irrigation Act, 1969;
Cressy Longford Irrigation Water Act, 1972;
Crown Lands Act(s), 1976, 1978;
Crown Lands Amendment Act(s) 1985, 1986, 1988, 1989, 1990;
Cruelty to Animals Prevention Act, 1925;
Environmental Protection Act, 1973;
Environmental Protection Amendment Act(s), 1989, 1990;
Fisheries Act, 1959, (1959), 1963;
Fisheries Amendment Act, 1980, 1985, 1986, 1988, 1989, (1989);
Forest Practices Act, 1985;
Forestry Act, 1920, 1954, 1977;
Forestry Amendment Act 1989;
Forestry Rights Registration Act, 1990;
Freedom Of Information Act, 1991;
Groundwater Act, 1985;
Law of Animals, 1962;
Mining Act(s), 1929, 1958;
Mineral Resources Act, 1951;
Mines Inspection Act, 1968;
National Parks and Wildlife Act(s), 1970, 1974, 1977;
Native Forests Agreement Act, 1980;
Ombudsman's Act, 1978;
Pesticides Act, 1968;
Pollution of Waters by Oil and Noxious Substances Act, 1987;
Public Accounts Committee Act, 1970;
Public Land (Administration and Forests) Act, 1991;
Pulpwood Products Industry (E & C Tas.) Act(s), 1968, 1971;
Settled Land Act(s), 1884, 1911;
Softwood Forestry Act(s), 1972, 1978;
Sub-Ordinate Legislation Committee Act, 1969;
Tasmanian Development Act(s), 1983, 1988;
Timber Promotion Act, 1970;
Tourism Act, 1977; Tourism and Recreational Development Act, 1977;
Water Act(s) 1957, 1988, 1989;
Wesley Vale Pulp and Paper Industry Act, 1961;
Whales Protection Act, 1988;
Wood Pulp and Paper Industry Encouragement Act, 1926...

Lisa Yeates
 P.O. Box 218
 Deloraine 7304
 (003) 695175

Dear John,

Better late than never, as they say. Great to talk with you today (25th Feb), means much of what I was going to tell you in this note has been conveyed.

All the same, enclosed are some documents which hold some info.

List of participants in Direct Action discussion at Forest Festival

Lobbying document which has map with "hot spots" marked.

T.E.N. phone tree contacts

Copies of "Train Action" media.

It was a great action got lots of coverage, but the Tas Media had a lovely time beefing it up as eco-terrorism. God help us and the threat of Earth First, talk about ridiculous. Anyway it certainly set the cat amongst the pigeons, with Hobart Tws people lecturing folk like Benny and others from Chaelundi who had joined in on the protest about dress code and basically dis-empowering them totally. Telling them not to stay in Tasmania, the full catastrophe. I just saw red. Meant I spent hours on the phone trying to get people to see sense and to stop being so over-reactionary. Maybe I was being that too, but I was pissed off. Things have been sorted out now and more actions are happening.

East Picton is the current focus with 30 people at the blockade. Work has been stopped for 10 days, Forestry seems loath to give opening for any actual confrontation and always seem to instruct workers to pull out and stop machinery. In it's own way this is a success for us. Yesterday blockaders' cars were set alight by Geeveston 'unemployed youth' (quote the Mercury), there is no sense of the police being prepared to protect the blockaders who have been seriously harassed all this week. Guns, punctured tyres, the works. 'Just hot heads', local towns people say.

I'm still feeling frustrated that we activists down here have not yet got together and worked out any long-term strategies etc. Life is not meant to be easy, but this is ridiculous. Liberal Government, apathy, complacency etc. Ho hum. Maybe I'll feel better next week.

Your news is disquieting. Don't forget to take care of yourself through all this shit. I suppose the demands on you at the moment are horrific.

Once again thank you for all you have done for us down here. We hope you can return soon. Don't forget to contact the Greens in Hobart re. that job.

Till next time.
 Lotsa love ,

RESOURCE SECURITY LEGISLATION

LOBBY KIT

MAY/JUNE 1991

CONTENTS :

"How to lobby a Minister" - Article by Joan Staples

Information and points on Resource Security Legislation

Addresses, phone and fax numbers of ALP members

Letters to the Editor - addresses, fax, "letter phone in" numbers

Sample letter

Letter writing hints

Many thanks to all those involved, and happy lobbying!

Fiona

Cheers....Fiona Meredith

A Wilderness Society

John.
Note Map. and last page.

Hi Folks!,

Thanks for getting involved. The contents of the kit are outlined on the front cover. Please get in touch if you have any queries etc. (Fiona (002) 282603)

The important points to remember about "lobbying" are in Joan Staples' informative article. She suggests taking a lobby document to give to the pollic at the start of the meeting. This is something you will need to get together for yourselves if you wish to take one. (It would give you an opportunity to hand across information specific to an area, or emphasise an issue of particular concern to you re: Resource Security legislation.)

A few extra hints (including the obvious ones!)

Once you have formed yourselves into lobby teams, one of you needs to make the appointment(s) with the politicians. If you don't know anyone else who wants to lobby with you, we do!! (Ring Fiona!)

If you can, relate the issue back to the portfolio of the minister you are going to see. It is important to remember that each minister was part of the cabinet which unanimously approved the Forest Strategy of which Resource Security is the major plank. (John White abstained...)

It is also important to focus on just a few points, and ones that your lobby group feel comfortable with. Obviously, it's good to sit down before hand and talk through who is going to raise what points etc.

You may wish to focus on the economic impacts or the environmental impacts for example. Should you want more specific information, we can provide it.

*It would be very useful to point out to the politician that the Field Government is handing additional powers to the Legislative Council. This is an area which the ALP is particularly concerned about, as it is contradictory to ALP policy (which is to abolish it).

*You are entitled to ask your local member to undertake/answer the following...

Ask the politician to *clearly state their position on the issue.*

Has the interview changed their mind on the issue?

Will they publically announce their change of mind?

What other actions they are going to take?

Will they raise the issue with the relevant minister?

Will they ask that the issue be debated in cabinet (for ministers) or at a caucus meeting again?

Good Lobbying!

John White
Fiona

002
282603(h)
002
349366(w)

Seeing a Minister about your issue in Canberra or Hobart can be daunting the first time. To make your visit successful, there are some simple principles to follow:

- Be yourself, and believe in what you are doing.
- Do not be intimidated by the surroundings. Parliament houses are simply office buildings where many people work.
- Clothes: Do not let your dress intrude. You have only a short time to get your message across and you do not want unnecessary distractions. Wear something that the Minister is unlikely to notice and in which you feel comfortable. 'Way-out' gear is inappropriate, even if it makes your statement of individuality. If you are a man who has never worn a suit in your life, do not run off to St Vincys and get one, because you will probably look ridiculously uncomfortable.

- Numbers: Ideally, not less than two people and no more than three. A crowd will distract from good communication. Two people will allow you to corroborate what transpired; it allows one person to watch and feel the non-verbal exchanges that take place, and gives each of you time to collect your thoughts while the other speaks. I do not recommend taking notes throughout the meeting, unless it is an occasional point jotted down unobtrusively. However, as soon as you leave, do sit down together and note what undertakings you or the Minister have given, and new information you have obtained. Some people like to send a letter to confirm what was agreed. That is not necessary for every visit, but is a good idea with a notoriously slippery Minister.

• What to take:

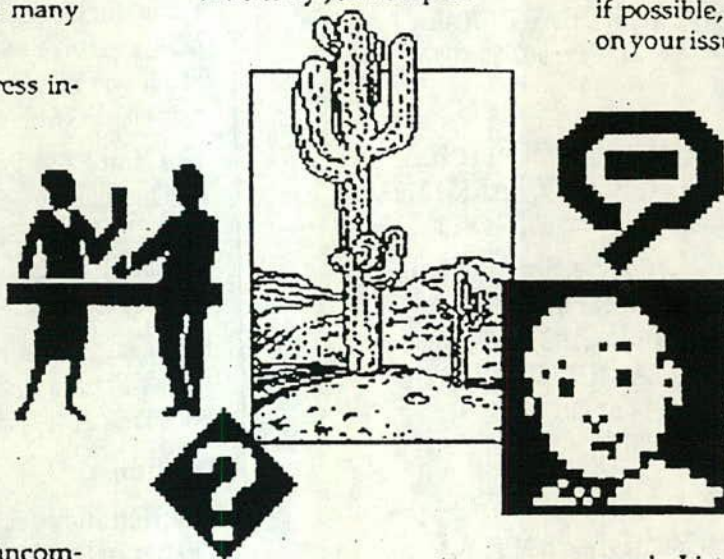
Visuals are great. A map, photographs or a couple of simple graphs can be really helpful.

A basic lobby document is essential. It must be succinct and simple. You are the expert. Do not presume a Minister will know a great deal about your issue and do not try to convey too many ideas.

I recommend using a format in

Lobbying a Minister

The first in a series of articles by Joan Staples



your lobby document similar to what a Minister receives from his/her Department as briefing notes. It is a form Ministers are accustomed to following. No more than one or two A4 pages, clearly set out, possibly in point form, stating what the issue is, the arguments being put forward, your position on those arguments and ending with a specific recommendation to the Minister. Detailed documents can be provided to support your information. Someone in the Department might read them, but probably not the Minister.

- Advisers: At least one person from the Minister's office will be present - a Senior Private Secretary or Secretary. These are very important people. They control the advice to and from the Minister and the Department. The

workload is such that few Ministers can keep up with everything in his/her portfolio all the time. In Canberra, different staff members look after different aspects of the portfolio. In Hobart, the situation is complicated by Ministers having more than one portfolio and the situation varies from Minister to Minister. Develop a relationship with the appropriate advisor, if possible, and keep them up to date on your issue. Occasionally the appropriate person from the Department will also be present. The same applies to keeping them informed.

• The Interview:

Ideally, the Minister should speak for a total of half your visit and you share the other half. Follow the format of your lobby document if you are unsure how to proceed. Beginners often try to talk too

much. Listening is just as important. It will give you clues as to the level at which to pitch your presentation, show you obstacles to overcome and misunderstandings on the part of the Minister that should be corrected. Be clear and pleasant. Be yourself. Make points simply and firmly. Do not alienate, but be firmly dignified if things get tough.

Lastly, but most important of all, listen carefully to what the Minister commits him/herself. Politicians like to be loved. They may often sound so agreeable and pleasant that you think they are agreeing with you, when they are not.

- Be clear in your lobby document for what you are asking, keep a united front with your partner and do not exceed your mandate from your group as to what you can negotiate. If the Minister wants to push you beyond this, it is appropriate for you to say you will have to take it back to your group for consideration.

Lobbying a Minister must be put in the context of a campaign. You can be the most accomplished lobbyist in the world, but if you do not have supporters out there, all your good work is wasted. However more about general campaigning some other time. Good Lobbying!

Food to make you feel great!

Eumarrak Wholefoods

The new Sandy Bay shop will be opening on
May 27th at 15 Gregory St. It will be unique
among wholefoods shops in Tasmania!
Also at 45 Goulburn St, Hobart and 29 Albert
Rd, Moonah

If you fail to get an appointment with your local Labor member of Parliament, write or phone with a message pointing out your concern and ask for a response:

Braddon

The Premier

The Hon Michael Field M.H.A.
Franklin Square, HOBART 7000
Ph: 002 30 3464, Fax: 002 24 0617

The Hon Michael Weldon M.H.A.
10 Murray St, HOBART 7000
Ph: 002 30 6151, Fax: 002 23 8033

Lyons

The Hon David Llewellyn M.H.A.
2 Bayfield St, ROSNY PARK 7018
Ph: 002 30 8303, Fax: 002 44 4338

The Speaker of the House of Assembly
The Hon Michael Polley M.H.A.
Parliament House, HOBART 7000
1 Civic Sq., LAUNCESTON 7250
Ph: 002 30 2214 or 003 32 2269
Fax: 003 34 1487

Franklin

The Hon Michael Aird M.H.A.
134 Macquarie St, HOBART 7000
Ph: 002 30 2965, Fax: 002 23 8922

The Hon Fran Bladel M.H.A.
Franklin Square, HOBART 7000
Ph: 002 30 3484, Fax: 002 23 8157

Mr Paul Lennon M.H.A.
Parliament House, HOBART 7000
Ph: 002 30 2505, Fax: 002 72 1098

Bass

The Hon Harry Holgate M.H.A.
Public Buildings, St John St LAUNCESTON
7250 15 Murray St, HOBART 7000
Ph: 002 30 3458 or 003 32 2427
Fax: 002 23 7610

The Hon Peter Patmore M.H.A.
Public Buildings, St John St LAUNCESTON
7250 15 Murray St, HOBART 7000
Ph: 002 30 6725 or 003 32 2250
Fax: 002 34 7361

Mr James Cox M.H.A.
1 Civic Square, LAUNCESTON 7250
Ph: 003 32 2246, Fax: 003 34 1487

Denison

The Hon Judy Jackson M.H.A.
10 Murray St, HOBART 7000
Ph: 002 30 3730, Fax: 002 23 8125

The Hon John White M.H.A.
15 Murray St, HOBART 7000
Ph: 002 30 6682, Fax: 002 34 1572

Dr David Crean M.H.A.
Parliament House, HOBART 7000
Ph: 002 30 2985

Other things you can do

1. Write to your local newspapers stating why you are opposed to Resource Security Legislation. Challenge any biased reporting on this issue by ringing the editor.
2. Phone any talk-back radio programs on the issue. This is a good forum for getting point of view across to the public.
3. Organise an information evening in your local area, we will supply the speakers and information.
4. Join in rallies, public meetings or other events that will be take place over this issue.
5. Ask your local Forestry Commission Officer where the Wood Production Zones are around you. Demand the right to information regarding forestry operations in your area. Then make any information you receive public.
6. Become actively involved in the Wilderness Society and help the campaign against Resource Security Legislation.

For more information, contact **The Wilderness Society**

..... 003 34 2499 or 002 34 9366

It is important that we get the message across to the politicians, industry and the community at every opportunity.

Those people who don't feel comfortable about lobbying polities directly, please write to them instead, and in particular write to as many newspapers as possible!

Below are addresses etc. for the newspapers we need to focus on:

The Mercury

GPO Box 33D Hobart, TAS 7000

Fax: (002) 30 0711

Phone in letters: 008 005 115

The Advocate

PO Box 63 Burnie, Tas 7320

Fax: Burnie (004) 30 1461

Hobart (002) 34 6874

The Examiner

71-75 Paterson St Launceston, Tas 7250

Fax: Launceston (003) 32 0300

Hobart (002) 21 1231

The Age

PO Box 257C Melbourne, Vic 3001

Fax: (03) 670 7514

The Australian

2 Holt St Surrey Hills, NSW 2010

Fax: (02) 288 3079

The Sydney Morning Herald

PO Box 506 GPO Sydney, NSW 2001

Fax: (02) 282 1640

Example Letter Only

24th May 1991

The Premier
The Hon Michael Field M.H.A.
Franklin Square
HOBART 7000

Dear Mr Field.

I write to express my total opposition to Resource Security Legislation for many reasons including:

- a) a minimum of 1.1 million hectares of public forests will go into 'wood production zones' with no hope of future protection;
- b) the Legislative Council will be able to block any move to remove land from these zones;
- c) clearfelling and cablelogging will become entrenched as the dominant logging technique, leading to the total destruction of forest habitat and the wildlife;
- d) the big logging companies will be able to demand compensation if the zones fail to sustain logging as a prescribed level of land is removed from these pulpwood zones;
- e) stops any chance of Tasmania changing direction away from being a third world resource extraction economy.

I urge you to reconsider your commitment to this legislation and say no to industry's unrealistic and dangerous demands.

For the future of Tasmania.

Yours sincerely

FUNDAMENTAL PROBLEMS WITH "RESOURCE SECURITY" AND THE FORESTS AND FOREST INDUSTRY STRATEGY

The State Government's proposed "Forest Industry Strategy" has two essential elements which are totally antagonistic to conservation:

- "Resource Security" legislation (RSL);
- and the abolition of any limit on quantities of woodchips that can be exported from the state.

These two developments will have the following severe impacts on the state's economy and environment:

1. The necessity to clearfell and cable-log natural forests

Because resource-security legislation (RSL) guarantees the logging industry high volumes of timber from a fixed area of public forest, a high intensity of logging becomes law. This entrenches environmentally damaging practices such as cable logging of steep country and clearfelling.

For areas where values are found whose protection requires radical change to how much forest can be logged in any year, future governments' hands are tied when it comes to protecting those values. A classic example is Victoria, where the Leadbeaters Possum is on the verge of extinction because the oldgrowth trees it needs for its nesting habitat are committed to industry by RSL.

2. New powers to the Legislative Council - the power to block protection of forest areas

RSL's function is to stop future declarations of reserves (national parks, nature reserves, Aboriginal sites, protected archaeological sites etc) over areas of forest guaranteed to industry.

Even the concession-system laws, powerful though they are, did not prevent the declaration of national parks over areas such as the Lemonthyme, Farmhouse Creek or Douglas-Apsley forests, or the declaration of Protected Archaeological Sites over areas such as Wargata Mina cave in the South-West.

RSL means that future national-park declarations would require legislation - in other words, the agreement of the Legislative Council, a body that supported flooding Lake Pedder, damming the Franklin, building the Wesley Vale pulpmill and logging Tasmania's tall eucalypts. It has attempted to stop World Heritage nominations. It is therefore most unlikely to pass legislation that will set aside additional areas of Tasmania's forests.

The Legislative Council has never before had the power to block national parks. If it did, we could not have won the Accord victories of 1989, when areas like the Gordon Splits, Lemonthyme, Wayatinah tall forests and Little Fisher were protected. Once the Legislative Council has that power, it will be impossible to take it away from the Council without its approval.

3. Areas proposed to be subject to RSL have very high conservation-value

The following areas are proposed permanent logging-zones (ie subject to RSL) under the State Government's plan:

- the forested slopes of the Great Western Tiers;
- parts of South-West Tasmania, including the Huon Track below Blakes Opening, the Tiger Range, the lower Weld and Picton valleys, and the viewfields from many major destinations (Snowy Range, Hartz Mtns, Mt Bobs);
- large tracts of mixed rainforests and tall eucalypts in north-west Tasmanian wilderness areas (eg Hellyer forests);
- almost all of the public forests of north-east Tasmania;
- many areas proposed for protection by local conservation groups, eg parts of Tasman Peninsula, Wielangta, Jackeys Marsh, Gog Range, Cluan Tier, Mt Arthur, Panama Ridge, Dazzler Range, Bruny Island and Lorinna.

Many of the above areas (tens of thousands of hectares) were identified by the Forest and Forest Industry Council's Panel of Experts as having very high conservation-values. Many have also been identified by the Department of Parks, Wildlife and Heritage as worthy of World Heritage Listing.

*Point 2 (above) means that these areas will be extremely difficult to protect in the future. Point (1) means the areas will be under intense threat from activities like cable-logging.

4. RSL rewards the Forestry Commission and logging companies for driving Tasmania into debt

The deficit of the Forestry Commission is estimated at \$450 million (over 1/3 of the state government debt). This debt has built up because the royalties collected by the Forestry Commission for the sale of a public asset do not meet the cost of growing the forests back again.

Interest on this debt is paid by the Tasmanian Government. It is this crippling interest bill that has forced the State Government to sack teachers, police, health workers etc. Servicing of this debt cost Tasmanians \$50 million this financial year.

Giving the Forestry Commission the responsibility to manage all of the wood-production areas simply rewards it for its past inept financial performance. Ongoing losses incurred by the Forestry Commission are presently running at \$20 million.

The Forestry Industry is costing Tasmania in total \$80 million per annum in direct subsidies:

Forestry Commission	\$50.0 million
Freight Equalisation Scheme	\$13.0 million
Bulk Power Subsidies	\$15.0 million
Road Transport Subsidies	\$2.5 million
<hr/>	
Total per annum	\$80.5 million

(Source - "Forestry as if Economics Really Mattered"
Hugh Sadler (Economist), 1991 (Report commissioned by C. Milner

5. Resource security does not guarantee "downstream processing" of resources or jobs.

RSL is to be applied to public forests from which the major product is woodchips for export. RSL does not guarantee that those resources will be processed in Tasmania. The State Government, in fact, has increased the woodchip export-quota from 2.9 to 3.6 million tonnes per annum - more than is exported from the whole of the mainland.

RSL does not guarantee levels of employment. The logging industry has cut its workforce by about 5000 direct jobs since 1970, despite major increases in volumes being extracted. Australian Newsprint Mills is planning to reduce its workforce by a further 200 (from 1500 six years ago to 600 in 1993), yet it will be a major beneficiary of RSL.

6. Major wilderness areas remain under threat from RSL

The following areas are threatened with becoming wood-production zones in the future. They are classified as "deferred" under the Government's plan. However, other forests are being logged at a rate that assumes that these "deferred" forests will be made available for logging. "Deferred forests" which are critical parts of Tasmania's wilderness include: Beech Creek, Counsel River, middle Weld, upper Styx, upper Huon, Reynolds Falls, forests south of Macquarie Harbour.

7. Areas proposed for reservation by the Forestry Commission are totally inadequate.

The Forestry Commission has proposed about 200,000 hectares of additional "recommended areas for protection" (RAPs). However, 50 of the RAPs are no bigger than 200 ha. They will be difficult and expensive to manage for natural values because of their small area and convoluted boundaries. The RAPs are inadequate because:

- the target level of reservation for eucalypt forests is only 5% of what's left! We have already logged (including selectively) 90% of our tall eucalypt forests.
- the target level of reservation for rainforests is only 30% of what's left.
- they are not proposed as national parks, but mainly as Conservation Areas or forest reserves. Conservation Areas do not provide protection against logging and mining. Forest Reserves can be roaded or revoked without the approval of Parliament.

8. Many species of endangered plants and animals face extinction as a result of the State Government's forest policies

Most of the state's rare, endangered or vulnerable species of plant and animal occur either on private land or on public land threatened by "Resource Security."

Those falling on public land are threatened as a result of points 1. and 2. (above). Those occurring on private land will be threatened by the increase in export-woodchipping.

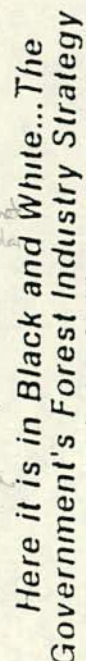
Tasmania already exports more woodchips than all the other states of Australia combined. Many of these woodchips come from the clearing of privately-owned forests for plantation or for farmland. Removing controls and limitations on woodchipping on private land could spell disaster for rare or endangered species such as the bettong and swift parrot.

Some facts and figures:

- 184,000 hectares of National Estate Forests would be covered by RSL. This is contrary to the spirit and letter of Clause 14 of the Labor-Green Accord.
- Increasing the woodchip export-quota above 2.889 million tonnes per annum is contrary to Clause 9 of the Labor-Green Accord. (Llewellyn told Parliament on 3 October 1990) that the quota is now 3.6 million tonnes per annum.)
- Of the 406,000 ha of National Estate forests (as distinct from buttongrass plains, cliffs, sand dunes etc) allocated under the forests strategy, less than 3000 ha were allocated to national parks. Government figures say an additional 70,000 hectares won't be logged, but a future government could change that policy.
- Under the forests strategy, 150,000 ha of National Estate forests will become logging zones under RSL. 185,000 ha will be deferred.
- Eight years ago there were only 4-5 cable loggers in the state. There are now 14.
- If a rainforest has eucalypts growing within it, it is no longer defined as "rainforest" by the Forestry Commission when the eucalypt canopy exceeds 5%. Therefore an area can have 94% rainforest canopy yet will be clearfelled or cable logged under Forestry Commission policy.

Further information: Geoff Law (002) 23 4386, 23 8071 (h).
Fiona Meredith (002) 34 9366, 28 2603 (h)
Cathcart Weatherly (002) 34 9366.

80% of our old growth crown forests
to be logged



New National Parks (NP) 4300 hectares - at last, the "compromise"... all the areas are either inaccessible or of little interest to the logging industry.

FOUR KEY POINTS TO MAKE.

1. Resource-security legislation will give the Legislative Council powers it has never had before - power to block new national parks over vast tracts of public land.
2. Resource-security legislation will necessitate clearfelling and cable logging native forests in order to meet the legislative volumes committed to industry.
3. Resource-security means logging of the great Western Tiers, South-West Tasmania and large tracts of the Tarkine rainforests in the north-west.
4. Resource-security legislation would be another windfall to big companies like North Broken Hill. Meanwhile, the public debt from forestry activities, already over \$400 million, will continue to rise. This means more teachers, police and health workers will get sacked.

TEN Phone tree.

North.	South.	NorthWest.	East.
BRANCH 1	BRANCH 2	BRANCH 3	BRANCH 4
+ Ross & Emily Barwick 003 542421 ↓ Nell & Pablo MacQueen 003 956251 ↓ Kate & Rob Andrews 003 951319 ↓ Trace Dewers 003 993453/ Allison Moore 003 993420 ↓ Ken Oakenfull 003 592023/ Carlo Peek 003 592049 ↓ TWS L'ton Bryan O'Byrne 003 342499 ↓ + L'ton Env Cntr Miff Fry 003 318406 ↓ Helen Tait 003 301568/ Richard Watson 003 947407 ↓ + Deloraine Env Centre 003 622713 ↓ + J.M.R.A. Sean Cadman 003 695150 ↓ + Lisa Yeates 003 695175	New Norfolk + Tim Morris 002 349366/ Jack Lomax 002 611584 ↓ Ellendale Group + Debbie Rust 002 881208/ Richard Davis 002 881193 ↓ Hobart TWS + Christian Bell 002 349366 ↓ + Tas Env Centre 002 345566 ↓ + Tas Conserv. Trust 002 343552 ↓ Paul Chasterton 002 2400341 h 002 342587 w	Peter & Audrey Cunningham 004 244561 ↓ CROPS Wesley Vale 004 269354 ↓ Toxic Network Patrick Johnson 004 272133 h 004 265111 w/ Harry Belbin 004 278467 ↓ Andy Peplow 003 635115 ↓ Leven Canyon Action Group + Helmut Schwabe 004 291365/ Ben Huiseman 004 291292 ↓ + Anna Wind 004 376268 ↓ TWS Burnie Ute Mueller 004 454286/ Arnold Rowlands 004 312069 ↓ Peter Walford 004 521629 h 004 454199 w	Graeme Brown 003 761878/ Roger Harlow 003 761455 ↓ East Coast Jeff Weston 003 722341 ↓ North East Helen Richardso 003 742271/ Di Masters 003 842 190 ↓ Wialangta * Sally Meredith 002 571434 ↓ TWS East Coast * Helen Gee 002 575155 h 002 578269 w ↓ Richard Hopkins 002 50 3320 ↓ Bruney Island Julien Bush 002 931226 h/ Bob Elliston 002 931298 ↓ Lune River * Martin Wohlgemuth 002 983192/ Jane Thiele 002 583197 ↓ Huon Protection * Peg Putt 002 951745 ↓ Hemp for Paper * Patsy & Fritz Harmsen

+ Major contacts.

Name

Network

Address

Unit from Forest Festival

Group

Action Meeting

Phone

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Phil

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LAWSON 7114

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Anthony Faulkes

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Rochelle Price

PLANET EARTH

(02) 488268

FLO

33 William Blair Ave, Lis. Heights, 2480 NSW

(065)

VICKI!

33 William Blair Ave. LISMORE HEIGHTS. 2480 N.S.W. 252156.

Sherilee Erhard

4- Petchys Bay

951344

~~SH~~ Everyone at: 212 Strickland Ave Sth Hobart 7004 238920

MARCS

46 HELEN ST N/COLE VIC

(03) 4821509

SHANE O'DONNELL

"ON THE ROAD" (5 PHILLIPS ST ALEXANDRIA NSW - (02) 310 2021.

Liz Fox + Sandi Cann Lone Star, Golconda 7254

Panama

LINDA SEABORN.

6 Kent St, LINDISFARNE. ph 437486.

Forest Group

I have a regular, still I can put info on.

I have skills and interest in gathering information and putting it into readable form -
leaflets, maybe press releases etc.

JOHN CORKILL

39 George St The Rocks Sydney 2000.

Ph 02 2474206

(NSW NORTH EAST FOREST ALLIANCE - NEFA-)

Ex 02 2475945

Glens Creek RD Nymboida N.S.W. NAG.

066-444189

John Williams

David Rainbow

c/o Cygnet P.O. Toby's hill rd NAG

Name	Network Address	Group	Phone
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Graham Swinburg	R.S.D. 4978 Weeegen 7304	D.E.C.	681319.
Bodo Lünstedt	RSD 7203	Osmaston 7303	_____
Lesley Green	6 Davies Place Deloraine	D.E.C.	623189.
Rhonda King	29 Adelaide St Stn Hobart.		232562
Dick Bertels	C/o Lebrina po	panama Forest group	956149
MIKE FRANCESCHINI	107 MONTAGUE AVE. GLEN IRIS MELB. VIC.		8858745
Craig Humphrys	21 Paternoster Row Hobart	7000	145
Cath Earnshaw	Toby's Hill Rd	7112	951814
Henry Williams	TOBY'S HILL RD	CXGNET	72
Wren Fraser	Lune River - In the others	—	983192
Spirit Blender			
Peter Dawkins	P.O. Box 710 Mullumbimby	2482	
Cecily Sinse	6 Downie st south Hobart	7004	002 240076
	with - Lune River Mob		983192

13 February 1992

**Memo to :
TASMANIAN ENVIRONMENT NETWORK
(TEN)**

**Re : ENVIRONMENTAL LEGAL ACTIONS
UNDER TASMANIAN LAW**

**-----
STRICTLY PRIVATE AND CONFIDENTIAL
-----**

INTRODUCTION

What follows is advice of my enquiries and preliminary research into environmental legal actions, undertaken in Hobart on 29th January, after discussions at the Jacky's Marsh Forest Festival.

Interest in pursuing this course was expressed in discussion which arose from my report of the North East Forest Alliance (NEFA's) Chaelundi - Old Growth Forest campaign, and during subsequent discussions on future directions for a Tas. forest campaign.

Following these notes are my suggestions & ideas for further action

LEGAL ADVISERS

Tasmania does not have a 'divided profession' for legal practitioners like NSW. In Tasmania, solicitors may act as the client's advocate in the court, as well as preparing the case and researching sometimes complicated and formal documents.

