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FOURTH PRINT

*ACT*  
TIMBER INDUSTRY (INTERIM PROTECTION) ~~BILL~~ 1992

NEW SOUTH WALES



TABLE OF PROVISIONS

This print of the Bill shows the amendments made by the Legislative Assembly on 10 March 1992. The text omitted is struck through, and the text inserted is in bold type.

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FOURTH PRINT

## TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

NEW SOUTH WALES



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NEW SOUTH WALES



Act No.           , 1992

An Act to provide interim protection for the employment of workers in the timber industry pending the completion of full environmental assessment of certain logging operations and to enable regulations to authorise logging operations on certain private land.

*Timber Industry (Interim Protection) 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Timber Industry (Interim Protection) Act 1992.

**Commencement**

2. This Act commences on the date of assent.

**Objects of this Act**

3. The objects of this Act are:

- (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
- (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1, 2 and 4; and
- (c) to give legislative effect to the moratorium on logging operations applying to the land specified in Schedule 1 or 2 until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the EPA Act; and
- (d) to suspend the application of Part 5 of the EPA Act to logging operations being carried out or proposed to be carried out on the land specified in Schedule 4 pending the completion of the environmental assessment of those operations; and
- (e) to provide that the Minister for Planning is to be the determining authority for logging operations that are subject to environmental impact statements obtained by the Forestry Commission under this Act; and
- (f) to ensure that any logging operations carried out on the land specified in Schedule 4 are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in any management plan prepared by the Forestry Commission and applying to the land; and
- (g) to prevent a stop work order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) from having effect in respect of land during the period when the application of Part 5 of the EPA Act is suspended in respect of the land; and
- (h) to enable the making of regulations to extend the protections provided by the Act to logging operations on certain private land.

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**Definitions**

4. In this Act:

**"ecologically sustainable development"** has the same meaning as under section 6 (2) of the Protection of the Environment Administration Act 1991;

**"EPA Act"** means the Environmental Planning and Assessment Act 1979;

**"logging operations"** means the cutting and removal of timber from land and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

**Land to which this Act applies**

5. This Act applies to the land specified in Schedules 1, 2 and 4 and any land in respect of which a regulation is in force under section 12.

**Moratorium on logging operations on Schedule 1 or 2 land**

6. (1) The Forestry Commission must not carry out logging operations or approve or permit logging operations to be carried out on any land specified in Schedule 1 or 2 until it has complied with Part 5 of the EPA Act in respect of those operations (in so far as that Part is required to be complied with).

(2) However, if the Forestry Commission obtains an environmental impact statement after the commencement of this Act in respect of any such logging operations, the Forestry Commission is not to carry out, or approve or permit, those logging operations unless the Minister for Planning has determined it may do so in accordance with section 9.

(3) For the purposes of this section, Part 5 of the EPA Act may be complied with before or after the commencement of this Act.

**Timetable for assessment of wilderness proposals in moratorium areas**

7. (1) The Director of National Parks and Wildlife is to advise the Minister administering the Wilderness Act 1987 in relation to the proposals under section 7 of that Act described in Schedule 3 by the date specified in that Schedule in relation to the proposal, but in any case within the 2-year period referred to in that section.

(2) The Director of National Parks and Wildlife is required to supply a copy of that advice to the Director of Planning.

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**Logging operations on Schedule 4 land and their environmental assessment**

8. (1) During the period of operation of this Act, the application of Part 5 of the EPA Act in respect of logging operations being carried out or proposed to be carried out on land specified in Schedule 4 is suspended, subject to this section.

(2) The Forestry Commission should obtain an environmental impact statement in respect of logging operations being carried out or proposed to be carried out on each area of land specified in Schedule 4 by the date specified in that Schedule in relation to the area as if Part 5 of the EPA Act had not been suspended by this section (and in so far as that Part would require an environmental impact statement to be obtained if it were not so suspended).

(3) Nothing in this section requires the Forestry Commission to obtain an environmental impact statement in respect of an area if it decides not to carry out logging operations in the area.

~~(4) If the Forestry Commission adopts an environmental impact statement obtained by it in relation to an area of land in accordance with subsection (2), the statement is taken to have been obtained in accordance with Part 5 of the EPA Act and the suspension of that Part in relation to the area of land ceases.~~

(4) If the Forestry Commission obtains any such environmental impact statement and the Minister for Planning determines in accordance with section 9 whether or not it may carry out, or approve or permit, the logging operations to which the statement applies, the suspension of Part 5 of the EPA Act in relation to those logging operations ceases.

(5) However, if the Minister for Planning has not made that determination by the end of the period of 3 months after the completion of the period of public exhibition for the environmental impact statement, the suspension of Part 5 of the EPA Act ceases at the end of that 3-month period.

(6) Logging operations carried out in accordance with this Act on the land specified in Schedule 4 during the suspension of Part 5 of the EPA Act in relation to the land are taken to have been carried out in compliance with that Part.

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Minister for Planning to be determining authority for environmental impact statements on logging operations

9. (1) The Minister for Planning is to determine whether the Forestry Commission may carry out, or approve or permit, logging operations on any land specified in Schedule 1, 2 or 4 in respect of which the Forestry Commission has obtained an environmental impact statement after the commencement of this Act unless the Commission decides not to proceed with the logging operations.

(2) The Minister for Planning may make that determination unconditionally or subject to conditions and may revoke or vary any such condition. The Minister's determination (and any decision to revoke or vary a condition) are to be made public.

(3) The Minister for Planning is not to make that determination until the Forestry Commission has complied with the provisions of Part 5 of the EPA Act relating to the public exhibition of the environmental impact statement.

(4) Before making that determination, the Minister for Planning is to obtain a report from the Director of Planning. The Director is to make public that report.

(5) When preparing that report, the Director of Planning is to examine the environmental impact statement, the representations made in response to the public exhibition of the statement and any submissions from the Forestry Commission. In relation to land specified in Schedule 2, the Director of Planning is also to take into account the advice of the Director of National Parks and Wildlife in respect of the wilderness proposal concerned.

(6) The Minister for Planning must consult with the Minister responsible for the Forestry Commission before making a determination.

(7) When making that determination, the Minister for Planning is to take into account the report of the Director of Planning and any submission from the Minister responsible for the Forestry Commission.

(8) If the Minister for Planning makes a determination under this section:

- (a) the determination is, for the purposes of Part 5 of the EPA Act, taken to be a decision of a determining authority, and that Act applies to the determination and the environmental impact statement accordingly; and

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- (b) the Forestry Commission is not required to comply with sections 112 and 113 of the EPA Act with respect to logging operations authorised by the Minister's determination and, for the purposes of any Act (other than the EPA Act), is taken to have complied with those sections.

However, paragraph (b) does not operate to exclude any requirement which might arise under Part 5 of the EPA Act to obtain a further environmental impact statement after the Minister's determination.

**Application of other regulatory provisions**

10. (1) In order to promote ecologically sustainable development, a person who carries out logging operations on any land specified in Schedule 4 during the period when the application of Part 5 of the EPA Act is suspended in respect of the land must comply with:

- (a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan; and
- (b) the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land.

(2) Nothing in this section affects any licence or any conditions or restrictions contained in any licence issued under the National Parks and Wildlife Act 1974 by the Director of the National Parks and Wildlife.

**Stop work orders**

11. During the period when the application of Part 5 of the EPA Act is suspended in respect of land specified in Schedule 4, an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date of assent to this Act has no effect in respect of that land.

**Logging operations on private land**

12. (1) The Governor may make regulations prescribing areas of land for the purposes of this section.

(2) The regulations may not prescribe an area of land specified in Schedule 1 or 2 or 4 or Crown-timber lands within the meaning of the Forestry Act 1916.

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(3) A regulation may not be made unless the Minister certifies that, in the Minister's opinion:

- (a) the making of the regulation is necessary to provide protection for the employment of workers engaged in logging operations and in the wider timber industry; and
- (b) the logging operations concerned are being undertaken in good faith for the purposes of timber production; and
- (c) the logging operations concerned are proposed to be conducted in a manner which mitigates their environmental impacts to the greatest practicable extent.

(4) During the period in which a regulation is in force in relation to land:

- (a) the application of the provisions of the EPA Act referred to in subsection (5) in respect of logging operations being carried out or proposed to be carried out on the land is suspended; and
- (b) an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date on which the regulation commences has no effect in respect of that land.

(5) The provisions of the EPA Act that are suspended are Part 5 and the provisions inserted in that Act by the Endangered Fauna (Interim Protection) Act 1991.

(6) Logging operations carried out in accordance with this section on land during the suspension of those provisions of the EPA Act are taken to have been carried out in compliance with those provisions.

(7) The regulations may prescribe conditions subject to which the authority conferred by this section has effect. Any such conditions may include conditions relating to the preparation of environmental impact statements or fauna impact statements during the suspension.

**~~Expiry of this Act~~**

~~11. This Act expires on 30 September 1994.~~

**Amendment of EPA Act**

13. The EPA Act is amended by omitting the words "protected fauna" wherever occurring and by inserting instead the words "endangered fauna".

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Quarterly reporting by ~~Director of National Parks and Wildlife~~ the Minister for the Environment

14. The ~~Director of National Parks and Wildlife~~ Minister for the Environment is to make a quarterly report to both Houses of Parliament on the operation of the Endangered Fauna (Interim Protection) Act 1991. The first such report is to be made by ~~31 March 1992~~ 30 April 1992.

Quarterly reporting by the Minister

15. (1) The Minister is to table a quarterly report, or cause a quarterly report to be tabled, in both Houses of Parliament on the status of environmental impact statements obtained or being obtained by the Forestry Commission in respect of land specified in Schedule 4. The first such report is to be tabled by 31 March 1992.

(2) Immediately after the Forestry Commission obtains any such environmental impact statement, the Forestry Commission is required to forward a copy of the statement to the Parliamentary Librarian to form part of the Parliamentary Library's collection.

(3) The quarterly report tabled for an area for the quarter ending on or including the date specified below is to include a statement of the outcomes of the environmental assessment undertaken under this Act in relation to the area:

- (a) Areas 1-4—31 December 1992.
- (b) Areas 5-7—30 September 1993.
- (c) Areas 8-10—31 March 1994.
- (d) Areas 11-13—30 September 1994.
- (e) Areas 14 and 15—31 December 1994.

Expiry of this Act

16. This Act expires on 31 December 1994, except for sections 1, 2, 4, 9 (8), 13, 14 and 16.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED**

(Secs. 3, 5, 6, 9)

**DUCK CREEK—URBENVILLE MANAGEMENT AREA**

The part of Richmond Range State Forest No. 610, dedicated 22 March 1918, and the part of Yabbra State Forest No. 394, dedicated 13 April 1917, within compartments 135, 136 and 201 to 208, inclusive, of the Urbenville Management Area, having an area of about 2,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1201 in the office of the Forestry Commission.

**BLACKBUTT PLATEAU—MURWILLUMBAH  
MANAGEMENT AREA**

The part of Nullum State Forest No. 356, dedicated 9 March 1917, and the part of No. 3 Extension thereto, dedicated 12 May 1967, having an area of about 200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1202 in the office of the Forestry Commission.

**TENTERFIELD MANAGEMENT AREA**

The part of Boorook State Forest No. 841, dedicated 18 November 1932, and the whole of No. 2 Extension thereto, dedicated 10 May 1985, within compartments 81 to 84, inclusive, 135 and part 85 of the Tenterfield Management Area, having an area of about 1,050 hectares.

The whole of Boonoo State Forest No. 119, dedicated 24 June 1914, the parts of Nos. 1 and 2 Extensions thereto, dedicated 28 February 1930 and 12 January 1973, respectively, and the whole of Nos. 3, 5 and 6 Extensions thereto, dedicated 11 August 1978, 21 August 1987 and 6 November 1987, respectively, within compartments 96, 102 to 107, inclusive, 109, 112 to 117, inclusive, 120, 125 and 126 of the Tenterfield Management Area, having an area of about 3,506 hectares.

The part of Girard State Forest No. 303, No. 9 Extension, dedicated 15 February 1980, within compartments 78, 79 and 80, of the Tenterfield Management Area, having an area of about 714 hectares.

The part of Spirabo State Forest No. 321, dedicated 6 December 1918, the part of Nos. 2, 3, 5, 6, 7 and 8 Extensions thereto, dedicated 1 February 1924, 20 June 1924, 22 August 1930, 11 June 1971, 12 April 1985 and 13 December 1985, respectively, the part of Little Spirabo State Forest No. 695, dedicated 6 December 1918, the part Nos. 1, 2 and 3

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
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Extensions thereto, dedicated 18 January 1924, 19 December 1952 and 18 May 1973, respectively, the part of Forest Land State Forest No. 529, dedicated 27 July 1917, and the whole of No. 4 Extension thereto, dedicated 23 January 1987, within compartments 153 and 154, 229 to 232, inclusive, 236, 238 to 240, 247, 263 to 266, inclusive, 287, 289, 291 to 318, inclusive, and 320 to 330, inclusive, of the Tenterfield Management Area, having an area of about 10,027 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1203 in the office of the Forestry Commission.

**LONDON BRIDGE—GLEN INNES MANAGEMENT AREA**

The whole of Warra State Forest No. 335, dedicated 2 February 1917, and the whole of Nos. 1 and 2 Extensions thereto, dedicated 6 February 1920 and 21 December 1973, respectively, having an area of about 1,900 hectares.

The part of Oakwood State Forest No. 555, dedicated 12 October 1917, and the parts of Nos. 1, 4, 5 and 6 Extensions thereto, dedicated 30 April 1920, 12 August 1983, 16 January 1987 and 20 October 1989, respectively, and the whole of No. 3 Extension thereto, dedicated 22 November 1974, within compartments 116 to 118, inclusive, 138 and 144, and the parts of compartments 99, 100, 102, 115, 136, 137 and 139 of the Glen Innes Management Area, having an area of about 3,517 hectares.

The whole of Glen Nevis State Forest No. 656, dedicated 31 May 1918, and the whole of Nos. 1, 2 and 3 Extensions thereto, dedicated 9 December 1921, 2 January 1953 and 11 April 1986, respectively, having an area of about 6,208 hectares.

The part of London Bridge State Forest No. 309, dedicated 5 January 1917, the part of Nos. 1 and 2 Extensions thereto, dedicated 13 November 1925 and 19 November 1976, respectively, and the whole of No. 3 Extension thereto, dedicated 21 June 1985, within compartments 130, 131, 132 and 133, and the parts of compartments 126, 128, 129, 134 and 135 of the Glen Innes Management Area, having an area of about 2,659 hectares.