On the advice of TEN members, I contacted:

- * Mr Alan Blow, Barrister (002 233 844w);
- * Mr Henry Brookman, Solicitor & Barrister (002 346 377w);
- * Mr Roland Browne, Solicitor, Tas. Legal Aid Com (002 323 507w)

Hereafter I'll refer to each of them by their first names only.

Henry advised that there is only a small 'independent' Bar, consisting of lawyers who practice almost solely as barristers. Most cases undertaken in Tasmanian Supreme Court are effected by solicitors/barristers. He advises that there is only one practising Queen's Counsel (QC) resident in Hobart. Exceptionally senior barristers may come from Melbourne or Sydney.

During the Helsham Enquiry the Combined Environment Groups retained Mr John Basten, a Sydney barrister, to work for them in effect as a full time consultant to advise on the conduct of and appear before the Enquiry.

Previously Henry briefed another Hobart barrister, Mr Pierre Slicer, appointed to the Bench. Accordingly, his appointment means that he cannot give any advice or provide consultancy.

Confidential memo to T.E.N. members re: possible legal actions

LEGISLATION

According to Alan, Tasmanian law relies very heavily on sub-ordinate legislation - or Regulations, Declarations and Orders - made under the principal Act. This means that many Acts are scanty in detail, leaving the crucial provisions to the Regulations or Orders.

With many amending Acts and subsequent Regulations and orders its is not uncommon for the law to be quite complicated. The situation is further complicated, in Alan's view, by the lack of ongoing revision and collation of subsequent amendments into revised reprints. While comprehensive reprints have been attempted on several occasions, I was advised that the Government 'ran out of money' for reprint publication well before the latter part of the alphabet...

Consequently, reading the legislation to understand the current provisions of law requires a constant cross referencing from the principal Act, to the amending Acts and the various versions of the Regulations, orders etc.

[Attached is a draft list of Acts affecting the environment or natural resorces in some way. It is not an exhaustive list, since it was extracted from the Index to Tasmanian Statutes reasonably quickly. This draft list possibly omits important laws e.g fire?, includes useful Acts which have no real affect on the environment or natural resources e.g. FOI, Ombudsman, PAC, and may include laws which on closer examination are irrelevant. It is attached only as an indication of the extent of the Tasmanian legal framework.]

STANDING

Unlike NSW laws, Tasmania has no automatic 'third party' standing provisions, whereby 'any person may commence proceedings to restrain or remedy a breach or the Act'.

Thus in each case brought before the Court, an initial argument will have to be made as to the 'standing' i.e. the right in law, for that person or group to undertake the legal action. Individuals or groups would need to provide evidence to the court of their interest in the matter the subject of the litigation. Usually, your opponent will challenge your claim to standing, and attempt to prevent the merits of the matter being heard by the court by trying to prevent your access to the court. These preliminary arguments can be time and resource wasting, and can be very effective.

Henry advises that in the past the Tasmanian Supreme Court has interpreted 'standing' fairly broadly, and permitted actions to be heard. Thus while this cannot be assumed, it is unlikely to be a major obstacle.

In some instances, depending on the actual legal issue being heard, there may be a formal right of standing conferred on a person or body under the law being invoked in the legal action. The question as to who has standing in any particular case will however depend on the particular issue and law being pursued.

LEGAL COSTS

- i) lawyers professional fees;
- ii) incidentals and overheads;
- iii) expert witness costs;
- iv) ways of meeting costs;

Costs are very often the rock on which otherwise worthy legal cases flounder. No legal action is free, and the extent to which costs are limited to reasonable sums depends on the particular nature of the case being litigated, and to a large degree how organised the applicant/plaintiff is in the preparation and progress of the case.

Confidential memo to T.E.N. members re: possible legal actions

i) lawyers professional fees;

If the person or group wanting to commence legal action does little or no work on preparing the case, the work required to commence proceedings will have to be done by the solicitor and you will be charged according.

Our practice in NSW has been to do as much of the preparation work for the case, and the 'hack', administrative and research work during the case as possible. We've attempted to leave the lawyers free to work on the legal issues, or to do other cases, while the more mundane work is being done. This has kept our legal costs low.

Due to the terms of the NSW Legal Aid Commission (NSW LAC)'s grant of legal aid, NEFA's solicitors and barristers work without making a claim for costs to me as the applicant/plaintiff. In the event of a win the other side has to meet their fees and in the event of a loss the NSW LAC pays.

When legal aid was refused or withdrawn(!) in two cases, these lawyers worked on a commercial risk basis i.e. if we won the other side would have to pay costs, and if we lost they would waive their professional fees. This very significant generosity cannot be expected of lawyers in Sydney or elsewhere, because they and their families have to eat too! If it's offered great! but it is not appropriate to ask professionals to work for nothing.

ii) incidentals and overheads;

Every case has telephone, fax, photocopying costs, fees for lodging application with the court, issue of subpoenas, couriers etc.

These outgoings need to be met by client as upfront costs. While they can be minimised by careful consideration of the need for the phone call or copies of documents etc, there is no avoiding the bulk of these costs. If these costs can't be met you are unable to run a case.

NEFA's practice was to deposit sums of \$500 or \$1,000 at a time into the solicitors' trust account and have costs deducted and paid out of this account. This simplified the accounting and provided the solicitor with confidence that he would have the actual dollars necessary to meet various incidentals and overheads. When the case account in the solicitors trust fund started to look low, we made another deposit. In this way we didn't sink all our funds, also needed for the blockade support etc, into legal accounts, but we were able to keep the money flowing.

iii) expert witness costs;

Having expert witnesses, particularly expert scientific witnesses give evidence has been crucial for NEFA's cases. Yet experts don't come for free either!

In order to give coherent evidence under cross examination, or to produce sworn statements (affidavits) we had to provide 'our' scientists with copies of reports etc, sometimes urgently via fax or courier; and/or request them to travel to the forest and undertake surveys and inspections. All of the above costs money!

In some instances, individual experts would donate their time and effort at no financial cost, others would request a small heavily discounted payment, and in several instances, others were only able to undertake work for the case on a commercial basis. In each instance expenses were agreed to be covered, either upfront or by way of reimbursement.

iv) Ways of meeting costs

Henry suggested one way of meeting legal expenses would be to share the costs between several supporting groups/individuals who may or may not be parties to the legal action. In my view this course would require some generosity and trust within the community of interest pursuing the legal action, because for efficiency, not everyone who contributes to the cases' expenses can be accommodated within the decisionmaking on the direction or progress of the case nor on the exact expenses which will be paid from their donation.

He also suggested that in some instances it may be suitable to form a trust or other legal entity for the purposes of channelling the money necessary to meet costs. This vehicle could be the forum for decisionmaking about the case and it could be from this vehicle that the liaison person would be delegated power to run the case on a day to day basis, providing instructions and direction to the lawyers and expert advisers.

Alternatively, there's the traditional funding method where the person who is pursuing court action pays the lot!

LEGAL AID

The Legal Aid Commission of Tasmania (LACT) is only just over one year old, and has been experiencing the usual 'teething' problems.

It is independent of government control but is funded from both state and federal government sources on a 3 year budget. It's next budget will commence on 1.1.1994. Henry advises that he is on a review committee of the LACT and that due to a number of reasons the LAC was 25% overspent in first 18 months! He advises that this situation is now being remedied, but has provoked a very conservative approach to the granting of aid.

In order to qualify for legal aid and applicant must be pursuing a case which has a public interest focus. A means test applies and even public interest cases where the applicant has considerable funds may not be funded! The LAC also requires a legal opinion as to the prospects for success.

Henry advises that LAC pays a reduced percentage of the current schedule of solicitors fees i.e. \$65.00 per hr. This makes it unattractive for most solicitors to do legal aid work. However, 'top up' funding, beyond the legal aid grant is not permitted under the terms of the legal aid retainer.

LACT's grants of legal aid include most disbursements but specific permission would have to be sought for briefing senior barristers, hiring experts etc.

Legal aid has not been very forthcoming to date due to financial pressures described above, and there has been a reluctance to grant aid to plaintiffs with public interest issues.

Henry described prospects for legal aid grants as being "possible but unreliable".

In my opinion, improving access to and the breadth of grants of aid should be part of a campaign focus among Tasmanian environmentalists and other social action groups.

Confidential memo to T.E.N. members re: possible legal actions

INSTRUCTIONS

Assuming that legal actions could be commenced, clear and appropriate instructions to solicitors are crucial to any effective litigation.

Henry advised of previous difficulties in receiving instructions from a large group and his having to be involved in the group's formal decision making processes in order to receive relatively simple instructions. This has been an issue in NSW proceedings as well. Apart from the better use which could be made of this time, this process is expensive.

Further, Henry highlighted his confusion in receiving instructions from any member of the group commencing proceedings, where conflicting priorities or instructions were issued. He emphasised the need for a clear line of communication to the solicitor to be established through a case officer or liaison person. Group members should work through this nominated spokesperson.

In some instances it may be quite inappropriate to have all decisions or instructions the subject of the full consideration of the group. Minor, urgent or consequential decisions are best made with the least inefficiency. This may require delegating a range of matters to a spokesperson whose task it is to liaise with the lawyers.

If your group insists that all decisions on the direction and progress of the case must be made by the group, you can expect to be meeting every day, possibly incurring more legal costs than are necessary. Delay in making decisions on the direction or progress of a case can substantially undermine the success of a case, particularly where you are attempting to out-manoeuvre your opponent.

MERITS

Henry advises that the merits of legal action will depend on each case as it arises. In his view it is impossible to say that such and such a case would be likely to succeed because:

- * the actual state of the law would require a serious researching of the principal Act, and its amending Acts regulations, orders etc;
- * there is little or no coherent case law i.e. precedent, building up, since much legislation is untried in the court;
- * recent legislation is still being interpreted and put into effect.

Successful action will almost certainly require expert scientific evidence in addition to the legal arguments.

He is of the view however that rulings of other Courts e.g. NSW Land and Environment Court, Supreme Court, or Court of Appeal may be applicable in Tasmania where there is a direct correlation between the statutes of these two states e.g. National Parks and Wildlife Act. In his opinion the rulings of other state's courts could be "very persuasive" arguments before the Tasmanian Bench.

This was our experience during the Chaelundi court actions, when we referred to Qld Supreme Court's rulings in the Mount Etna Bat Cave case Central Queensland Speleologists vs Central Queensland Cement and to case law from the United States and British Columbia.

The merit of any course of legal action will ultimately depend on a good legal issue from legislation or common law, expert evidence, supporting case law, a competent team of lawyers and the energy and focus of the individual or group who is plaintiff.

Confidential memo to T.E.N. members re: possible legal actions

Just because its never been done before doesn't undermine the merits or chances of success. Even the senior legal officer of the NSW NPWS said that the Chaelundi court action, under ss.98 & 99 of the NSW NPWA, couldn't be done!

EVIDENCE

- i) documentary evidence
- ii) expert evidence

i) documentary evidence

Documentary evidence will almost certainly be required. While some information may be able to be dragged from government departments or companies under the court's orders - subpoenas - once the case has been formally commenced, research into and the compilation of up to date information should be undertaken as a preliminary step.

Freedom of Information requests under Commonwealth FOI Act is one avenue for research. Corporate Affairs registry is another source depending on the nature of case. Tasmanian FOI requests may not be answered at this time (because the Act is not yet in force) but they may be worth making nonetheless. Informal, across the counter requests for information can yield results. Cultivate your friendly local bureaucrat.

Parliament House and University libraries may yield useful information too. This is the research which can be done immediately before the case commences, at little or no cost if you do it yourself, rather than leave it to the lawyers. Be discreet in disclosing why you want particular pieces of information. Suggesting that the information may be used in a court action may produce leaked documents, but more often such a disclosure will dry up information. Remember to protect your sources and double check information wherever possible.

ii) expert evidence

Evidence from experts in a wide variety of fields is extremely useful, indeed essential depending on the case. In cases seeking to protect forest and or water resources with their component flora and fauna, botanists, zoologists, geologists, geographers, economists, meteorologists etc will prove very useful.

The expert evidence is usually made in the form of sworn written statement - affidavits - wherein the expert recites his or her qualifications, experience, positions held etc to establish their credibility before the court. Post graduates - Masters degrees or better e.g. PhD - are highly respected.

In their affidavits experts would set out the questions they were asked to consider, the documents they reviewed, the area they inspected, any assumptions implicit in their consideration, the texts and references they consulted, and then they would express their considered opinion. A short hardhitting summary statement at the end is very powerful evidence, and eminently quotable in the media!

These experts must only express opinions within the limited field of their personal expertise. A zoologist's economic pronouncements are worth little before the court. Wherever possible experts should refer to published information with which they are familiar.

The prospects for legal actions in Tasmania to use expert evidence appears to be quite good due to the presence of an active group, United Scientists for Environmental Responsibility and Protection, (USERP).

Confidential memo to T.E.N. members re: possible legal actions

Dialogue with this group should be opened a.s.a.p. with a view to identifying people and fields of expertise which can be pursued in due course. If you make careful approaches to experts early in piece and they agree to be retained to assist you in the legal action, you can prevent their expertise being used against you by the other side. Moreover expert evidence they provide could be used in the media, your publications and in the Parliament.

Don't delay in making these initial approaches because it will be too late if Tas FC hires the best independent brains in the state to help it defend environmental legal actions.

EXPERT WITNESSES

Every expert must be approached carefully and their work obligations, e.g. at a university, respected. It is very, very rare that an expert scientist or economist has no work and is waiting for the phone to ring!

In engaging experts to assist in NEFA's cases, an initial approach was made explaining the nature of the case, and outlining the area where their expertise could be of assistance. A request for an expression of their interest would be made and except in the most urgent circumstances no pressure is exerted to have them answer immediately our request for assistance.

Once an interest in assisting is expressed, negotiations begin to establish what work can be done within the time available and the terms for which they would work. These negotiations were then formalised into a written brief, setting out the work, the timetable and the terms agreed in discussions. The expert would then write and accept or modify the brief. This exchange of correspondence was the contractual formulae for their involvement in the case. Legal aid in Tasmania can cover expert witnesses costs and expenses, provided prior approval is sought from and granted by LACT.

While the initial contacts and approaches were often made by my colleague and NEFA co-ordinator, Dailan Pugh, they were sometimes made by the solicitor, barrister or by me as applicant/plaintiff.

These lawyers would advise on what work was required (reviewing documents, preparing analyses, surveying or inspecting forests etc.) and the exact terms of brief, while the negotiations and formalising of the contract to undertake the work was usually done by me as applicant and legal aid recipient. (Legal aid in NSW covers expert witnesses.)

As part of the negotiations it is normal to request that they maintain the confidentiality of documents or information which you may provide. Experts may also agree to be retained, so that they will advise only you in the matter the subject of the court action. It is also prudent to discuss who, how and where their expert statement can be used or reproduced. Once a sworn statement is tendered to the court and read as evidence that statement becomes a public document and can be referred to, though it is courteous to check with the author before proceeding with its further publication.

Each expert deserves respect and the utmost consideration. If this is provided NEFA's experience has been that the scientific community is willing to assist if they can, often for little or no money. Expecting experts to do work, or failing to offer financial support doesn't attract much positive reaction.

Confidential memo to T.E.N. members re: possible legal actions

QUASI-LEGAL PROCEDURES

Public Land Use Commission (PLUC)

Henry and Roland both advised that submissions/appeals to the new Public Land Use Commission (PLUC) may be very useful means of pursuing the protection of areas currently zoned for permanent wood production.

They recommend that members of TEN seek legal advice about the new laws interpretation, standard of arguments and evidence, and advice on tactics.

They advise that in their views, it would not be necessary to have lawyer to act as an advocate before the PLUC, and suggest that any person with a clear knowledge of the facts and understanding of the issues could appear before the PLUC.

Ombudsman's Inquiry

This could be an avenue for action. Ombudsmans Inquiries have been very damning of NSW Forestry Commission in the past, and the Government pays for the Inquiry via the Office of the Ombudsman. This needs considerably more checking out, but could prove very effective, cheap and politically powerful.

Public Accounts Committee Inquiry

This seems an obvious area for further action. As a multi-million dollar loss making operating, in a time of harsh financial times, the continued losses of TFC really ought to be exposed and brought to a halt. A PAC Inquiry would probably require a reference from the Parliament, but this may not be impossible to achieve with some well placed press statements, questions in parliament or quotes from Annual Reports.

Of more concern is the membership of the Committee. In the early days of the new Parliament the membership of this Committee would be reconstituted. Perhaps this Committee ought to be a target for GIMP's and good ALP members.

In NSW, the PAC Inquiry exposed such incredible rorts and inefficiencies that there is a very strong groundswell even within the Liberal National Parties Coalition for a total overhaul of the Commission. In addition having an expert business management consultant retained by the PAC to assist in its enquiries, meant that there was economic credibility as well as political credibilty to the final report.

Tas FC would appear to be wide open for some well placed financial / economic criticisms!

POTENTIAL FOR LEGAL ACTION

Potential for legal actions may exist under existing Tasmanian laws such as those Acts listed in the attached list.

Henry advises that rather than ask him to research sections of Acts which have potential for use to protect forested areas and catchment water resources, what is required is a research project which reviews the full ambit of Tasmanian law and notes down for further consideration, sections of Acts which appear as possible courses for legal action. He or other counsel could then consider that refined list. I am tentatively available to assist in that research as part of a team.

Confidential memo to T.E.N. members re: possible legal actions

Before such a project is contemplated however, Henry suggests sitting down with Green Independent MP Gerry Bates MHA and discussing this research project. Henry thinks that Gerry may be able to save time on such an undertaking, or circumvent its necessity.

Query to TEN members: What dialogue with Gerry has taken place already regarding scope for legal action?

While further research of Tasmanian statutes may be necessary to identify potential areas for course action, I am advised that there may be possible legal cases under Commonwealth law - e.g. Trade Practices Act, aboriginal cultural protection laws etc;

Further, common law remedies, which do not rely on legislation, may also be available. I do not have the legal training to comment on these possibilities and they remain areas for further research.

To actually realise the potential for legal actions under either Tas, Commonwealth or common law, it may be necessary to manoeuvre into a position where a case can be brought on. This may involve obtaining a water right, registering a well, making an application to remove forest materials, or the like.

What manoeuvring may be suitable will depend on Gerry's information, the across the board research of the Tasmanian statutes, or advice from counsel as to the options under Commonwealth or common law. Essentially this requires creating appropriate opportunities to commence litigation.

SUGGESTED NEXT COURSES OF ACTION

Talk to Gerry Bates;
Prepare for PLUC - areas, arguments, evidence, media info;
Make FOI requests under Commonwealth (Tas??) FOI Acts;
Pursue Public Accounts Committee Inquiry into TFC- PAC membership;
Investigate areas of possible Ombudsmans inquiry into TFC;
Research Tas statutes as necessary;
obtain further advice on potential courses of action under Tas law;
obtain further advice on potential action under Commonwealth law;
obtain further advice on potential action under common law;
where appropriate manoeuvre for causes for legal action;

SUMMARY

No-one can assume that there is no scope for environmental legal actions in Tasmania.

A great deal more research may be required to identify if and where actions could be pursued.

Access to considerable funding is required to progress any court action.

Legal, scientific and political resources exist to support legal actions to defend forest and water resources.

Successful legal actions against Tas FC undermine its political and public credibility.

Legal action should be seen as an adjunct to direct action protest in the forest, public education campaigns, parliamentary work.

J.R. Corkill.
13.2.92

Confidential memo to T.E.N. members re: possible legal actions

Draft list of laws affecting the environment or natural resources, in some way, extracted from
"INDEX TO TASMANIAN ACTS AND STATUTES, 1826-1991" Tas. Parliament House Library

Aboriginal Relics Act, 1975;
Aid to Mining Act, 1927;
Aluminium Industries Act, 1960;
Associated Pulp and Paper Mills Act, 1936;
Beauty Point Landslip Act, 1970;
Chlorofluorocarbons and other Ozone Depleting Substances Control Act, 1988;
Closer Settlement Act, 1957;
Coastal and Other Waters (Application of State Laws) Act, 1982;
Constitutional Powers (Coastal Waters) Act, 1970;
Cressy Longford Irrigation Act, 1969;
Cressy Longford Irrigation Water Act, 1972;
Crown Lands Act(s), 1976, 1978;
Crown Lands Amendment Act(s) 1985, 1986, 1988, 1989, 1990;
Cruelty to Animals Prevention Act, 1925;
Environmental Protection Act, 1973;
Environmental Protection Amendment Act(s), 1989, 1990;
Fisheries Act, 1959, (1959), 1963;
Fisheries Amendment Act, 1980, 1985, 1986, 1988, 1989, (1989);
Forest Practices Act, 1985;
Forestry Act, 1920, 1954, 1977;
Forestry Amendment Act 1989;
Forestry Rights Registration Act, 1990;
Freedom Of Information Act, 1991;
Groundwater Act, 1985;
Law of Animals, 1962;
Mining Act(s), 1929, 1958;
Mineral Resources Act, 1951;
Mines Inspection Act, 1968;
National Parks and Wildlife Act(s), 1970, 1974, 1977;
Native Forests Agreement Act, 1980;
Ombudsman's Act, 1978;
Pesticides Act, 1968;
Pollution of Waters by Oil and Noxious Substances Act, 1987;
Public Accounts Committee Act, 1970;
Public Land (Administration and Forests) Act, 1991;
Pulpwood Products Industry (E & C Tas.) Act(s), 1968, 1971;
Settled Land Act(s), 1884, 1911;
Softwood Forestry Act(s), 1972, 1978;
Sub-Ordinate Legislation Committee Act, 1969;
Tasmanian Development Act(s), 1983, 1988;
Timber Promotion Act, 1970;
Tourism Act, 1977; Tourism and Recreational Development Act, 1977;
Water Act(s) 1957, 1988, 1989;
Wesley Vale Pulp and Paper Industry Act, 1961;
Whales Protection Act, 1988;
Wood Pulp and Paper Industry Encouragement Act, 1926...

+-----+
JOHN R. CORKILL
ENVIRONMENTAL EDUCATOR, PLANNER,
POLICY ADVISER

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

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;

+-----+
FAX COVER SHEET

To: **Henry Brookman,**

Re: Report on Tasmanian legal action options

Fax No: 002 312141

Ph No: 002 346 377

No. of Pages Following: 10

Date sent: 13 February 1992

DEAR HENRY,

THANK YOU FOR YOUR AMENDMENTS - I'M GLAD OF YOUR INPUT AND THE
AVOIDANCE OF ANY OFFENCE WHICH MAY HAVE ARISEN!

FOLLOWING IS THE FINAL DRAFT OF MY REPORT TO THE TASMANIAN
ENVIRONMENT NETWORK (T.E.N.)

I AM RETURNING TO SYDNEY LATER TODAY AND WILL BE AVAILABLE NEXT
WEEK AT N.S.W. ENVIRONMENT CENTRE, AT THE ABOVE Nos. SHOULD YOU
WANT TO CONTACT ME.

THANK YOU AGAIN FOR YOUR ASSISTANCE.

YOURS SINCERELY,

+-----+
If this fax is imperfect or incomplete, please phone 066 213278
+-----+

+-----+
JOHN R. CORKILL
ENVIRONMENTAL EDUCATOR, PLANNER,
POLICY ADVISER

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

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;

+-----+
FAX COVER SHEET

To: **Kerri Browne,**

Re: Report on Tasmanian legal action options

Fax No: 002 231 406

Ph No: 002 313 312

No. of Pages Following: 10

Date sent: 13 February 1992

Note to Green Independent Staffers:

Please phone Kerri and advise her of the receipt of this fax.
Though not urgent, this is high priority. Thank you!

+-----+
Dear Kerri!

HERE 'TIS! PLEASE PHOTOCOPY AND DISTRIBUTE THIS TO T.E.N. MEMBERS a.s.a.p. HENRY BROOKMAN MADE A COUPLE OF IMPORTANT AMENDMENTS, FOR WHICH I'M VERY GRATEFUL. THUS THIS MEMO ACCURATELY REFLECTS HIS VIEWS AS EXPRESSED TO ME.

IN ADDITION, I HAVE CONSULTED A SYDNEY SOLICITOR WHO ASSURES ME THAT THERE ARE STRONG POSSIBILITIES FOR COMMON LAW ACTIONS, AND ACTIONS UNDER COMMONWEALTH ACTS. THESE MATTERS HAVEN'T BEEN REPORTED IN THE ATTACHED REPORT SINCE MY INTENTION WAS TO REPORT ON MY ENQUIRIES AT THE HOBART END.

HOPEFULLY, A FURTHER WRITTEN ADVICE FROM HIM AS TO COMMON LAW AND COMMONWEALTH LEGISLATION POSSIBILITIES WILL BE FORTHCOMING SOON. IN PARTICULAR, HE SUGGESTS POSSIBILITIES UNDER THE ABORIGINAL AND TORRES STRAIT ISLANDERS HERITAGE PROTECTION ACT WHICH WOULD NEED TO BE INITIATED BY LOCAL ABORIGINAL PEOPLE. T.E.N. MIGHT CONSIDER OPENING ITS DIALOGUE TO INCLUDE LOCAL ABORIGINAL PEOPLE, PARTICULARLY SINCE CULTURAL SITES AND HERITAGE FOREST SITES HAVE SOME CONSIDERABLE CORRESPONDENCE e.g. WESTERN TIERS eh Sean?!

I CAN CONFIRM MY INTEREST IN RETURNING TO TASMANIA TO WORK ON ASPECTS OF THE RESEARCH OR CASE PREPARATION, IF T.E.N. MEMBERS THINK THAT'S APPROPRIATE AND/OR NECESSARY. THIS TRAVEL WOULD NEED TO BE SUPPORTED SINCE I CAN'T AFFORD TO FLIT TO TASSY ON MY VERY MEAGRE BUDGET.

I VERY MUCH ENJOYED MY TIME IN TASMANIAN, PARTICULARLY AT LUNE RIVER AND UP AT JACKY'S MARSH. PLEASE PASS ON MY THANKS AND WARM REGARDS TO THE RESPECTIVE CREW WHO TOOK ME TO THEIR HEARTS!

LOVE

J

XOX

cc Sean Cadman via Fax

Lisa Yeates and Marty via Australia Post

+-----+
JOHN R. CORKILL
ENVIRONMENTAL EDUCATOR, PLANNER,
POLICY ADVISER

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

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+-----+
FAX COVER SHEET

To: **Sean Cadman**

Re: Report on Tasmanian legal action options

Fax No: 003 695 318

Ph No: 003 695 150

No. of Pages Following: 10

Date sent: 13 February 1992

+-----+
Dear Sean!

HERE 'TIS! THIS IS YOUR COPY OF AN ADVICE SENT TO KERRI BROWNE IN PREPARATION FOR THIS WEEKENDS T.E.N. MEETING. PLEASE PHOTOCOPY AND DISTRIBUTE THIS TO LISA YEATES AND OTHER T.E.N. MEMBERS. I'VE ASKED KERRI TO DO THE SAME. HENRY BROOKMAN MADE A COUPLE OF IMPORTANT AMENDMENTS, FOR WHICH I'M VERY GRATEFUL. THUS THIS MEMO ACCURATELY REFLECTS HIS VIEWS AS EXPRESSED TO ME.

IN ADDITION, I HAVE CONSULTED A SYDNEY SOLICITOR WHO ASSURES ME THAT THERE ARE STRONG POSSIBILITIES FOR COMMON LAW ACTIONS, AND ACTIONS UNDER COMMONWEALTH ACTS. THESE MATTERS HAVEN'T BEEN REPORTED IN THE ATTACHED REPORT SINCE MY INTENTION WAS TO REPORT ON MY ENQUIRIES AT THE HOBART END.

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I VERY MUCH ENJOYED MY TIME IN TASMANIAN, PARTICULARLY AT LUNE RIVER AND UP AT JACKY'S MARSH. PLEASE PASS ON MY THANKS AND WARM REGARDS TO THE RESPECTIVE CREW WHO TOOK ME TO THEIR HEARTS! ITS VERY HOT ON THE N.S.W. NORTH COAST - NOW THIS IS SUMMER! HOW IS THE TAS SUMMER GOING? NO-ONE HERE BELIEVES MY STORY OF BEING CAUGHT IN A BLIZZARD ON JANUARY 1992! CHEERS...

cc Kerri Browne via GIMP's Fax
Lisa Yeates and Marty via Australia Post

13 February 1992

**Memo to :
TASMANIAN ENVIRONMENT NETWORK
(TEN)**

**Re : ENVIRONMENTAL LEGAL ACTIONS
UNDER TASMANIAN LAW**

**-----
STRICTLY PRIVATE AND CONFIDENTIAL
-----**

INTRODUCTION

What follows is advice of my enquiries and preliminary research into environmental legal actions, undertaken in Hobart on 29th January, after discussions at the Jacky's Marsh Forest Festival.

Interest in pursuing this course was expressed in discussion which arose from my report of the North East Forest Alliance (NEFA's) Chaelundi - Old Growth Forest campaign, and during subsequent discussions on future directions for a Tas. forest campaign.

Following these notes are my suggestions & ideas for further action

LEGAL ADVISERS

Tasmania does not have a 'divided profession' for legal practitioners like NSW. In Tasmania, solicitors may act as the client's advocate in the court, as well as preparing the case and researching sometimes complicated and formal documents.

On the advice of TEN members, I contacted:

- * Mr Alan Blow, Barrister (002 233 844w);
- * Mr Henry Brookman, Solicitor & Barrister (002 346 377w);
- * Mr Roland Browne, Solicitor, Tas. Legal Aid Com (002 323 507w)

Hereafter I'll refer to each of them by their first names only.

Henry advised that there is only a small 'independent' Bar, consisting of lawyers who practice almost solely as barristers. Most cases undertaken in Tasmanian Supreme Court are effected by solicitors/barristers. He advises that there is only one practising Queen's Counsel (QC) resident in Hobart. Exceptionally senior barristers may come from Melbourne or Sydney.

During the Helsham Enquiry the Combined Environment Groups retained Mr John Basten, a Sydney barrister, to work for them in effect as a full time consultant to advise on the conduct of and appear before the Enquiry.

Previously Henry briefed another Hobart barrister, Mr Pierre Slicer, appointed to the Bench. Accordingly, his appointment means that he cannot give any advice or provide consultancy.

LEGISLATION

According to Alan, Tasmanian law relies very heavily on sub-ordinate legislation - or Regulations, Declarations and Orders - made under the principal Act. This means that many Acts are scanty in detail, leaving the crucial provisions to the Regulations or Orders.

With many amending Acts and subsequent Regulations and orders its is not uncommon for the law to be quite complicated. The situation is further complicated, in Alan's view, by the lack of ongoing revision and collation of subsequent amendments into revised reprints. While comprehensive reprints have been attempted on several occasions, I was advised that the Government 'ran out of money' for reprint publication well before the latter part of the alphabet...

Consequently, reading the legislation to understand the current provisions of law requires a constant cross referencing from the principal Act, to the amending Acts and the various versions of the Regulations, orders etc.

[Attached is a draft list of Acts affecting the environment or natural resorces in some way. It is not an exhaustive list, since it was extracted from the Index to Tasmanian Statutes reasonably quickly. This draft list possibly omits important laws e.g fire?, includes useful Acts which have no real affect on the environment or natural resources e.g. FOI, Ombudsman, PAC, and may include laws which on closer examination are irrelevant. It is attached only as an indication of the extent of the Tasmanian legal framework.]

STANDING

Unlike NSW laws, Tasmania has no automatic 'third party' standing provisions, whereby 'any person may commence proceedings to restrain or remedy a breach or the Act'.

Thus in each case brought before the Court, an initial argument will have to be made as to the 'standing' i.e. the right in law, for that person or group to undertake the legal action. Individuals or groups would need to provide evidence to the court of their interest in the matter the subject of the litigation. Usually, your opponent will challenge your claim to standing, and attempt to prevent the merits of the matter being heard by the court by trying to prevent your access to the court. These preliminary arguments can be time and resource wasting, and can be very effective.

Henry advises that in the past the Tasmanian Supreme Court has interpreted 'standing' fairly broadly, and permitted actions to be heard. Thus while this cannot be assumed, it is unlikely to be a major obstacle.

In some instances, depending on the actual legal issue being heard, there may be a formal right of standing conferred on a person or body under the law being invoked in the legal action. The question as to who has standing in any particular case will however depend on the particular issue and law being pursued.

LEGAL COSTS

- i) lawyers professional fees;
- ii) incidentals and overheads;
- iii) expert witness costs;
- iv) ways of meeting costs;

Costs are very often the rock on which otherwise worthy legal cases flounder. No legal action is free, and the extent to which costs are limited to reasonable sums depends on the particular nature of the case being litigated, and to a large degree how organised the applicant/plaintiff is in the preparation and progress of the case.

i) lawyers professional fees;

If the person or group wanting to commence legal action does little or no work on preparing the case, the work required to commence proceedings will have to be done by the solicitor and you will be charged according.

Our practice in NSW has been to do as much of the preparation work for the case, and the 'hack', administrative and research work during the case as possible. We've attempted to leave the lawyers free to work on the legal issues, or to do other cases, while the more mundane work is being done. This has kept our legal costs low.

Due to the terms of the NSW Legal Aid Commission (NSW LAC)'s grant of legal aid, NEFA's solicitors and barristers work without making a claim for costs to me as the applicant/plaintiff. In the event of a win the other side has to meet their fees and in the event of a loss the NSW LAC pays.

When legal aid was refused or withdrawn(!) in two cases, these lawyers worked on a commercial risk basis i.e. if we won the other side would have to pay costs, and if we lost they would waive their professional fees. This very significant generosity cannot be expected of lawyers in Sydney or elsewhere, because they and their families have to eat too! If it's offered great! but it is not appropriate to ask professionals to work for nothing.

ii) incidentals and overheads;

Every case has telephone, fax, photocopying costs, fees for lodging application with the court, issue of subpoenas, couriers etc.

These outgoings need to be met by client as upfront costs. While they can be minimised by careful consideration of the need for the phone call or copies of documents etc, there is no avoiding the bulk of these costs. If these costs can't be met you are unable to run a case.

NEFA's practice was to deposit sums of \$500 or \$1,000 at a time into the solicitors' trust account and have costs deducted and paid out of this account. This simplified the accounting and provided the solicitor with confidence that he would have the actual dollars necessary to meet various incidentals and overheads. When the case account in the solicitors trust fund started to look low, we made another deposit. In this way we didn't sink all our funds, also needed for the blockade support etc, into legal accounts, but we were able to keep the money flowing.

iii) expert witness costs;

Having expert witnesses, particularly expert scientific witnesses give evidence has been crucial for NEFA's cases. Yet experts don't come for free either!

In order to give coherent evidence under cross examination, or to produce sworn statements (affidavits) we had to provide 'our' scientists with copies of reports etc, sometimes urgently via fax or courier; and/or request them to travel to the forest and undertake surveys and inspections. All of the above costs money!

In some instances, individual experts would donate their time and effort at no financial cost, others would request a small heavily discounted payment, and in several instances, others were only able to undertake work for the case on a commercial basis. In each instance expenses were agreed to be covered, either upfront or by way of reimbursement.

iv) Ways of meeting costs

Henry suggested one way of meeting legal expenses would be to share the costs between several supporting groups/individuals who may or may not be parties to the legal action. In my view this course would require some generosity and trust within the community of interest pursuing the legal action, because for efficiency, not everyone who contributes to the cases' expenses can be accommodated within the decisionmaking on the direction or progress of the case nor on the exact expenses which will be paid from their donation.

He also suggested that in some instances it may be suitable to form a trust or other legal entity for the purposes of channelling the money necessary to meet costs. This vehicle could be the forum for decisionmaking about the case and it could be from this vehicle that the liaison person would be delegated power to run the case on a day to day basis, providing instructions and direction to the lawyers and expert advisers.

Alternatively, there's the traditional funding method where the person who is pursuing court action pays the lot!

LEGAL AID

The Legal Aid Commission of Tasmania (LACT) is only just over one year old, and has been experiencing the usual 'teething' problems.

It is independent of government control but is funded from both state and federal government sources on a 3 year budget. It's next budget will commence on 1.1.1994. Henry advises that he is on a review committee of the LACT and that due to a number of reasons the LAC was 25% overspent in first 18 months! He advises that this situation is now being remedied, but has provoked a very conservative approach to the granting of aid.

In order to qualify for legal aid and applicant must be pursuing a case which has a public interest focus. A means test applies and even public interest cases where the applicant has considerable funds may not be funded! The LAC also requires a legal opinion as to the prospects for success.

Henry advises that LAC pays a reduced percentage of the current schedule of solicitors fees i.e. \$65.00 per hr. This makes it unattractive for most solicitors to do legal aid work. However, 'top up' funding, beyond the legal aid grant is not permitted under the terms of the legal aid retainer.

LACT's grants of legal aid include most disbursements but specific permission would have to be sought for briefing senior barristers, hiring experts etc.

Legal aid has not been very forthcoming to date due to financial pressures described above, and there has been a reluctance to grant aid to plaintiffs with public interest issues.

Henry described prospects for legal aid grants as being "possible but unreliable".

In my opinion, improving access to and the breadth of grants of aid should be part of a campaign focus among Tasmanian environmentalists and other social action groups.

INSTRUCTIONS

Assuming that legal actions could be commenced, clear and appropriate instructions to solicitors are crucial to any effective litigation.

Henry advised of previous difficulties in receiving instructions from a large group and his having to be involved in the group's formal decision making processes in order to receive relatively simple instructions. This has been an issue in NSW proceedings as well. Apart from the better use which could be made of this time, this process is expensive.

Further, Henry highlighted his confusion in receiving instructions from any member of the group commencing proceedings, where conflicting priorities or instructions were issued. He emphasised the need for a clear line of communication to the solicitor to be established through a case officer or liaison person. Group members should work through this nominated spokesperson.

In some instances it may be quite inappropriate to have all decisions or instructions the subject of the full consideration of the group. Minor, urgent or consequential decisions are best made with the least inefficiency. This may require delegating a range of matters to a spokesperson whose task it is to liaise with the lawyers.

If your group insists that all decisions on the direction and progress of the case must be made by the group, you can expect to be meeting every day, possibly incurring more legal costs than are necessary. Delay in making decisions on the direction or progress of a case can substantially undermine the success of a case, particularly where you are attempting to out-manoeuvre your opponent.

MERITS

Henry advises that the merits of legal action will depend on each case as it arises. In his view it is impossible to say that such and such a case would be likely to succeed because:

- * the actual state of the law would require a serious researching of the principal Act, and its amending Acts regulations, orders etc;
- * there is little or no coherent case law i.e. precedent, building up, since much legislation is untried in the court;
- * recent legislation is still being interpreted and put into effect.

Successful action will almost certainly require expert scientific evidence in addition to the legal arguments.

He is of the view however that rulings of other Courts e.g. NSW Land and Environment Court, Supreme Court, or Court of Appeal may be applicable in Tasmania where there is a direct correlation between the statutes of these two states e.g. National Parks and Wildlife Act. In his opinion the rulings of other state's courts could be "very persuasive" arguments before the Tasmanian Bench.

This was our experience during the Chaelundi court actions, when we referred to Qld Supreme Court's rulings in the Mount Etna Bat Cave case Central Queensland Speleologists vs Central Queensland Cement and to case law from the United States and British Columbia.

The merit of any course of legal action will ultimately depend on a good legal issue from legislation or common law, expert evidence, supporting case law, a competent team of lawyers and the energy and focus of the individual or group who is plaintiff.

Just because its never been done before doesn't undermine the merits or chances of success. Even the senior legal officer of the NSW NPWS said that the Chaelundi court action, under ss.98 & 99 of the NSW NPWA, couldn't be done!

EVIDENCE

- i) documentary evidence
- ii) expert evidence

i) documentary evidence

Documentary evidence will almost certainly be required. While some information may be able to be dragged from government departments or companies under the court's orders - subpoenas - once the case has been formally commenced, research into and the compilation of up to date information should be undertaken as a preliminary step.

Freedom of Information requests under Commonwealth FOI Act is one avenue for research. Corporate Affairs registry is another source depending on the nature of case. Tasmanian FOI requests may not be answered at this time (because the Act is not yet in force) but they may be worth making nonetheless. Informal, across the counter requests for information can yield results. Cultivate your friendly local bureaucrat.

Parliament House and University libraries may yield useful information too. This is the research which can be done immediately before the case commences, at little or no cost if you do it yourself, rather than leave it to the lawyers. Be discreet in disclosing why you want particular pieces of information. Suggesting that the information may be used in a court action may produce leaked documents, but more often such a disclosure will dry up information. Remember to protect your sources and double check information wherever possible.

ii) expert evidence

Evidence from experts in a wide variety of fields is extremely useful, indeed essential depending on the case. In cases seeking to protect forest and or water resources with their component flora and fauna, botanists, zoologists, geologists, geographers, economists, meteorologists etc will prove very useful.

The expert evidence is usually made in the form of sworn written statement - affidavits - wherein the expert recites his or her qualifications, experience, positions held etc to establish their credibility before the court. Post graduates - Masters degrees or better e.g. PhD - are highly respected.

In their affidavits experts would set out the questions they were asked to consider, the documents they reviewed, the area they inspected, any assumptions implicit in their consideration, the texts and references they consulted, and then they would express their considered opinion. A short hardhitting summary statement at the end is very powerful evidence, and eminently quotable in the media!

These experts must only express opinions within the limited field of their personal expertise. A zoologist's economic pronouncements are worth little before the court. Wherever possible experts should refer to published information with which they are familiar.

The prospects for legal actions in Tasmania to use expert evidence appears to be quite good due to the presence of an active group, United Scientists for Environmental Responsibility and Protection, (USERP).

Dialogue with this group should be opened a.s.a.p. with a view to identifying people and fields of expertise which can be pursued in due course. If you make careful approaches to experts early in piece and they agree to be retained to assist you in the legal action, you can prevent their expertise being used against you by the other side. Moreover expert evidence they provide could be used in the media, your publications and in the Parliament.

Don't delay in making these initial approaches because it will be too late if Tas FC hires the best independent brains in the state to help it defend environmental legal actions.

EXPERT WITNESSES

Every expert must be approached carefully and their work obligations, e.g. at a university, respected. It is very, very rare that an expert scientist or economist has no work and is waiting for the phone to ring!

In engaging experts to assist in NEFA's cases, an initial approach was made explaining the nature of the case, and outlining the area where their expertise could be of assistance. A request for an expression of their interest would be made and except in the most urgent circumstances no pressure is exerted to have them answer immediately our request for assistance.

Once an interest in assisting is expressed, negotiations begin to establish what work can be done within the time available and the terms for which they would work. These negotiations were then formalised into a written brief, setting out the work, the timetable and the terms agreed in discussions. The expert would then write and accept or modify the brief. This exchange of correspondence was the contractual formulae for their involvement in the case. Legal aid in Tasmania can cover expert witnesses costs and expenses, provided prior approval is sought from and granted by LACT.

While the initial contacts and approaches were often made by my colleague and NEFA co-ordinator, Dailan Pugh, they were sometimes made by the solicitor, barrister or by me as applicant/plaintiff.

These lawyers would advise on what work was required (reviewing documents, preparing analyses, surveying or inspecting forests etc.) and the exact terms of brief, while the negotiations and formalising of the contract to undertake the work was usually done by me as applicant and legal aid recipient. (Legal aid in NSW covers expert witnesses.)

As part of the negotiations it is normal to request that they maintain the confidentiality of documents or information which you may provide. Experts may also agree to be retained, so that they will advise only you in the matter the subject of the court action. It is also prudent to discuss who, how and where their expert statement can be used or reproduced. Once a sworn statement is tendered to the court and read as evidence that statement becomes a public document and can be referred to, though it is courteous to check with the author before proceeding with its further publication.

Each expert deserves respect and the utmost consideration. If this is provided NEFA's experience has been that the scientific community is willing to assist if they can, often for little or no money. Expecting experts to do work, or failing to offer financial support doesn't attract much positive reaction.

QUASI-LEGAL PROCEDURES

Public Land Use Commission (PLUC)

Henry and Roland both advised that submissions/appeals to the new Public Land Use Commission (PLUC) may be very useful means of pursuing the protection of areas currently zoned for permanent wood production.

They recommend that members of TEN seek legal advice about the new laws interpretation, standard of arguments and evidence, and advice on tactics.

They advise that in their views, it would not be necessary to have lawyer to act as an advocate before the PLUC, and suggest that any person with a clear knowledge of the facts and understanding of the issues could appear before the PLUC.

Ombudsman's Inquiry

This could be an avenue for action. Ombudsmans Inquiries have been very damning of NSW Forestry Commission in the past, and the Government pays for the Inquiry via the Office of the Ombudsman. This needs considerably more checking out, but could prove very effective, cheap and politically powerful.

Public Accounts Committee Inquiry

This seems an obvious area for further action. As a multi-million dollar loss making operating, in a time of harsh financial times, the continued losses of TFC really ought to be exposed and brought to a halt. A PAC Inquiry would probably require a reference from the Parliament, but this may not be impossible to achieve with some well placed press statements, questions in parliament or quotes from Annual Reports.

Of more concern is the membership of the Committee. In the early days of the new Parliament the membership of this Committee would be reconstituted. Perhaps this Committee ought to be a target for GIMP's and good ALP members.

In NSW, the PAC Inquiry exposed such incredible rorts and inefficiencies that there is a very strong groundswell even within the Liberal National Parties Coalition for a total overhaul of the Commission. In addition having an expert business management consultant retained by the PAC to assist in its enquiries, meant that there was economic credibility as well as political credibilty to the final report.

Tas FC would appear to be wide open for some well placed financial / economic criticisms!

POTENTIAL FOR LEGAL ACTION

Potential for legal actions may exist under existing Tasmanian laws such as those Acts listed in the attached list.

Henry advises that rather than ask him to research sections of Acts which have potential for use to protect forested areas and catchment water resources, what is required is a research project which reviews the full ambit of Tasmanian law and notes down for further consideration, sections of Acts which appear as possible courses for legal action. He or other counsel could then consider that refined list. I am tentatively available to assist in that research as part of a team.

Before such a project is contemplated however, Henry suggests sitting down with Green Independent MP Gerry Bates MHA and discussing this research project. Henry thinks that Gerry may be able to save time on such an undertaking, or circumvent its necessity.

Query to TEN members: What dialogue with Gerry has taken place already regarding scope for legal action?

While further research of Tasmanian statutes may be necessary to identify potential areas for course action, I am advised that there may be possible legal cases under Commonwealth law - e.g. Trade Practices Act, aboriginal cultural protection laws etc;

Further, common law remedies, which do not rely on legislation, may also be available. I do not have the legal training to comment on these possibilities and they remain areas for further research.

To actually realise the potential for legal actions under either Tas, Commonwealth or common law, it may be necessary to manoeuvre into a position where a case can be brought on. This may involve obtaining a water right, registering a well, making an application to remove forest materials, or the like.

What manoeuvring may be suitable will depend on Gerry's information, the across the board research of the Tasmanian statutes, or advice from counsel as to the options under Commonwealth or common law. Essentially this requires creating appropriate opportunities to commence litigation.

SUGGESTED NEXT COURSES OF ACTION

Talk to Gerry Bates;
Prepare for PLUC - areas, arguments, evidence, media info;
Make FOI requests under Commonwealth (Tas??) FOI Acts;
Pursue Public Accounts Committee Inquiry into TFC- PAC membership;
Investigate areas of possible Ombudsmans inquiry into TFC;
Research Tas statutes as necessary;
obtain further advice on potential courses of action under Tas law;
obtain further advice on potential action under Commonwealth law;
obtain further advice on potential action under common law;
where appropriate manoeuvre for causes for legal action;

SUMMARY

No-one can assume that there is no scope for environmental legal actions in Tasmania.

A great deal more research may be required to identify if and where actions could be pursued.

Access to considerable funding is required to progress any court action.

Legal, scientific and political resources exist to support legal actions to defend forest and water resources.

Successful legal actions against Tas FC undermine its political and public credibility.

Legal action should be seen as an adjunct to direct action protest in the forest, public education campaigns, parliamentary work.

Confidential memo to T.E.N. members re: possible legal actions

Draft list of laws affecting the environment or natural resources, in some way, extracted from
"INDEX TO TASMANIAN ACTS AND STATUTES, 1826 - 1991"
Tasmanian Parliament House Library.

Aboriginal Relics Act, 1975;
Aid to Mining Act, 1927;
Aluminium Industries Act, 1960;
Associated Pulp and Paper Mills Act, 1936;
Beauty Point Landslip Act, 1970;
Chlorofluorocarbons and other Ozone Depleting Substances Control Act, 1988;
Closer Settlement Act, 1957;
Coastal and Other Waters (Application of State Laws) Act, 1982;
Constitutional Powers (Coastal Waters) Act, 1970;
Cressy Longford Irrigation Act, 1969;
Cressy Longford Irrigation Water Act, 1972;
Crown Lands Act(s), 1976, 1978;
Crown Lands Amendment Act(s) 1985, 1986, 1988, 1989, 1990;
Cruelty to Animals Prevention Act, 1925;
Environmental Protection Act, 1973;
Environmental Protection Amendment Act(s), 1989, 1990;
Fisheries Act, 1959, (1959), 1963;
Fisheries Amendment Act, 1980, 1985, 1986, 1988, 1989, (1989);
Forest Practices Act, 1985;
Forestry Act, 1920, 1954, 1977;
Forestry Amendment Act 1989;
Forestry Rights Registration Act, 1990;
Freedom Of Information Act, 1991;
Groundwater Act, 1985;
Law of Animals, 1962;
Mining Act(s), 1929, 1958;
Mineral Resources Act, 1951;
Mines Inspection Act, 1968;
National Parks and Wildlife Act(s), 1970, 1974, 1977;
Native Forests Agreement Act, 1980;
Ombudsman's Act, 1978;
Pesticides Act, 1968;
Pollution of Waters by Oil and Noxious Substances Act, 1987;
Public Accounts Committee Act, 1970;
Public Land (Administration and Forests) Act, 1991;
Pulpwood Products Industry (E & C Tas.) Act(s), 1968, 1971;
Settled Land Act(s), 1884, 1911;
Softwood Forestry Act(s), 1972, 1978;
Sub-Ordinate Legislation Committee Act, 1969;
Tasmanian Development Act(s), 1983, 1988;
Timber Promotion Act, 1970;
Tourism Act, 1977;
Tourism and Recreational Development Act, 1977;
Water Act(s) 1957, 1988, 1989;
Wesley Vale Pulp and Paper Industry Act, 1961;

Confidential memo to T.E.N. members re: possible legal actions

Whales Protection Act, 1988;

Wood Pulp and Paper Industry Encouragement Act, 1926...

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JOHN R. CORKILL
ENVIRONMENTAL EDUCATOR, PLANNER,
POLICY ADVISER

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

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;

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FAX COVER SHEET

To: **Mr Andrew Chalk,**

Re: Report on Tasmanian legal action options

Fax No: 02 258 6999

Ph No: 02 258 6563

No. of Pages Following: 11

Date sent: 6 February 1992

DEAR ANDREW,

FIRST UP IS THE FINAL PAGE OF THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT, 1991 AS REQUESTED. I'M FAXING THE FAX COPY HELD AT BIG SCRUB SO IF IT'S NOT OF SATISFACTORY QUALITY PHONE PETER WRIGHT AT N.C.C.'s OFFICE 2474206 & ASK HIM TO RE-FAX YOU THE PAGE.

WHAT FOLLOWS IS THE DRAFT OF MY REPORT TO THE TASMANIAN ENVIRONMENT NETWORK (T.E.N.) ON POTENTIAL FOR LEGAL ACTION IN TASMANIA. YOU EXPRESSED SOME INTEREST IN SEEING MY REPORT AT LUNCH THIS WEEK. I AM HAPPY TO PROVIDE YOU WITH A DRAFT SO THAT YOU HAVE A CHANCE TO MAKE ANY NECESSARY COMMENTS OR CORRECTIONS.

MAY I ASK YOU TO PLEASE REVIEW THIS DRAFT REPORT, MARK UP ANY CHANGES YOU'D LIKE TO SEE MADE ON YOUR FAX COPY AND FAX THE PAGES WITH AMENDMENTS BACK TO ME.

I AM CURRENTLY ON THE NSW NORTH COAST AND WORKING THROUGH THE BIG SCRUB ENVIRONMENT CENTRE, SO PLEASE FAX PAGES TO 066 222 676 fx.

I WOULD LIKE TO ISSUE THIS REPORT TO T.E.N. EARLY NEXT WEEK SO MAY I REQUEST YOUR REPLY AT YOUR EARLIEST CONVENIENCE.

THANKS MATE! - HOPEFULLY THIS ADVICE WILL ENCOURAGE T.E.N. MEMBERS TO COMMISSION THE RESEARCH SUGGESTED AND INITIATE SOME EFFECTIVE COURT ACTION.

YOURS SINCERELY,

+-----+
If this fax is imperfect or incomplete, please phone 02 2474 206
+-----+

+-----+
JOHN R. CORKILL
ENVIRONMENTAL EDUCATOR, PLANNER,
POLICY ADVISER

Executive Officer: Green Appeal Inc.; Sydney Co-ordinator: North East Forest Alliance (NEFA);
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'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;

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FAX COVER SHEET

To: **Henry Brookman,**

Re: Report on Tasmanian legal action options

Fax No: 002 312141

Ph No: 002 346 377

No. of Pages Following: 10

Date sent: 6 February 1992

DEAR HENRY,

WHAT FOLLOWS IS THE DRAFT OF MY REPORT TO THE TASMANIAN ENVIRONMENT
NETWORK (T.E.N.) ON POTENTIAL FOR LEGAL ACTION IN TASMANIA.

YOU EXPRESSED SOME INTEREST IN SEEING MY REPORT OF OUR CONFERENCE
WHEN WE MET. I CONSIDER IT IMPORTANT BEFORE ISSUING THIS REPORT
THAT YOU HAVE A CHANCE TO SEE THE DRAFT AND MAKE ANY NECESSARY
COMMENTS OR CORRECTIONS.

MAY I ASK YOU TO PLEASE REVIEW THIS DRAFT REPORT, MARK UP ANY
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THANK YOU AGAIN FOR YOUR ASSISTANCE - HOPEFULLY THIS ADVICE WILL
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INITIATE SOME EFFECTIVE COURT ACTION.

YOURS SINCERELY,

+-----+
If this fax is imperfect or incomplete, please phone 066 213278
+-----+

3 February 1992

Draft

MEMO TO : TASMANIAN ENVIRONMENT NETWORK (TEN)

RE : ENVIRONMENTAL LEGAL ACTIONS UNDER TASMANIAN LAW

< STRICTLY PRIVATE AND CONFIDENTIAL TO TEN MEMBERS >

INTRODUCTION

What follows is advice of my enquiries and preliminary research into environmental legal actions, undertaken in Hobart on 29th January, after discussions at the Jacky's Marsh Forest Festival.

Interest in pursuing this course was expressed in discussion which arose from my report of the North East Forest Alliance (NEFA's) Chaelundi - Old Growth Forest campaign, and during subsequent discussions on future directions for a Tas. forest campaign.

Following these notes are my suggestions & ideas for further action

LEGAL ADVISERS

Tasmania does not have a 'divided profession' for legal practitioners like NSW. In Tasmania, solicitors may act as the client's advocate in the court, as well as preparing the case and researching sometimes complicated and formal documents.

On the advice of TEN members, I contacted:

- * Mr Alan Blow, Barrister (002 233 844w);
- * Mr Henry Brookman, Solicitor & Barrister (002 346 377w);
- * Mr Roland Browne, Solicitor, Tas. Legal Aid Com (002 323 507w)

Hereafter I'll refer to each of them by their first names only.

Henry advised that there is only a small 'independent' Bar, consisting of lawyers who practice almost solely as barristers. Most cases undertaken in Tasmanian Supreme Court are effected by solicitors/barristers. He advises that there no? Queen's Counsels (QC's) resident and practicing in Hobart because of the lack of work for them. Consequently, these senior barristers only appear for specific cases and may then come from Melbourne or Sydney.

This was the case for the Helsham Inquiry when environmentalists (TWS?, TCT?) retained Mr John Bastion, a Sydney barrister, to advise on the conduct of and appear before this Inquiry.

Henry also advises of an another Hobart barrister, Mr Pierre Slicer, who has previously acted for environmentalists. Pierre has however been subsequently appointed to the Bench and now sits as a Tasmanian Supreme Court Judge. Pierre's availability to provide advice may be limited by his judicial appointment and Henry did not know whether Pierre would be able to give advice on legal points given this appointment. He encouraged me to ask Pierre himself but suggested that if he did give advice, Pierre would be obliged to disqualify himself from hearing any case which was subsequently brought before the court.

Contact with Pierre remains one possible avenue for further action.

LEGISLATION

According to Alan, Tasmanian law relies very heavily on sub-ordinate legislation - or Regulations, Declarations and Orders - made under the principal Act. This means that many Acts are scanty in detail, leaving the crucial provisions to the Regulations or Orders.

With many amending Acts and subsequent Regulations and orders its is not uncommon for the law to be quite complicated. The situation is further complicated, in Alan's view, by the lack of ongoing revision and collation of subsequent amendments into revised reprints. While comprehensive reprints have been attempted on several occasions, I was advised that the Government 'ran out of money' for reprint publication well before the latter part of the alphabet...

Consequently, reading the legislation to understand the current provisions of law requires a constant cross referencing from the principal Act, to the amending Acts and the various versions of the Regulations, orders etc.

[Attached is a draft list of Acts affecting the environment or natural resorces in some way. It is not an exhaustive list, since it was extracted from the Index to Tasmanian Statutes reasonably quickly. This draft list possibly omits important laws e.g fire?, includes useful Acts which have no real affect on the environment or natural resources e.g. FOI, Ombudsman, PAC, and may include laws which on closer examination are irrelevant. It is attached only as an indication of the extent of the Tasmanian legal framework.]

STANDING

Unlike NSW laws, Tasmania has no automatic 'third party' standing provisions, whereby 'any person may commence proceedings to restrain or remedy a breach or the Act'.

Thus in each case brought before the Court, an initial argument will have to be made as to the 'standing' i.e. the right in law, for that person or group to undertake the legal action. Individuals or groups would need to provide evidence to the court of their interest in the matter the subject of the litigation. Usually, your opponent will challenge your claim to standing, and attempt to prevent the merits of the matter being heard by the court by trying to prevent your access to the court. These preliminary arguments can be time and resource wasting, and can be very effective.

Henry advises that in the past the Tasmanian Supreme Court has interpreted 'standing' fairly broadly, and permitted actions to be heard. Thus while this cannot be assumed, it is unlikely to be a major obstacle.

In some instances, depending on the actual legal issue being heard, there may be a formal right of standing conferred on a person or body under the law being invoked in the legal action. The question as to who has standing in any particular case will however depend on the particular issue and law being pursued.

LEGAL COSTS

- i) lawyers professional fees;
- ii) incidentals and overheads;
- iii) expert witness costs;
- iv) ways of meeting costs;

Costs are very often the rock on which otherwise worthy legal cases flounder. No legal action is free, and the extent to which costs are limited to reasonable sums depends on the particular nature of the case being litigated, and to a large degree how organised the applicant/plaintiff is in the preparation and progress of the case.

- i) lawyers professional fees;

If the person or group wanting to commence legal action does little or no work on preparing the case, the work required to commence proceedings will have to be done by the solicitor and you will be charged according.

Our practice in NSW has been to do as much of the preparation work for the case, and the 'hack', administrative and research work during the case as possible. We've attempted to leave the lawyers free to work on the legal issues, or to do other cases, while the more mundane work is being done. This has kept our legal costs low.

Due to the terms of the NSW Legal Aid Commission (NSW LAC)'s grant of legal aid, NEFA's solicitors and barristers work without making a claim for costs to me as the applicant/plaintiff. In the event of a win the other side has to meet their fees and in the event of a loss the NSW LAC pays.

When legal aid was refused or withdrawn(!) in two cases, these lawyers worked on a commercial risk basis i.e. if we won the other side would have to pay costs, and if we lost they would waive their professional fees. This very significant generosity cannot be expected of lawyers in Sydney or elsewhere, because they and their families have to eat too! If it's offered great! but it is not appropriate to ask professionals to work for nothing.

ii) incidentals and overheads;

Every case has telephone, fax, photocopying costs, fees for lodging application with the court, issue of subpoenas, couriers etc.

These outgoings need to be met by client as upfront costs. While they can be minimised by careful consideration of the need for the phone call or copies of documents etc, there is no avoiding the bulk of these costs. If these costs can't be met you are unable to run a case.