The whole of Curramore State Forest No. 763, dedicated 24 March 1921, and the whole of Nos. 1, 2, 3, 4 and 5 Extensions thereto, dedicated 18 January 1924, 18 September 1925, 25 February 1983, 18 May 1984

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

and 19 December 1986, respectively, having an area of about 9,526 hectares.

The whole of Reserve from Sale for Timber No. 55288, notified 10 November 1922, having an area of about 87 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1204 in the office of the Forestry Commission.

**MOUNT MARSH—CASINO WEST MANAGEMENT AREA**

The parts of Mount Marsh State Forest No. 770, Nos. 2 and 4 Extensions, dedicated 30 March 1973 and 5 September 1975, respectively, within compartments 428, 429, 432, 433 and 434 and part of compartments 430 and 431 of the Casino West Management Area, having an area of about 3,300 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1205 in the office of the Forestry Commission.

**CUNGLEBUNG—GRAFTON MANAGEMENT AREA**

The whole of Dalmorton State Forest No. 814, No. 2 Extension, dedicated 12 July 1974 and the part of Dalmorton State Forest No. 814, No. 4 Extension, dedicated 11 March 1977, within compartments 508 to 545, inclusive, 552, 555 to 559, inclusive, and compartment 588 of the Grafton Management Area, having an area of about 8,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1206 in the office of the Forestry Commission.

**CHAE LUNDI—DORRIGO MANAGEMENT AREA**

The part of Chaelundi State Forest No. 996, dedicated 14 September 1973, the part of Nos. 3 and 5 Extensions thereto, dedicated 5 June 1981 and 19 March 1982, respectively, and the whole of Chaelundi State Forest No. 996, No. 2 Extension, dedicated 18 April 1975, within compartments 155 to 165, inclusive, 193, 199, 201 to 204, inclusive, 207, 209 to 219, inclusive, 221 to 227, inclusive, 238 to 256, inclusive, 273 to 284, inclusive, and 302 to 306, inclusive, of the Dorrigo Management Area, having an area of about 14,200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1207 in the office of the Forestry Commission.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**WALCHA-NUNDLE MANAGEMENT AREA**

The whole of Ben Halls Gap State Forest No. 950, dedicated 7 September 1956 and the whole of Nos. 1 and 2 Extensions thereto, dedicated 9 November 1962 and 31 August 1984, respectively, having an area of about 2,850 hectares.

The part of Nowendoc State Forest No. 310, dedicated 29 December 1916, the parts of Nos. 7 and 8 Extensions thereto, dedicated 11 March 1983 and 16 September 1983, respectively, and the whole of No. 9 Extension, dedicated 18 May 1984, within compartments 206 to 210, inclusive, 219 and part of compartments 205, 211, 217 and 218 of the Walcha-Nundle Management Area, having an area of about 1,970 hectares.

The parts of Tuggolo State Forest No. 312, Nos. 1 and 2 Extensions, dedicated 17 February 1950 and 11 May 1956, respectively, and the whole of No. 13 Extension, dedicated 18 May 1984, within compartments 260 to 266, inclusive, 268, 269, 273 and 318 to 325, inclusive, of the Walcha-Nundle Management Area, having an area of about 4,440 hectares.

The part of Giro State Forest No. 286, No. 2 Extension, dedicated 12 November 1954, and the whole of Giro State Forest No. 286, Nos. 7 and 14 Extensions, dedicated 18 July 1975 and 13 February 1987, respectively, having an area of about 3,370 hectares.

The part of Riamukka State Forest No. 992, No. 3 Extension, dedicated 25 January 1974, within compartments 68, 69, 72, 73, 74, 75 and part of compartment 84 of the Walcha-Nundle Management Area, having an area of about 1,430 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1208 in the office of the Forestry Commission.

**KEMPSEY MANAGEMENT AREA**

The whole of Pee Dee State Forest No. 600, dedicated 9 November 1917, the whole of Nos. 1 and 2 Extensions thereto, dedicated 20 January 1928 and 6 July 1979, respectively, the parts of Nulla-Five Day State Forest No. 601, Nos. 7 and 8 Extensions, dedicated 10 July 1964 and 8 October 1971, respectively, and the whole of Nulla-Five Day State Forest No. 601, No. 17 Extension, dedicated 28 August 1981, within compartments 88, 89, 91 to 94, inclusive, and part of compartments 90

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
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and 95, of the Kempsey Management Area, having an area of about 2,300 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971, within compartments 101, 124, 125, 143 and 145 and part of compartments 102, 123 and 144 of the Kempsey Management Area, having an area of about 2,000 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971 and the whole of Nulla-Five Day State Forest No. 601, Nos. 10 and 18 Extensions, dedicated 2 August 1974 and 31 March 1988, respectively, the parts of Styx River State Forest No. 339, No. 3 Extension, dedicated 22 January 1971, the whole of Styx River State Forest No. 339, No. 6 Extension, dedicated 30 April 1982, the part of Lower Creek State Forest No. 161, dedicated 24 June 1914, the parts of Nos. 1 and 5 Extensions thereto, dedicated 17 October 1924 and 3 June 1983, respectively, and the whole of Lower Creek State Forest No. 161, Nos. 3, 4, 6 and 7 Extensions, dedicated 1 December 1978, 10 September 1982, 21 September 1984 and 27 June 1986, respectively, within compartments 1, 6, 7, 12, 14 to 23, inclusive, 27, 105 to 122, inclusive, and part of compartment 104, of the Kempsey Management Area, having an area of about 11,500 hectares.

The Crown lands in the Parishes of Dudley, Panton, Warbro and Willi Willi, County of Dudley, having an area of about 12,000 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1209 in the office of the Forestry Commission.

**WAUCHOPE MANAGEMENT AREA**

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, part of No. 14 Extension thereto, dedicated 11 June 1982, the whole of Mount Boss State Forest No. 910, No. 17 Extension, dedicated 9 September 1988, and the parts of Yessabah State Forests No. 602, Nos. 7 and 8 Extensions, dedicated 1 October 1982 and 30 December 1983, respectively, within compartments 76, 77, 82, 84, 159, 160, 299, 306 to 312, inclusive, 314 to 322, inclusive, and 325 to 332, inclusive, of the Wauchope Management Area, having an area of about 5,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949 within compartments 94 to 98, inclusive, 116 and 117 of the Wauchope Management Area, having an area of about 1,100 hectares.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, the whole of No. 7 Extension thereto, dedicated 9 February 1968, and the part of No. 13 Extension thereto, dedicated 5 January 1979, within compartments 123, 125 to 132, inclusive, and 334 of the Wauchope Management Area, having an area of about 1,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, and the whole of No. 6 Extension thereto, dedicated 22 December 1967, within compartments 264 to 272, inclusive, and 304 of the Wauchope Management Area, together with the Crown land within portion 12 Parish of Moorabark, County of Macquarie, having an area of about 2,400 hectares.

The parts of Ballengarra State Forest No. 474, Nos. 2, 3 and 8 Extensions, dedicated 1 August 1924, 4 September 1925 and 5 January 1962, respectively, and the whole of Ballengarra State Forest No. 474, Nos. 10 and 13 Extensions, dedicated 21 February 1964 and 11 April 1969, respectively, within compartments 39, 40 and 43 to 53, inclusive, of the Wauchope Management Area, having an area of about 3,000 hectares.

The part of Doyles River State Forest No. 911, dedicated 11 November 1949, part of No. 1 Extension thereto, dedicated 25 June 1971, and whole of Mount Seaview State Forest No. 877, dedicated 20 November 1942, within compartments 155, 156 to 158, inclusive, 159, 168 to 195, inclusive, 201 to 203, inclusive, 205 and 206 and part of compartment 154 of the Wauchope Management Area, having an area of about 4,200 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1210 in the office of the Forestry Commission.

**WINGHAM MANAGEMENT AREA**

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, the whole of Enfield State Forest No. 337, No. 6 Extension, dedicated 23 November 1956 and the parts of Enfield State Forest No. 337, Nos. 5, 7, and 12 Extensions, dedicated 21 March 1952, 22 January 1971 and 29 September 1984, respectively, within compartments 278 to 283 and 285 to 287, inclusive, 289, 290, 293 to 296 and 302 to 307, inclusive, of the Wingham Management Area, having an area of about 3,500 hectares.

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SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued*

The parts of Bulga State Forest No. 285, Nos. 9, 13, 17 and 19 Extensions, dedicated 4 February 1966, 20 February 1970, 28 December 1973 and 7 February 1975 and the parts of Doyles River State Forest No. 911 and No. 1 Extension thereto, dedicated 11 November 1949 and 25 June 1971, respectively, within compartments 174, 186, 204, 207, 223 to 233, inclusive, 236, 239 to 248, 251 to 255 and 258 to 260, inclusive, 262, 264 to 275, inclusive, and parts of compartments 176, 208 and 235, of the Wingham Management Area, having an area of about 8,100 hectares.

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, within compartments 212, 213, 216 and part 209 of the Wingham Management Area, having an area of about 600 hectares.

The whole of Bulga State Forest No. 285, No. 18 Extension, dedicated 17 July 1974 and the parts of Bulga State Forest No. 285, Nos. 9 and 11 Extensions, dedicated 4 February 1966 and 11 April 1969, within compartments 117, 118, 157, 183, 184 and 185, inclusive, of the Wingham Management Area, having an area of about 1,500 hectares.

The parts of Dingo State Forest No. 779, Nos. 1 and 3 Extensions, dedicated 20 April 1923 and 28 March 1952, respectively, within compartments 142 to 147, inclusive, of the Wingham Management Area, having an area of about 1,200 hectares.

The parts of Knorrit State Forest No. 767, dedicated 15 July 1921, the parts of Dingo State Forest No. 779 and Nos. 3 and 5 Extensions thereto, dedicated 26 May 1922, 28 March 1952 and 9 July 1965, respectively, the whole of Bulga State Forest No. 285 No. 16 Extension, dedicated 10 May 1974 and the parts of Bulga State Forest No. 285 and Nos. 1, 4, 7 and 9 Extensions thereto, dedicated 8 December 1916, 9 January 1920, 24 June 1949, 13 January 1961 and 4 February 1966, respectively, within parts of compartments 10, 11, 12, 14, 20, 28, 29, 34, 35, 37, 38, 40, 41, 43, 46, 49, 50, 54, 55, 56, 63, 65, 72, 74, 75, 77, 79, 81, 83, 84, 148, 149, 151, 163, 180, 181 and 182 of the Wingham Management Area, having an area of about 5,000 hectares.

These lands are shown by hatching on plans catalogued Misc. F. 1211 (in 10 sheets) in the office of the Forestry Commission.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**BARRINGTON TOPS—GLOUCESTER MANAGEMENT  
AREA**

The parts of Stewarts Brook State Forest No. 276, Nos. 3, 4 and 8 Extensions, dedicated 19 June 1953, 28 June 1963 and 11 October 1991, respectively, and the parts of Barrington Tops State Forest No. 977 and Nos. 1 and 4 Extensions thereto, and the whole of No. 5 Extension thereto, dedicated 21 October 1960, 20 October 1961, 18 January 1974 and 24 May 1974, respectively, within compartments 44 to 68, inclusive, 107, 111 to 113, inclusive, 116, 117 and 123, 126 to 155, and 168 to 171, inclusive, of the Gloucester Management Area, having an area of about 15,900 hectares and being the land shown on diagram catalogued Misc. F. No. 1212 in the office of the Forestry Commission.

**CHICHESTER MANAGEMENT AREA (INCLUDING  
WHISPERING GULLY)**

The whole of Mount Royal State Forest No. 297, No. 1 Extension, dedicated 22 March 1951, and part of Chichester State Forest No. 292 and No. 4 Extension thereto, dedicated 19 January 1917 and 21 October 1960, respectively, within compartments 60 to 68, inclusive, 99, 141 to 143, inclusive, 145 and 167 to 171, inclusive, of the Chichester Management Area, having an area of about 5,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. No. 1213 in the office of the Forestry Commission.

**DAVIS CREEK—MOUNT ROYAL MANAGEMENT AREA**

The parts of Mount Royal State Forest No. 297, dedicated 19 January 1917, within compartments 175 to 178 and 200 to 204, inclusive, of the Mount Royal Management Area, having an area of about 1,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1214 in the office of the Forestry Commission.

**SCHEDULE 2—LAND SUBJECT TO PROPOSALS UNDER  
SECTION 7 OF WILDERNESS ACT 1987 ALSO SUBJECT TO  
MORATORIUM ON LOGGING OPERATIONS**

(Secs. 3, 5, 6, 9)

Those areas of land the subject of proposals received and being considered, as at the date of assent to this Act, by the Director of National Parks and Wildlife under section 7 of the Wilderness Act 1987 and referred to for the purposes of the proposals as follows:

Guy Fawkes

Mann (but not including that part of the land that is the site of the proposed Mosquito Creek Road)

Washpool (but only including those parts of the land that are within Glen Innes and Casino West Management Areas)

New England (but only including those parts of the land that are within Styx River Management Area)

Werrikimbe (but only including that part of the land that is within the Wauchope Management Area)

Barrington (but only including those parts of the land that are within Gloucester and Chichester Management Areas)

Macleay Gorges

Deua

**SCHEDULE 3—TIMETABLE FOR ASSESSMENT OF  
WILDERNESS PROPOSALS REFERRED TO IN SCHEDULE 2**

(Sec. 7)

Proposal	Date
Guy Fawkes	31 October 1992
Mann	31 October 1992
Washpool	31 October 1992
New England	31 May 1993
Werrikimbe	31 May 1993
Barrington	30 September 1993
Macleay Gorges	30 April 1994
Deua	30 September 1994

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 4—OTHER FOREST AREAS IN WHICH  
LOGGING OPERATIONS MAY BE CARRIED OUT PENDING  
OBTAINING OF EIS**

(Secs. 3, 5, 8, 9, 10, 11, 15)

The following areas, excluding from them the areas ~~specified in Schedule 1~~ specified in Schedule 1 or 2:

Area	Date for completion of environmental impact statement
1. Mt. Royal Management Area	30 September 1992
2. Wingham Management Area	30 September 1992
3. Dorrig Management Area	31 October 1992
4. Glen Innes Management Area	31 October 1992
5. Kempsey Management Area	31 May 1993
Wauchope Management Area	
6. Grafton Management Area	31 July 1993
7. Casino Management Area	31 July 1993
Casino West Management Area	
Murwillumbah Management Area	
8. Gloucester Management Area	30 September 1993
Chichester Management Area	
9. Tenterfield Management Area	31 October 1993
10. Urbenville Management Area	31 December 1993
11. Urunga Management Area	28 February 1994
12. Walcha-Nundle Management Area	30 April 1994
Styx River Management Area	
13. Warung Management Area	30 June 1994
14. Queanbeyan Management Area	30 September 1994
Badja Management Area	
15. Wyong Management Area	30 September 1994

The boundaries of each of these Management Areas are shown on the map catalogued Misc. F. 1215 in the office of the Forestry Commission.