NEFA's practice was to deposit sums of \$500 or \$1,000 at a time into the solicitors' trust account and have costs deducted and paid out of this account. This simplified the accounting and provided the solicitor with confidence that he would have the actual dollars necessary to meet various incidentals and overheads. When the case account in the solicitors trust fund started to look low, we made another deposit. In this way we didn't sink all our funds, also needed for the blockade support etc, into legal accounts, but we were able to keep the money flowing.

iii) expert witness costs;

Having expert witnesses, particularly expert scientific witnesses give evidence has been crucial for NEFA's cases. Yet experts don't come for free either!

In order to give coherent evidence under cross examination, or to produce sworn statements (affidavits) we had to provide 'our' scientists with copies of reports etc, sometimes urgently via fax or courier; and/or request them to travel to the forest and undertake surveys and inspections. All of the above costs money!

In some instances, individual experts would donate their time and effort at no financial cost, others would request a small heavily discounted payment, and in several instances, others were only able to undertake work for the case on a commercial basis. In each instance expenses were agreed to be covered, either upfront or by way of reimbursement.

iv) Ways of meeting costs

Henry suggested one way of meeting legal expenses would be to share the costs between several supporting groups/individuals who may or may not be parties to the legal action. In my view this course would require some generosity and trust within the community of interest pursuing the legal action, because for efficiency, not everyone who contributes to the cases' expenses can be accommodated within the decisionmaking on the direction or

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progress of the case nor on the exact expenses which will be paid from their donation.

He also suggested that in some instances it may be suitable to form a trust or other legal entity for the purposes of channelling the money necessary to meet costs. This vehicle could be the forum for decisionmaking about the case and it could be from this vehicle that the liaison person would be delegated power to run the case on a day to day basis, providing instructions and direction to the lawyers and expert advisers.

Alternatively, there's the traditional funding method where the person who is pursuing court action pays the lot!

LEGAL AID

The Tasmanian Legal Aid Commission (TLAC) is only 2 years old, and has been experiencing the usual 'teething' problems.

It is independent of government control but is funded from both state and federal government sources on a 3 year budget. It's next budget will commence on 1.1.1994. Henry advises that he is on the Board for the TLAC and that due to a number of reasons the LAC was 25% overspent in first 18 months! He advises that this situation is now being remedied, but has provoked a very conservative approach to the granting of aid.

In order to qualify for legal aid and applicant must be pursuing a case which has a public interest focus. A means test applies and even public interest cases where the applicant has considerable funds may not be funded! The LAC also requires a legal opinion as to the prospects for success.

Henry advises that LAC pays only 50% of the current schedule of solicitors fees i.e. \$65.00 per hr. This makes it unattractive for most solicitors to do legal aid work! 'Top up' funding, above the legal aid grant may be required.

TLAC's grants of legal aid are for lawyers fees only! So even if aid is granted an applicant/plaintiff will have to meet incidentals and overheads, and probably every other cost!

Legal aid has not been very forthcoming to date due to financial pressures described above, and perhaps because of a reticence to grant aid to plaintiffs who wanted to take on the Field government. With an ALP appointed Chairman, aid may be more forthcoming now with a Liberal government in power.

Henry described prospects for legal aid grants as being "possible but unreliable".

In my opinion, improving access to and the breadth of grants of aid should be part of a campaign focus among Tasmanian environmentalists and other social action groups.

INSTRUCTIONS

Assuming that legal actions could be commenced, clear and appropriate instructions to solicitors are crucial to any effective litigation.

Henry advised of previous difficulties in receiving instructions from a large group and his having to be involved in the group's formal decision making processes in order to receive relatively simple instructions. This has been an issue in NSW proceedings as well.

Apart from the better use which could be made of this time, this process is expensive.

Further, Henry highlighted his confusion in receiving instructions from any member of the group commencing proceedings, where conflicting priorities or instructions were issued. He emphasised the need for a clear line of

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communication to the solicitor to be established through a case officer or liaison person. Group members should work through this nominated spokesperson.

In some instances it may be quite inappropriate to have all decisions or instructions the subject of the full consideration of the group. Minor, urgent or consequential decisions are best made with the least inefficiency. This may require delegating a range of matters to a spokesperson whose task it is to liaise with the lawyers.

If your group insists that all decisions on the direction and progress of the case must be made by the group, you can expect to be meeting every day, possibly incurring more legal costs than are necessary. Delay in making decisions on the direction or progress of a case can substantially undermine the success of a case, particularly where you are attempting to out-manoeuvre your opponent.

MERITS

Henry advises that the merits of legal action will depend on each case as it arises. In his view it is impossible to say that such and such a case would be likely to succeed because:

- * the actual state of the law would require a serious researching of the principal Act, and its amending Acts regulations, orders etc;
- * there is little or no coherent case law i.e. precedent, building up, since much legislation is untried in the court;
- * recent legislation is still being interpreted and put into effect.

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He is of the view however that rulings of other Courts e.g. NSW Land and Environment Court, Supreme Court, or Court of Appeal may be applicable in Tasmania where there is a direct correlation between the statutes of these two states e.g. National Parks and Wildlife Act. In his opinion the rulings of other state's courts could be "very persuasive" arguments before the Tasmanian Bench.

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Parliament House and University libraries may yield useful information too. This is the research which can be done immediately before the case commences, at little or no cost if you do it yourself, rather than leave it to the lawyers. Be discreet in disclosing why you want particular pieces of information. Suggesting that the information may be used in a court action may produce leaked documents, but more often such a disclosure will dry up information. Remember to protect your sources and double check information wherever possible.

ii) expert evidence

Evidence from experts in a wide variety of fields is extremely useful, indeed essential depending on the case. In cases seeking to protect forest and or water resources with their component flora and fauna, botanists, zoologists, geologists, geographers, economists, meteorologists etc will prove very useful.

The expert evidence is usually made in the form of sworn written statement - affidavits - wherein the expert recites his or her qualifications, experience, positions held etc to establish their credibility before the court. Post graduates - Masters degrees or better e.g. PhD - are highly respected.

In their affidavits experts would set out the questions they were asked to consider, the documents they reviewed, the area they inspected, any assumptions implicit in their consideration, the texts and references they consulted, and then they would express their considered opinion. A short hardhitting summary statement at the end is very powerful evidence, and eminently quotable in the media!

These experts must only express opinions within the limited field of their personal expertise. A zoologist's economic pronouncements are worth little before the court. Wherever possible experts should refer to published information with which they are familiar.

The prospects for legal actions in Tasmania to use expert evidence appears to be quite good due to the presence of an active group, United Scientists for Environmental Responsibility and Protection, (USERP).

Dialogue with this group should be opened a.s.a.p. with a view to identifying people and fields of expertise which can be pursued in due course. If you make careful approaches to experts early in piece and they agree to be retained to assist you in the legal action, you can prevent their expertise being used against you by the other side. Moreover expert evidence they provide could be used in the media, your publications and in the Parliament.

Don't delay in making these initial approaches because it will be too late if Tas FC hires the best independent brains in the state to help it defend environmental legal actions.

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-7-

EXPERT WITNESSES

Every expert must be approached carefully and their work obligations, e.g. at a university, respected. It is very, very rare that an expert scientist or economist has no work and is waiting for the phone to ring!

In engaging experts to assist in NEFA's cases, an initial approach was made explaining the nature of the case, and outlining the area where their expertise could be of assistance. A request for an expression of their interest would be made and except in the most urgent circumstances no pressure is exerted to have them answer immediately our request for assistance.

Once an interest in assisting is expressed, negotiations begin to establish what work can be done within the time available and the terms for which they would work. These negotiations were then formalised into a written brief, setting out the work, the timetable and the terms agreed in discussions. The expert would then write and accept or modify the brief. This exchange of correspondence was the contractual formulae for their involvement in the case.

While the initial contacts and approaches were often made by my colleague and NEFA co-ordinator, Dailan Pugh, they were sometimes made by the solicitor, barrister or by me as applicant/plaintiff.

These lawyers would advise on what work was required (reviewing documents, preparing analyses, surveying or inspecting forests etc.) and the exact terms of brief, while the negotiations and formalising of the contract to undertake the work was usually done by me as applicant and legal aid recipient. (Legal aid in NSW covers expert witnesses.)

As part of the negotiations it is normal to request that they maintain the confidentiality of documents or information which you may provide. Experts may also agree to be retained, so that they will advise only you in the matter the subject of the court action. It is also prudent to discuss who, how and where their expert statement can be used or reproduced. Once a sworn statement is tendered to the court and read as evidence that statement becomes a public document and can be referred to, though it is courteous to check with the author before proceeding with its further publication.

Each expert deserves respect and the utmost consideration. If this is provided NEFA's experience has been that the scientific community is willing to assist if they can, often for little or no money. Expecting experts to do work, or failing to offer financial support doesn't attract much positive reaction.

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QUASI-LEGAL PROCÉDURES⁻⁸⁻

Public Land Use Commission (PLUC)

Henry and Roland both advised that submissions/appeals to the new Public Land Use Commission (PLUC) may be very useful means of pursuing the protection of areas currently zoned for permanent wood production.

They recommend that members of TEN seek legal advice about the new laws interpretation, standard of arguments and evidence, and advice on tactics.

They advise that in their views, it would not be necessary to have lawyer to act as an advocate before the PLUC, and suggest that any person with a clear knowledge of the facts and understanding of the issues could appear before the PLUC.

Ombudsman's Inquiry

This could be an avenue for action. Ombudsmans Inquiries have been very damning of NSW Forestry Commission in the past, and the Government pays for the Inquiry via the Office of the Ombudsman. This needs considerably more checking out, but could prove very effective, cheap and politically powerful.

Public Accounts Committee Inquiry

This seems an obvious area for further action. As a multi-million dollar loss making operating, in a time of harsh financial times, the continued losses of TFC really ought to be exposed and brought to a halt. A PAC Inquiry would probably require a reference from the Parliament, but this may not be impossible to achieve with some well placed press statements, questions in parliament or quotes from Annual Reports.

Of more concern is the membership of the Committee. In the early days of the new Parliament the membership of this Committee would be reconstituted. Perhaps this Committee ought to be a target for GIMP's and good ALP members.

In NSW, the PAC Inquiry exposed such incredible rorts and inefficiencies that there is a very strong groundswell even within the Liberal National Parties Coalition for a total overhaul of the Commission. In addition having an expert business management consultant retained by the PAC to assist in its enquiries, meant that there was economic credibility as well as political credibilty to the final report.

Tas FC would appear to be wide open for some well placed financial / economic criticisms!

POTENTIAL FOR LEGAL ACTION

Potential for legal actions may exist under existing Tasmanian laws such as those Acts listed in the attached list.

Henry advises that rather than ask him to research sections of Acts which have potential for use to protect forested areas and catchment water resources, what is required is a research project which reviews the full ambit of Tasmanian law and notes down for further consideration, sections of Acts which appear as possible courses for legal action. He or other counsel could then consider that refined list. I am tentatively available to assist in that research as part of a team.

Before such a project is contemplated however, Henry suggests sitting down with Green Independent MP Gerry Bates MHA and discussing this research project. Henry thinks that Gerry may be able to save time on such an undertaking, or circumvent its necessity.

Draft

Query to TEN members: What dialogue with Gerry has taken place already regarding scope for legal action?

While further research of Tasmanian statutes may be necessary to identify potential areas for course action, I am advised that there may be possible legal cases under Commonwealth law - e.g. Trade Practices Act, aboriginal cultural protection laws etc;

Further, common law remedies, which do not rely on legislation, may also be available. I do not have the legal training to comment on these possibilities and they remain areas for further research.

To actually realise the potential for legal actions under either Tas, Commonwealth or common law, it may be necessary to manoeuvre into a position where a case can be brought on. This may involve obtaining a water right, registering a well, making an application to remove forest materials, or the like.

What manoeuvring may be suitable will depend on Gerry's information, the across the board research of the Tasmanian statutes, or advice from counsel as to the options under Commonwealth or common law. Essentially this requires creating appropriate opportunities to commence litigation.

SUGGESTED NEXT COURSES OF ACTION

Talk to Gerry Bates; Pierre Slicer;
Prepare for PLUC - areas, arguments, evidence, media info;
Make FOI requests under Commonwealth (Tas??) FOI Acts;
Pursue Public Accounts Committee Inquiry into TFC- PAC membership;
Investigate areas of possible Ombudsmans inquiry into TFC;
Research Tas statutes as necessary;
obtain further advice on potential courses of action under Tas law;
obtain further advice on potential action under Commonwealth law;
obtain further advice on potential action under common law;
where appropriate manoeuvre for causes for legal action;

SUMMARY

No-one can assume that there is no scope for environmental legal actions in Tasmania.

A great deal more research may be required to identify if and where actions could be pursued.

Access to considerable funding is required to progress any court action.

Legal, scientific and political resources exist to support legal actions to defend forest and water resources.

Successful legal actions against Tas FC undermine its political and public credibility.

Legal action should be seen as an adjunct to direct action protest in the forest, public education campaigns, parliamentary work.

Draft

Draft list of laws affecting the environment or natural resources, in some way,
extracted from "INDEX TO TASMANIAN ACTS AND STATUTES, 1826 - 1991"
Tasmanian Parliament House Library.

Aboriginal Relics Act, 1975;
Aid to Mining Act, 1927;
Aluminium Industries Act, 1960;
Associated Pulp and Paper Mills Act, 1936;
Beauty Point Landslip Act, 1970;
Chlorofluorocarbons and other Ozone Depleting Substances Control
Act, 1988;
Closer Settlement Act, 1957;
Coastal and Other Waters (Application of State Laws) Act, 1982;
Constitutional Powers (Coastal Waters) Act, 1970;
Cressy Longford Irrigation Act, 1969;
Cressy Longford Irrigation Water Act, 1972;
Crown Lands Act(s), 1976, 1978;
Crown Lands Amendment Act(s) 1985, 1986, 1988, 1989, 1990;
Cruelty to Animals Prevention Act, 1925;
Environmental Protection Act, 1973;
Environmental Protection Amendment Act(s), 1989, 1990;
Fisheries Act, 1959, (1959), 1963;
Fisheries Amendment Act, 1980, 1985, 1986, 1988, 1989, (1989);
Forest Practices Act, 1985;
Forestry Act, 1920, 1954, 1977;
Forestry Amendment Act 1989;
Forestry Rights Registration Act, 1990;
Freedom Of Information Act, 1991;
Groundwater Act, 1985;
Law of Animals, 1962;
Mining Act(s), 1929, 1958;
Mineral Resources Act, 1951;
Mines Inspection Act, 1968;
National Parks and Wildlife Act(s), 1970, 1974, 1977;
Native Forests Agreement Act, 1980;
Ombudsman's Act, 1978;
Pesticides Act, 1968;
Pollution of Waters by Oil and Noxious Substances Act, 1987;
Public Accounts Committee Act, 1970;
Public Land (Administration and Forests) Act, 1991;
Pulpwood Products Industry (E & C Tas.) Act(s), 1968, 1971;
Settled Land Act(s), 1884, 1911;
Softwood Forestry Act(s), 1972, 1978;
Sub-Ordinate Legislation Committee Act, 1969;
Tasmanian Development Act(s), 1983, 1988;
Timber Promotion Act, 1970;
Tourism Act, 1977;
Tourism and Recreational Development Act, 1977;
Water Act(s) 1957, 1988, 1989;
Wesley Vale Pulp and Paper Industry Act, 1961;
Whales Protection Act, 1988;
Wood Pulp and Paper Industry Encouragement Act, 1926...

Administrative Review Act

Where lots of Regulations experts less relevant?

Old Acts scope for technical challenges.

whether Regs valid.

approval under Regs would

mean approvals invalid.

What approvals req'd. → Regs.

Where Regs valid → approvals may not be correct

"Standing" private citizens bring "complaints"
can law action in local courts

"delegations" powers vested in a person
check power properly delegated

"retrospective effect" new Reg to cure Reg challenge
can't be retrospective unless Act permits ~~retrospectively~~

who do the Regs protect does it create expectation that
they will be "consulted" procedural fairness denial natural justice

Trade Practices Act.

EP(P) Act admin procedures are binding

3rd Runway

High Court

Stare Wight.
non ALC
Devin Lane.

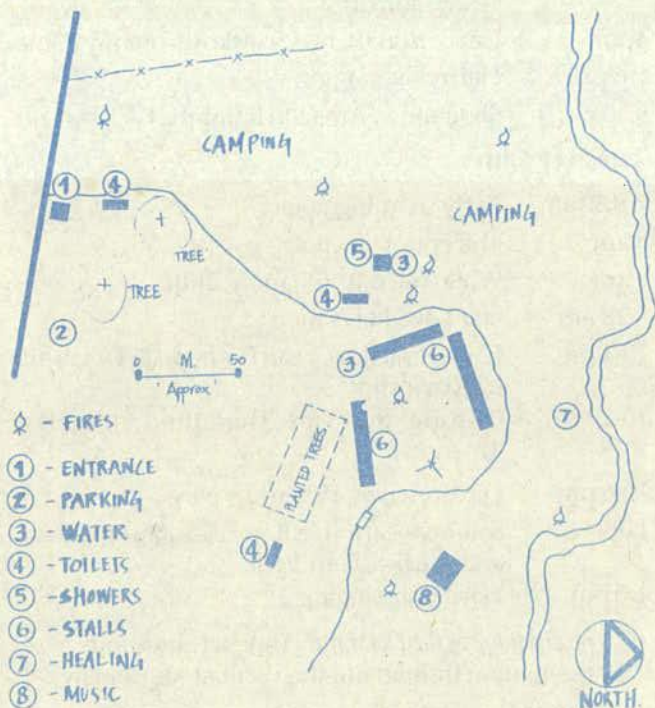
Ab + T. Skant Is
Heritage Prot Act 1984

Heritage Forests

Jackeys Marsh is a mountain valley on The Great Western Tiers in Tasmania's Central north. It is surrounded by National Estate forests. These forests are unique for the variety of different types of eucalypt and rainforest communities they contain. The mountain slopes are also valuable for the niches they provide for plants to migrate in times of climate change. The forests are home to 70 species of birds, all the Tasmanian native mammals and a whole range of invertebrates.

The Great Western Tiers are capped by dolerite layers of sandstone and mudstone. Deeply incised gorges carved by successive glaciation provide the habitat for Tasmania's endemic King Billy pines. The Tasmanian Wilderness World Heritage Area abuts the valley of Jackeys Marsh and The Great Western Tiers to the south.

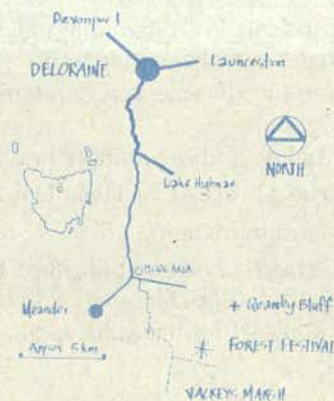
Opportunities to walk in and learn about this important forest environment will be provided throughout the festival.



And lots more ...

- A special emphasis of the festival is spontaneity so please bring musical instruments and hidden or blossoming talents. Program details are subject to change - check the information board.
- There will be a host of children's activities during the festival including acrobatics, face painting, improvisation, bushwalks and much more. Child care will be provided.
- The healing village will be facilitating spontaneous healing activities including: massage, Reiki, dance, movement and toning. If you are interested meet at the village at 6.30 pm. Bring a blanket and cushion to healing workshops.
- Camping is available on site - bring your own tent or campervan, plates and cutlery - no disposables will be on site. Cook your own food or buy from the wide variety available. Bring warm and water-proof clothing, sunhats and blockout. And please, no dogs.

Admission to Festival: Full \$25, Concession \$20
Sat & Sun \$10; Fri, Mon, Tues \$5



For further information contact:
Deloraine Environment Centre
(003) 622 713.

Recycled Paper -

"HERITAGE FORESTS" FESTIVAL



JACKEYS MARSH, Tas

" JANUARY: Fri 24th ~ Tues 28th 1992 "

Friday 24th

- *Council of All Beings* - all day Friday and Saturday. Guiding us through our joy of interdependence of all beings and helping us deal with our grief over the destruction of the planet - Gaby Luft

9 am	Walk, full day, Quamby Bluff
9 am	Self Love Relaxation
10 am	Walk, 1 hour
10-12.30	Therapeutic Healing, Edna Turner
1-4 pm	Non-Violent Action Introduction
1.30-2.30	Earth Healing Meditation
2-6 pm	Walk, half day, Jackeys Creek
2-3 pm	Walk, 1 hour
2.30-5 pm	The Resonant Body, Satyamo. Bring musical instruments
4-5 pm	Resource Security Legislation - What it means for our Heritage Forests, Cathcart Weatherly.
5-6 pm	Harmonic Singing
9.30 pm	Slide show, Intercultural, Japan/ Australia

Saturday 25th

7-8.30 am	Early morning Yoga
8 am	The four directions
9-10 am	Self Love Relaxation
9 am	Guided walk, full day, Warner's Track
9 am	Grand Dance, Benny Zable approx 1 hr
10-1 pm	Environmental weeds - their control and management. John Robin
10 am	Bird walk, half day
10-4 pm	Non-Violent Action Training
10-11 am	Guided Walk
10.30-12.30	Reclaiming Our Natural Inheritance, Pamela Mears
1.30-2.30	Earth healing meditation
2pm	Jigsi Jamaican Dancing.
1-2 pm	Resource Security Legislation (see Friday)
1-5 pm	Guided walk, half day, Sphagnum bog
2-6 pm	Landcare, Dealing with and managing stream and river bank erosion, Dale McGuire
2.30-5 pm	Surviving the Nineties, Ken Atherton. Bring musical instruments and crystals.
2.30-5 pm	Mediation, an alternative to confrontation, Community Mediation Centre

Festival Program

6 pm	Concert, 'Coolangubra', 'Arauca Libre', Lisa Yeates, Prashant, local bands.
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Sunday 26th

•	V. Traleg Rinpoche will be at the Festival all day Sunday.
7-8.30 am	Early morning yoga
8 am	The Four Directions
9 am	Guided untracked walk, full day. A high bench west of Sales rivulet
9-10 am	Self Love Relaxation
10 am	CB Familiarisation, The Wilderness Society
10 am	Walk, half day, Warners Sugar Loaf
10-12.30	Voice and movement, Adam.
10-12.30	Dealing with emotions, Helen Rees
10-11 am	Guided walk
11-1 pm	Land Care in the Classroom. Tanya Stadler.
11-noon	Resource Security Legislation, (See Friday)
11 am-12	V. Traleg Rinpoche - Introduction to meditation. Discussion and practice (Bring a cushion).
1 pm	Guided walk, half day, Jackeys Creek
1.30-2.30	Earth healing meditation
3 pm	V. Traleg Rinpoche, informal discussion
2-6 pm	Landcare - The management of remnant vegetation, Peter Harrison
2-6 pm	Forest and species conservation on private land, Peg Putt
2.30-5 pm	Healing and Meditation, Pravitra
4 pm	Dance Ritual - Chief Seattle Run, Benny Zable
5-6 pm	Harmonic singing
6 pm	Concert, 'Coolangubra', Rob Clarkson, 'Hurdy Gurdy', 'Big Dilemma', Circus Fire, 'Vicious Hippies' Christine Milne speaking on the Election.

Monday 27th

7-8.30 am	Early morning Yoga
8 am	Four directions
9 am	Grand Dance, dance meditation ritual for the planet, Benny Zable
9-10 am	Self love relaxation

9 am	Full day walk Warners Track
10-11 am	Guided Walk
10 am	Walk half day Warners Sugarloaf
10-12.30 pm	Harmonics and Toning Margie Parks. Bring Musical Instruments
11-1 pm	Land Care in the Classroom. Tanya Stadler.
11-noon	Resource Security Legislation (see Friday)
11-4 pm	Landcare - Group formation and awareness of Landcare. Simon Boughey, Rosanna Coombes and Jane Baecker
1 pm	Walk 1/2 day
1.30-2.30 pm	Earth Healing Meditation
2.30-5 pm	Conflict resolution Lorna Mitchel
2-6 pm	Forest and species conservation on private land Peg Putt
3-5 pm	Heritage assessment of forest areas and the production of National Estate nominations Sean Cadman
4 pm	Dance Ritual Chief Seattle Run Benny Zable
5-6 pm	Harmonic singing
9.30 pm	Slide show, Amazon Rainforest, Gaby Luft

Tuesday 28th

7-8.30 am	Early morning yoga
8 am	The Four Directions
9 am	Walk, full day, Quamby Bluff
9-10 am	Self Love Relaxation
10-1 pm	Forest Practices, Sean Cadman & Dr Laurie Goldsworthy
10-12.30	Cutting the Ties That Bind, Joscelyn Townrow
10-6 pm	Direct Action, Where To Now?
1.30-4 pm	Self love earth healing relaxation massage and music, Fern Vella
4-6 pm	Harmonic singing
•	<i>The Heritage of the Deloraine Area</i> - a continuous presentation throughout the Festival - Rosemary Norwood.

TASMANIAN ACTS 1826-91

"Environmental / Resources Legⁿ"

Aboriginal Relics Act 75

Act to Mining Act 27

Aluminium Ind. Act 60

Associated Pulp + Paper Mills Act '36

Beauty Point Landfill Act 70.

Chlorofluorocarbons. + Other O₃ depleting Subst Control Act. 88.

Closer Settlement Act 57

~~Coast Mining~~

Coastal + Other Waters (App^l of State Laws) Act 82.

Constitutional Powers (Coastal Waters) Act 70

Cressy-Langford Irrigation Act 69

" " " Water Act 72
Crown Lands Act 76, 78, ~~80~~.

Amend Act 85, 86, 88, 89, 90

Cruelty to Animals. Prevent Act 25

Env. Protⁿ Act 73

Amend Act 89, 91

Fisheries Act 59, (59), 63,

Amend Act. 80, 85, 86, 88, 89 (89)

Forest Practices Act 85

DU NGOẠN GIÁO DỤC
(EXCURSION)

TRƯỜNG _____

Quý Vị Phụ Huynh

Các Học Sinh Lớp _____ sẽ đi du ngoạn ở
(Class/lớp)

_____ vào ngày _____
(Place/địa điểm) (Date/ngày)

Cuộc du ngoạn này được dự trù để bổ túc kiến thức thu thập trong lớp học.

Phi tổn cuộc du ngoạn là: \$ _____

Đoàn du ngoạn sẽ rời nhà trường lúc _____ và lúc trở về _____
(Time/giờ đi) (Time/giờ về)

Phương tiện di chuyển bằng _____
(Means of transportation)

Hiệu Trưởng _____

Giáo Chủ _____

Điện thoại _____

DU NGOẠN GIÁO DỤC
GIẤY CHA MẸ ỨNG THUẬN

Tôi ký tên dưới đây đồng ý cho con/con bảo hộ của tôi: tên
là _____ dự cuộc du ngoạn giáo
(Child's full name)

dục do ông/bà Hiệu Trưởng chấp thuận tại _____
(place/địa điểm)

từ ngày _____ đến _____
(Date/từ ngày) (Date/đến ngày)

và vận chuyển bằng _____
(Mean of Transportation/phương tiện di chuyển)

Ký Tên _____
(Parent/Guardian/Cha Mẹ/Giám Hộ)

Ngày _____

Uni Law Library

"Guide to Tasmanian Legⁿ" paperback

last full reprint 1989. most reprinted in loose leaf
1978

-
- Forestry Act etc. 20, 54, 77
Forests Amel. Act. 89, Forestry Rights Regⁿ Act 90.
✓ FOI Act 91
✓ Law of Animals. 62. ^{Lake Sorell + Crescent Cmⁿ Act 1901}
Mining Act 29 + 58
Mineral Res. Act. 51
Mines Inspection Act. 68
Groundwater Act 85
✓ NPWA 1970 74 77
Native Forestry Agreement Act 80
Ombudsmen's Act 78
Pesticides Act 68
✓ Pollution of Waters by Oil + Noxious Subst^{ce} Act. 87 ^{via ships @ sea}
PAC Act. 70
Public Land (Admin + Forests) Act 91
Pulpwood Products Ind. (E + C. Tax) Act 19~~77~~⁶⁸ + 71
Settled Land Act 1884 1911
Softwood Forestry Act 72 78
Subs. Ord. Legⁿ Committee Act. 69
Tax. Develop^{mt} Act 83 88
Timber Promotion Act 70

DU NGOẠN GIÁO DỤC
(EXCURSION)

TRƯỜNG _____

Quý Vị Phụ Huynh

Các Học Sinh Lớp _____ sẽ đi du ngoạn ở
(Class/lớp)

_____ vào ngày _____
(Place/địa điểm) (Date/ngày)

Cuộc du ngoạn này được dự trù để bổ túc kiến thức thu thập trong lớp học.

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Đoàn du ngoạn sẽ rời nhà trường lúc _____ và lúc trở về _____
(Time/giờ đi) (Time/giờ về)

Phương tiện di chuyển bằng _____
(Means of transportation)

Hiệu Trưởng _____

Giáo Chủ _____

Điện thoại _____

DU NGOẠN GIÁO DỤC
GIẤY CHA MẸ ỦNG THUẬN

Tôi ký tên dưới đây đồng ý cho con/con bảo hộ của tôi tên
là _____ dự cuộc du ngoạn giáo
(Child's full name)

dục do ông/bà Hiệu Trưởng chấp thuận tại _____
(place/địa điểm)

từ ngày _____ đến _____
(Date/từ ngày) (Date/đến ngày)

và vận chuyển bằng _____
(Mean of transportation/phương tiện di chuyển)

Ký Tên _____
(Parent/Guardian/Cha Mẹ/Giám Hộ)

Ngày _____

Tourism Act 77

Tourism + Re. Dev^{ct} Act 77

Water Act 57 88 89

Wesley Vale Pulp + Paper Ind. Act 61

Whales Protⁿ Act 88.

Wood Pulp + Paper Ind. Encouragement Act '26

DU NGOẠN GIÁO DỤC
(EXCURSION)

TRƯỜNG _____

Quý Vị Phụ Huynh

Các Học Sinh Lớp _____ sẽ đi du ngoạn ở
(Class/lớp)

_____ vào ngày _____
(Place/địa điểm) (Date/ngày)

Cuộc du ngoạn này được dự trù để bổ túc kiến thức thu thập trong lớp học.

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Đoàn du ngoạn sẽ rời nhà trường lúc _____ và lúc trở về _____
(Time/giờ đi) (Time/giờ về)

Phường tiện di chuyển bằng _____
(Means of transportation)

Hiệu Trưởng _____

Giáo Chủ _____

Điện thoại _____

DU NGOẠN GIÁO DỤC
GIẤY CHA MẸ ỦNG THUẬN

Tôi ký tên dưới đây đồng ý cho con/con bảo hộ của tôi tên
là _____ dự cuộc du ngoạn giáo
(Child's full name)

dục do ông/bà Hiệu Trưởng chấp thuận tại _____
(place/địa điểm)

từ ngày _____ đến _____
(Date/từ ngày) (Date/đến ngày)

và vận chuyển bằng _____
(Mean of transportation/phường tiện di chuyển)

Ký Tên _____
(Parent/Guardian/Cha Mẹ/Giám Hộ)

Ngày _____

National Parks + Wildlife Act '70

ss. 31-37 incl. Pt. V Conservation of Fauna + Flora
esp. s. 32.

s. 51(2) Reg. don't prohibit anything reg. to be done for purposes of complying with any other Act.

Wildlife Regs. 71

d. 9 (Division II) → amended? + 91

Groundwater Act 1985

s. 9. proclaimed ~~wet~~ regions → wells.

s. 26 prevent pollution of groundwater

DU NGOẠN GIÁO DỤC
(EXCURSION)

TRƯỜNG _____

Quý Vị Phụ Huynh

Các Học Sinh Lớp _____ sẽ đi du ngoạn ở
(Class/lớp)

_____ vào ngày _____
(Place/địa điểm) (Date/ngày)

Cuộc du ngoạn này được dự trù để bổ túc kiến thức thu thập trong lớp học.

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Đoàn du ngoạn sẽ rời nhà trường lúc _____ và lúc trở về _____
(Time/giờ đi) (Time/giờ về)

Phương tiện di chuyển bằng _____
(Means of transportation)

Hiệu Trưởng _____

Giáo Chủ _____

Điện thoại _____

DU NGOẠN GIÁO DỤC
GIẤY CHA MẸ ỨNG THUẬN

Tôi ký tên dưới đây đồng ý cho con/con bảo hộ của tôi tên là _____ dự cuộc du ngoạn giáo
(Child's full name)

dục do ông/bà Hiệu Trưởng chấp thuận tại _____
(place/địa điểm)

từ ngày _____ đến _____
(Date/từ ngày) (Date/đến ngày)

và vận chuyển bằng _____
(Mean of Transportation/phương tiện di chuyển)

Ký Tên _____
(Parent/Guardian/Cha Mẹ/Giám Hộ)

Ngày _____

• Instructions

Standing: broadly

Costs: legal aid: should be but isn't. rates \$65 p hr.

Merits indemnity: not reliable

LAC ~~1-1-91~~ '94 deficit + overspending.

as to
mandatory damages

Perch:

evidentiary competence. → USERP
Not Esting

NPWA?

PLUC. Res. Sec. Legⁿ

shared costs → ✓✓

NSW LEC + Cant Appeal judgements applicable

Pierre Sizer

DU NGOẠN GIÁO DỤC
(EXCURSION)

TRƯỜNG _____

Quý Vị Phụ Huynh

Các Học Sinh Lớp _____ sẽ đi du ngoạn ở
(Class/lớp)

_____ vào ngày _____
(Place/địa điểm) (Date/ngày)

Cuộc du ngoạn này được dự trù để bổ túc kiến thức thu thập trong lớp học.

Phi tổn cuộc du ngoạn là: \$ _____

Đoàn du ngoạn sẽ rời nhà trường lúc _____ và lúc trở về _____
(Time/giờ đi) (Time/giờ về)

Phương tiện di chuyển bằng _____
(Means of transportation)

Hiệu Trưởng _____

Giáo Chủ _____

Điện thoại _____

DU NGOẠN GIÁO DỤC
GIẤY CHA MẸ ỨNG THUẬN

Tôi ký tên dưới đây đồng ý cho con/con bảo hộ của tôi tên
là _____ dự cuộc du ngoạn giáo
(Child's full name)

dục do ông/bà Hiệu Trưởng chấp thuận tại _____
(place/địa điểm)

từ ngày _____ đến _____
(Date/từ ngày) (Date/đến ngày)

và vận chuyển bằng _____
(Mean of transportation/phương tiện di chuyển)

Ký Tên _____
(Parent/Guardian/Cha Mẹ/Giám Hộ)

Ngày _____

Allan Blaw: Barrister

233844 W

Hobart

Battery Pt. (h)

Henry Brookman: counsel

346 377 W

344 002 h

Spn

Adelaide

33 Salamanca Pl.

Roland Browne solicitor Tas Legal Aid Comⁿ.

346 918 h

346 544 W

Sharon Moore solicitor CSIRO Antarctic Divⁿ

235 023 h

323 507 W

Brian Cole - GIMP's Office

Alumet: Deletas

DU NGOẠN GIÁO DỤC
(EXCURSION)

TRƯỜNG _____

Quý Vị Phụ Huynh

Các Học Sinh Lớp _____ sẽ đi du ngoạn ở
(Class/lớp)

_____ vào ngày _____
(Place/địa điểm) (Date/ngày)

Cuộc du ngoạn này được dự trù để bổ túc kiến thức thu thập trong lớp học.

Phi tổn cuộc du ngoạn là: \$ _____

Đoàn du ngoạn sẽ rời nhà trường lúc _____ và lúc trở về _____
(Time/giờ đi) (Time/giờ về)

Phường tiện di chuyển bằng _____
(Means of transportation)

Hiệu Trưởng _____

Giáo Chức _____

Điện thoại _____

DU NGOẠN GIÁO DỤC
GIẤY CHA MẸ ỨNG THUẬN

Tôi ký tên dưới đây đồng ý cho con/con bảo hộ của tôi tên
là _____ dự cuộc du ngoạn giáo
(Child's full name)

dục do ông/bà Hiệu Trưởng chấp thuận tại _____
(place/địa điểm)

từ ngày _____ đến _____
(Date/từ ngày) (Date/đến ngày)

và vận chuyển bằng _____
(Mean of Transportation/phường tiện di chuyển)

Ký Tên _____
(Parent/Guardian/Cha Mẹ/Giám Hộ)

Ngày _____

RAINFOREST



I N T A S M A N I A



A visitor's guide

TASMANIA

AUSTRALIA'S BEST HOLIDAY



FORESTRY
COMMISSION
TASMANIA

Tasmania contains Australia's largest tracts of cool temperate rainforest – a type of rainforest very different from those of tropical or sub-tropical Australia. Unlike their northern counterparts, the trees of Tasmanian rainforests have no root buttresses, leaves are generally much smaller and palms and lianes (climbing plants) are uncommon. In fact, Tasmanian rainforests have more in common with the beech forests of New Zealand and parts of South America than with the subtropical and tropical rainforests of the rest of Australia.

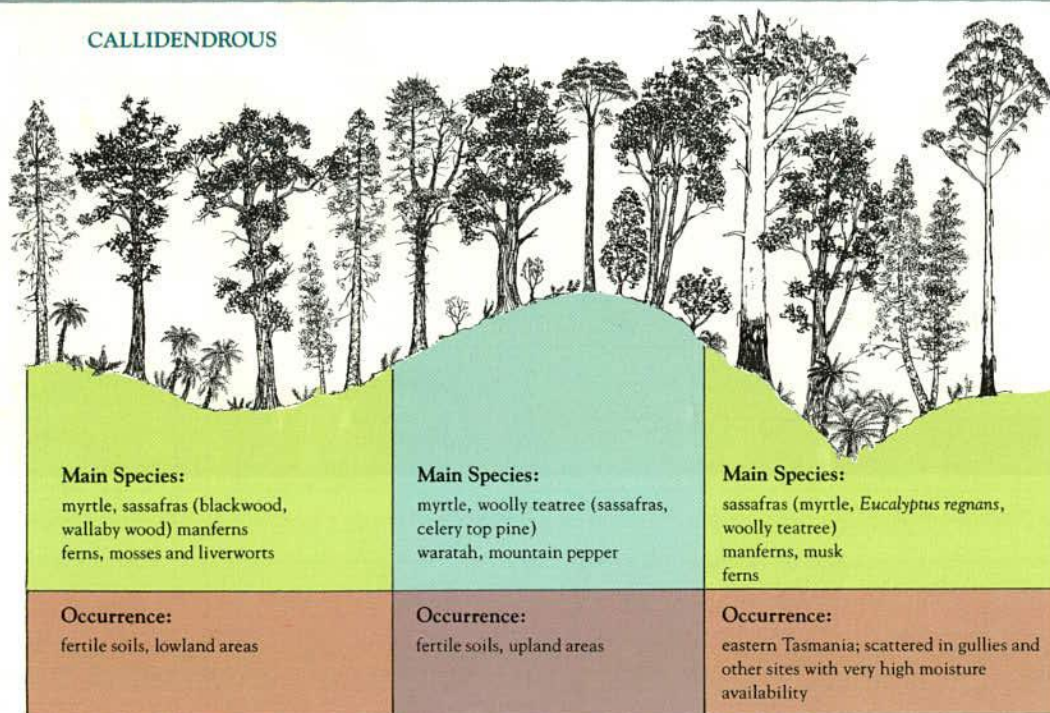
Rainforest occurs throughout Western Tasmania, with some tracts in the north-eastern highlands. It is found mostly where rainfall is high, usually over 1200mm a year. Rainforest covers approximately 765,000 hectares or eleven per cent of the area of Tasmania. Over forty five percent of rainforest in Tasmania is permanently protected in national parks and forest reserves.

Some rainforest species such as myrtle, leatherwood and sassafras, however, are of great significance for the high value craft and furniture industries. Where these species occur as an understorey to eucalypts, harvesting will occur provided environmental standards in relation to species, communities and habitats are met.

Types of Rainforest

There are different types of rainforest that are usually defined by the type of plants that are found within them. It is generally accepted that there are five broad types of rainforest in Tasmania. These are callidendrous, thamnisc, implicate, gallery and open montane forests.

CALLIDENDROUS

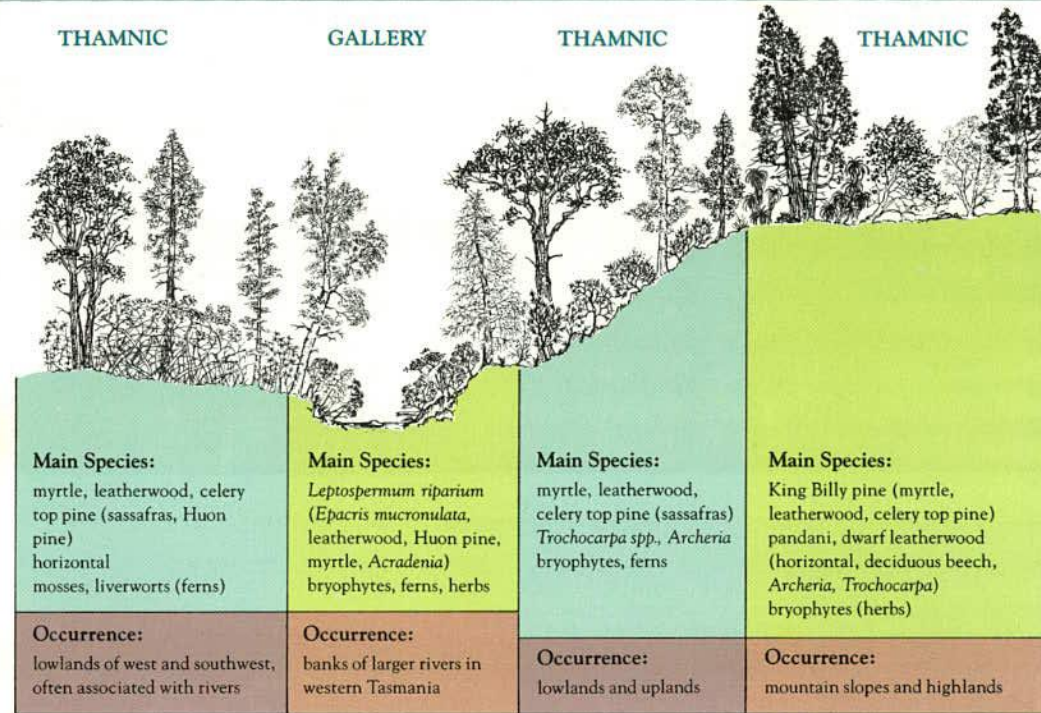


THAMNIC

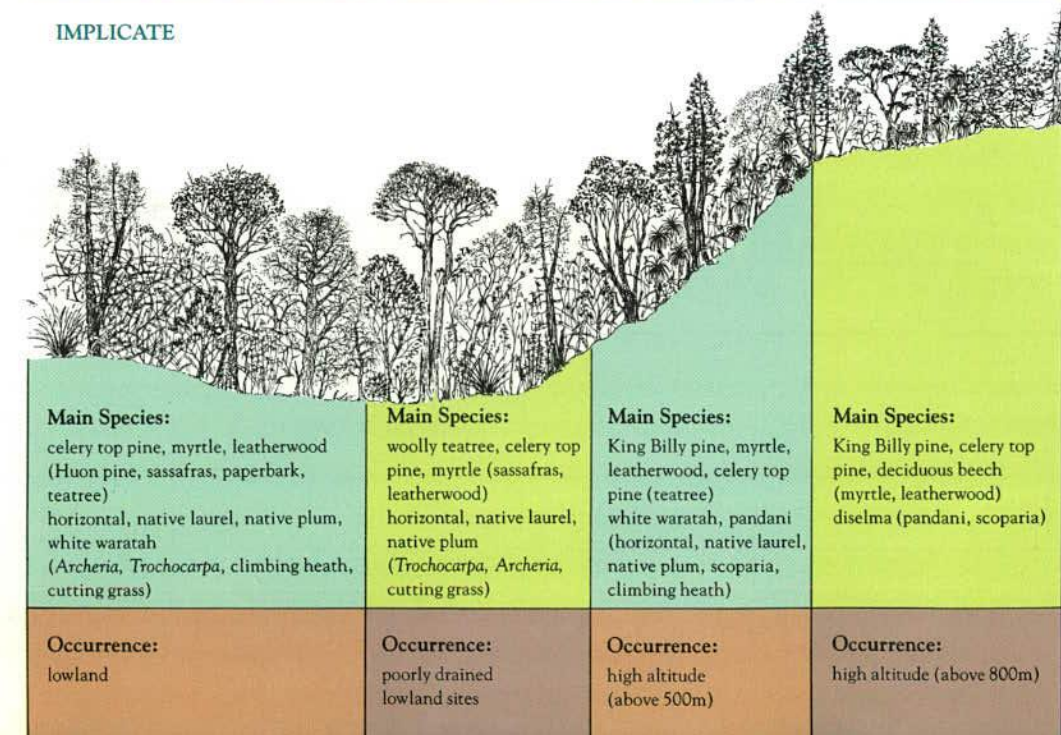
GALLERY

THAMNIC

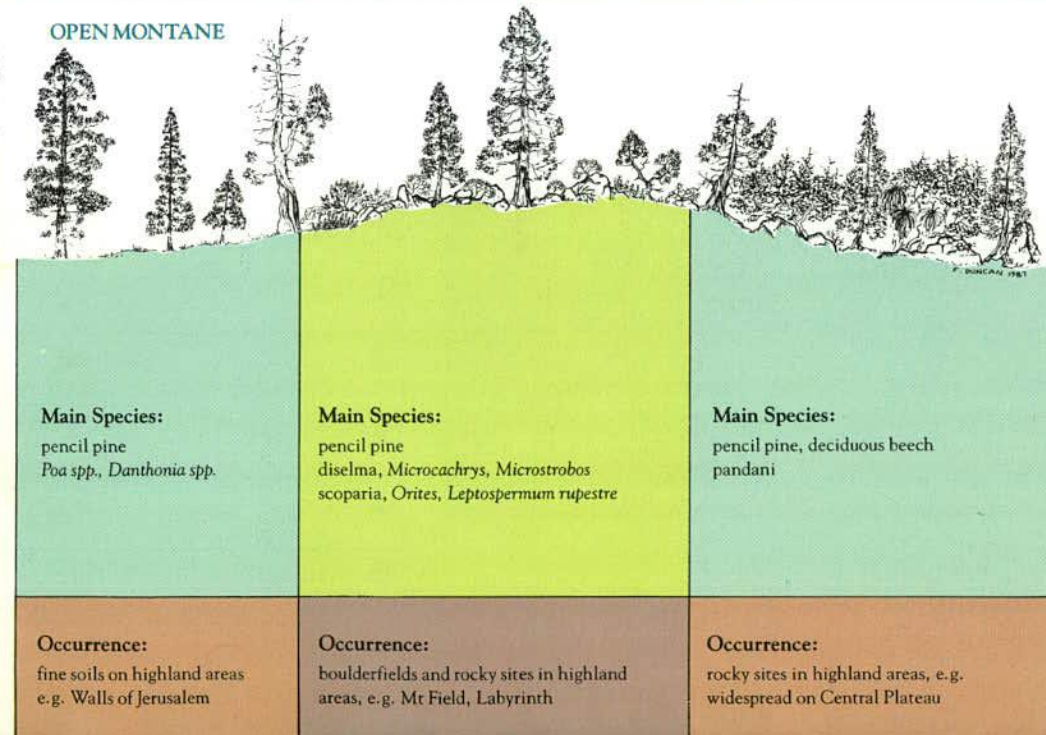
THAMNIC



IMPLICATE

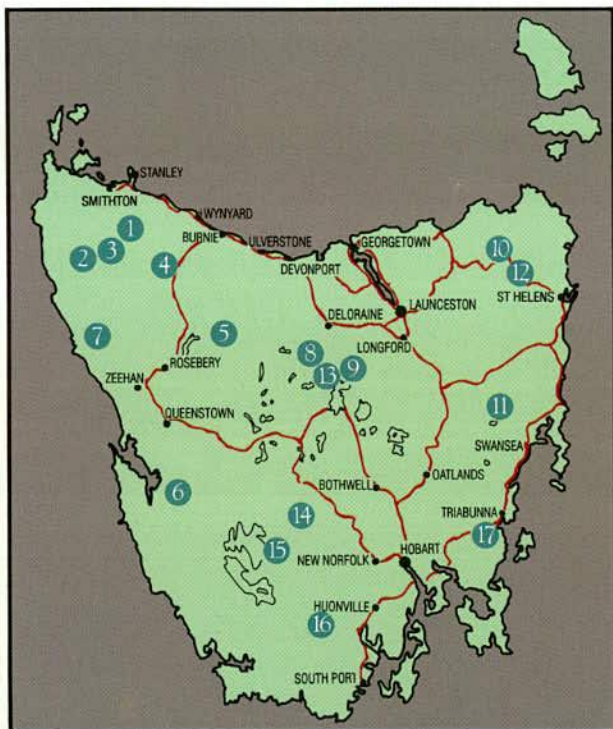


OPEN MONTANE



WHERE TO FIND RAINFOREST IN TASMANIA

- 1 Celery Top
- 2 Balfour Track
- 3 Julius River
- 4 Hellyer
- 5 Pencil Pine
- 6 Heritage Landing
- 7 Pieman
- 8 Meander FR
- 9 Liffey FR
- 10 Mt Victoria FR
- 11 Meetus Falls FR
- 12 Weldborough SR
- 13 Pine Lake
- 14 Mt Field
- 15 Scotts Peak
- 16 Tahune FR
- 17 Sandspit FR



Published by the Forestry Commission (Tas.), in conjunction with the Department of Tourism, Sport and Recreation and the Department of Parks, Wildlife and Heritage. 1990

WHERE TO FIND RAINFOREST IN TASMANIA

FACILITIES

Name	Nearest Town	Managing Authority	Type of Forest	Picnic	Toilet	Walking Track	Interpretation
1 Celery Top Pine Walk	Smithton	Forestry Commission, Smithton Phone (004) 52 1317	Thamnic			20 mins	X
2 Balfour Track FR FR = Forest Reserve	Smithton	Forestry Commission, Smithton Phone (004) 52 1317	Callidendrous - Thamnic			2½ hrs	
3 Julius River FR	Smithton	Forestry Commission, Smithton Phone (004) 52 1317	Callidendrous	X		40 mins	X
4 Hellyer	Somerset	Dept. Parks Wildlife & Heritage (DPWH), Launceston. Phone (003) 41 5313	Callidendrous	X	X	5 mins 10 mins +	
5 Rainforest Walkway Cradle Mountain	Rosebery	(DPWH), Cradle Mt Phone (004) 92 1133	Montane	X	X D	5 mins 15 mins +	X
6 Heritage Landing Gordon River	Strahan	(DPWH), Strahan Phone (004) 71 7122	Callidendrous (incl. Huon Pine)			20 mins	X
7 Pieman	Waratah	(DPWH), Strahan Phone (004) 71 7122	Callidendrous - Thamnic			20 mins 60 mins +	X
8 Meander FR	Deloraine	Forestry Commission, Deloraine Phone (003) 62 2388	Callidendrous - Thamnic	X	X	10 mins to 8 hours	
9 Liffey FR	Deloraine	Forestry Commission, Deloraine Phone (003) 62 2388	Callidendrous	X	X	20 mins to 8 hours	
10 Mt Victoria FR	Scottsdale	Forestry Commission, Scottsdale Phone (003) 52 2466	Callidendrous	X	X	15 mins to 30 mins	
11 Meetus Falls FR	Swansea	Forestry Commission, Triabunna Phone (002) 57 3243	Relict Callidendrous	X	X	20 mins to 3 hours	
12 Weldborough SR SR = State Reserve	St Helens	Dept. Parks Wildlife & Heritage (DPWH), St Helens Phone (003) 76 1550	Callidendrous			20 mins	X D
13 Pine Lake	Deloraine	DPWH, Liawenee Phone (002) 59 8148	Open Montane			Roadside	
14 Mt Field National Park	Maydena	DPWH, Mt Field Phone (002) 88 1183	Callidendrous - Open Montane	X	X	10 mins to 2 hours	X
15 Scotts Peak	Maydena	DPWH, Mt Field Phone (002) 88 1183	Callidendrous - Thamnic Implicate			20 mins	X
16 Tahune FR	Geeveston	Forestry Commission, Geeveston Phone (002) 97 1501	Gallery (incl Huon Pine)	X	X	10 mins to 4 hours	X
17 Sandspit FR	Orford	Forestry Commission, Triabunna Phone (002) 57 3243	Relict Callidendrous	X	X D	20 mins	X

D = Disabled

HOBART - LAUNCESTON - DEVONPORT - BURNIE - SMITHTON

Monday to Friday

Saturday

Sunday

Hobart		7.00	9.30	12.30	2.15	3.45	6.15	5.00	9.30	12.30	3.00	10.30	12.30	4.30
Launceston	ARR.	9.20	12.30	3.15	4.45	6.15	9.00	Trans.	12.30	3.10	5.30	1.00	3.10	7.10
	DEP.	9.30	1.30	3.30	5.00	6.30		only	1.30	3.30	6.00	1.30	3.30	7.30
Abel Tasman		N/A	N/A	4.45	N/A	N/A		N/A	N/A	4.45	N/A	N/A	4.45	N/A
Devonport		11.10	3.30	5.00	6.30	8.25		8.15	3.00	5.00	7.30	3.00	5.00	8.50
Ulverstone		11.45	3.55	Fridays Only if Abel Tasman is sailing Ex. L'ton.	6.50	8.55		8.35	3.20	5.20	7.50	3.20	5.20	9.10
Burnie	ARR.	12.20			7.20									
	DEP.	12.30	4.30		7.30	9.30		9.00	4.00	5.45	8.20	4.00	5.45	9.30
Wynyard		12.50			7.50					6.00				
Smithton		2.10			8.35				7.15					

Long weekends and public holidays
Sunday timetable applies.

Passengers are requested to be at departure
point 20 minutes prior to scheduled time.

SMITHTON - BURNIE - DEVONPORT - LAUNCESTON - HOBART

Monday to Friday

Saturday

Sunday

Smithton			7.00	7.10		12.15	3.45	Friday Only	7.00					
Wynyard			7.50			1.25	5.05		8.00					
Burnie	ARR.		8.20	8.50		1.45	5.30		8.20					
	DEP.		8.30	9.30		2.15	5.45	5.00	8.30	2.15	5.45	8.30	10.00	4.30
Ulverstone			8.50	10.00		2.45	6.20	5.20	8.50	2.35	6.20	8.50	10.30	5.00
Devonport		7.00	9.30	10.40		3.15	6.45	5.45	9.30	3.15	6.45	9.30	10.50	5.20
Abel Tasman		N/A	8.45	N/A		N/A	N/A	N/A	8.45	N/A	N/A	8.45	N/A	N/A
Launceston	ARR.	8.30	10.45	12.30		5.05		Trans.	10.45	4.45		10.45	12.30	7.00
	DEP.	9.00	11.00	2.00	3.30	6.15	8.20	only	11.00	5.00	8.20	11.00	1.00	7.30
Hobart		12.00	1.20	5.00	6.00	9.00		9.00	1.30	7.30		1.30	3.30	9.45

Refer to separate route timetables for additional intermediate services.

TASMANIAN REDLINE COACHES

ALSO OFFERING

Day and half-day tours:
Abel Tasman Shiptside Service
Airporter Services
Tassie Pass - Open Travel Network

TERMINALS

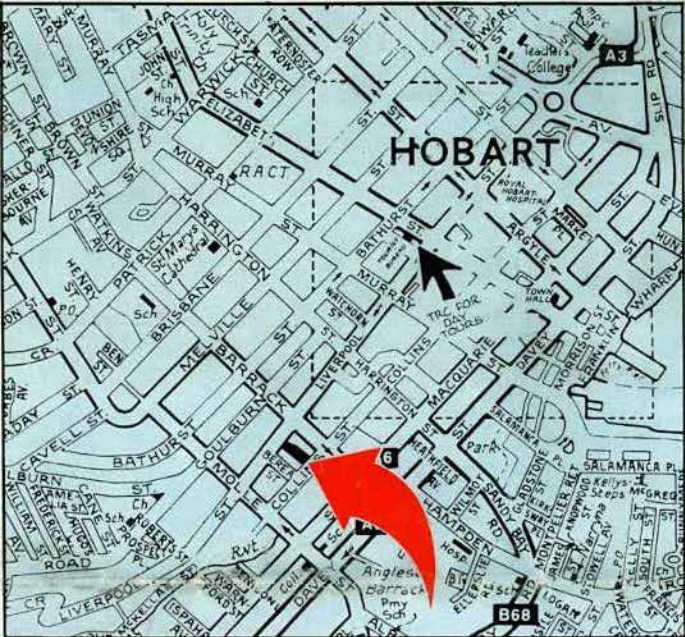
LAUNCESTON: 112 George Street
Phone (003) 31 3233
HOBART: 199 Collins Street
Phone (002) 31 3233
BURNIE: 117 Wilson Street
Phone (004) 31 3233
DEVONPORT: 9 Edward Street
Phone (004) 24 2685 or
on Saturday, Sunday and
public holidays contact:
Backpackers Barn
12 Edward Street
Phone (004) 24 3628
ULVERSTONE: 33 Victoria Street
Phone (004) 25 5776
SMITHTON: 19 Smith Street
Phone (004) 52 1262

TELEX TAS RED AA 58580 FAX (003) 31 1555
or
TASMANIAN TRAVEL CENTRES

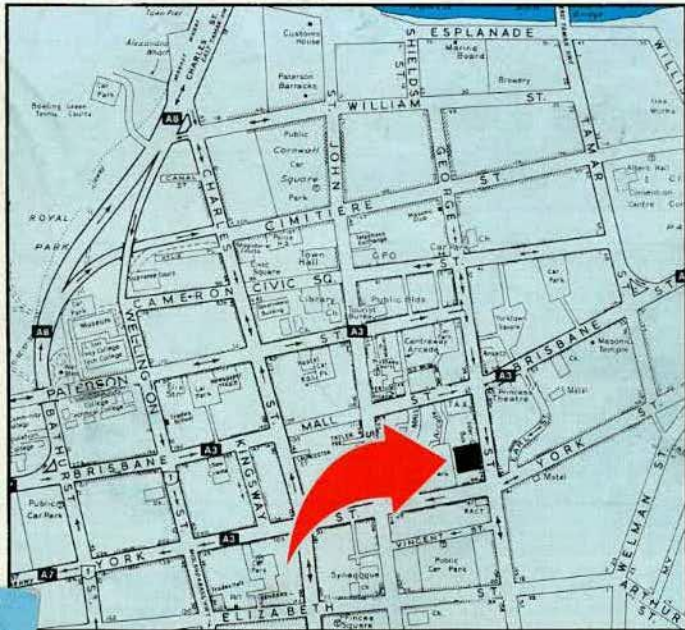
COACH SERVICES
365 DAYS A YEAR

YOUR TASMANIAN REDLINE TERMINALS AROUND TASMANIA

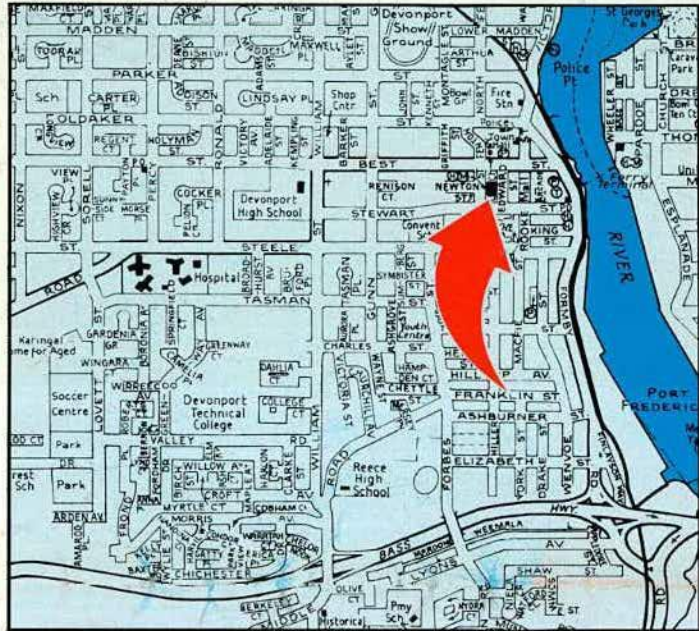
HOBART 199 COLLINS STREET



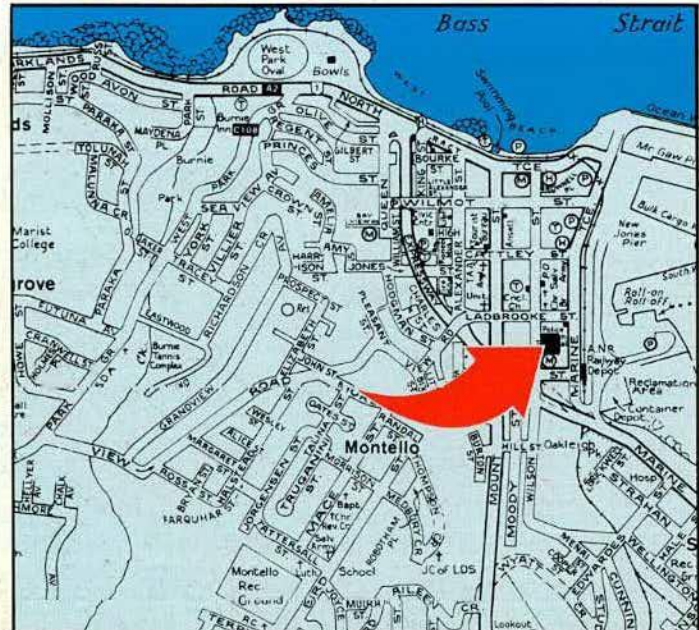
LAUNCESTON 112 GEORGE STREET



DEVONPORT 9 EDWARD STREET

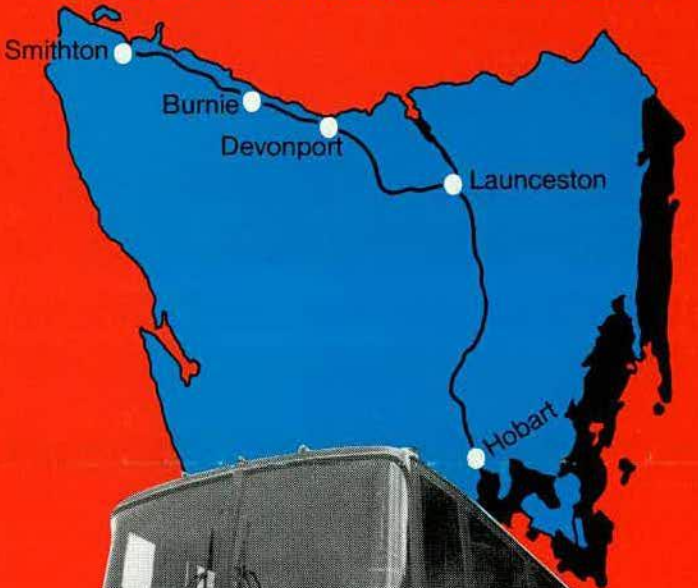


BURNIE 117 WILSON STREET



TASMANIAN REDLINE COACHES

Hobart - Launceston - Burnie



**Main Road Services
7 days a week**

**EFFECTIVE
1st AUGUST
1991**



Hobart's City Heart

Tasmania's capital city, Hobart, is a delightful combination of the best of everything — scenery, history, shopping and services.