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**Timber Industry  
(Interim Protection) Bill, 1992**

**Briefing Paper**

March 1992

## **Timber Industry (Interim Protection) Bill, 1992**

### **Briefing Paper**

The Bill is designed to balance the socio-economic effects of the Endangered Fauna (Interim Protection) Act ["EFIP Act"] and the Environmental Planning and Assessment Act ["EPA Act"] in order to protect industry and employment. All parties have stated in recent days that they support the survival of the timber industry.

The Labor Party, the independents and the environment groups who sponsored the EFIP Act have said that they have no intention of closing down the timber industry. They maintain that industry is legitimate and necessary and should continue. The Timber Industry (Interim Protection) Bill sets out to achieve this continuation of industry and employment, without undermining the wildlife protection role of the National Parks and Wildlife Service. As such, it deserves to receive wide support in the Parliament from those who supported the EFIP Bill but insist that wildlife protection need not be achieved at the cost of massive unemployment and social dislocation.

The Timber Industry (Interim Protection) Bill is designed to achieve just this. It will not repeal the EFIP Act. It will give that legislation every chance to prove whether it can work without major industry shut-downs. Whilst the Government has serious reservations about the workability and efficiency of the EFIP Act, they are not directly addressed by this Bill. They will be addressed in subsequent legislation on endangered fauna to be introduced by the Government.

### **The Current Problem**

The current threat to industry and employment has occurred because of the joint legal effect of the EPA Act and the EFIP Act. It is now reasonably certain that forest operations in many areas cannot be approved by the Forestry Commission without contravening the EPA Act. These areas are generally old growth forests which comprise an essential part of the resource necessary to sustain industry.

Evolving interpretations of the EPA Act have created considerable barriers to

maintaining continuity of forest management and wood supply. It has been used, for example, as a way of achieving changes to land-use (as distinct from forest management) by exploiting the Act's broad and vague requirement that an EIS is required where a development is likely to have a significant effect on the environment. This was never the Act's intention.

Legal disruptions to logging are not new, but until now the Commission has been able to respond to legal challenges by re-directing logging into less contentious areas. These areas are being fully utilised and there is no alternative to logging some old growth forests while EISs are being prepared in the 14 largest and most sensitive old growth forests specified in the "Forestry Strategy" of 1990.

Until now there has been some uncertainty about the test of "significance" as applied to logging operations. This determines whether or not an EIS must be prepared before logging can proceed. Successive judgments by the Land and Environment Court have gradually thrown more light on what is significant, but foresters have been required to exercise discretion in difficult circumstances.

It has never been feasible to stop all logging in old growth forests while EISs are prepared. This would mean the closure of half of the State's hardwood sawmills. In 1990 the Commission decided that the best response to new interpretations of its legal obligations was to identify the areas of old growth which were scheduled for logging and which due to their size, ecological sensitivity or significance to the community, would clearly meet the significance criterion. While EISs were prepared for these areas, industry would be redirected elsewhere. This proposal became the Forestry Strategy.

What has been changed by the enactment of the EFIP Act and by the Chaelundi case that preceded it is that the doubt about significance of logging in most old growth forest is firmly established. In other words, foresters considering current or future logging operations in any old growth forests must prepare an EIS to meet the requirements of the EPA Act. The EFIP Act and the Chaelundi case have had the effect of forcing the Commission to re-evaluate the legal significance of logging operations, and wildlife in particular. As a result of that review which included consultation with legal experts, the Commission believes that it can no longer approve operations in

an old-growth forest without first preparing and considering an EIS.

### **The Forestry Strategy**

In June 1990, the Premier released the Forestry Strategy, "Meeting the Environmental Challenge". The Strategy was designed to chart a middle way between the concerns of the environment movement and the timber industry's need for secure and predictable access to its raw material. It recognised that legitimate community concerns about forest management were best served by instituting a program of community consultation followed by environmental assessment of the most sensitive and contentious areas proposed for logging. Fourteen key forests were identified and are now the subjects of a program of 11 EISs.

The Strategy pointed out that although only 20% of the old growth within State forests was scheduled for logging, access to it was vital if industry and dependent communities were to be sustained until wood supplies could be drawn exclusively from previously logged forests. This substitution of regrowth for old growth is already well advanced, and will be complete in about 30 years. (See Appendix 1)

There are 1.6 million ha of old growth in State forests and 2 million ha in National Parks. It is proposed to log 0.3 million ha within State forests, which is less than 19% of old growth in State forests, and 8% of the old growth conserved within both forests and parks. The vast majority of old growth forest - about 92% - will never be logged. (See Appendix 2)

The Forestry Strategy covered about 180,000 ha of the 300,000 ha proposed for logging. It did not consider the large areas of old growth in the Eden Management Area because they had already been the subject of both State and Commonwealth EISs. Nor did the Strategy include many smaller and generally less contentious areas which, together with regrowth areas, contain the only alternative resources to the 14 forests where there has been a logging moratorium.

## **The Background.**

The EPA Act became law in 1979 and is the principal piece of legislation determining developers' planning obligations including questions of environmental impact.

Neither the Act itself nor its second reading speech has anything to say on how the Act should be applied to forestry, or other continuous, long-term, extensive activities which do not occur in a discrete and easily defined timescale and location. Forest management operations including logging are continuous, and are carried out on a cyclic basis for an indefinite period. Given good management, the forest and its fauna and flora remain little altered. Foresters planning the future of a typical eucalypt forest use time horizons of more than a century. So forestry is more analogous to an activity like farming than it is to the major, discrete developments for which the EPA Act and the EIS process are best suited. A major development such as the construction of a power station, dam or highway has a beginning, a construction phase and a completion. It permanently alters the landscape and the environment. Its likely effects on the environment are generally susceptible to assessment in an EIS. The EIS mechanism is not well suited to continuous activities such as forestry, but no alternative mechanism is available under the EPA Act.

In 1979, the Forestry Commission sought advice from the Department of Environment and Planning on what the Commission's obligations were under the new planning legislation. On the advice of the Department, the Commission embarked on a program of representative EISs. Neither the Government of the day nor the Department envisaged that routine logging operations in State Forests would necessarily require the preparation of EISs.

The Commission prepared four EISs for Washpool (1981), Wandella-Dampier (1983), Hastings (1984), and Eden (1988).

## **The "Rainforests" Decision of 1982**

Before the Washpool and Hastings EISs could be determined or implemented, they were overtaken by the Wran Government's "Rainforest" Decision of 1982-83. More than 120,000 hectares of north coast eucalypt

forests and rainforests were withdrawn from timber production and added to the national parks estate.

The removal of such a large area of high quality forest had a significant adverse effect on industry. In order to maintain yields at a sustainable level, the Forestry Commission was obliged to reduce log quotas. The staged reductions of timber allocations are still having a negative impact on north coast industry and employment. The Forestry Commission followed Cabinet's instruction that quota reductions were to be phased in gradually, in order to minimise socio-economic dislocation.

A central plank of the Cabinet decisions of 1982-3 was an unqualified guarantee to industry that access to alternative (i.e. remaining ) timber supplies would be guaranteed if necessary by legislation.

**"State Cabinet at its meeting on 26 October 1982, decided on a rainforest policy involving: ..... \* Identification of alternative timber resources, the availability of which will be assured by Government."** New South Wales Government Rainforest Policy 1982, Department of Environment and Planning, Sydney.

The then Minister for Planning and Environment, Mr Eric Bedford, gave further details of this in a letter to the NSW Forest Products Association dated January 27, 1983:

**"The Government also decided that all necessary action would be taken to ensure that the alternative timber sources identified by Cabinet are available for logging in the manner agreed by Cabinet. Such necessary action would include the possible use of an environmental planning instrument *or, if necessary, special legislation.*"**

The Wran and Unsworth Governments reiterated this commitment several times before Labor lost office in 1988. Logging of these clearly identified alternative resources is now being contested by some interest groups.

## **Current Position**

The Forestry Strategy announced by the Premier in 1990 ushered in the largest and most important environment assessment program ever undertaken in Australian forestry. It was also the most positive and constructive attempt to ensure that the Forestry Commission met its obligations under the EPA Act. As well as the program of 11 major EISs, the Strategy included other initiatives which are now in place.

The setting up of an Environmental Assessment Unit within the Forestry Commission, headed by an environmental assessment specialist recruited from outside the Commission.

The appointment of Regional Planning Foresters in six of the State's Forestry regions to co-ordinate EIS preparation in the field.

The largest ever program of fauna surveys as part of the EIS process, currently costing the Commission \$1million p.a.

Prior consultation with environment groups and other interested parties about the scope of EISs. These consultations go well beyond the statutory obligations under the EPA Act.

Extensive use of expert outside consultants to prepare EISs and to conduct wildlife surveys prior to logging.

Appointment by the Forestry Commission of a full time archeologist.

Regular consultation with Aboriginal communities at Land Council and State levels.

The implementation of the 5-year Strategy is running ahead of schedule. Six EISs are nearing completion and will be published this year. At least two would have been published already but for the extra requirements imposed by the EFIP Act. (See Appendix 3)

In the current financial year the Commission will spend almost \$3 million on

the preparation of EISs.

### **Other Initiatives**

The Premier has announced that the Government will legislate to set up a Natural Resources Management Council which will provide independent advice on land-use and resource management questions.

As part of a number of reforms in Forestry to be announced this year, a Forest Practices Code will be established which will regulate logging practices on both private and public forested lands.

### **The Endangered Fauna (Interim Protection) Act**

Following applications from the Forestry Commission, the National Parks and Wildlife Service has issued interim licences under section 120 of the National Parks and Wildlife Act which should allow logging in 41 management areas to proceed in the short term. The licences are for 120 days from the date of publication of the revised (interim) Schedule 12 of endangered fauna.

These licences include compartments which contain considerable old growth, but are outside the moratorium (Forestry Strategy) area. While the Service has considered these areas and given approval to operations proceeding, the granting of these licences, while necessary, is not a sufficient precondition for logging to proceed. The Forestry Commission cannot approve logging in these areas until EISs have been approved, or alternatively until the Timber Industry (Interim Protection) Bill becomes law.

### **Main Provisions of the Bill**

1. Will provide protection until 30 September 1994 for the employment of workers engaged in the logging of specified forests and in the wider timber industry.

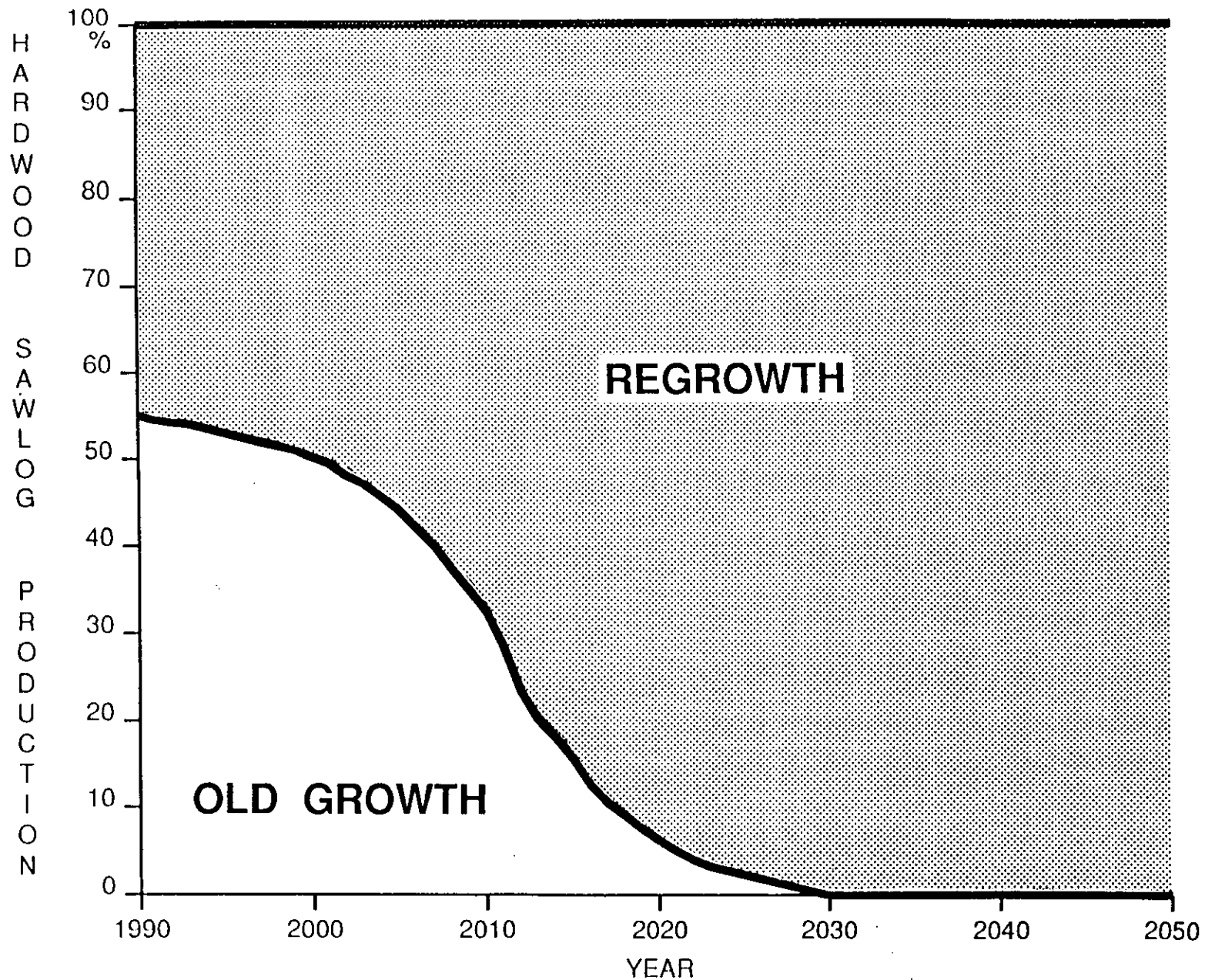
2. Provides for a full and proper environmental assessment of logging operations carried out or proposed for forests to which the Act applies.
3. Preserves the moratorium areas until due examination and consideration of EISs prepared in accordance with Part 5 of the EPA Act.
4. Suspends the application of Part 5 of the EPA Act to logging operations carried out in or proposed for forests outside the moratorium areas pending the preparation of EISs.
5. Amends the EFIP Act to suspend the powers of the NPWS Director to impose Stop Work orders during the EIS preparation phase, while maintaining NPWS licensing provisions and existing provisions for the Minister to impose interim protection orders.
6. Allows specific areas of private land to be listed by regulation to permit logging operations and avoid disruption of industry employment.
7. Ensures that any logging operations carried on outside the moratorium areas are in accordance with the full requirements of other relevant regulatory controls, and within the sustainable yield strategies contained in Forestry Commission Management Plans.