Surrounded by Mt Wellington and the Derwent River, Hobart is without doubt one of Australia's most picturesque cities. Its beauty alone is an inspiration to many visitors.

Hobart is also one of Australia's oldest cities, second only to Sydney. Founded in 1804, its history and development is reflected in every street and arcade.

As if this was not enough to tempt visitors to Hobart, there is yet another reason to visit. Hobart's City Heart is also Tasmania's largest shopping and service centre featuring over 300 retailers and 200 services.

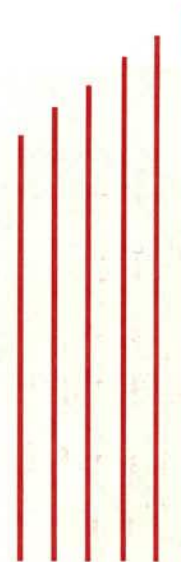
From large department stores to specialist boutiques, Hobart's retail sector has a huge range of merchandise which ensures there is something for every taste and budget. Hobart's people have a reputation for their friendliness and willingness to help and this is reflected in the service that the stores provide.

The City Heart also has a full range of services especially those sought by visitors. These include banks, airline and travel offices, photo processing, optometrists, dentists and other medical services.

The City Heart Business Association welcomes you to Hobart. We know you will enjoy your visit but please do not hesitate to contact us on 312633 if there is anything we can do to make your visit easier or more enjoyable.



A Guide To Hobart's City Heart



Carparks

1. **Argyle Street**
Mon - Thurs 8.00am to 6.30pm
Friday 8.00am to 9.00pm
Sat 8.30am to 12.30pm
2. **North Central**
Mon - Fri 8.00am to 6.30pm
Sat 8.30am to 12.30pm
3. **Centrepont**
Mon - Fri 8.00am to 6.30pm
Sat 8.30am to 12.30pm
4. **Wilson (off Macquarie Street)**
Mon - Thurs 7.00am to 7.00pm
Friday 7.00am to 10.00pm
Sat 7.45am to 1.00pm
5. **Kings**
Mon - Fri 6.30am to midnight
Sat 8.30am to 1.30pm
Sun 1.30pm to 10.00pm
6. **Wellington Valet Parking**
Mon - Fri 6.30am to 6.30pm

Public Toilets

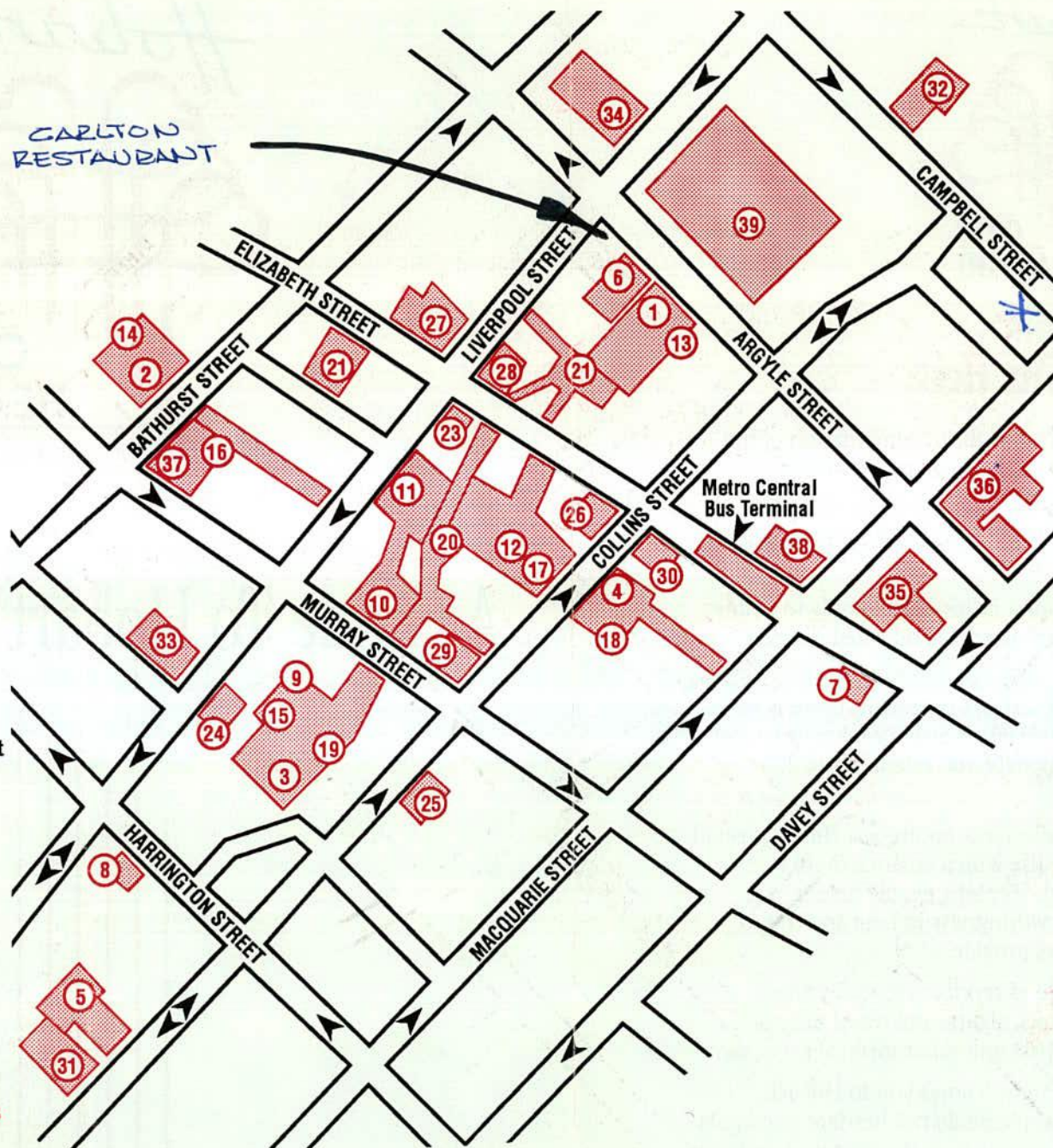
7. **Franklin Square**
Mon - Fri 7.30am to 4.15pm
8. **Harrington Street**
Seven days 24 hours
9. **Centrepont**
During trading hours
10. **Myer — 1st Flr Murray Street**
During trading hours
11. **Myer — 2nd Flr Liverpool Street**
During trading hours
12. **Fitzgeralds — Ladies Lounge**
During trading hours
13. **Argyle Street Carpark**
(During operating hours)
14. **North Central Carpark**
(During operating hours)

Baby Changing Facilities

15. **Centrepont**
16. **Nursing Mothers Central Clinic**
(Under State Library)
17. **Fitzgeralds Ladies Lounge**
18. **Trafalgar Place Arcade**

Shopping Centres and Arcades

19. **Centrepont**
20. **Cat & Fiddle Arcade**
21. **Wellington Walk & Bank Arcade**



Tourist Information

22. **Tourism Tasmania Travel Centre**
Mon - Fri 8.45am to 5.00pm
Sat, Sun & Public Hols (Hours Vary Seasonally)

Airline Offices

23. **Ansett — Mall Office**
Mon - Fri 8.30am to 5.00pm
Sat 9.00am to Noon
24. **Ansett — Main Office**
Mon - Fri 8.30am to 5.15pm
25. **Australian Airlines**
Mon - Fri 8.45am to 5.30pm

Banks

26. **ANZ**
Mon - Fri 9.00am to 5.00pm
27. **Commonwealth**
Mon - Thurs 9.00am to 4.00pm
Fri 9.00am to 5.00pm
28. **National Australia**
Mon - Thurs 9.30am to 4.00pm
Fri 9.30am to 5.00pm
29. **Trust**
Mon - Fri 9.00am to 5.00pm
30. **Westpac**
Mon - Thurs 9.30am to 4.00pm
Fri 9.30am to 5.00pm

Entertainment

31. **Village Cinema Complex**
32. **Theatre Royal**
33. **ABC Odeon**

Public Buildings

34. **Police Station**
Open 24 hours
35. **Town Hall**
36. **Tasmanian Museum & Art Gallery**
Mon - Sun 10.00am to 5.00pm
37. **State Library**
Mon, Tues 9.30am to 6.00pm
Wed, Thurs, Fri. 9.30am to 9.00pm
Sat 10.00am to Noon
38. **General Post Office**
Mon - Fri 8.00am to 6.00pm
39. **Royal Hobart Hospital**

Information valid at January 1991

Fifteen years of Green achievements.

The Tasmanian Greens have had profound effects on state, national and international affairs.

This brochure outlines a potted history of Green achievements.

Green politics have had profound effects on Tasmania that cannot be measured in terms of a single achievement.

The Tasmanian Greens are responsible for fundamental changes in community attitudes throughout Australia. Following Wesley Vale, unbleached, recycled, dioxin-free paper products are available in supermarkets and corner stores across Australia. The public is demanding it. Industry is responding with changes in production — gearing up for a revolution in consumer habits, as more and more people demand environmentally friendly products.

The Greens are responsible for fundamental changes to commonwealth-state relations, particularly in the area of protecting Australia's heritage. They have frequently fought for Tasmania's interests in Canberra.

At home, the Greens are leading the economic debate. Green economic policies espoused in the 1970s are increasingly part of official government policy. Tasmania's economy is in a state of transition. Gone is the unshaken belief in "hydro-industrialisation". Gone is the belief that Tasmania can create wealth by selling off its resources for a song. The Greens' opposition to the Franklin Dam and the Electrona Silicon smelter has been proved right. They were economic débâcles. Tasmania's economic future is clean, Green and brains-based.

The Greens' 10-point 10-year business plan has received widespread acclaim. Again and again they have generated real information to back their

economic policies. Only the Greens are providing a sense of direction for the Tasmanian economy.

Tasmania's international profile in wilderness protection is resulting in record tourist arrivals. Mount Field national park now receives more visitors than does Uluru. In 1991 tourists pumped over \$600 million into the Tasmanian economy and the industry now sustain 20,000 jobs. Our national parks generate over a quarter of our tourism dollars.

The Greens are steering the economy in a new direction. Tasmania is earning an enviable reputation as state of excellence — excellence in fine foods, in clean unpolluted food production, in top quality furnishings, in wines, in the crafts industry, and in design-based manufacturing. In furniture production alone, 1,000 people are now employed.

Green politics reflect community concern about the future, about quality of life, about global poverty, about species extinction, about deterioration of the planet's environment, about social equity at home.

The Greens have put Tasmania on the world map.



The
Green
Independents

Parliamentary achievements

Legislative program

- ◆ Introduced over 20 pieces of legislation — the biggest legislative package for a non-government group in Australia's history — including
Forestry Amendment Bill
Tobacco Bill
Freedom of Information Bill
Firearms Control Bill
Mining Amendment Bill
Criminal Code Amendment Bill
Medical Treatment & Natural Death Bill
Nuclear Activities (Prohibitions) Bill
- ◆ Responsible for the most comprehensive Freedom of Information Act in Australia (Bob Brown).
- ◆ Amended the Electoral Act to protect the voting rights of thousands of Tasmanian voters (Lance Armstrong).
- ◆ Passed the Fluoridation Act amendment to enable citizens' opinions to be gauged (Di Hollister).

Other Green bills passed by the House of Assembly include:

Medical Treatment Bill (clarifying legal rights of terminally ill patients)
Constitution Amendment (Electoral Reform) Bill

Non-legislative initiatives

- ◆ Created the Douglas-Apsley national park, preserving Tasmania's dry sclerophyll forest habitats.
- ◆ Extended Tasmania's World Heritage area by 1.07 million hectares. Created the Walls of Jerusalem National Park, which includes areas that the Liberals are committed to mining.
- ◆ Responsible for abolishing ministerial liquor allowances.
- ◆ Initiated parliamentary research service.
- ◆ Initiated the parliamentary committee to push for televising parliament.
- ◆ In response to Gerry Bates's recycling proposals, the packaging industry cooperated with local councils in establishing recycling facilities in Tasmanian municipalities.
- ◆ Stopped the Field government's abolition of the National Parks department.
- ◆ Helped the Aboriginal campaign to have skeletal remains returned from British museums.
- ◆ Forced changes to racist Risdon Cove publicity so that it now acknowledges Aboriginal history.

Green policy initiatives taken up by government

Economy

- ◆ Responsible for improved public income (\$20 million) from woodchip, mining and hydro royalties.
- ◆ Responsible for the injection of \$18.4+ million (commonwealth funds) into Tasmania for World Heritage management.
- ◆ Responsible for obtaining \$3.7 million in Helsham funds, which were used to develop the Tasmanian furniture industry, and other federal funding for rainforest and national estate projects.

Employment

- ◆ The Local Employment Initiatives Program has delivered 88 new jobs and helped establish 45 new businesses.

Education

- ◆ Stopped threatened closure of schools, including Yolla, Sisters Creek, Moriarty, Meander, Poatina, Chigwell and Judbury.
- ◆ Removed Peter Patmore from the Education ministry.

Energy

- ◆ Stopped the Franklin dam and prevented over \$1 billion being added to the state debt, just before the collapse of the Australian dollar.

- ◆ Prompted the Gray government to bring in the bulk industrial power levy.
- ◆ Worked for the reining in of the HEC, now being restructured and taking energy efficiency seriously.
- ◆ Gained limited public release of secret bulk power contracts.
- ◆ Responsible for the abolition of prejudicial power tariffs for solar installations.
- ◆ Instrumental in initiating the inquiry into energy efficiency potential for Tasmania.
- ◆ Instrumental in initiating the energy tariff reform inquiry.

Transport

- ◆ Protected our highways from introduction of B-Double road trains.

Business

- ◆ Originally conceived the concept of a Tasmanian Development Authority (UTG policy used by Gray government).

Welfare

- ◆ Initiated a discrete overseas aid budget for the first time.

Rural

- ◆ Saved Wesley Vale farmlands.

Environment

- ◆ Gained nomination of Macquarie Island for World Heritage listing.
- ◆ Protected areas of the Tarkine rainforest from cable logging.

- ◆ Lobbied for the protection of Antarctica, which is now protected by the international Madrid protocol.
- ◆ Forced the Government to abolish pollution exemption licences.

Health

- ◆ Banned the sale of chewing tobacco.
- ◆ Worked for promotion of safe work practices in Tasmanian forest industry.

- ◆ Instrumental in banning smoking in all government buildings.

Government

- ◆ Responsible for standardising parliamentary sitting hours (previously *ad hoc*) to enable better public surveillance of the parliament.
- ◆ Responsible for more equitable staffing of parliamentary offices.

General achievements

Human rights and social justice

- ◆ Directly engaged in international lobbying for human rights in East Timor, China, Romania, USSR, South Africa, Fiji, Philippines, and on behalf of Kurds and Tibetans and indigenous people in Brazil and Sarawak.
- ◆ Gave support to exiled Tibetan leader, the Dalai Lama.
- ◆ Promoted civil liberties, including homosexual law reform.
- ◆ Led with legislation on Aboriginal Land Rights.
- ◆ Introduced tough gun laws.
- ◆ Fought for banker Alwyn Johnson.
- ◆ Fought to extend the voting franchise to include prisoners.
- ◆ Fought for better wheelchair access in public buildings.

- ◆ Led with legislation on consumer affairs.
- ◆ Put forward legislation to create a register of Foreign Land Ownership.

Global environment

- ◆ Directly lobbied on international environmental issues in Malaysia, Ecuador, Siberia, USSR, Baltic states, China, Tibet, India, USA, Antarctica, France, Scotland, Ireland, West Papua, Indonesia, New Guinea and the Philippines.
- ◆ Promoted a nuclear-free Tasmania before it became fashionable.
- ◆ Pushed in international forums for protection of planet Earth's remnant heritage and endangered species.

Culture and the arts

- ◆ Developed a comprehensive Arts and Creative Culture policy, integrating

education and industry with the arts.

- ◆ Joined the successful campaign to save the State Theatre from closure.
- ◆ Campaigned for relocation of the Tasmanian Conservatorium of Music to Hunter Street premises.

Government and the community

- ◆ Consulted with both major parties after the 1989 state election — consistent with the Greens' platform.
- ◆ Voted against nine Liberal no-confidence motions.
- ◆ Stuck to every commitment in the Accord, while Labor progressively broke them.
- ◆ Pressed successive governments with 6,000 questions in parliament.
- ◆ Opened up government processes to the public.
- ◆ Responsible for advertised parliamentary sitting times.
- ◆ Promoted major forums on education, rainforest protection and economics, and were responsible for a major national conference on planning reform.
- ◆ Raised a healthy public debate on Comalco and other bulk power contracts.
- ◆ Spearheaded the campaign for reform of the unrepresentative Legislative Council.
- ◆ Brought in legislation for public disclosure of donations to political parties.

Green Independents' offices spent less than their allocated budget each year.

The economy

- ◆ Challenged conventional thinking on Tasmania's economic future.
- ◆ Promoted Tasmania's growing fine foods, furniture, wines and design-based manufacturing industries at every opportunity.
- ◆ Repeatedly fought for the interests of small businesses.
- ◆ Developed a comprehensive plan for a design-based, labour-intensive economy.
- ◆ Searched internationally for innovative economic ideas suitable for Tasmania.
- ◆ Led with the concept of a Launceston-based furniture design institute (Dick Jones, UTG, 1970s).
- ◆ Fought for maintenance of the De-regulation Board.
- ◆ Developed a comprehensive program for sustainable forest industry.
- ◆ Promoted the introduction of environmentally safe pulping technology.
- ◆ Campaigned for people to "buy Tasmanian".

Education

- ◆ Campaigned strongly for increased education funding.
- ◆ Proposed a budget strategy that would have avoided budget cuts to education.
- ◆ Responsible for the government inquiry into the administration of education.

Tourism

- ◆ Promoted the Montezuma Falls railway restoration.

- ◆ Responsible for obtaining funding for visitor facilities at major national parks.
- ◆ Campaigned against destruction of the officers' quarters at Eaglehawk Neck.
- ◆ Promoted Tasmania as a gateway to a protected Antarctica.

Industrial relations

- ◆ Aided Triabunna log truck drivers.
- ◆ Supported the west coast mining community on health and safety issues.
- ◆ Supported the rail unions' campaign.

Social welfare

- ◆ Campaigned for the Hobart City Creche.
- ◆ Initiated better funding for North West Coast women's health centres.
- ◆ Backed the campaign by Rosetta land-slip victims.
- ◆ Initiated tenancy law reform.
- ◆ Campaigned for better public transport.
- ◆ Assisted with the development of the growable-shrinkable house program.

Health

- ◆ Pushed for a health promotion fund.
- ◆ Drew public attention to the toxicity of organochlorines.

Environment

- ◆ Led Australia in the resource security debate. Stood up to the Hawke government on resource security.
- ◆ Put forward the notion of a world park for Antarctica.
- ◆ Attempted to stop increased exports

of woodchips from our native forests.

- ◆ Promoted the concept of the Mount Wellington National Park as gateway to the south-west wilderness.
- ◆ Promoted government use of recycled paper, and council recycling programs.
- ◆ Worked with industries to enhance their recycling programs.
- ◆ Helped with the development of the fish waste-fertilizer industry.
- ◆ Campaigned for a management plan on coastal management and for the development of a system of marine parks.
- ◆ Addressed over 300 local environmental problems.
- ◆ Stopped destruction of southern forests through the HFP woodchip proposal.
- ◆ Fought to save the 150-year-old chestnut tree in Hobart's Botanical Gardens.

Animal welfare

- ◆ Gave support to revamped animal protection legislation.
- ◆ Supported the campaign to ban battery hen-farming in favour of an intensive, non-cages system.
- ◆ Specifically moved to block major party policies threatening the rare White Goshawk.

Cities

- ◆ Opposed destruction of urban heritage, for instance the CH Smith building and Devonport's Bank of NSW building.
- ◆ Lobbied against inappropriate development of Hobart's Civic Square.

**Di Hollister
Braddon**



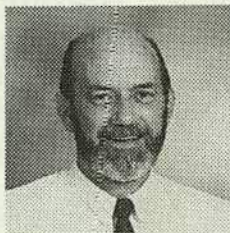
**Jon Paice
Braddon**



**Lance Armstrong
Bass**



**Ross Barwick
Bass**



**Christine Milne
Lyons**



**Diane Masters
Lyons**



**Gerry Bates
Franklin**



**Mike Foley
Franklin**



**Bob Brown
Denison**



**Peg Putt
Denison**



Tasmania can't wait.

The Voices Of Dissent Festival is to be held in Melbourne in April, 1992. We invite all women's, gay and lesbian, Koorie, peace, environment, social justice and community groups and any artist or art organisation to participate in the project. The Festival will act as an umbrella organisation providing thematic unity, advice and overall publicity for individual groups and acts who will be responsible for their own event.

Planning for the Festival is still in the early stages and your input and participation is most welcome. Help is needed financially but, more importantly, in the form of active participation, ideas and 'in kind' support such as; office space and equipment, photocopying, printing, publicity, etc.

For more information on how you can help or become involved write to:

Voices Of Dissent Co-operative Ltd
GPO. Box 3217GG Melbourne, Victoria, 3001
or ring

NIGEL STONE (03) 499 7477

MEETINGS: MONDAYS (FORTNIGHTLY)
7.30 pm, COMMUNITY ARTS NETWORK
1st Flr. 18A ST. ANDREWS PL.
E MELBOURNE

NEXT MEETING - 23/9/91

DISSENT FESTIVAL

VOICES OF
The
Art
of
Social
Change

To celebrate

To educate

To involve

To enrage

To incite

To empower

APRIL 1992

ART FILM VIDEO PHOTOGRAPHY THEATRE
PERFORMANCE MUSIC POETRY

VOICES OF DISSENT CO-OPERATIVE LTD GPO 3217GG MELBOURNE VICTORIA 3001

VOICES OF

The Role of the Artist:

In time of social stasis: to activate

**In time of germination: to invent fertile
new forms**

**In time of revolution: to extend the
possibilities of peace and liberty**

In time of violence: to make peace

In time of despair: to give hope

In time of silence: to sing out

Judith Malina, The Living Theatre

DISSENT

The deep and lasting effect of art and culture on social values, the importance of art in expressing and preserving the identity of oppressed communities and the power of art to shape and strengthen our respective struggles for social change often goes unacknowledged, even by artist-activists themselves. Socially and politically conscious artists and activists who recognise the power of art as a force for social change often work in isolation or within disparate 'issue' communities, rarely appreciating exactly how, when and why their art form affects peoples political behavior.

The Voices Of Dissent Festival is an attempt to recognise and celebrate the work of arts-activists. Its' aim is to bring together visual and performance artists, film and video makers, theatre groups, street artists, musicians, bands, activist and community groups who all share a commitment to positive social change. Through a two-week long festival of performance, exhibition, construction and creativity we hope to explore and cultivate the power of political art and its' relationship with social change movements. It is a project that attempts to reflect a sense of our united struggle against ignorance, alienation, injustice, oppression, war and ecological destruction and has the courage to express our visions of a better world.

PRESENT CONSERVATION STATUS

The proposal area is about 27,800 hectares, most of which is on the Register of the National Estate, on the Interim List, or nominated for the Register before 31st May 1989.

Four included reserves (Drys Bluff Forest Reserve, Liffey Forest Reserve, Meander Forest Reserve and Marakoopa Cave State Reserve) and the adjoining Central Plateau have recently been inscribed on the World Heritage List.

The proposal also includes Croesus, Kubla Khan, King Solomons and Baldocks Cave State Reserves, Westmoreland Falls State Reserve and Quamby Bluff Forest Reserve and greatly extends the protection offered by those reserves.

The Tasmanian Department of Parks, Wildlife and Heritage in its report on the optimal boundaries for the Central Plateau World Heritage Area has recommended that most of the proposed National Park be included. The Tasmanian Government has ignored this recommendation.

Most of the proposal area has been designated permanent logging zone as a result of the FFIC farce. It is intended to feed the oldgrowth forests to a new pulp mill. The karst and karst catchment have been given deferred status but are by no means secure. Resource Security Legislation will mean we will have to buy the area back off North Broken Hill before it can be made a National Park.

WHAT YOU CAN DO

Send letters of support for the National Park to newspapers and Federal and State politicians, raise the subject on talk-back radio and talk to friends about it.

Take advantage of the many walking tracks. Guided walking and caving are available from local commercial operators.

Walking clubs are familiar with the many tracks.

The Forestry Commission is responding to the National Park proposal by compiling a Great Western Tiers Management Plan, to which public input is being sought. **The National Park proposal is the best plan.**

Further details of the National Park proposal can be obtained through:

- the Deloraine Environment Centre, phone 003 622713.
- the Wilderness Society, phone 003 342612 or 002 349366

Donations to the campaign will be put to very good use.

Printed on 100% recycled paper. Current July - August 1991.

Printed by Lasting Impressions

WHATS SO SPECIAL ABOUT THE GREAT WESTERN TIERS

Dominating the skyline of north-central Tasmania stand the Great Western Tiers, a magnificent escarpment with thickly forested slopes, spectacular dolerite cliffs and boulder fields, deeply incised gorges, sandstone cliffs and a multitude of streams, waterfalls, springs and swamps.

Of importance are their steep climatic gradients, crucial in the context of the greenhouse effect, their low to high altitude vegetation sequences, their relationship to the Central Plateau and their diversity of topography, aspect and geology.

The Great Western Tiers contain extensive old-growth forest and are very important at a regional level for the maintenance of populations of fauna. Much of the higher altitude forest has only ever been lightly logged, if at all. The lower forests still abound in big old eucalypts, so important for wildlife and a prime target for the woodchippers.

The area is home to probably all species of Tasmanian native mammals, no less than 70 species of native birds and a variety of invertebrates, reptiles and fish.

The vegetation of the Great Western Tiers includes many communities of rainforest, wet eucalypt forest and dry eucalypt forest as well as subalpine forests and shrublands, sphagnum peatlands, sandstone cliff communities and montane grassland. Beautiful stands of King Billy Pine and Pencil Pine are to be found in the gorges and other fire sheltered sites.

Aborigines were the first to inhabit the Great Western Tiers. There is much archaeological and ethnographic evidence of their occupancy.

So many streams issue from the Great Western Tiers. The area is crucial for maintaining water quality for the immediately adjacent domestic users and the towns serviced by the Meander River, Liffey River and Mersey River and for the Mole Creek karst (cave) systems.

The Mole Creek end of the escarpment is one of Australia's most renowned karst areas, especially so for the beauty and variety of the natural cave decorations. Many caves contain unique and very sensitive cave fauna. The complex behaviour of some of the underground streams is also of world significance.

The Great Western Tiers are important for the remoteness of a high quality wilderness core on the Central Plateau.

At least 32 named walking tracks both within and outside the existing reserves offer excellent daywalking through the range of vegetation types and landscape features, as well as giving access to the Central Plateau wilderness. The outlook from the top of the escarpment is wonderful.