It should be stressed that the forests concerned are still subject to the licensing provisions of the EFIP Act, and to licensing conditions which may be imposed by the NPWS.

## **Appendices**

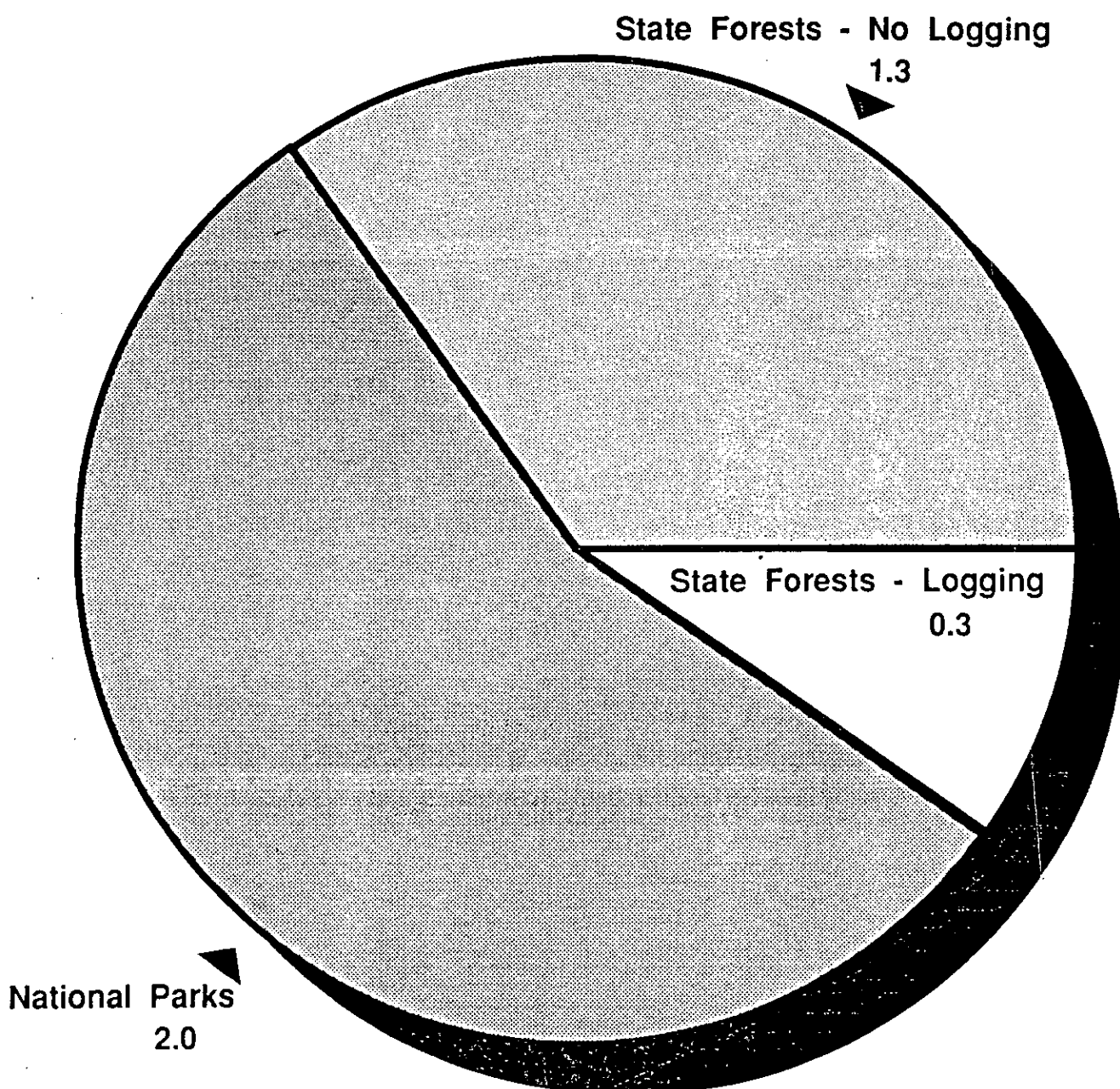
1. Hardwood Saw-log Production:  
Planned Transfer from Old-growth to Regrowth in NSW State Forests
2. Old-growth Forest in National Parks & State Forests (pie-graph)
3. EIS Schedule
4. Map of Moratorium Areas in State Forests (Schedule 1)
5. Map of EIS Strategy to September 1994

# HARDWOOD SAWLOG PRODUCTION PLANNED TRANSITION FROM OLD GROWTH TO REGROWTH IN NSW STATE FORESTS



# OLD GROWTH FOREST IN NATIONAL PARKS AND STATE FORESTS

TOTAL 3.6 MILLION HECTARES



1991 91	92	93	94	95	96	1996
1-08-91 WINGHAM	11-03-92					
1-12-91 KEMPSEY/WAUCHOPE	13-05-93					
1-03-91 DORRIGO	9-10-92					
1-11-92	URUNGA	8-02-94				
1-10-91 URBENVILLE	3-12-93					
1-01-92 GRAFTON	8-07-93					
1-01-92	8-07-93	CASINO/MURWILLUMBAH				
18-01-92	10-09-93	GLOUCESTER/CHICHESTER				
1-02-91 MT. ROYAL	11-09-92					
1-09-91 TENTERFIELD	24-10-93					
1-04-91 GLEN INNES	10-10-92					
1-02-93			7-04-94 WALCHA-NUNDLE/STYX			
18-01-93		WARUNG	30-06-94			
1-05-93			20-09-94 QUEANBEYAN/BADGA			
			1-03-93 WYONG	30-09-94		

people of New South Wales with improved consumer protection.

I commend the Bill to the House.

**The Hon. D. J. GAY** [12.13]: As the former Deputy Leader of the Opposition used to say when the Australian Labor Party was in opposition, the alternative government supports the bill. As the Deputy Leader of the Opposition in another place said, it is very good legislation that will update the Act and bring it into line with modern administrative standards. The Treasurer would have been amused, as I was, on reading the contributions of members in the other place. The Hon. Michael Knight said:

I am reminded that two weeks ago at the conference for roads Ministers in Hobart the roads Minister from New Zealand had a T-shirt printed that said, "Cut out the middleman. Vote Treasury".

I am sure honourable members will understand how appropriate that is in relation to this bill. The bill will shorten the period before the money in an inactive account will be transferred to the Office of State Revenue to six years yet there will be procedures by which the money may be retrieved by the owner for up to 20 years. I can see no point in prolonging the debate. I congratulate the Government on the legislation.

**Reverend the Hon. F. J. NILE** [12.15]: Call to Australia supports the Unclaimed Money Bill 1995. Our group raised questions about problems that might occur with the reduction of the 20-year period to six years. We have received assurances from the Government that, though the Office of State Revenue will receive the money after six years, this does not mean that the owner of the money cannot claim it. After an account has been inactive for six years the money in it must be paid to the State. The owner of the money then has another six years to claim it from the State. The organisation transferring the unclaimed money to the State has to keep copies of the return in its files for six years, after which it is no longer required to keep the records. This extends the period to 12 years. Mr Phillips from the Office of State Revenue said that there could be some problems after that time because there would be no records and the onus would be on the individual to prove beyond reasonable doubt rightful ownership of the money. Even after 12 years there is a mechanism for claiming of the money, which is paid ex gratia. The individual has to prove beyond reasonable doubt that he or she is the rightful owner of the money before the department will process a claim. We support the bill.

**The Hon. M. R. EGAN** (Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council) [12.17], in reply: I am delighted that the House is unanimous in its support of the bill. As the Hon. D. J. Gay said, this is marvellous legislation. It could well be the crowning glory of my

legislative achievements in the long time that I hope to be a member of the Government and the Parliament.

**Reverend the Hon. F. J. Nile:** Another Egan victory.

**The Hon. M. R. EGAN:** Yes. Years ago when I aspired to the job of Treasurer I thought it would be the Treasurer's task to sit in his office very day with a tray for the money coming in and a tray for the money going out, counting the money coming in and making sure that the right amount of notes and coins went out. It is not like that at all; I do not handle the money. The closest I have been to seeing any public money was when I got a cheque for unclaimed money from a solicitor. It was made out in my name and was for more than \$300,000. It was a great temptation to shoot through with it, but I did the right thing and passed it on to Treasury and continued in my job. The Attorney General has arrived in the Chamber to take up the running on the Timber Industry (Interim Protection) Amendment Bill. I am pleased that all members of the House enthusiastically support the legislation.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

<9>

## **TIMBER INDUSTRY (INTERIM PROTECTION) AMENDMENT BILL**

### **Second Reading**

**The Hon. J. W. SHAW** (Attorney General, and Minister for Industrial Relations) [12.19]: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

**Leave granted.**

The purpose of the bill before the House is to amend section 16 of the Timber Industry (Interim Protection) Act 1992 to extend its expiry date by three years to 31 December 1998. This measure is an integral part of the Government's package of forestry and conservation reforms. The success of recently announced measures to protect high value old growth forests and restructure the hardwood timber industry depends on the passage of this bill. A brief outline of the history of this bill will demonstrate why it should be supported by honourable members.

The Environmental Planning and Assessment Act became law in 1979 as a result of the great efforts of the former Minister for Planning and Environment, the late Paul Landa, and the Premier at that time, Neville Wran. It was landmark legislation because, for the first time in New South Wales, and indeed Australia, environmental impacts of developments that were likely to have a significant impact on the environment had to be formally considered before development consent was obtained. Although the Act has had its critics, it has proved to be of vital importance for the protection of the environment.

In recent years there has been increasing community conflict over the logging of old growth native forests. The previous Government seems to have lacked both the desire and the ability to resolve these conflicts, and they continued unabated until the election of the Carr Government this year. Successive decisions in Land and Environment Court cases have had the effect of greatly increasing the application to forestry activities of part 5 of the Environmental Planning and Assessment Act. In particular, decisions in the Jarasius and Chaelundi cases meant that environmental impact assessments could be required for virtually any logging operations in State forests. They were certainly required for logging in old growth or unlogged forest.

These decisions had the potential to disrupt timber supplies to the native hardwood timber industry. It was simply not feasible for many large and complex environmental impact statements to be produced in a time frame that could meet the requirements of the Environmental Planning and Assessment Act as it was now understood. This position was added to by the enactment of the Endangered Fauna (Interim Protection) Act 1992. That legislation gave formal effect to the court's decision in Corkill, which found that most logging operations required licences "to take or kill" fauna under the National Parks and Wildlife Act.

The Timber Industry (Interim Protection) Act 1992 was introduced by the former Government to provide short-term protection of employment levels in the timber industry by maintaining access to sawlog supplies in prescribed areas—mainly regrowth forests—and to place other areas, mainly high conservation value old growth forest, under a logging moratorium pending the completion of environmental impact statements. The Act was amended in 1994 to achieve the following objectives: to extend the expiry date of the Act from 31 December 1994 to 31 December 1995, to include the Eden Native Forest Management Area within the jurisdiction of the Act, and to establish the Regulatory and Public Information Committee, or RAPIC, to monitor and licence planned logging and roading activities until environmental impact statements are completed.

The landmark forestry and conservation reforms announced by the Government on 13 June this year were designed to achieve the twin objectives of protecting our high conservation value forests and maintaining an ecologically sustainable native hardwood timber industry. This Government has shown that it is determined to deal with complex issues and make the difficult decisions. It has moved quickly and decisively to ensure that the full range of forest values are protected and that forest products are obtained in an ecologically sustainable manner. I now come to the purpose of the bill. Implementation of the Government's pledge to protect high conservation old growth and wilderness forest has meant rescheduling many planned logging operations that had already been approved under environmental impact study determinations.

Other areas including some regrowth forests that may be required for a comprehensive, adequate and representative reserve system have been placed under temporary logging moratoria to allow for proper assessment of the conservation values. Existing logging schedules and approvals have had to be set aside to ensure the Government's objectives were realised and future conservation options were maximised, pending comprehensive regional studies. The Government recognises that to minimise disruption to industry there is a need to synchronise the planned restructure of the timber industry with the preparation of joint State-Commonwealth regional forest agreements. The signing of regional forest agreements will ensure both a comprehensive system of forest reserves and security of access for industry to native forest areas not required for the reserve system.

The preparation of a regional forest agreement will take at least three years. If major disruption to industry is to be

avoided, the Timber Industry (Interim Protection) Act must be extended to allow for the preparation of comprehensive regional assessments and completion of environmental impact studies currently in train. An extension of the Act also will allow time for the Government to conduct an overdue, comprehensive overhaul of forestry legislation. In order to ensure community and stakeholder confidence in the final shape of this legislation, the Government needs time to engage in comprehensive consultation. Most importantly, extension of the Act will maintain interim protection of employment levels in the native hardwood timber industry by maintaining access to sawlog supplies, principally from regrowth forest areas.

The Government's forestry reforms have already halted logging in all identified wilderness and high conservation value old growth forests throughout New South Wales. There can therefore be no suggestion that adoption of this bill will jeopardise the protection of important forests required for conservation purposes. Passage of this bill will ensure that necessary restructuring within the native hardwood sector can continue under the legal protection afforded by the Act. Without this legislation, logging operations that have been rescheduled to less sensitive regrowth forests could be halted by third-party legal challenges. This potential disruption to log supplies could jeopardise an orderly restructure of the industry and could undermine the broad community support for forest conservation reforms.

I now come to the clauses of the bill. There are just three of them. Clause 1 is the short title of the proposed Act. Clause 2 provides that the proposed Act will commence on 30 December 1995. This is the current expiry date of the Timber Industry (Interim Protection) Act. Clause 3 amends section 16 of the Act by changing its expiry date from December 1995 to December 1998. This bill is an essential adjunct to the orderly reform of the timber industry. It will enable the rescheduling of logging operations to succeed in its twin aims of protecting high conservation forest and preserving jobs. It will enable the completion and determination of environmental impact statements now being prepared by State Forests. In addition, it will enable the completion of various aspects of the Government's forest policy, including the interim assessment by the Regional Resource and Conservation Assessment Council. It underpins the Government's historic forest conservation initiatives and deserves the support of all honourable members. I commend the bill to the House.

**The Hon. D. F. MOPPETT [12.20]:** I lead for the Opposition on the Timber Industry (Interim Protection) Amendment Bill. The Opposition supports the bill, because it considers that it faces somewhat of a Hobson's choice. The support of the Opposition, particularly the National Party, for the timber industry is well known in this Chamber and in the public arena. Some years ago the timber industry faced a tremendous dilemma following a court decision about Chaelundi State Forest. Over the past four or five years legislation that controls the timber industry has changed dramatically. Indeed, there have been changes in public attitude to the balance between industries such as the timber industry and the preservation of natural areas of fauna and flora.

The National Party has not shifted in its firm belief that adequate areas of natural forest are set aside for conservation purposes and that areas available to the industry are small compared to the total forestry area. Continuing uncertainty about

access has rendered a blow to the confidence of the timber industry in New South Wales. The Opposition wishes to establish some confidence in the future of the industry and welcomes the bill's extension of the interim protection for a period of three years, which is preferable to the ad hoc short-term extensions of the past. The Timber Industry (Interim Protection) Act was introduced following the decision in the Chaelundi case. Without the legislation, logging in large forest reserves would clearly have been against the court decision and any challenge under the requirements of the Endangered Fauna (Interim Protection) Act would have prevented logging.

Reference to the word "interim" in both Acts reflects the fact that the industry has plunged into a state of flux which has not been satisfactorily resolved. On the weekend the Federal Government made a decision about the woodchip issue. I remind honourable members that the Federal Government plays no direct part in the control of the forestry industry but exercises reserve power by controlling export licences for woodchip. It would be out of order for me to speak at length about the woodchip issue in this debate, but it is important that people, particularly those who seek to somehow restrict forestry by targeting the woodchip industry, realise that forestry by-products which are utilised in the woodchip industry will now be burnt and completely wasted. The woodchip industry is not, as has often been emotionally and tendentiously suggested, based on harvested logs that might otherwise be used for sawlogs, veneer or other high-value products. Virtually the whole woodchip industry relies on thinnings and timber which, having been felled, is found to have faults. It is a wonderful recovery process of what would otherwise be a waste product.

As one would expect, the Hon. I. Cohen interjects. His party has a stereotype approach to debates of this kind, and uses every opportunity to stigmatise forest industry workers as if they were unconscious of the need to maintain a regenerating industry—an industry which is environmentally sound. The shortcoming of this bill is that it requires quarterly reporting on the progress of environmental impact studies but does not require the Minister or any other government agency to report on the impact on employment in the industry, which was the purpose of the Timber Industry (Interim Protection) Amendment Act. When the legislation was introduced in 1992 the Minister said that its sole purpose was to maintain reasonable employment levels in the industry while various environmental factors and debate were resolved and legislation was made more clear.

Resolutions have not been reached and the bill will extend the interim protection period by a further three years. This suggests that permanent resolution is not on the immediate horizon, which is regrettable. In the meantime the Government should give serious consideration to undertaking an audit of employment in the industry. Compensation for people who leave the industry has been debated at length and funds have

been provided. Through the processes of the Parliament the public should be informed of the impact on employment in the industry. Employment audits should be conducted regularly, as is done with the environmental impact statements, and should be formally reported. I do not intend to move an amendment requiring that process, however, because the Opposition is anxious that the legislation be passed. Honourable members would be aware that if the bill does not pass through all stages the forestry industry will come to an abrupt halt on 31 December this year.

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With some reservations the Opposition supports the expeditious passage of this bill and will not be moving amendments in Committee. I hope that having gone this far the Government will now look at the remainder of the forestry industry and the areas available to it and move decisively to clear up residual environmental matters. I hope also that the Government will advise those in legitimate industry about their futures because this matter is of concern not only to the people and to regional development, but also to rural communities that depend on such industries.

**The Hon. I. COHEN** [12.30]: I speak against the Timber Industry (Interim Protection) Bill. The Timber Industry (Interim Protection) Act was passed in early 1992 during an hysterical timber industry outcry following the introduction of the Endangered Fauna (Interim Protection) Act 1991. The argument was run that State Forests, known then as the Forestry Commission, should be excepted from compliance with the Environmental Planning and Assessment Act 1979 because that Act required State Forests to obtain licences to kill endangered fauna, including to destroy their habitat.

Despite the irrelevance of this argument, the coalition Government at that time, which supported the then Australian Labor Party Opposition, granted State Forests the right to log areas without first preparing an environmental impact statement, that is, concurrent logging without EIS preparation. That approach was subsequently ridiculed by Mr Justice Paul Stein of the Land and Environment Court. State Forests was thus granted an extraordinary exemption from State planning and assessment laws. State Forests then used this legal exemption to destroy old-growth forests of extremely high conservation value, causing conservation groups to mobilise public resistance.

Fifteen environmental impact statements were to be prepared between September 1992 and September 1994. State Forests have now had 3½ years to prepare these environmental impact statements and have claimed they are all almost completed. It is proposed to grant State Forests a further three-year exemption from crucial environmental legislation with which all other government agencies must comply. This is totally repugnant and unacceptable. The late Paul Landa

would have been proud of the achievements of the Environmental Planning and Assessment Act. It has been used to save many of the State's most important rainforests, old-growth forests and wilderness areas from the excesses of State Forests. Yet, the new Government has proposed that the intent and effects of this fine piece of legislation, which was introduced by one a Labor Party member, will now again be undermined.

The Government has introduced legislation to extend the Timber Industry (Interim Protection) Act for a further three years. However, it is not proposed to delete those areas for which environmental impact statements have already been prepared, or to rectify major deficiencies of the Regulatory and Public Information Committee, which was established as a result of the 1994 amendment of the ALP to the Timber Industry (Interim Protection) Act. Hence, this extension to the Act has no ameliorating features. On this basis it could be said that there has been negative progress since 1994. The Minister for Land and Water Conservation, Mr Yeadon, has provided no convincing justification for the proposed three year exemption.

By June 1996 the New South Wales interim assessment process is meant to have identified all forests likely to be required for a reserve system with a moratorium over these forests. By 30 June 1996 the Minister for Planning will have had ample time to determine all outstanding environmental impact statements if the \$15 million plus spent by State Forests is not still being squandered on propaganda rather than scientifically and legally defensible EISs. If all high conservation value forests are protected and/or all EISs are determined by then, there will be no possible justification or need for the Timber Industry (Interim Protection) Act to continue beyond that date.

In fact, were the Government to include all forests likely to be required for an adequate reserve system in deferred forest areas, and to ensure that all National Parks and Wildlife Service and Environment Protection Authority licence conditions were both adequate and enforced, it is highly unlikely that any legal challenges would eventuate even if the Timber Industry (Interim Protection) Act was abandoned tomorrow.

The Regulatory and Public Information Committee was established by the amendment of the Australian Labor Party to the Timber Industry (Interim Protection) Act 1994. The committee was intended to serve as a safety mechanism to prevent high conservation value forests which had never undergone environmental assessment being logged, or at least to specify logging prescriptions which would protect key environmental values. However, the Regulatory and Public Information Committee—RAPIC—has largely failed because State Forests is effectively controlling RAPIC and district foresters are frequently ignoring the few conditions that RAPIC

places upon harvesting plans. This was exemplified recently in compartment 61 in Nullum State Forest when State Forests ignored three conditions in the harvesting plan approval by RAPIC; fauna advice provided to RAPIC, and recommendations of its own fauna expert that were made subsequent to the conditional harvesting approval of RAPIC.

As a result of the refusal by State Forests to adopt the recommendations of RAPIC and subsequent conditions, logging contractors killed or damaged 57 trees of the nationally endangered *elaecarpus* minyon in the compartment, the largest stand of this rare tree ever found. I visited that area and looked at the damage and destruction of the trees. It is criminal for this Government—a government that was elected with green credentials and one that said it would protect forests after the onslaught of the then coalition Government—to allow this process to continue. The Government has rubbed salt into the wounds of the environmental movement and the people of New South Wales by asserting it would institute the Timber Industry (Interim Protection) Act and then allowing this environmental vandalism to continue.

It is a sham for the Labor Party to say that conservation is a priority. The Labor Party is as bad, if not worse because of its hypocrisy, than the National Party—with all its excesses. The Government has led us down the garden path. We bent over backwards with the Forestry Restructuring and Nature Conservation Bill. We have gone to great lengths to be agreeable and have attempted to ensure that forestry workers in this State are adequately protected. It is an insult to now have the Timber Industry (Interim Protection) Act thrown in our faces after all the consultation that has been undertaken. At a meeting the Minister said that the Government would be extending the Timber Industry (Interim Protection) Act for three years. The environment movement is aware of National Party excesses in forests over the past few years and is bitterly disappointed with the Labor Party.

The stance taken by the Hon. D. F. Moppett was expected but more was expected from the Labor Party. Despite the position taken by the Wran Government in 1982 rainforests are still being destroyed and roading is still taking place throughout high conservation forest areas. Time and again, scientifically, that has proved to be the case yet the Timber Industry (Interim Protection) Act ignores all those concerns. Members of the forestry industry are walking around Parliament whistling a tune because they are so happy to have hoodwinked the Australian Labor Party and to have pushed my supporters effectively to the fringes. Despite the fact that these areas are vital to the maintenance of endangered species in this State, they will continue to be logged.

In typical form the present Government is selling the environment short. It has completely missed the point of the environment issue and the requirements of the people of New South Wales. As we move to the

next millennia our wonderful forest resources should be protected and the industry should have adequate opportunity to work in plantations. The ALP's interpretation of plantation development is clearing native forests and putting in plantations. What is happening with the joint ventures in the north of the State at present is a holocaust; what is occurring with our forest heritage is laughable. The Government will be judged by its constituents, who will leave the Labor Party in droves. The position taken by the National Party is predictable, but people are deserting the Labor Party because it is selling them down the drain. The Government is not protecting state forests; it has lied to its constituency and to the environment movement.

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In exempting State Forests from having to comply with the Environmental Planning and Assessment Act for a further three years, the Government is requiring this House to trust State Forests. The same bureaucracy and the same Neanderthals who had control of State Forests under the previous Government have control of State Forests under this Government, and they are operating in the same way. Members of the Labor Government are either absolute fools or they are condoning this type of destruction of state forests by allowing the same people to remain in control. The Minister says, "I told them to do this"; but they ignore him. On the ground they say, "Give us a bit of time. We will be back in your rainforest. We have wiped out all opposition under the semi-religious concept of jobs, jobs, jobs." The Government is ramming through legislation that will destroy this State's forest heritage.

I have said many times in this House that Australia has the highest rate of mammal species extinction of any country in the world. It is one of the few countries with, as it were, megafauna. It has vast resources. It will be sad, but in the years to come we will be able to say, "We told you so." It is a tragedy. Honourable members on the Labor Party benches may well laugh, but they will suffer electorally because of this legislation, and they will deserve it. They are the greatest bunch of hypocrites ever to sit on the Treasury benches. While people are endeavouring to protect the forests of New South Wales, the Government is introducing such legislation. It is absolute hypocrisy. At least the Hon. D. F. Moppet could be commended for his consistency. In the debate in the other place on the Timber Industry (Interim Protection) Bill on 21 April 1994, the Hon. Kim Yeadon, when in opposition, stated that the Labor Party was particularly concerned about the extension of the Timber Industry (Interim Protection) Act because "there be no proper environmental safeguards during this process". In his comments on the slow progress of EIS preparation and the failure of three EISs he stated:

... it is a problem within State Forests. To date State Forests has been unable to produce adequate EISs. State Forests has produced mediocre environmental impact statements and fauna impact statements, and consequently

either had to withdraw them or have them rejected.

Those were the words of Kim Yeadon, a member of the previous Labor Opposition but who is now a Minister. However, exactly the same thing is happening in State Forests today. The same people are in charge. Since becoming a Minister he has taken another tack. In the debate over the jobs crisis that surrounded the introduction of the Timber Industry (Interim Protection) Act in 1992 the Hon. Bob Carr, on 10 March 1992, stated:

The jobs they are talking about being endangered are those caused by the obstinate stupidity of those who run the Forestry Commission. They cannot get it right. Again and again they get it wrong.

Those comments, which the Premier made when in opposition, now compromise him as the Leader of this State. He is giving the green light to the same people in the same positions who are doing exactly the same things. In the debate on the Timber Industry (Interim Protection) Bill on 21 April 1994 the Hon. Kim Yeadon said:

The Minister for Land and Water Conservation has been stalling on the further exhibition of EISs until they are able to be made adequate.

Again, the same thing is happening today. Over a year and a half later the new Minister for Land and Water Conservation is not only stalling the further exhibition of EISs but is also proposing to exempt State Forests from having to complete such EISs, or to allow them to be legally challenged, for a further three years. What a wonderful way to protect the resources of this nation. I suggest to members of the National Party and members of the Call to Australia group, who think this is wonderful, hunky-dory legislation, that they really are killing the goose that laid the golden egg. They are destroying the very resources we rely upon, including a sustainable timber industry, which can continue in perpetuity, because they are going down the wrong road.

State Forests is still run by the very people about whom the Premier complained in 1992. They still cannot get it right. Again and again they get it wrong. Yet, unlike the previous Government, this Government intends to reward obstinate stupidity with a further three-year exemption from the provisions of the Environmental Planning and Assessment Act. In 1992 the Greiner Government passed the Timber Industry (Interim Protection) Act to exempt State Forests from having to prepare EISs prior to logging numerous old-growth forests and wilderness forests in 21 State Forests management areas in western New South Wales, and 14 eastern management areas were excluded from the Timber Industry (Interim Protection) Act. One such management area, Eden, was subsequently added in 1994.