FORESTRY

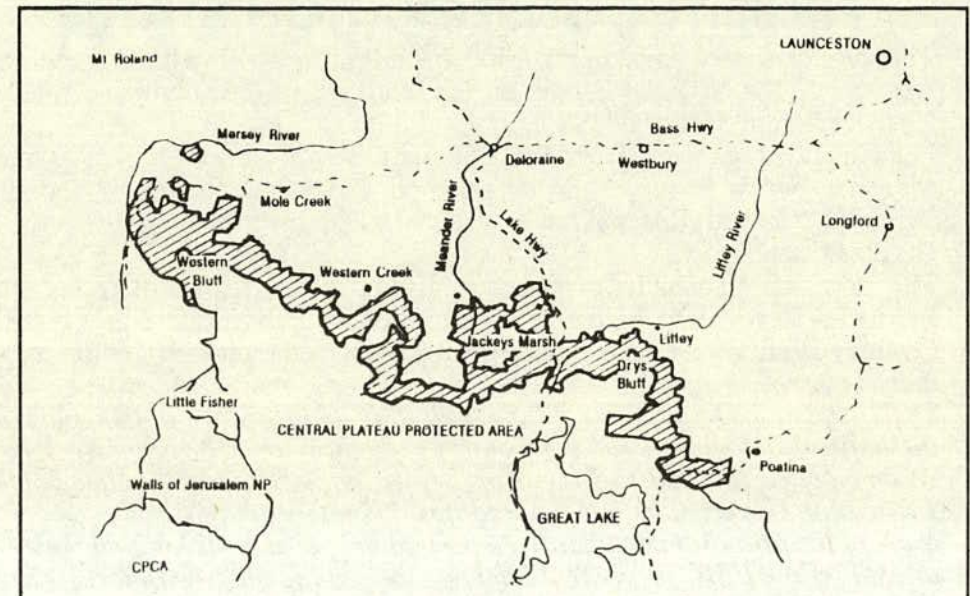
The unacceptable risks associated with logging the slopes or benches include:

- fire from escaped regeneration burns and due to arson from access roads (the gorges and alpine areas are especially susceptible);
- land instability;
- erosion;
- contamination of domestic water supplies and karst water;
- visibility from the walking tracks, the Central Plateau and the surrounding countryside;
- introduction of exotic species;
- loss of wilderness;
- loss of valuable oldgrowth habitat.

The area could only provide, on the basis of sustainable yield calculations, about 1% of the total Tasmanian Crown allocation of high grade sawlogs and only a small proportion of the lower grade sawlogs used by local small sawmills.

NATIONAL PARK PROPOSAL

A detailed National Park proposal prepared by five conservation groups (The Western Tiers Interest Group, The Jackeys Marsh Residents Association, The Wilderness Society, The Australian Conservation Foundation and The Tasmanian Conservation Trust) was launched publicly in January 1990. This is a result of many years of hard work by various individuals, conservation groups, scientists, naturalists and residents.



BOUNDARIES

The proposed National Park (shaded area on the map) extends from the Poatina Road to the Lake MacKenzie Road. The upper boundary is the Central Plateau Conservation Area (previously CPPA) northern boundary (average elevation about 1100m). The lower boundary ranges from about 300m elevation to 750m elevation (average elevation about 600m). No private land is included.

SOCIO-ECONOMIC BENEFITS

Many of the large number of migrants to the area have been attracted by the quality of life, including clean air, clean water and beautiful scenery.

Any adverse impact on the local economy of the forestry resource withdrawal resulting from the National Park is likely to be more than compensated by the continuing influx of wealth created by migration and tourism, with increasing employment in the service sector.

The National Park could reverse the current decline in visitors to the area and increase the length of stay, boosting the accommodation industry.

Additional employment will be created in the public sector if management of the Park and adjacent World Heritage area is based in Deloraine.

As well as the established tourism products, a number of new adventure-tourism and eco-tourism ventures are being based around the Great Western Tiers.

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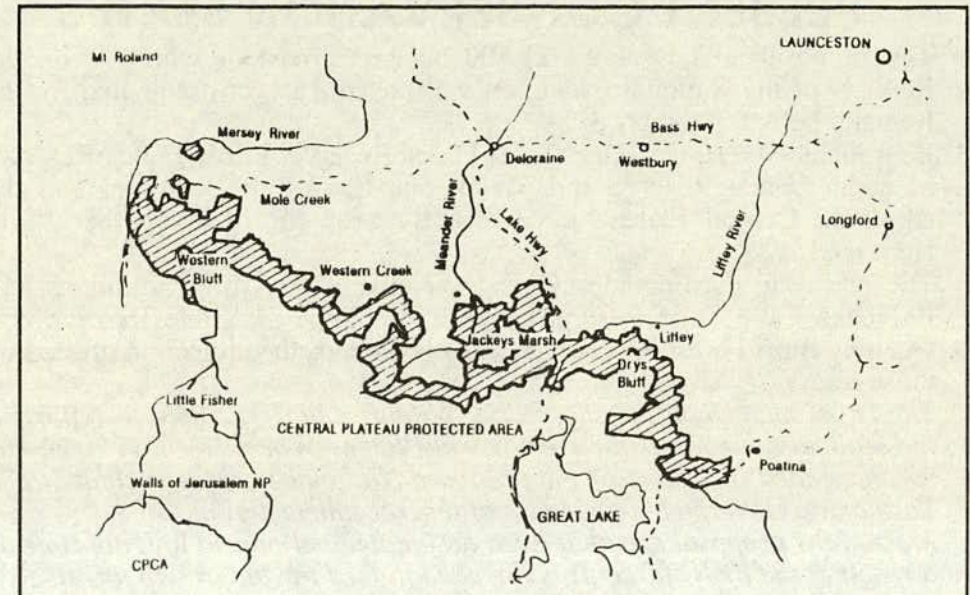
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Forest Walks all begin on the northern edge of the Tasmanian Wilderness World Heritage Area, approximately one hour from Launceston and Devonport and 30 minutes from Deloraine.

Our guides are competent field naturalists usually with qualifications in botany or ecology and sometimes both.

They have the expertise and experience to make your walk both memorable and educational. They offer you a unique insight into the diverse nature of Tasmania's forests, alpine areas and the wildlife they support.

BOOKINGS ARE ESSENTIAL

**Backpackers Barn,
12 Edward Street, Devonport.
Phone 004 243 628 Fax 004 23 1119**

Cadman and Norwood, Box 59 Meander, 7304.
Phone 003 695150 Fax 003 695318.

Deloraine Visitor Information Centre 003 622 046
Tasmanian Travel Centres

CADMAN & NORWOOD
ENVIRONMENTAL CONSULTANCY

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FOREST WALKS

D A Y W A L K S

Forest Walk

This 5 hour moderate grade walk begins on the edge of the world heritage area close to Pine Lake, a glacial remnant of the last ice age.

After crossing the edge of the alpine plateau an historic handmade bullock track winds its way down through the forests of the Great Western Tiers.

You will see stands of Tasmania's unique Pencil Pine trees, endemic alpine plants and rainforest communities, before descending to the tall eucalypt forests of the Jackeys Marsh valley floor.

Departs Monday & Friday from Launceston, Devonport and Deloraine. \$85 incl. transport & lunch.

Alpine Wildflower Walk

This wildflower walk between December and March, is designed to take advantage of the seasonal flowering of the alpine plants in the Central Plateau World Heritage Wilderness Area.

An ecologist guide will accompany the walk to describe the flowers and explain some of the evolutionary plant history very evident in Tasmania.

From Waratah to native Boronia, endemic Pencil Pines to alpine heathland, the plateau is a riot of flowers in the summertime.

Departs Wednesday from Launceston, Devonport or Deloraine. \$85 incl. transport and lunch \$60 incl. lunch (own transport.)

Rainforest Walk

Quamby Bluff, on the Great Western Tiers is renowned for its tall closed canopy rainforest. This 5 hour walk takes you through the rainforest to the edge of the rock scree.

The open understorey contains a wide variety of ferns, moss and unusual fungi and makes for easy walking.

In quiet moments rainforest birds can be spotted in the branches of the myrtle forest above.

Departs Jackeys Marsh, Saturday & Sunday \$50 child \$25.

3 DAY WALK

WORLD HERITAGE WALK

An easy 5 hour walk takes you from Pine Lake on the edge of the Central Plateau into the wilderness country beyond.

The walk passes through alpine heathland, in flower in the summertime, past Pencil Pine forests, skirts around rockscree, string bogs and alpine marshes and finally brings you to the base of the Wild Dog Tier.

From a single 2 day campsite there is the opportunity to explore the endemic King Billy Pine forests in the gorges of the Great Western Tiers, watch the trout in Sales Lake and walk up onto the Wild Dog Tier, one of the highest points on the plateau.

This is a three day wilderness walk into the Tasmanian Wilderness World Heritage Area, suitable for the averagely fit person in good health. Because of the unpredictable weather in Tasmania's highlands at all times of year you must be well equipped for this trip.

You will be expected to carry your own pack with your own personal possessions (including a sleeping bag which we will provide) and must be equipped with a **waterproof coat with hood or woollen hat, some thermal or woollen underwear, woollen socks and a good pair of walking shoes or boots, or good running shoes with ankle support.**

You will also need a sun hat, blockout, and light clothing which protects you from the sun.

Minimal impact buswalking techniques apply and all rubbish must be carried out.

We will set up your camp, cook your meals look after your safety and provide you with botanical, ecological and geological interpretation of the area you are in.

Departs second and fourth Monday of the month from January to April. From Devonport or Deloraine.

Alternate Mondays for groups of 4 or more on request.

Cost \$300 per person.

Please book two days prior to departure.

Maximum number of 8 in each party.

Bookings phone 004 243 628

Artists' Wilderness Camp

Min 4/Max 8

7 days

A unique opportunity for artists of all disciplines to get together and share inspiration from the wilderness.

This camp is structured to make allowance for all the idiosyncracies attached to practising an artistic discipline in the wild.

Professional watercolour painter Tony Smibert and wilderness photographer Rob Blakers will be on hand to assist where necessary, and lead the philosophical debates.

Departure 1st February 1992

\$800 per person ex Devonport. (Includes food, accommodation, camping equipment, instruction if required in watercolour painting or photography, Wilderness guide, slide night, ecological interpretation of the forest environment.)

Forest Photography Workshop

Min 4/Max 8

4 days

This workshop combines instruction in the techniques of forest photography with camping in some of the most beautiful forest in the world.

Andrew Ricketts, a professional environmental photographer, will be there to help make the most of your camera in what is not an easy environment to photograph.

Departure 6th March 1992.

\$400 per person ex Devonport. (Includes food, camping equipment, transport, instruction, guide.)



- Learn to interpret the natural environment while you have an enjoyable bushwalking holiday away from the pressures of modern life.
- Our guides and walk leaders are professional, competent local people with a strong conservation ethic. They take pleasure in sharing their knowledge and scientific expertise with visitors to our beautiful island state.
- Whatever your level of interest in Tasmania's unique plants and animals, diverse land forms and wonderful wilderness vistas, we will help you fulfill it.

THE
WILDERNESS
SOCIETY



Recycled Paper

TASMANIA

WALKS ON THE WILD SIDE



Forest Tours
Wilderness Walks
Artists' Wilderness Camp
Forest Photography



THE WILDERNESS SOCIETY

Registration

I would like ☐ more information about
☐ to register for

TASMANIAN FOREST TOUR

☐ Oct 91 ☐ Nov 91 ☐ Dec 91 ☐ Jan 92 ☐ Feb 92 ☐ Mar 92 ☐ Apr 92

TRACKLESS WILDERNESS WALK

☐ Jan 92 ☐ Feb 92 ☐ Mar 92 ☐ Apr 92 ☐ May 92

ARTISTS' WILDERNESS CAMP

☐ 1st - 7th Feb '92

FOREST PHOTOGRAPHY WORKSHOP

☐ 6th - 9th Mar '92

Name

Address

P/code Telephone

10% deposit to accompany registration. Balance due 3 weeks before departure. We reserve the right to cancel trips (and refund payment) if minimum numbers are not reached 3 weeks prior to departure.

All walks leave from Devonport at 9am on date specified. All walkers must equip themselves with a good pair of walking shoes and a waterproof coat.

Further information is available from all **Wilderness Society Shops and Tasmanian Travel Centres** or send to

Walks on the Wildside

The Wilderness Society

174 Charles St

Launceston 7250

Ph 003 342 499 Fax 003 341 297

Tasmanian Forest Tour

Easy - moderate grade day walks
 Min 4/ Max 8

6 days

The Tasmanian Forest Tour is a series of ecologically interpreted day walks in a range of different forest environments.

Each day brings an opportunity to see and explore a unique forest ecosystem with a competent field naturalist guide. Endemic plants, native birds, ferns and mosses, highland flowers, unique geology and rainforest communities reveal the secrets of their existence.

For three nights we return to warm beds and hot showers but the other two are spent in the forest in comfortable camping conditions. Thus we gain an intimate experience of mossy floors and the dawn chorus.

Flexibility is built into the itinerary to cater for different interests - botany, photography, geology - and fitness levels. There is also plenty of time to relax and enjoy the feel of the forest.



Departure - 2nd Saturday each month October 91 - April 1992.

\$700 per person ex Devonport. (Includes transport, meals, accommodation, evening slides, guides with scientific expertise, camping equipment and field notes.)

Trackless Wilderness Walk

Moderate grade backpack walk
 Min 3/ Max 6

6 days

This six day wilderness walk takes you to the Central Plateau World Heritage Area. - An area unique for its glacial alpine lakes, endemic conifer forests and magnificent scenery.

The first of the six days of wilderness walking is spent on the Great Western Tiers in Tasmania's central north. This day includes an interpreted forest walk, an introduction to the local flora and fauna and a discussion of minimal impact bushwalking techniques. This allows time to relax and enjoy the natural environment. The next and following five days are spent wandering in the wilderness of the Central Plateau World Heritage Area.



An easy walking pace allows for plenty of time to enjoy and learn about the surroundings.

Previous bush walking experience and good health are essential as, although the terrain is not difficult and the country is flat, the weather can be unpredictable. You will be expected to carry your own food and equipment.

Departure 1st Saturday each month, January to May 1992.

\$600 per person ex Devonport. (Includes transport, food, camping equipment, experienced wilderness guide, interpreted day walk, and day 1 slide/discussion evening.)

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Four included reserves (Drys Bluff Forest Reserve, Liffey Forest Reserve, Meander Forest Reserve and Marakoopa Cave State Reserve) and the adjoining Central Plateau have recently been inscribed on the World Heritage List.

The proposal also includes Croesus, Kubla Khan, King Solomons and Baldocks Cave State Reserves, Westmoreland Falls State Reserve and Quamby Bluff Forest Reserve and greatly extends the protection offered by those reserves.

The Tasmanian Department of Parks, Wildlife and Heritage in its report on the optimal boundaries for the Central Plateau World Heritage Area has recommended that most of the proposed National Park be included. The Tasmanian Government has ignored this recommendation.

Most of the proposal area has been designated permanent logging zone as a result of the FFIC farce. It is intended to feed the oldgrowth forests to a new pulp mill. The karst and karst catchment have been given deferred status but are by no means secure. Resource Security Legislation will mean we will have to buy the area back off North Broken Hill before it can be made a National Park.

WHAT YOU CAN DO

Send letters of support for the National Park to newspapers and Federal and State politicians, raise the subject on talk-back radio and talk to friends about it.

Take advantage of the many walking tracks. Guided walking and caving are available from local commercial operators.

Walking clubs are familiar with the many tracks.

The Forestry Commission is responding to the National Park proposal by compiling a Great Western Tiers Management Plan, to which public input is being sought. **The National Park proposal is the best plan.**

Further details of the National Park proposal can be obtained through:

- the Deloraine Environment Centre, phone 003 622713.
- the Wilderness Society, phone 003 342612 or 002 349366

Donations to the campaign will be put to very good use.

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WHATS SO SPECIAL ABOUT THE GREAT WESTERN TIERS

Dominating the skyline of north-central Tasmania stand the Great Western Tiers, a magnificent escarpment with thickly forested slopes, spectacular dolerite cliffs and boulder fields, deeply incised gorges, sandstone cliffs and a multitude of streams, waterfalls, springs and swamps.

Of importance are their steep climatic gradients, crucial in the context of the greenhouse effect, their low to high altitude vegetation sequences, their relationship to the Central Plateau and their diversity of topography, aspect and geology.

The Great Western Tiers contain extensive old-growth forest and are very important at a regional level for the maintenance of populations of fauna. Much of the higher altitude forest has only ever been lightly logged, if at all. The lower forests still abound in big old eucalypts, so important for wildlife and a prime target for the woodchippers.

The area is home to probably all species of Tasmanian native mammals, no less than 70 species of native birds and a variety of invertebrates, reptiles and fish.

The vegetation of the Great Western Tiers includes many communities of rainforest, wet eucalypt forest and dry eucalypt forest as well as subalpine forests and shrublands, sphagnum peatlands, sandstone cliff communities and montane grassland. Beautiful stands of King Billy Pine and Pencil Pine are to be found in the gorges and other fire sheltered sites.

Aborigines were the first to inhabit the Great Western Tiers. There is much archaeological and ethnographic evidence of their occupancy.

So many streams issue from the Great Western Tiers. The area is crucial for maintaining water quality for the immediately adjacent domestic users and the towns serviced by the Meander River, Liffey River and Mersey River and for the Mole Creek karst (cave) systems.

The Mole Creek end of the escarpment is one of Australia's most renowned karst areas, especially so for the beauty and variety of the natural cave decorations. Many caves contain unique and very sensitive cave fauna. The complex behaviour of some of the underground streams is also of world significance.

The Great Western Tiers are important for the remoteness of a high quality wilderness core on the Central Plateau.

At least 32 named walking tracks both within and outside the existing reserves offer excellent daywalking through the range of vegetation types and landscape features, as well as giving access to the Central Plateau wilderness. The outlook from the top of the escarpment is wonderful.

FORESTRY

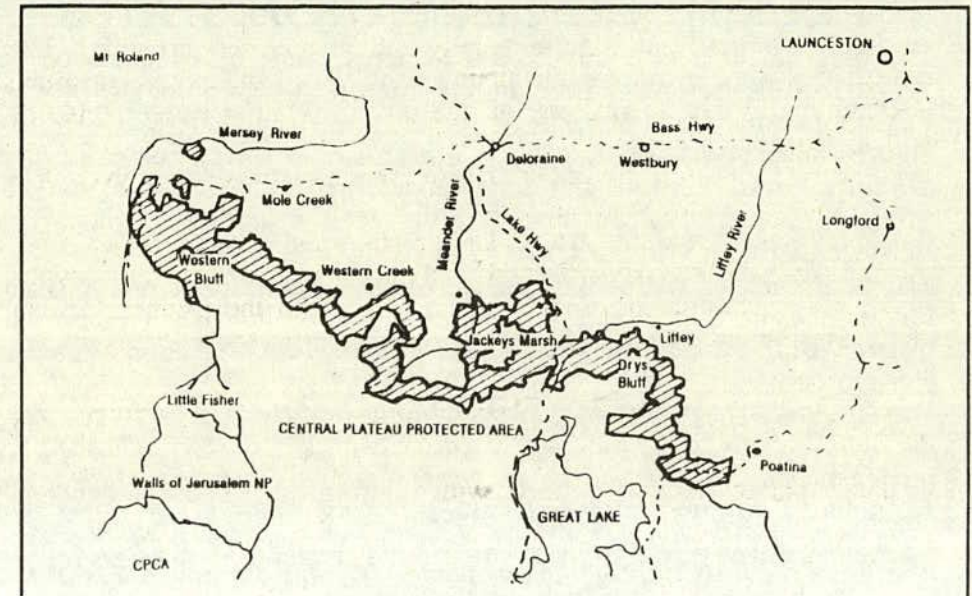
The unacceptable risks associated with logging the slopes or benches include:

- fire from escaped regeneration burns and due to arson from access roads (the gorges and alpine areas are especially susceptible);
- land instability;
- erosion;
- contamination of domestic water supplies and karst water;
- visibility from the walking tracks, the Central Plateau and the surrounding countryside;
- introduction of exotic species;
- loss of wilderness;
- loss of valuable oldgrowth habitat.

The area could only provide, on the basis of sustainable yield calculations, about 1% of the total Tasmanian Crown allocation of high grade sawlogs and only a small proportion of the lower grade sawlogs used by local small sawmills.

NATIONAL PARK PROPOSAL

A detailed National Park proposal prepared by five conservation groups (The Western Tiers Interest Group, The Jackeys Marsh Residents Association, The Wilderness Society, The Australian Conservation Foundation and The Tasmanian Conservation Trust) was launched publicly in January 1990. This is a result of many years of hard work by various individuals, conservation groups, scientists, naturalists and residents.



BOUNDARIES

The proposed National Park (shaded area on the map) extends from the Poatina Road to the Lake MacKenzie Road. The upper boundary is the Central Plateau Conservation Area (previously CPPA) northern boundary (average elevation about 1100m). The lower boundary ranges from about 300m elevation to 750m elevation (average elevation about 600m). No private land is included.

SOCIO-ECONOMIC BENEFITS

Many of the large number of migrants to the area have been attracted by the quality of life, including clean air, clean water and beautiful scenery.

Any adverse impact on the local economy of the forestry resource withdrawal resulting from the National Park is likely to be more than compensated by the continuing influx of wealth created by migration and tourism, with increasing employment in the service sector.

The National Park could reverse the current decline in visitors to the area and increase the length of stay, boosting the accommodation industry.

Additional employment will be created in the public sector if management of the Park and adjacent World Heritage area is based in Deloraine.

As well as the established tourism products, a number of new adventure-tourism and eco-tourism ventures are being based around the Great Western Tiers.



14 January 1992

TO: THREATENED SPECIES NETWORK (TAS), (INCORPORATING THE
NATURE GUARANTEE COMMITTEE)

Campaign Updates

Make Threatened Species an Election Issue

Elections are the best opportunity we have to influence political parties to make commitments to introducing Nature Guarantee Legislation. I implore all Network members to lobby the Labor, Liberal and Green Parties during the election.

The Labor Party has a good Nature Guarantee Policy but it has failed to take strong initiatives on this issue, allowing the working group it set up to head totally off the rails (see below). Prior to the election we desperately need Mr Field to publicly commit a future Labor Government to implement the Labor Party's Nature Guarantee Policy.

The Liberal Party has a policy which acknowledges the importance of protecting Tasmania's threatened species without any mention of the need for Nature Guarantee Legislation. We need to lobby Mr Groom to commit the Liberal Party to introduce Nature Guarantee Legislation which is comprehensive and preventative.

The Green Independents, while strongly supporting Nature Guarantee Legislation, need to be lobbied to publicise it as an election issue.

The most effective approach with so little time remaining is to write to the newspapers or phone politicians directly. Frame your letter to all the political parties and their leaders. It won't take many letters to create an expectation in the public that the major parties must act. Action now can ensure the next government makes Nature Guarantee Legislation a high priority in its environmental agenda.

Phone me if you need more information.

What the TCT & Threatened Species Network are Doing

Since the TCT suspended its involvement in the Government's Threatened Species Working Group (see update below) we have been working hard on public education on the need for Nature Guarantee legislation.

TCT Nature Guarantee Discussion Paper

Publication of this paper is vitally important to keep the principles of Nature Guarantee alive and in public view. This

paper will put an uncompromised position on the legislative mechanisms needed to protect all threatened biological and geological diversity in Tasmania.

Our discussion paper will be launched after the election. Contact the TCT then for a copy.

Media

After much encouragement and prompting from the TCT the Mercury have begun a regular column on threatened species. Many members of the Nature Guarantee Committee have been interviewed. This is an ideal forum to promote the issues, so biologists or conservation groups involved with protecting threatened wildlife may want to contact Moya Fyfe PH 002 300622 with suggestions for further articles.

Ian Pattie writes a regular column in the Examiner's 'Earthwise Page' on Thursdays on a wide range of environmental issues. He has been publishing articles written by members of the Nature Guarantee Committee about each month. Contact Ian Pattie PH (003) 320338w, (003) 314048h if you think you have a story on threatened species.

Public Talks on Tasmania's Threatened Wildlife

The TCT and the Tasmanian Museum & Art Gallery are cooperating to hold a series of public talks, on threatened wildlife in Hobart from March to May 1992 in conjunction with the Museum's Exhibition 'Animal Weeds' and display 'Underthreat - Tasmanian Animals and Plants at Risk'.

Rural Shows

This summer the public response to our presence at rural shows has dramatically improved signalling a growing awareness of the problem of threatened species. We still have a great deal to do promoting the broader problem of biodiversity loss, protection of communities, geoconservation (rocks, soils and landforms) and the need for Nature Guarantee legislation.

We now have a professional Nature Guarantee display which is available for display at libraries, councils, school fairs etc. Contact Peter McGlone if you would like to exhibit our display.

Save The Bush Project

The TCT have received funding from a Save The Bush Grant to produce educational materials and give talks to the farming community on the benefits to farmers of conserving remnant vegetation and biodiversity. The talks should commence early this year. Contact Christian Bell (002) 343552 for more information.

Government's Threatened Species Working Group

Background - The Tasmanian Conservation Trust originally accepted an invitation to participate in the Government's Threatened Species Working Group. In September the TCT suspended its participation. We made this decision in response to the working group's poor performance and after receiving an

unsatisfactory response from Minister Harry Holgate to our concerns. We felt we could achieve more outside this Working Group particularly through community education.

Reports of recent decisions of the Working Group show abandonment of key elements of a Nature Guarantee and of key elements of the ALP policy. The government still has not shown the will to pull the working group back in line.

The working group has narrowed its scope, to; include only rare, vulnerable and endangered species, exclude communities of animals and plants and exclude landforms. These are key principles of a Nature Guarantee. This is its current position but we may be able to change this by lobbying during the election and pressuring the new government when its formed.

Advice from Victoria

Barry Traill, from the Victorian Flora & Fauna Support Group, in an address to the Conservation Biology In Australia and Oceania Conference (Sept 30 - Oct 4, 1991), gave a timely warning to governments throughout Australia not to compromise on threatened species legislation. His paper was titled, "Why Should the (Victorian) Flora and Fauna Guarantee Act be Used as a Model Elsewhere".

"There are indications that some Governments in Australia want to take the easy but inadequate approach to biodiversity conservation; that is, to focus simply on the recovery of threatened (or, worse still, only endangered) species. This approach is likely to be extremely expensive but largely ineffective for the following reasons:

- * species which are already threatened with extinction due to loss of habitat may be beyond recovery in the wild, unless their habitat can be re-created successfully;

- * it ignores prevention while focussing on "cure" and hence it does not reduce the rate at which non-threatened species become threatened;

- * intensive recovery programs (eg.. captive breeding, habitat re-creation) usually cost much more than early habitat protection measures;

- * the program may miss the large majority of threatened species, either because of a lack of data on their distribution and abundance over time, or because they have not been discovered or described yet; for all these, the community approach is more effective."

Forest Reform Bill, Threatened Species Provisions and Problems

The State Government's Forest Reform Bill, passed in December 1991, has a number of alarming features with respect to threatened species:

- * The so-called 'covenants' to protect species habitat on private land are not real covenants (which are binding on the future owners), but merely 'mortgages' - arrangements with the Minister for Forests which can be cancelled at any time, just like a bank mortgage on your house.

- * Threatened species have a six months 'use by date'. Landowners are assured compensation if logging plans are modified because of threats to species. Management is focused on minimising costs to the Crown.

- * Only new information of threatened species can be used to get areas in 'multiple use' logging zones protected via the PLUC process. All existing information is assumed to have been taken into account. In fact, a large proportion of the information provided to the Forest and Forestry Industry Council's Balanced Panel of Experts has been ignored.

- * Measures to protect threatened species are provided for only in the Forest Practices Code, administered by the Forestry Commission which, with an obvious conflict of interest, has neither the will nor the means to enforce the Code.

Commonwealth Threatened Species Legislation

Federal Environment Minister Ros Kelly gave an undertaking in early 1991 to take a proposal for Commonwealth Threatened Species legislation to Cabinet and a link between this security for nature and enactment of Commonwealth 'Resource Security' legislation was clearly made. Mrs Kelly has failed to maintain that link.

Ros Kelly was to take this proposal to Cabinet in October to gain Cabinets in principle support for legislation, but, after pressure from the economic Ministers the Prime Minister postponed its introduction to Cabinet and asked Minister Kelly to bring a complete Bill to Cabinet in February next year. The legislation is now being drafted.

The draft legislation will go to Cabinet in the Autumn session of parliament. A discussion paper will be released around January/February.

Our attempts to achieve Nature Guarantee legislation in Tasmania are largely dependent upon the Commonwealth setting the example with strong legislation. We will need to be ready to respond to the draft legislation when it is released.

International Biodiversity Treaty and Australian Biodiversity Strategy

Negotiations on the Global Biodiversity Treaty, Coordinated by the United Nations Environment Program, are expected to be finalised in May 1992 and it is hoped that the treaty will be ready for signature at "Earth Summit", the UN Conference on Environment and Development in Brazil in June 1992. The Commonwealth Government's Biodiversity Strategy is due to be finalised around the same time.

You will hear more information soon about the progress of the negotiations towards a Biodiversity Treaty and the other matters to be dealt with at the Earth Summit.

The Federal Department of the Environment produce "Biolinks - a newsletter on biological diversity actions". It contains updates on the development of Commonwealth Threatened Species legislation and Biodiversity Strategy, the International Biodiversity Treaty and articles on Australia's threatened biodiversity.

Biolinks is FREE. If you would like to receive Biolinks contact;

Biodiversity Section
Nature Conservation Branch,
DASSETT
P.O. Box 787
Canberra 2601
PH (06) 2741916

Review of Commonwealth Wildlife Protection (Regulation of Exports and Imports) Act

The Federal Government is currently reviewing the Wildlife Protection Act, 1982. There is a great deal of pressure from within Australian National Parks and Wildlife Service and from industry to make trade in indigenous species far easier, particularly the parrots. Every year the call goes up to export parrots but this must never be permitted. Indeed, at the next meeting of CITES (Convention on International Trade in Endangered Species) meeting in Japan (March 1992) there will be a big push from Governments and NGOs to ban the international trade in wild caught birds.

Letters to Ros Kelly supporting the retention of a strong Wildlife Protection Act, maintaining the existing parrot export ban, and urging her to propose a trade ban in all wild caught parrots internationally would be extremely useful. Write to Ros Kelly, Minister for the Environment, Parliament House, Canberra

Frank Antram at TRAFFIC Oceania (02) 2478133 can give you any information you require on these issues.

Victorian Government Introduces Controls & Incentives for De-sexing of Cats and Dogs

There can be no more constructive contribution to protection of wildlife than to de-sex your cat or dog. Yet again an other state government is showing us the way.

Victorians who want to buy cats and dogs that are not de-sexed will soon have to pay 200% more. I'm sure the Eastern Barred Bandicoots will breath a sigh of relief.

The Legislation 'The Companion Animals Bill' has entered Parliament and is due to be passed by February. The Bill will;

- * set subsidised rates for neutering;
- * provide for policing of illicit sales from non-registered pet shops, eg. at markets;
- * make the cost of unde-sexed cats and dogs 200% greater than de-sexed animals;
- * require that pet shops provide immunization certificates when an animal is bought and include the cost of neutering in the purchase price.

Eventually the Government hopes to introduce permanent identification, in the form of a microchip implant in the shoulder. Originally the legislation was to require compulsory de-sexing but the Government backed off from any compulsive measures.

I am interested in coordinating a submission to the State Government based on the Victorian Government's legislative proposal. I hope that we can get a unified submission from animal wealfare/conservation organisations throughout Tasmania. I will be getting a copy of the summary of public submissions and a copy of the legislation as it went to Parliament. Please get in touch if you are interested in contributing to a submission.

(In May the Sherbrooke Council in Victoria introduced a cat curfew and mandatory registration to protect native birds from feral and stray domestic cats.)

Network Business

Thanks to Network Members

I would like to take this opportunity to thank all members of the Network for their participation especially the scientists in the Nature Guarantee Committee. The two Network co-ordinators, Peg Putt (up till January 1991) and Peter McGlone owe a great personal dept to these dedicated scientists who have provided information, expert opinions and time toward the Nature Guarantee campaign. Without your help the threatened species campaign in Tasmania would not have got off the ground.

Farewell to Pierre Horwitz

Pierre Horwitz has left Tasmania to take up a position in Western Australia. Pierre was influential in establishing the Threatened Species Network and the Nature Guarantee Committee in Tasmania and has been one of the strongest advocates for Nature Guarantee legislation. Many thanks for everything you have done Pierre. Tasmania's loss is going to be Western Australia's gain.

Co-ordinators Position Vacant

The funding for the Threatened Species Network ran out at the end of 1991 and consequently I had to stand down. The position of Co-ordinator of the Threatened Species Network (Tas.) will be advertised late February-March.

Yours sincerely,

Peter McGlone
PH (002) 343552

If you wish to support the Network tax-deductable donations to the TCT are welcome. TCT members receive regular updates on developments in the threatened species area, and articles on threatened species in Tasmania in the TCT's 6-weekly newsletter. Please join.

Membership Form

Name.....

Address

.....postcode

Telephone (home) (work)

Membership categories

	1 year	2 years	3 years
Concession	\$10	\$18	\$24
Regular	\$20	\$36	\$48
Household/organisation	\$30	\$54	\$72
Overseas airmail	\$50	\$90	\$125
Life	\$600		
Donation (tax deductible)	\$.....		
TOTAL	\$.....		

- ☐ I wish to join the Tasmanian Conservation Trust.
☐ I wish to renew my membership.
☐ I enclose a cheque/money order
☐ Please charge my ☐ Bankcard ☐ Visa ☐ Mastercard

Cardholder name.....

No _____

Commencement date.....Expiry date.....

Signature

Send completed form to:
Tasmanian Conservation Trust,
102 Bathurst St, Hobart TAS 7000, Australia.

The membership year goes from 1 July to 30 June. Memberships received after 1 March are credited to 30 June of the following year.

<p>Recent Publications Relevant to Threatened Species Protection</p>
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- 1) "Preliminary Draft Commonwealth Threatened Species Bill 1991", by the Australian Democrats (and Senator Coulter's Speech to the Australian Parliament).
- 2) "Forest Reform Bill 1991"
Section 77 of the State Government's Forest Reform Bill, 1991. Includes amendments to the National Parks and Wildlife Act, dealing with Conservation Covenants and compensation to land holders for protection of rare or endangered species.
- 3) "New Zealand Government's Indigenous Forest Policy and Forest Heritage Fund."
An article explaining the New Zealand Government's Policy on protection, management and reforestation of native species, and the Forest Heritage Fund financed with \$6.75 million per annum to purchase forest on private land.
- 4) "An Australian National Strategy for the Conservation of Species and Communities Threatened With Extinction", by ESAC, Endangered Species Advisory Committee.
Revised version, 11 June 1991 prepared for the Commonwealth Government.
- 5) "Definitions - What are Rare and Threatened Species".
A paper prepared for the Tasmanian Government's Working Group on Rare and Threatened Species. A list of definitions of key terms related to threatened species; biodiversity, critical habitat, ecological community, endangered, endemic species, rare, species, vulnerable, threatening process.
- 6) "Getting Our Act(s) Together", Proposal for Queensland Nature Conservation Legislation.
Summary Paper for Discussion, by Queensland National Parks and Wildlife Service Legislation Working Group, July 1991.
- 7) "Biodiversity Legislation in Australia and Overseas: Victoria's Flora and Fauna Guarantee as a Model", by Barry Traill for the Flora & Fauna Guarantee Support Group, Victoria, 1991.
- 8) "A Review of Current Ideas of Extinction, Conservation and Management of Australia's Terrestrial Vertebrate Fauna", by Recher, H.F. and L. Lim.
A seminal paper on threatened species and extinctions in Australia. This paper has changed perceptions of the severity of the problem which we could face in the future. The authors predict a continuation of loss of mammal species and that the factors causing the mass mammal extinctions in arid regions will extend into the northern and coastal parts of the continent leading to an accelerated loss of species of birds, reptiles and amphibians also.
- 9) "Landform Conservation and Protection", by Kevin Kiernan.
Paper for CONCOM regional seminar Tasmania, October 1991.

*** Copies available from Peter McGlone ***

THREATENED
SPECIES
NETWORK

[NATG#90]
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112 EMU BAY RD
DELORAINÉ TAS 7304

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102 Bathurst St.
Hobart 7001

Strategies for the future.

The Green Independents are part of a growing international political movement that offers a positive alternative to the outdated ideologies and policies of the old political parties. We provide an holistic solution to the major problems facing us today; ecological degradation and species extinction, social injustice, poverty and unemployment. In particular, we:

- recognise that there are both ecological and social limits to indiscriminate economic growth; seek to implement a new development philosophy that protects the environment and provides sustained employment;
- recognise the importance of non-material or quality of life values such as education, creativity, fellowship and civic responsibility;
- seek to expand the opportunities for democratic participation and access to government information;
- seek to remove the political, social and economic structures that cause or perpetuate poverty and social discrimination;
- proceed on the basis of a respect for the diversity of all life forms, both human and non-human.

The specific policy statements issued by the Green Independents are informed by this general philosophy. Each specific policy statement cannot be viewed in isolation from the others. Together they provide a major stepping stone towards a genuinely sustainable economy.

Business and Industry Strategy

Tasmania is at a critical point in its economic development. The lack of ability to adapt to the changing world economy is the primary cause of Tasmania's economic ills. Tasmania has continually attempted to regain prosperity by relying on the industries of the past. Even though Tasmania now has the country's highest per capita export income, most other economic indicators still show it is lagging behind the rest of the nation.

The Green Independents believe it is now vital for Tasmania to chart a new economic future.

The 10-point - 10-year plan

1. Substantially improve Tasmania's knowledge and skills base by upgrading the education system, research facilities and information services.
2. Promote appropriate industry competition, using positive incentives to facilitate the formation of new businesses and increased penalties to deter industry monopolisation.
3. Create a new competitive advantage by introducing rigorous environmental, energy

efficiency, health and safety, and product standards in leading industry sectors, to encourage industries to upgrade and to help develop innovative corporate cultures.

4. Reorientate Tasmania's industry emphasis, by improving government targeting and encouraging community enthusiasm for emerging industry sectors.

5. Develop Tasmania as a 'clean, green, centre of excellence'.

6. Develop a corporate and work-place culture which encourages co-operation, research, innovation, ingenuity and constant improvement.

7. Provide transitional financial assistance to new projects and new businesses in desirable industry sectors.

8. Develop the infrastructure necessary for emerging industries and improve existing government approval procedures.

9. Support locally owned businesses and provide positive incentives to encourage Tasmanian ownership of businesses.

10. Instil in the community a vision of Tasmania which can motivate the enthusiasm necessary to carry the economy forward.



State Government Income

Taxes are the major means by which governments derive the revenue required to supply the people with the goods and services they deem necessary. The other area of funding a government has available to it is legitimate revenue derived from business activities. Further, many natural resources, water, air, trees, minerals to name but a few, have no market in which they can be traded. By creating such a market, by raising such legitimate revenue, the government's reliance on taxation can be reduced.

The Green Independents will

- Ensure that all government agencies that engage in business activities return to the consolidated revenue a real rate of return based on the state's investment in them.

- Investigate the possibility of replacing payroll tax and land tax with a profits-based state company tax.
- Require all companies to undertake an annual environmental audit, and investigate levies on consumption or degradation of natural resources, including pollution.



Community Economic Development

Economics is about people, and community economic development is about showing and encouraging people to act and removing the obstacles that may prevent them.

The Green Independents will

- Develop and implement a Community Economic Development Program.
- Expand the number of Local Employment Initiatives in Tasmania.
- Remove legal and administrative barriers which may thwart the effectiveness of co-operatives.
- Promote the introduction of Local Employment Trading Systems (LETS).

Jobs

It is the performance and structure of the economy that dictates the number and types of jobs that are available. The underlying industrial structure of Tasmania is not capable of delivering the jobs people want.

The Green Independents will

Introduce economic, educational, social and environmental policies that will deliver the quality and quantity of jobs that Tasmanian people deserve. These policies include:

- The 10-year-10-point plan contained in the Business and Industry Strategy;
- The Community Economic Development Program;
- The Local Employment Initiatives Program;
- The Tourism Strategy and the Arts and Creative Culture Strategy.

In addition we will introduce a Youth Conservation Corp. for long term unemployed young people to undertake conservation and environmental rehabilitation programs, provide increased state funding for University and TAFE places and provide for additional apprenticeships.

Education

Education is fundamental to the Green Independents policy platform because it is fundamental to the transition of Tasmania from an industrial society based on resource extraction to a post-industrial society in which jobs will be largely generated from the service, information and small business sectors.

The Green Independents will

- Vigorously support the granting of the national benchmark for the teaching profession to afford it the recognition it deserves.
- Continue to work for increased education funding as an investment in Tasmania's future.
- Pursue the idea of a national curriculum.
- Espouse the principle of equal access to early childhood education and work toward every Tasmanian child having a prep year. Strengthen the links between TAFE and HSC by sharing of buildings, facilities and staff.
- Advocate the granting of more non-teaching days to allow for the development and implementation of the education agenda in school communities.
- Review the issue of self management in schools with a view to establishing agreed goals and timelines.
- Provide a range of options for students with special needs, including children with profound intellectual and physical disabilities.
- Develop firm guidelines on corporate sponsorship in Tasmanian schools.

Forestry Industry

The forest industry in Tasmania and world wide is facing a period of unprecedented change. As with many other agricultural commodities, wood production is moving from harvesting of native forests to the more economically efficient and uniform quality of wood grown in plantations.

The Green Independents will

- Stop the clearfelling of mature native forests.
- Totally restructure the administration and financial structure of the Forestry Commission.
- Corporatise the State's pine plantations.
- Establish a 'woodbank' to ensure a continuing supply of speciality timbers.
- Establish a woodskills centre in the Huon Valley.



Mining

The mining industry in Tasmania is characterised by a high concentration of employment in a few, predominantly foreign-owned mines, a poor safety record, dramatically falling employment levels, lax environmental standards, peppercorn royalties and a declining resource base.

The Green Independents will

- Ensure the development of Local Employment Initiatives for towns and regions reliant on mining employment.

Ensure a fair return to the community for the depletion of non renewable resources by increasing royalty rates.

- Not allow mining in national parks, state reserves or World Heritage Areas and cancel existing mining and exploration licenses within the World Heritage Area.
- Ensure third party appeal rights to mining and exploration licenses.

Tourism

Tourism is an industry vital to the economic future of Tasmania, and it should be embraced as one of the alternatives to the traditional resource based exploitative industries. A major motivation for tourism activities in Tasmania is to experience aspects of our natural and cultural environment. Tourism developments which exploit and degrade that environment are ultimately self-defeating.

The Green Independents will

- Emphasise improvement of existing tourism facilities and infrastructure.
 - Promote the expansion of accredited courses and on-the-job training facilities for the hospitality industry.
 - Increase support for study tours, residential courses and summer school programs.
- Undertake a feasibility study into the development of a statewide tourist railway concept.
- Investigate the establishment of an Independent Walkways Commission to develop and promote long distance walkways such as the East Coast track, and a Centre for Alternative Technology.
 - Conduct a one year inquiry to ensure tourism gives all Tasmanians a proper return in terms of money and jobs, and to ensure tourism does not become a matter of "scenery mining" for large non-Tasmanian companies insensitive to the fragility of Tasmania's wild ecosystems.

Transport

Transport is an integral component of our economy and is essential to our social fabric. The efficiency of the transport system plays a critical role in determining the price of food, manufactured goods and services. It is also vital in ensuring the community's access to services, amenities, goods and employment.

The Green Independents will

- Establish a co-ordinated statewide transport system.
- Restrict roadbuilding to constructions that are essential from a socio-economic and environmental perspective.
- Increase incentives to use public transport and discourage the use of private motor vehicles.
- Adapt and introduce the statewide bicycle plan and encourage the use of non-motorised transport.
- Further reduce vehicle emissions and increase energy efficiency.
- Restructure the freight transport system including the upgrading of the rail freight

Primary Industry

Primary Industry is one of the most significant areas of potential growth for Tasmania. This growth will be maximised by improving product mix, improved marketing, promoting clean and green, and investment in food processing. The transition to ecologically sustainable agriculture by way of whole farm planning, land care, land conservation legislation and nature guarantee legislation must not be allowed to lose momentum in this period of rural recession.

The Green Independents will

- Abolish rural land tax.
- Abolish fees for service from the Department of Primary Industry for on-farm advice to farmers.
- Continue to advocate whole farm planning and the Landcare ethic.
- Pursue a marketing strategy to promote Tasmania's clean, green image in world markets, targeting the Asian and Pacific rim.
- Support downstream processing and investigate ways in which to attract venture capital.
- Encourage greater cooperation between the Departments of Primary Industry, Tourism, and the Arts to expand the tourism potential of Tasmania's rural sector.



Social Justice and Social Development

The Green Independents recognise the worth and necessity of a society based on an ecocentric and economic philosophy, in adherence with real social justice principles, which value each person and respects each person's values.

Such a society is more capable of involving and occupying more people in better ways, enabling them to live more satisfying lives than in a society dominated by economic considerations based on resource exploitation and an assumption that the market is the most efficient determinant of individual and communal wellbeing.

A social justice and social development strategy is crucial to the co-ordinated implementation of such a philosophy. It recognises that government has a role as facilitator in implementing a true participatory democracy. Green social justice and development policy means an investment in people and communities. Most Tasmanians still put family life above all else. The decade of the 1990's needs a new sense of direction and purpose based on a better balance of economic and social development; a balance which gives priority to improving the quality of all peoples lives not just those with the most resources.



Arts and Creative Culture

Tasmania can be better identified through its art, design and creative culture than by any single human endeavour.

The Green Independents will

- Support the pursuit of quality and innovation in all activities.
- Promote the integration of quality work and innovative ideas into all aspects of life in Tasmania for the social and economic benefit of the community.
- Preserve and promote Tasmania's cultural heritage.
- Assist in the process of integrating originality in art and design into all aspects of Tasmania's development.
- Promote the integration of the arts industry into the community and into other areas of government, industry and tourism.



Energy

Energy policy has immense impacts on the state economy, on industrial development strategies, on social equity, on democratic principles and on global and local environments. Energy is the Greens greatest success story.

The Green Independents will

- Draw up a comprehensive state energy plan with full public consultation.
- Aim to reduce power demand by 200 megawatts through enhanced end use and supply side efficiencies by the year 2000.
- Endorse the principle of least cost planning.
- Aggressively pursue policies to utilise wasted biomass fuels.
- Introduce a mandatory buyback policy, requiring the HEC to pay competitive unit cost to environmentally sound private electricity generators and co-generators.
- Favour renewable wind energy in the event that new power developments are warranted.



Electoral and Parliamentary Reform

The Green Independents will

- Create new parliamentary committees, including estimates committees.
- Ensure public disclosure of electoral gifts and donations to parties and individual candidates.
- Establish a register of pecuniary interests for parliamentarians and municipal councillors.
- Introduce fixed four year parliamentary terms.
- Introduce the broadcasting and televising of Parliamentary proceedings.
- Legislate for a referendum to implement the recommendations of the Royal Commission into the Constitution Act to reform the Legislative Council.
- Dispense with the honorific 'Honourable' for members of parliament.



Environment and Planning

Economic development can no longer hitch a free ride on the back of environmental degradation. Land use and environment protection policy in Tasmania is in a mess. We have no legislation or any plan to deal comprehensively with land degradation, coastal protection, hazardous waste, environmental assessment of development projects or heritage protection.

The Green Independents will

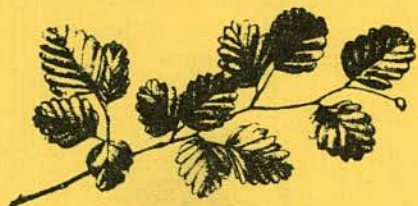
- Develop and implement a single land use planning system that incorporates all aspects of development.
- Establish a Land and Environment Tribunal.
- Undertake a complete environmental audit of the state's coastal zone and assess the impact of development on the coastal zone.
- Develop policies for the management of the coastal zone on the basis of that audit and through consultation with local communities.
- Introduce State of the Environment reporting.
- Establish an Environmental Protection Authority.

Resource Conservation and Waste Minimisation

"In all likelihood it is not the running out of material and energy resources that will matter in the future. It is another type of resource that is in scarce supply - the resource of the natural environment as a repository for all the waste products associated with materials and energy use." D. W. Pearce et al Blueprint for a Green Economy.

The Green Independents Will

- Implement and monitor national packaging guidelines.
- Introduce a municipal waste minimisation grants program.
- Implement a home composting scheme.
- Introduce charging for waste collection by volume at the kerbside.
- Develop state industry recycling plans.
- Introduce kerbside collection of recyclables in all areas where garbage collection services operate.
- Introduce fees on a user pays basis at refuse disposal sites.



Wilderness and Forests

Tasmania has some of the world's greatest facts of temperate wilderness and significant stands of temperate forests. That wilderness has been recognised as being of World Heritage value and the forests are home to an incredible array of wildlife, including many rare and endangered species.

The Green Independents will

- Protect as national park, the Tarkine wilderness.
- Rapidly phase out the logging of mature native forests.
- Phase out export woodchipping by the Federal Government's deadline of the year 2000.
- Protect the Mount Wellington Range as a National Park.
- Add to the World Heritage Area those areas identified by the Department of Parks, Wildlife and Heritage in its June 1990 report.
- Adapt management policies within World Heritage Areas and National Parks which will maintain, enhance and restore wilderness.

Protect smaller areas of forest adjacent to the Mt Field National Park, in the Asbestos Ranges, near Lorinna, at Jackeys Marsh, at Wielangta, in the Gog Range, on the Tasman and Forestier Peninsulas, in the Dial Range, at Tooms Lake and in North East Tasmania.

Flora, Fauna and Nature Guarantee

All species have the right to survive in their natural state, and where they do co-exist with humans, have the right to live without cruelty and with respect. It is the duty of humans to respect these rights.

Nature guarantee is the commitment to give the strongest possible assurance of survival to Tasmania's native species, ecological communities and earth forms in all their diversity.

The Green Independents will

- Introduce Nature Guarantee legislation.
- Introduce a conservation covenant scheme to protect flora and fauna on private land.
- Introduce a 'land for wildlife' scheme.
- Ban the battery hen system.
- Investigate the introduction of a cat registration scheme which would be linked with positive encouragement to desex the animals.

Women

The contribution of women to the family, to the community and to the economy is immeasurable. Women are living in a system where most of the work they do - work that is fundamental to keeping society going - is unrecognised and undervalued. Because women's needs have not been adequately catered for for so long, particular action must be taken to redress their status and entrench true equality.

The Green Independents will

- Eliminate barriers to women's full and productive participation in the workforce and encourage permanent part time employment and job sharing.
- Support the need for specialised women's employment training.
- Support the provision of government-funded affordable child care.
- Support all initiatives to reduce the overall level of violence perpetrated against women and children in the community.
- Support the ordination of women in the Anglican church.
- Support the provision of birthing services based on women's preferences and needs.



Health

We believe health service provision should emphasise preventative and health promotion strategies, community based primary health care and a personal responsibility for individual health rather than a dependence on professionals.

The Green Independents will

- Work to maintain health funding with an emphasis on community based primary health care.
- Inject more funds into preventative and health promotion activities.
- Promote health policies which are consistent with the guiding principles of social justice, equity and consumer participation.
- Establish a health information hotline for people in isolated and rural areas.
- Ensure proper funding for community services to enable the elderly, disabled and terminally ill to remain in their own homes. Support extensions of medicare rebates for screening programs of proven efficacy.

Urban Conservation

The development of our cities should be based on a respect for the unique characteristics and heritage of the place and on the real needs of the city and its inhabitants. Cities are not just centres of commercial activity but are the essential artifact of civilisation and should be places created by and for people. The preservation and creation of a quality environment is inseparable from the economic well being of the city.

We will

- Introduce strong and clear heritage legislation to protect urban areas.
- Encourage the development of our cities as people places.
- Offer financial incentives to encourage recycling and refurbishment of buildings.
- Encourage the use of public transport in preference to the continued takeover of the city by private motor-vehicles.
- Ensure all new buildings comply to energy efficient standards.
- Encourage the development of car free areas in towns and cities.

If you require further information, complete policy documents are available from green independent offices in Devonport, Launceston and Hobart.

Tasmania can't wait.



The Green Independents

Peter Hamilton ⁰⁶⁶ 858 648

Phone Sat.

TAS. ENV. NET.

Kristina Hesketh

~~697 9721~~

4- P.O. Labrina 7254

(003) 956 153

LISA YEATES
Deloraine Environment Centre

112 Enn Bay Rd.

⁰⁰³
623 399

Deloraine 7304

003 622 713 w -

695 175 h Lisa Yeates

NCC ANNUAL CONFERENCE 1991, 26 and 27 OCTOBER

please return this page by 4 October, 1991 (or sooner if possible)
to The Hon. Secretary of the Nature Conservation Council of NSW Inc
The Environment Centre, 39 George Street, SYDNEY 2000

NAME OF ORGANISATION:.....

1 NOTIFICATION OF DELEGATES

NAME OF DELEGATE 1

proxy

and subject to entitlement

DELEGATE 2

proxy.....

DELEGATE 3.....

proxy.....

NAME OF OBSERVER (if any)

AUTHORISED BY (please indicate name of Authorising Officer)

NAME(printed).....

DATE.....

Signed.....

2 WE WISH TO ORDER LUNCH FOR

Saturday(specify number and V if vegetarian)

Sunday(as above)

(ie please indicate number each day, and whether vegetarian)

and enclose a cheque as advance payment for lunches @ \$10 per person per meal =\$.....
(NB: Lunch catering requires advance order by payment due to limitations of venue, but will be good value: also please note that if any excess funds raised these will be used to support the work of the NCC)

3 WE CAN OFFER HELP AT THE CONFERENCE

NAME(S).....(a

contact phone number would be helpful, also indication of type of help as per call for assistance above)

PREPARED TO HELP WITH

(please also indicate time, eg if available Friday late afternoon)

4 NOTIFICATION OF APPOINTED EXECUTIVE MEMBER




(if relevant - see page 3, 5.1 of Circular)

It would assist smooth running of the Council if you could also attach notification of Appointment to the Executive for 1991/92, with appropriate authorisation. Please give name of appointee and mailing address if different from that of the organisation. Phone and Fax numbers would help too.

NATURE CONSERVATION COUNCIL OF NSW 1991 RAFFLE



\$2

- 1) 10 day holiday for 2 in Kakadu with Willis's Walkabouts (Value \$2400)
- 2) 1 year's worth of float tank sessions with Balmain Natural Health and Float Tank Centre (\$1200)
- 3) Queen sized futon and base from DELUXE FUTONS  and Individual Woodworks  (\$462)
- 4) 3 day Myall Lakes Canoe Tour for 2 from  (\$450)
- 5) Nimbus IV reverse osmosis water purifier from Permaquip Water Systems (\$425)
- 6) Jimmy Pike numbered print (\$250)
- 7) Set of 6 energy efficient fluorescent light bulbs from WOTAN Lamps (\$200)
- 8) Lowe polar plus classic jacket from Mountain Designs (\$140)
- 9) Selection of body care products from Montagne Jeunesse (\$100)
- 10) 1 subscription to Simply Living Magazine (\$36)

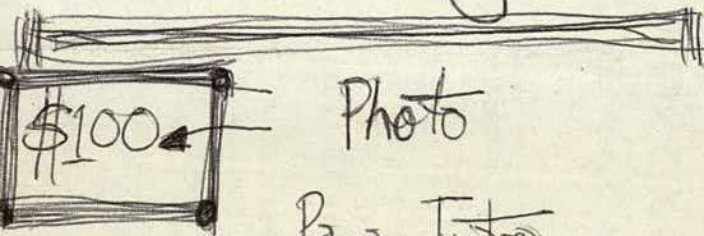
Nº 04105

Drawn at noon August 24th 1991 at the NCC office, 39 George St, The Rocks.

Winners will be notified by mail, and details published in Nature Conservation News

Retain this ticket

Call Rod -
Kugler



112 Enn Bay Rd.

Delaware

7304

11.1.92 Saturday

EW Fit No:
351

2.45 pm

ex - Sydney

4.40 pm

arr Hobart

EW 392

30.1.92

11.20 am

ex - Hobart

arrive: 1.05 pm Sydney

\$298.00

\$298.00

by 5 pm Friday 10.1.92

Anna Dawson

436 3192.

J. R. CORKILL

- prepare discussion paper for prior circulation which:
 - + summarises what we (NCEC & members) have been saying for years i.e. the points in common;
 - + identifies issues over which there is disagreement or a range of options. These options may be exclusive or inclusive;
 - + identifies policy areas where there is a policy gap, (suggest possible answers?)
 - + identifies Governments' agenda issues to which we must respond; (Planning and Heritage Act reviews. NC strategy
 - + suggest options for political strategy - media, legal, community education, parliamentary;

- convene the Search Conference:

- suggest participants from outside the NCEC and its members who may prove useful to be invited to attend and participate (if any);

3. That the conference to be held over four(?) days during ? Easter ? school holidays to allow for the time necessary for discussion and documentation.

4. That the Steering Committee consist of John Corkill, John Wickens, and *Women*.

Henry Browne
1 Short St Glebe
(002) 312 313

Hobart

Bob Barton
96 Marilyn Rd
Sth Hobart
7004

(002) 234 910

Mike. This is the tape transcript from
Peter R's talk at Nutrition Forum 26/3/91.
12 pages. I can hear it and copy all or
parts for the B10 committee. N.

Thank you very much. We are certainly privileged to
convene this evening and I think that it is particularly
commendable that the aim is to take head on some of the
truly important and controversial issues existing in
Australia. I don't want to foreshadow this debate but
suffice it to say that in all of their minds whatever our
view Kangaroos were grazing here probably long before
human settlement even by Aboriginal Australians and of
course Aboriginal Australians did depend on the
environment for their prosperity. Their cultural and
economic prosperity in their own way. I think as much as
anything this evening tonight will be a review of that
important forty or fifty thousand year history of
Australia and to see how the micro view of European and
other cultural settlements in the last couple of hundred
years might now come to grips with the food supply of
those who have the longest heritage in this country and
how we reckon now with the kind of symbolism that
Australia has by way of its flora and fauna and how we
grapple with the ecological issues of Australia in

ANNA DAWSON :

w) 004 247 997 : Reception Office Christine Milne:

w) 002 312 313 - Glebe : 1 Short St: ^{Kerry Brown:}
Joel Winter: HOBART:

In January 1990, the Waste Management Authority announced its intention to site a waste disposal depot on 300 hectares of natural bushland in the outer western suburb of Londonderry, between Penrith and Richmond. The location of this tip site is shown on the attached sketch map.

Apart from the fact that it was going to utilize 300 hectares of natural virgin bushland, its location was significant because of its close proximity to the Hawkesbury/Nepean river system.

The Waste Management Authority released an Environmental Assessment Report for the proposal which was widely discussed amongst the Londonderry community and environmental groups, and strongly objected to by all.

The fight on this issue was predominantly from three groups within the Londonderry community. They were the Londonderry Residents' Action Group for the Environment (R.A.G.E.) - formed before the tip was announced to deal with issues affecting Londonderry; the Nutt Road Committee - a group of residents living on Nutt Road, which formed one of the boundaries of the tip proposal; and the No Tip for Londonderry Committee - comprising other community members and chaired by the local member for Londonderry, Paul Gibson. Penrith Council also did an enormous amount of lobbying on everyone's behalf.

The tip would accept non-putrescible waste and household garbage from all areas of Sydney and was expected to have a life of 25 years. It would be 16 metres high, and there would be up to 130 trucks per day moving in and out of the region. An existing school is only 500 metres from the proposed entrance.

The community's efforts against the proposal were varied, ranging from a rally in a local park and subsequent 'burial' of a coffin, deputations to various State Ministers, a march on Parliament House, letter writing campaigns, and petitions and lobbying of many prominent people for their support.

Irrespective of the enormous effort made by everyone, the turning point was when Penrith Council decided to take the issue to the Land and Environment Court. The Council sought to show that an Environmental Assessment Report was insufficient and that the Waste Management Authority should conduct an Environmental Impact Statement.

In the initial hearing the judge ruled that the WMA did not have to undertake an EIS. However, Penrith City Council launched a subsequent appeal in the Land and Environment Court which was successful in finding that the WMA did indeed have to undertake an EIS.

In the lead up to the 1991 election, the Minister for the Environment, Mr Tim Moore, announced that they had decided not to proceed with this proposal and the community of Londonderry and Penrith City Council celebrated this decision.

The Londonderry R.A.G.E. group is still continuing its role within the community. The tip fight has taught us many things and we are better equipped to deal with such matters in the future.

GRANT DIXON
54 MARLYN ROAD
ST MOBART

(002) 312145. - ✓

ROB BLAKERS

(002) 232537

Don't have the # here! - Grant will or call
me at work. 85 JUBILEE ROAD
ST MOBART.

DAVE HEATHLEY

(002) 286012 (M)

34 4146 (W) (Verdant
Computers) P

216 (ANTHONY) MULARCHY

84 GOULBURN ST
WEST MOBART.

(002) 343567. (May be old)