Management areas still excluded from the Timber Industry (Interim Protection) Act are: Bago-Margle, Baradine, Batemans Bay, Bathurst, Batlow, Bulahdelah, Cessnock, Cobar, Coffs Harbour,

Condobolin, Coopernook, Deniliquin, Dubbo, Forbes, Gilgandra, Griffith, Gunnedah, Kendall, Lithgow, Marsh, Mildura, Monaro South, Moss Vale, Mudgee, Murray, Murrumbidgee, Narooma, Narrandera, Nowra, Orange, Oberon, Pilliga, Taree, Tumut, Wallaroo, Walgett and Warung. In the management areas excluded from the Timber Industry (Interim Protection) Act all logging has not ceased. In fact, State Forests have continued to bulldoze roads through rainforests and log old-growth forest as if the Environmental Planning and Assessment Act does not apply. If, as has been claimed in the lower House, virtually all native forest logging operations are likely to require EISs under the Timber Industry (Interim Protection) Act, why have not State Forests ceased native forest logging in these management areas?

Despite there being public concerns about some logging operations in these areas, there has not been one court case under the Environmental Planning and Assessment Act to constrain the logging operations of State Forests in these management areas since 1992. Where is the flood of litigation? We have bent over backwards to litigate only those very special areas that we have had to fight for. It is an expensive process. It is very difficult for members of the community working voluntarily to undertake this type of litigation. It is rarely done. We take these matters seriously and commence litigation only when it is absolutely necessary. No litigation has been commenced concerning those areas in that period.

The Government cannot have it both ways. It cannot claim on the one hand that the Timber Industry (Interim Protection) Act needs to be extended for three years to exclude 22 management areas from having to comply with the provisions of the Act because virtually all of the logging operations of State Forests are likely to require an EIS and, on the other hand, allow logging operations to continue in the majority of State Forests management areas on the ground that EISs are not required. As the courts have established that it is the worst excesses of State Forests that are constrained by the Environmental Planning and Assessment Act, it can only be assumed that this Government is seeking to exempt State Forests from having to comply with the Environmental Planning and Assessment Act for a further three years in 22 management areas because it intends to allow forests with exceptionally high conservation values to continue to be either logged or cleared for plantations.

I suggest both scenarios, and I have seen both scenarios. While the Government continues on its merry way, we are losing our fragile, rare, unique environment. When can we get it into the minds of most members in this Chamber that once gone, it is gone forever? These environments are unique. These species are unique. We are not talking about frivolously maintaining a garden-like situation. We are talking about habitat and species lost to the world forever because of clumsy hypocritical claims.

**The Hon. D. F. Moppett:** You are only talking about 1 per cent of that ecosystem being available.

**The Hon. I. COHEN:** If the Hon. D. F. Moppett cared to look beyond government propaganda, which he so joyfully accepts to support his National Party position, he may find that the Government's maps are wrong. He may find that the Government's claims are a combination of mirrors and smokescreens.

**The Hon. D. F. Moppett:** That is rubbish. I fly over them and travel through them. That is why I know about them.

**The Hon. I. COHEN:** Save State Forests is the dictum from the Government, therefore it is automatically saved—just like that!—even though the maps come from the Forestry Commission, even though the advice comes from people with a vested interest.

**The Hon. D. F. Moppett:** You want to get into an aeroplane and fly over them. You couldn't find where the forestry workers are.

**The Hon. I. COHEN:** It might be worthwhile to walk on the ground. As the Hon. D. F. Moppett says, when flying in an aeroplane you cannot see a damn thing. Our people have walked the ground in those areas, and they have conducted comprehensive scientific tests. The honourable member would not know what the endangered species were. He would not know what it was like to walk through a forest that has not been touched by logging. He does not know half the species in the forest. No-one does. Half these areas have not been properly studied for the presence of invertebrates and other species, many of which could be of great value to industry, science and medicine. These areas are the only places in the world where such rare resources can be found. Yet the honourable member deigns to suggest—in a glorious overview—that if we fly over the forest canopy—which to him must look like so much broccoli in the distance—we would all say, "How wonderful it all is!" I accept that he and the National Party have no interest in forests other than their logging values. I accept that view, and can almost commend it, in such a member.

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At the last election the Australian Labor Party defeated the coalition on the promise that it would look deeper into this issue, but the Labor Government has had an about-face and in this regard is as bad as the previous Government. Contrary to the claims of the Minister for Land and Water Conservation, the Environmental Planning and Assessment Act never resulted in a flood of litigation, nor have all forestry operations required an environmental impact statement. In fact, the history of forest litigation under that Act proves that the legislation has been used judiciously. In 1981 it was established that rainforest in Goonimbah State Forest could not be logged without an environmental impact statement. Premier Wran later considered this area to be of such

outstanding value that he reclassified the area and called it the Nightcap National Park and had it included on the World Heritage List. That was back in 1981.

**The Hon. R. S. L. Jones:** The Hon. D. F. Moppett would have logged that.

**The Hon. I. COHEN:** Of course he would. I was up there in that magnificent forest, as were National Party members and representatives of the logging industry. I stood before them—I guess I was one of those called the great unwashed—to face vilification by the police, by the industry and by politicians of all persuasions.

**The Hon. Franca Arena:** I never did.

**The Hon. I. COHEN:** I thank the Hon. Franca Arena, who I am sure, with her understanding of the issues, together with other Labor members supported us strongly at that time. However, people had to risk their lives to save those wonderful rainforests, and I am proud to have been one of them. History judged us right. The value of those forests is irrefutable, as is the value of remaining high conservation value forest areas. In the early 1980s an attempt was made in an unsuccessful court case to have rainforest logging made subject to a new environmental impact statement in another area that Premier Wran later considered so significant he had it renamed it the Werrikimbe National Park and also had it included on the World Heritage List. We are approaching the Olympics and the next millennium. What will we show the international community as we move towards the so-called green Olympics, a quality much touted around the world as the reason Sydney won the Games?

This Labor Government has not continued the great tradition set by its predecessor in the 1980s. Labor has chosen instead to change the name of the Forestry Commission to State Forests, to keep the same people in the top positions, and to leave the same district officers with unchanged mentality to carry on in exactly the same way. The Forestry Commission has had its name changed—that is all the Government thought it had to do—but it still stinks! During the past seven years of coalition Government, and especially in the early 1980s, the Forestry Commission showed what it could do to destroy rainforests. Now, in the 1990s, the Labor Government changed the commission's name but it left Hans Drielsma in position to pursue exactly the same policies he has pushed for years, assisted by the same district officers. Change the name, thank you very much! What wonderful, advanced government. The Minister for Land and Water Conservation can be justly proud of his reform in the forestry industry sector—he has changed the commission's name!

In 1983 legal proceedings using the Environmental Planning and Assessment Act were used to force the then Forestry Commission to prepare an environmental impact statement for rainforest

logging in the proposed Rockhill Creek Flora Reserve. State Forests subsequently included the area in a flora reserve, and now the Labor Government is proposing to include the same area in the Tooloom National Park. They tried, but did not succeed. We were right! In 1987 the Environmental Planning and Assessment Act was used in the Eden management area to establish that environmental impact statements had to be site specific for the logging of old-growth forest. In 1988 that Act was used in the Mistake State Forest to establish that logging on excessively steep and unstable slopes had to be subject to an EIS because of landslips and erosion. It was thought that Soil Conservation could be brought in to oversee and police the depredations of the forestry industry in water catchments so steep that, as proved in a court of law, they cannot be logged, and to do so would be third-world logging practice. Yet the Opposition wants to continue that very practice, as does the Labor Government.

Members should look at the wonderful display outside Parliament House, and particularly at the depiction of what has happened in the Solomon Islands. The Hon. D. F. Moppett might be disgusted, on looking at those photographs, about what is happening to rainforest in the Solomon Islands, but the same is happening in this State today. The honourable member might find it easy to externalise his disgust by saying, "But these primitive communities do terrible things to their pristine forests and wonderful resources, leaving filthy water flowing in their streams." I remind him that this modern, advanced, well-educated western society is doing the same. Surely we should know better—but we do not. The question "Why not?" is one I would like to ask Australian Labor Party. I hope that in reply at the conclusion of this debate the Minister representing the Minister responsible for forests will answer that question in depth and not gloss over it. However, the greatest priority to the Government is media window-dressing, not really biting the bullet on these conservation issues.

**The Hon. Franca Arena:** But it is doing that.

**The Hon. I. COHEN:** I beg to differ. We must take a walk in the forests together one day.

**The Hon. Franca Arena:** I have not had such an invitation for a long time.

**The Hon. I. COHEN:** The Labor Government is doing to the forests of New South Wales what the French are doing to the people and environment of Polynesia. What is happening in the Pacific is just as great as the destruction that is occurring in this State.

**The Hon. R. B. Rowland Smith:** That is rubbish.

**The Hon. I. COHEN:** I would not expect the honourable member, who talks so illustriously about racing, to be up to date. This would be an ideal time for him to retire and travel to the rainforests to have

a look. It would do him a world of good.

**The Hon. Elaine Nile:** That is discrimination against the aged.

**Reverend the Hon. F. J. Nile:** And against white-haired people.

**The Hon. I. COHEN:** My hair is rapidly going white—and after this debate it certainly will be. I am not against white-haired people.

**The Hon. Virginia Chadwick:** The Hon. R. B. Rowland Smith has more hair than you have.

**The Hon. I. COHEN:** The Hon. Virginia Chadwick comments on my galloping alopecia. My balding head reflects the ongoing deterioration of New South Wales forests, which are suffering in exactly the same way.

**The Hon. J. H. Jobling:** But forest grows back.

**THE PRESIDENT:** Order!

**The Hon. I. COHEN:** My apologies for commenting on the concept of age. A walk in the forest by the honourable member would be of great value to him. Too much time has been spent on red-letter seats and too little time on looking at the issue. Few Opposition members have visited these areas, and it is about time they did. In 1988 the Environmental Planning and Assessment Act was used to establish that an environmental impact statement was required before further roading in rainforest and old-growth forest logging occurred in the Dome Mountain area. The Government now considers that area to be of such significance it is intending to include most of it in the proposed Toonumbar National Park. We had to stop that roading, and the area is now to become a national park.

*[The President left the chair at 1.00 p.m.. The House resumed at 2.30 p.m.]*

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**The Hon. I. COHEN:** I shall continue to outline the litany of blunders made by the erstwhile Forestry Commission, now conveniently known as State Forests although little else has changed. Prior to the adjournment I explained State Forests' consistent history of bludgeoning its way through the bureaucracy, cajoling the government of the day and being wrong. I shall list examples of the mistakes made by the State Forests; any member from either side of this House who listens to these points without prejudice will agree that State Forests has an appalling record of lies and misdeeds with our State heritage. There needs to be a complete change of culture and leadership at State Forests. The Minister for Land and Water Conservation, the Hon. K. M. Yeadon, who is supposed to be the man in charge, should note these comments and be proactive before it is too late. The environment is now suffering under the administration of the Labor Government which belies any concept of a conservationist government.

In 1990 the Environmental Planning and

Assessment Act was invoked to establish that environmental impact statements were required before old-growth forests and identified wilderness areas were to be logged in the Mount Royal and Chaelundi state forests. This led to then Premier Greiner deciding to place most of the largest areas of old-growth forest under moratoria until environmental impact statements were prepared. The current Government was elected on the promise that it would protect these same areas of old-growth forests. I am sure that members on both sides of the House are well aware of the massive public campaign and the demonstrations by conservationists in those forests, particularly the Chaelundi forest, against State Forests and the government of the day.

We contend that we stopped the work in those areas following many protests and arrests. The protesters spent many days digging holes and building, climbing and spending nights in tripods. Again, as with the examples I outlined earlier, history proved us to be right. As far back as the late 1970s and the early 1980s, we were proved right on the rainforest issue. I was part of that campaign. I climbed a tripod, and I was with a group of young people—some teenagers—who attended for the good reason of defending that forest. We camped in the rainforest section of Chaelundi, which is an absolutely magnificent area; any members who saw the media coverage at the time of that action will agree that the area should not be logged and should have no roads constructed through it.

People who defended that forest were bundled into paddy wagons and taken to Grafton in quite inhumane conditions. The paddy wagon into which I was thrown—along with about 20 other people—had no rubber stoppers on the doors and the dust came in. People, me included, were severely affected by that campaign, with resultant respiratory problems from travelling for several hours on dirt roads in deplorable conditions. That is the type of action taken by people who had no vested interest other than their ideals for the preservation of those areas. They were proved right by the courts regarding Chaelundi, but the current Labor Government is providing no further protection of those forests.

**The Hon. Dr B. P. V. Pezzutti:** But they promised!

**The Hon. I. COHEN:** Its promises are empty rhetoric.

**The Hon. Dr B. P. V. Pezzutti:** They fooled the Green movement.

**The Hon. I. COHEN:** I agree with the Hon. Dr B. P. V. Pezzutti.

**The Hon. Dr B. P. V. Pezzutti:** Then why do you keep voting with them?

**The Hon. I. COHEN:** We vote on issues, not necessarily with the Government. I can assure the Hon. Dr B. P. V. Pezzutti that I will not vote with

the Government on this issue.

**The Hon. Dr B. P. V. Pezzutti:** They lied on not only this issue, but every other issue.

**The Hon. I. COHEN:** On this issue, as with others, the Government is lying regarding conservation, the endangered species Act and national park boundaries, and it is not delivering what it promised to the people of New South Wales.

**The Hon. Dr B. P. V. Pezzutti:** You cannot trust Keating either, can you?

**The Hon. I. COHEN:** I will get to that in a minute. In 1990, the Environmental Planning and Assessment Act was again invoked to establish that the 1980 environmental impact statement for Washpool had not proposed logging of rainforest in the North Washpool wilderness. Therefore, a new environmental impact statement was required before rainforest logging could continue. Again, I attended that area, and one could see with one's own eyes that the area was rainforest. I invite the Hon. D. F. Moppett to visit the region to see the quality of the forest that is now a world heritage area. In 1990 the Environmental Planning and Assessment Act was again invoked to force State Forests to stop clearing old-growth forests at Walcha. This related to the pine plantation.

**The Hon. Dr B. P. V. Pezzutti:** It was the previous Government.

**The Hon. I. COHEN:** That is correct; it was in 1990. However, I am talking about the role of State Forests—which was once the Forestry Commission, although all that changed was the name—which is not keeping up with the times and the demands of the conservation movement. I remind the people of New South Wales that in the late 1970s and early 1980s, 70 per cent of the people of New South Wales wanted an end to rainforest logging; a similar percentage, if not larger, would have the same opinion today. People want their heritage to be protected. People want two things: first, they want a viable timber industry and, second, they want our old-growth and high conservation forests to be protected. This view is clearly indicated in polls taken across the State. The current Government is not delivering at all on its promise to protect those forests. In debate on the forestry restructuring bill I, as a representative of the green movement, and other members on the cross benches bent over backwards—the Hon. R. S. L. Jones now probably has a permanent back problem—to comply with the wishes of those in the industry to give the workers, particularly those at the bottom level, on the factory and mill floors, a fair go and an opportunity to restructure, to move into plantations and to develop a sustainable industry. For all of our efforts with the Forestry Restructuring and Nature Conservation Bill we had rorts thrown in our faces.

**The Hon. Dr B. P. V. Pezzutti:** What about

security if you actually plant and harvest something?

**The Hon. I. COHEN:** Again I agree with the Hon. Dr B. P. V. Pezzutti. The only security in this legislation is to destroy more of our high conservation areas, not to replant trees. Clearing areas of State native forests for plantations is, and has been for a long time, something close to the heart of the environmental movement. We are being sold down the drain; the plantations are not being established on cleared land but on areas of valuable native forest that are being cleared. This is untenable; it should not continue. Returning to my outline of the history of State Forests, in 1990 the Environmental Planning and Assessment Act was again invoked to cause that organisation to stop clearing old-growth forest at Walcha for conifer pine plantation developments which the Wran Government announced in 1979. This proposal was subject to an environmental impact statement. State Forests has since cleared 3,764 hectares of native forest for pine plantation. That is totally inappropriate. The promised environmental impact statement was never prepared. This Government was elected on the promise that no more native forests would be cleared for plantation.

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**The Hon. Dr B. P. V. Pezzutti:** But they lied.

**The Hon. I. COHEN:** I agree with the Hon. Dr B. P. V. Pezzutti. The Government has lied. This Government is clearing native forests for pine plantations. Despite this, there has hardly been a flood of litigation, nor is a chronology of the Environmental Planning and Assessment Act being used to stop logging of virtually all native forests. For example, the Act has been used to stop some of the worst excesses of State Forests and to ensure that some of the most important forests in New South Wales have been protected, at least until their importance has been assessed. The important forests are those with species diversity, those that contain vulnerable and endangered species that will be extinct in the not too distant future unless radical action is taken. This State's most important forests must be protected until an assessment has been made of their importance and of the impact of logging on them.

It is evident that the Government does not want to allow the worst excesses of State Forests to be subject to judicial scrutiny. How many more exceptional old-growth forests and rainforests does the Government intend to allow State Forests to devastate over the next three years under the exemption provided by the Timber Industry (Interim Protection) Act. That Act was in force for three years under the "Green Labor Government" and for six months under the coalition Government. If the Timber Industry (Interim Protection) Act is to have any environmental credibility, its regulatory and monitoring body, the Regulatory and Public Information Committee, must be reformed. Currently RAPIC does not have authority in areas where harvest plans were approved before April 1994, cannot apply legally binding conditions to areas under its control, will not act on

breaches of its determinations, fails to maintain an up-to-date register, does not fulfil its monitoring role, and has refused to allow public inspection of documents until up to a month after they have been approved.

What sort of watchdog organisation is that? What sort of transparency exists in this farcical situation? Those who head State Forests are working in exactly the same way as their predecessors did from time immemorial—completely unchanged, unfettered by government. Those in the forestry bureaucracy, and particularly those at its head, are laughing because those of us who are involved in the Green movement have made fools of ourselves in supporting the Government so far. They say, "We have done you on the endangered species Act." I am willing to say today that I have made a significant mistake; I admit to making a serious mistake. The Green movement supporters have been dumped on from a great height. At the end of a meeting Kim Yeadon said, "By the way, we are extending the Timber Industry (Interim Protection) Act." You could have knocked us over with a feather; we walked out of the meeting stunned. There was no discussion, we were merely told that the Timber Industry (Interim Protection) Act would be extended.

**The Hon. Dr B. P. V. Pezzutti:** What about Richardson before the election in 1987? That was a joke, wasn't it?

**The DEPUTY-PRESIDENT (The Hon. Ann Symonds):** Order! I suggest that the Hon. Dr B. P. V. Pezzutti seek to have his name added to the speakers' list or cease interjecting.

**The Hon. I. COHEN:** The Regulatory and Public Information Committee—RAPIC—was established in 1984 by an amendment to the Timber Industry (Interim Protection) Act to regulate forestry operations in areas covered by the Act. Membership of the committee comprises State Forests, the Soil Conservation Service—which is now the Department of Land and Water Conservation—and the National Parks and Wildlife Service. State Forests provides the secretarial services. The functions of the committee are to determine the compartments to be logged and the sites of roads proposed by the former Forestry Commission during any period when logging and roading takes place—prior to the environmental impact statement being prepared and determined; and to monitor logging and roading undertaken by or on behalf of the Forestry Commission—after an EIS has been determined.

RAPIC legally only has the right to approve or refuse harvesting of compartments. Where logging is permitted subject to conditions, the committee has no legal standing and is very often ignored. Rather than provide separate conditions for harvesting plans, RAPIC has the ability to require that its conditions are incorporated into amended harvesting plans before approval is granted, making them legal conditions.

There is a question as to whether State Forests management areas where Timber Industry (Interim Protection) Act environmental impact statements are not being prepared, and where they have been completed, require RAPIC approval. In practice such approval is not being sought.

In management areas where Timber Industry (Interim Protection) Act environmental impact statements have not been completed, State Forests has logged compartments without RAPIC approval, on the ground that the harvesting plans were prepared prior to RAPIC being formed. That is a clear legal breach of the Timber Industry (Interim Protection) Act. But work goes on regardless, again under a Labor Government. RAPIC is failing to monitor logging and roading operation in areas where environmental impact statements have been determined, even where breaches of the determination of the Minister for Planning have been reported and verified by the National Parks and Wildlife Service. RAPIC fails to maintain its public register up to date and refuses to allow public inspection of documents until some time, often over a month, after they have been approved.

Specific complaints to RAPIC regarding breaches of its conditions, logging of compartments without its approval, logging of compartments in contravention of the determination of the Minister for Planning, and other relevant issues have not been responded to or acted upon. The bureaucracy is a power unto itself. I, as a Green, and those in the conservation movement, have asked the Minister and his officers time and again to change the culture, to get rid of some of the bad eggs. We have been ignored. The Minister is either extremely naive or he is weak.

Environmental protection measures that were supposed to be guaranteed under the Timber Industry (Interim Protection) Act are clearly not working. In June this year compartment 315 of the Yambulla State Forest in south-eastern New South Wales was licensed by RAPIC, the environmental watchdog set up under the Timber Industry (Interim Protection) Act, after it was identified by the National Parks and Wildlife Service as probable habitat for the long-footed potoroo—probably the rarest endangered mammal in New South Wales.

The long-footed potoroo is the rarest endangered mammal in the State, and Australia has the highest rate of species extinction on the planet. This animal is facing extinction, yet nothing is being done to protect it. In the north-east of New South Wales one of the last stands of an endangered plant—*eliocarpus minyon*, in Nullum State Forest—has been destroyed because State Forests is thumbing its nose at imposing harvesting regulations, as RAPIC is not able to effectively monitor or enforce environmental safeguards. More than 50 plants have been wiped out—another species one step closer to extinction.

**The Hon. Dr B. P. V. Pezzutti:** Carmen Lawrence doesn't care.

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**The Hon. I. COHEN:** The Liberal Party, the National Party and the Labor Party do not care. None of them cares that this species is headed for extinction. Fortunately some people care; perhaps not members of this House because their minds are fixed on their four-year responsibility cycle.

**The Hon. Dr B. P. V. Pezzutti:** Eight years.

**The Hon. I. COHEN:** All right, it is eight years. The Government is trying to establish its supposed bona fides with the media. Fortunately there are people in the community, by and large young people, who do care. Those young people are up in the forests today. Yesterday I attended a meeting, as did the Hon. R. S. L. Jones—we give out time at weekends to attend these meetings—and I am pleased to inform honourable members that following that meeting people of northern New South Wales launched a wet subtropics campaign and will blockade the forests and keep the Murwillumbah management area closed. The logging industry will not be allowed in. The Greens and conservationists have debated and negotiated with industry representatives for a year; we have visited places such as Coolah and have considered the overall situation; and we have discussed the matter with everyone, including Ministers and officers. We will go back into the forests because of our dissatisfaction with the parliamentary process and the lack of responsibility of those who have the power to do something for the environment but have failed to act. They refuse to listen to us.

The State secretary of the Construction, Forestry, Mining and Energy Union, Gavin Hillier, has threatened violence against the people who have gone into the Murwillumbah forest area and said that he will send in workers to break the blockades. Despite that threat, peaceful young people are prepared to go into the forest areas and risk their lives. A few months ago some people were horribly bashed by the logging community in Wild Cattle Creek. I can understand the frustration of the logging community, which is being manipulated by both sides of politics and by the powers that be. That is why the Greens bent over backwards to establish a reasonable rapport with the timber industry in regard to the Forestry Restructuring and Nature Conservation Bill. Those who did the bashing in Wild Cattle Creek will not get away with it. A week or so ago people from Dorrigo were charged, they went through the court process and were found guilty. The Greens were vindicated: people cannot bash protesters and get away with it. We will continue to take that action against if the unions and the workers, goaded by their political masters, threaten the same type of action. After Parliament adjourns for the year I will go into the forests and if members of the green movement are bashed, they will go to the police. If they have to go through the court process then so be it, but we will be in the forests to stop the destruction that is occurring in the Murwillumbah management area because the Government has failed.

**The Hon. Dr B. P. V. Pezzutti:** And they lied.

**The Hon. I. COHEN:** Government members have lied. I shall refer to another statement by the Minister. In the debate on the Timber Industry (Interim Protection) Act on 21 April 1994—pre-election, when the coalition was in government—the former shadow minister, the Hon. Kim Yeadon, stated in the other place:

The Opposition seeks an open and transparent system in this legislation so that people can view the logging and cutting plans with 40 days' notice for the people making the decisions that relate to the interim legislation.

That 40 days notice is a farce. Now that Mr Yeadon is the Minister I would like to know whether that 40 days was meant to be a biblical 40 days and nights as far as those in the forests are concerned. That is a long time. The only thing that will save the forests is if it rains as it did in the time of Noah; nothing else will save the forests. We pray that rain will fall in those areas. The Hon. Kim Yeadon, when he was shadow minister, further stated:

The amendments of the Labor Party will put in place a more transparent process so that all interested parties are aware of what is occurring.

That really makes one's heart bleed. The former shadow minister continued:

It is to be hoped that this will result in a conflict-free, worthwhile, adequate and efficient process.

**The Hon. Dr B. P. V. Pezzutti:** Did he have his fingers crossed?

**The Hon. I. COHEN:** I cannot say; I am reading what has been recorded. The shadow minister continued:

We hope that our proposal will remove the conflict and resolve the problems.

That was the rhetoric of the shadow minister, of the Labor Party when in opposition, and of the Labor Government, which gained office in great part from the preferences of the conservation movement; that valued Green vote that everybody is so keen to get, pre-election. The Greens and other members of the conservation movement are now back in the forests. We thank the people who are in the forest at Murwillumbah today. I hope that they will be able to stay there. They will get support from a few members of this House, although not members of the major political parties, and from others in the community. A few days ago someone inspected the Regulatory and Public Information Committee public register to obtain up-to-date information on compartments approved by RAPIC for logging. The most recent information held was for 5 September 1995—11 weeks ago! Since then five meetings have been held that the public has not been informed of. That is not unusual; it is the norm.

By the time the public can find out what compartments are being considered by RAPIC logging of the compartments has already been approved. By

the time the public can find out what compartments have been approved, and under what constraints, the areas have already been logged; the logging is finished. That is transparency ALP-style; it is the environmental awareness of a Labor government. The Hon. Kim Yeadon has rejected our requests to reform RAPIC to make it genuinely open and transparent and to ensure that people have a chance to be informed of logging plans in advance, so that they can make submissions to RAPIC. For RAPIC to regulate forestry activities in this interim period while the Environmental Planning and Assessment Act is suspended, the following reforms are essential, but unfortunately have not been considered so far by the ALP: all compartments proposed for logging must be subject to RAPIC approval; RAPIC conditions imposed on harvesting plans must be legally enforceable, and effective monitoring of these conditions must occur; clear guidelines must be established.

It all seems rather straightforward and reasonable. One wonders why it has not been possible to introduce those reasonable reforms. Clear guidelines must be established by which RAPIC assesses harvesting plans; the processes administered by RAPIC must be more independent, with administration of RAPIC undertaken by the Department of Urban Affairs and Planning, not State Forests as occurs at present. State Forests has proved time and time again that it is not able to handle the situation, unless there is a radical transformation of the organisation. I suggest that that is a very long way off, partly because of the attitude of those in control, partly because of the Minister's lack of action, and principally because no-one in the Labor Government is prepared to attack the culture in State Forests and do something constructive about it to drag it into the twentieth century. State Forests still functions under a 1950s mentality. Further necessary reforms include: appointing a representative of the Nature Conservation Council of New South Wales to RAPIC; the committee's processes must be made open and accountable through making its meetings open to the public; ensuring that applications and draft harvesting plans are made publicly available upon their submission to RAPIC; inviting and considering public submissions; and ensuring that the public register is up to date. The Government was elected with the support of the Greens because of Labor's forest policy before the elections. That policy contained no reference to extending the Timber Industry (Interim Protection) Act, until the vote was taken on the final sections of the forest restructuring bill.

**The Hon. Dr B. P. V. Pezzutti:** You are learning.

**The Hon. I. COHEN:** I am learning fast. State Forests spent millions of dollars on environmental and fauna impact statements. The fact that most remain incomplete or undermined only further demonstrates that State Forests is running its

own agenda. That is a tragedy, bearing in mind the amount of money spent on window-dressing and on protecting the jobs of State Forests officers and their perspective of the industry. That money has been wasted and would have been better spent on a proper restructure of the forest industry, with people working in real plantations, not what the Government chooses to call plantations: any slightly logged forest is now a plantation. Any forest that still has significant species in it is called a plantation. I am talking about plantations on marginal land or bare farming land that can give farmers and timber workers jobs and income in perpetuity. Massive areas of forest are being cleared to plant these so-called plantations. This has been the cry from the conservation movement for the past 20 years. If the Government had taken note of our reasonable statements 20 years ago we would have forests, plantations and jobs in perpetuity. However, we are now arguing over the final scraps.

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**The Hon. Virginia Chadwick:** If that had been done 20 years ago, we would be culling now.

**The Hon. I. COHEN:** Absolutely. We would be culling now. A viable timber industry would be working off a plantation base, and we would be able to use the material grown on cleared land.

**The Hon. Dr B. P. V. Pezzutti:** It was all Neville Wran's fault.

**The Hon. I. COHEN:** I disagree with the Hon. Dr B. P. V. Pezzutti; it was the fault of the coalition and Labor governments.

**The Hon. Dr B. P. V. Pezzutti:** Twenty years ago it was Neville Wran.

**The Hon. I. COHEN:** It was also Neville Wran's fault. I ask the Hon. Dr B. P. V. Pezzutti to be honest about this. Both Labor and Liberal-National governments have been appalling in terms of dealing with the forestry issue. They used workers as pawns and ran the green coffers of the State dry. Now they are after the Crown jewels; the attitude is to get the lot before it is all gone. In New South Wales the rescheduling of compartments is based on State Forests logging schedules, rather than ecological requirements. Many of the compartments deferred from logging have already been logged under the Timber Industry (Interim Protection) Act. Those few that have not been logged are not protected beyond June next year. The enormous effort of conservationists to make the processes work is being ignored while the Government bends over backwards to meet the demands of the timber industry. Conservationists have come to Parliament. They have shown computer models and maps. They have pored over examples for hours on end and worked through the night to present irrefutable scientific evidence to parliamentarians.

**The Hon. Dr B. P. V. Pezzutti:** I was there.

**The Hon. I. COHEN:** I hope that the Hon. Dr B. P. V. Pezzutti was impressed with the work done

by these people. What does the Government do? It ignores the clear lines on the maps and uses the outdated, amateurish State Forests maps as a guideline. Today we have pine plantations in the deferred forest area process. Logged forests are protected, and old growth forests and high conservation value areas are earmarked for logging. That is convenient for the industry and for State Forests. They have not done their homework, although they have been paid immense amounts.

**The Hon. Dr B. P. V. Pezzutti:** Keating believed them, too.

**The Hon. I. COHEN:** Keating seems to have lost the plot. He deigns not to associate with anyone except those associated with arts bodies, and not to look at the conservation movement. The conservation movement seems to be below his taste in Italian suits. I agree with the point made by the Opposition about Mr Keating. The Government made a point about Mr Collins. Their sartorial aggrandisement is certainly in keeping with their attitude of keeping the beauty of the forests preserved. It is interesting to see members from both sides of the House attacking each other, and legitimately so, because members from both sides have ignored the issue completely.

**The Hon. Dr B. P. V. Pezzutti:** We didn't lie; they lied.

**The Hon. I. COHEN:** I shall adjudicate on this slinging match and say that both sides lied. A proposal put to the Government was a commitment to a moratorium on any logging or associated logging activities, including road building, to apply to all forest wilderness areas as identified by the National Parks and Wildlife Service. The reason for this is the great concern of the conservation movement about the exclusion of such areas in the deferred forest agreement, and submissions to the Government have requested the rectification of the maps and the commitment to the government policy of a moratorium.

In the very north of New South Wales, about half of the identified Lost World Wilderness Area within the Mebbin State Forest is identified as an interim resource within parts of compartments 9, 10, 11, 13 and 16. This area was originally proposed for addition to the Lost World Wilderness Area in the Border Ranges National Park by the Fahey Government, before the backbench revolt saw the proposed wilderness declarations reduced from 350,000 hectares to 113,000 hectares. The affected area of Mebbin State Forest adjoins the Border Ranges National Park east of the Tweed Range escarpment. The identified area contains mainly rainforest and has a slope of over 33 degree. It would not be practical to log this area. The affected part of the forest should be excluded from the interim resource area so that it may be declared a wilderness area without delay. Reverend the Hon. F. J. Nile should listen when I say that the lines on the map are

wrong.

We are getting away from the original debate about the benefit for forest industry workers. State Forests got its lines wrong; it has made massive mistakes. I encourage all members of the House to take look at comparable maps to determine the accuracy or inaccuracy of State Forests maps. State Forests chose to leave the identified wilderness boundary off the map indicating the proposed harvest strategy for 1995-96. A small part of one compartment in the Forest Land State Forest—part of compartment 335—within the identified Washpool wilderness is in the compartments scheduled as part of the interim resource area. Part of the Moogem State Forest, part of compartments 2 and 3, flanking the sides of two tributaries of the Timbarra River is also within the identified wilderness. In the identified Guy Fawkes Wilderness Area, the southern extremity of Oakwood State Forest, part of compartments 99, 100 and 101, is within a proposed interim resource area.

In the identified Mann Wilderness Area, parts of compartments 30, 40, 41, 51, 52, 53, 54 and 55 in the Gibraltar Range State Forest are proposed to be part of the interim resource area. Part of the Yessabah State Forest—parts of compartments YE52, YE54, YE46 and YE50—within the identified Werrikimbe Wilderness Area the Eight Outside Creek and Steans Bridge roads has been included in the proposed interim resource compartments. Part of the Carrai State Forest—parts of compartments CA28 and CA29—and part of the Castles Flora Reserve 123 are also part of the identified Werrikimbe Wilderness Area within the proposed interim resource compartment, within a part of compartment CA28.

I am relating facts, as compared with the drivel and argument that comes from the major political parties. I have something important historically to say. In the identified Barrington wilderness, the interim resource compartments include part of Blue Gum Flora Reserve No. 22 and part of the adjoining Stewarts Brook State Forest—part of compartment 211. In the Deua Wilderness Area, the identified area has been excluded but an important wilderness addition nominated by the canopy committee of the Total Environment Centre is contained in part of the proposed interim resource compartment. This area is within the Badja State Forest between the Deua National Park and the Badja Nature Reserve that protects an important upland swamp in compartments 63, 64 and 65.

**The Hon. R. S. L. Jones:** But they are out of old growth—they said so.

**The Hon. I. COHEN:** Our evidence will stand up in court when the time comes. The matter will go to court, which is unfortunate because much time and effort has been put into discussing this matter with the Government. I reiterate at this point that we have people in forests in the north of New South Wales and in the Murwillumbah management area and they will

stay there, because the Government is not listening. The identified Wollemi Wilderness Area is understood to contain part of the Putty State Forest. Regarding State forests on the western side of the wilderness, part of the Coricudgy and Newnes State forests also may be within the identified wilderness areas. In 1995 most of the Putty and Coricudgy State forests were nominated by the Colo committee as wilderness under the provisions of the Wilderness Act.

The identified Nadgee Wilderness Area contains the Table Hills within the Nadgee State Forest but the harvest schedule map fails to indicate this area as wilderness. The Table Hills, in part of compartments 147, 148 and 124, and apparently part of Maxwells flora reserve No. 116, in parts of compartments 143 and 159, are not listed in the table of potential harvest compartments. It would appear that these compartments are incorrectly mapped as being within the interim resource compartments scheduled for logging. The identified Goodradigbee Wilderness Area contains 5,750 hectares of the Buccleuch State Forest. The Buccleuch State Forest is within the Tumut Forest management area and should be incorporated within the deferred forest area assessment process and the comprehensive, adequate and representative reserve assessment process. This part of the Buccleuch State Forest is old-growth forest, and before 1967 was part of the Kosciusko State Park. The Minister has falsely informed the Parliament; he has misled the House—

**The Hon. Virginia Chadwick:** Who has?

**The Hon. I. COHEN:** The Minister—and has unquestionably repeated the demonstrably wrong and misleading claims of State Forests. He continues to reward the industry and State Forests for their unlawful 13 years of work by granting a further three-year extension to the Timber Industry (Interim Protection) Act so that they can do as they please. Only a tame, teddy bear Minister, nicely groomed by State Forests, would repeat the garbage of an argument first trotted out by the National Party as part of a rationale for continuing to exempt one, and only one, State agency from this requirement of law and as a reason for permitting the rapid destruction of ancient forests of major conservation significance. But, Yeadon and his union mates want to be easily convinced by State Forests—remember the slogan, "Jobs, Jobs, Jobs"?—and will gladly accept lies, lies, lies. I hope that the people of New South Wales will not accept those lies.

At this point I would like to make mention of what I regard as a rather interesting situation, just to draw the Commonwealth into this whole process because, of course, the destruction will continue unabated with the Commonwealth and its deferred forests area process. In eastern New South Wales the Commonwealth's deferred forest assessments have locked up all pine plantations in New South Wales; all pine plantations are protected. Who identified the compartments? State Forests! It was State Forests

that identified the compartments and sent the information to the Federal Government. Now the Prime Minister is locking up pine plantations in New South Wales. What a wonderful process we have. Of course, the Government will say that the greens do not know what they are talking about, that it is all emotion. Of course it is emotion. The fact is that the Federal Government has protected the pine plantations of New South Wales. Guess who printed the maps? None other than State Forests! State Forests printed the maps and delivered them to the Federal Government. That was the process, so accurate, so wonderful.

In conclusion I express my great disappointment at the extension of this Act. I believe the concerns of the conservation movement are fair and reasonable and show great respect for our natural heritage, and also great respect for the timber industry and the people who work in it. It is disconcerting that the Government would not consider the amendments put to it. I oppose the amendment and reiterate my concern for the conservation of our precious forests. The Greens stand here today, strongly opposed to this abhorrent extension of the Timber Industry (Interim Protection) Act and ready to fight in every way possible to ameliorate the destruction that will be wrought by it. The Act itself is a rort; it was introduced in the days of National Party hysteria and it does not have a leg to stand on. It has been a shock to me and to many others in the conservation movement that this Act should be reconstituted, like some demon revisited under the Labor Party regime.

It proves to me beyond a shadow of a doubt that it is the industry and the unions who are setting the agenda with the Labor Government on this issue. The Labor Government is not listening to its natural constituency. The timber industry by and large will vote for the National Party at the next election. The timber industry will vilify the Labor Government. The Labor Government is selling its natural constituency down the drain by not listening to the very reasoned arguments of the conservation movement and the sentiments of the vast majority of the people of New South Wales. From the end of the nineteenth century people have said very clearly that they want our State heritage protected. They want old-growth forests and rainforests protected and they want a viable plantation timber industry. Many unemployed people of this State could be put to work to clear land for plantations. At least that work would be honest, in contrast to what State Forests is doing at present with its fiddles and fudges on this issue.

**The Hon. Virginia Chadwick:** Fiddles and fudges?

**The Hon. I. COHEN:** Yes, fiddles and fudges.

**The Hon. Virginia Chadwick:** That is very alliterative and passionate.

**The Hon. I. COHEN:** Almost onomatopoeic, for example, a mountain stream is losing its forests at

a fast rate.

**The Hon. Virginia Chadwick:** No, it is not onomatopoeia, it is alliteration.

**The Hon. I. COHEN:** Thank you. I will take the lesson and stay in after school. I suggest that anyone with a sense of honour would vote against the Timber Industry (Interim Protection) Amendment Bill.

**The Hon. A. G. CORBETT [3.17]:** I also oppose the bill. Once again I remind the House that the enactment of the Timber Industry (Interim Protection) Act was an initiative of the Greiner coalition Government. Its purpose was to allow the Forestry Commission, now State Forests, to continue undisturbed in its policy of blatant non-compliance with the provisions of the Environmental Planning and Assessment Act. Throughout the 1980s and into the 1990s the Forestry Commission carried out forestry operations in areas of State forests, including old-growth areas and areas with significant biodiversity value, without first completing an environmental impact statement. A number of public interest litigants successfully challenged this behaviour in the Land and Environment Court and in 1988 that court held that the Forestry Commission was clearly breaching—

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! People seated in the public gallery will not attempt to communicate directly with members in the Chamber. Should they attempt to do so, they will be asked to leave the gallery. Similarly, members with friends in the gallery should not encourage such communication.

**The Hon. A. G. CORBETT:** I repeat, a number of public interest litigants successfully challenged this behaviour by the Land and Environment Court, and in 1988 that court held that the Forestry Commission was clearly breaching the Environmental Planning and Assessment Act, yet the Forestry Commission continued this behaviour and this Act permits State Forests to maintain its disregard for the requirements of the Environmental Planning and Assessment Act in a large number of areas. The Act is an anomaly and it is difficult to find any real justification for its existence. The employment issues with which the forestry industry continually frightens governments cannot be resolved by such legislation. Unemployment in the forestry industry is a consequence of a dwindling resource, the non-sustainable pattern of resource exploitation and industry restructuring. The Resource Assessment Commission has clearly identified this. In other words employment issues are not being effectively resolved, nor are valuable areas of species habitat being protected. The effect of this legislation is to postpone the inevitable and shift the responsibility on the shoulders of a future government which must somehow remedy our mistakes. It is also significant that the Timber Industry (Interim Protection) Act was intended to be an interim measure until environmental

impact statements were completed for the areas opened up to the industry. Despite much self-promotion in this respect and despite existing extensions to the timetable in the original Act, State Forests had been deficient and lax in producing environmental impact statements which can be approved by the Department of Planning. There is little reason to believe that this situation will change if the existing legislative regime continues. However, I must add that the Minister for Land and Water Conservation has, to his credit, shown a determination to attempt to change the entrenched culture of State Forests but, alas, so far with little success.

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State forests are an important area of habitat for a large number of endangered species, perhaps more than we know. These areas of habitat are not protected under the Endangered Fauna (Interim Protection) Act, since the National Parks and Wildlife Service openly confesses to allowing local extinctions and is yet to refuse State Forests, or indeed any other applicant, a licence to kill endangered species. Without additional legislative protection the news for the many endangered species residing in our state forests is very grim indeed. National parks alone cannot provide refuge for viable populations of endangered species. With biodiversity as one of the crucial issues of our time this consideration cannot be ignored.

This Act is a short-sighted piece of legislation which panders to the short-sighted goals of an organisation described in a 1990 Public Accounts Committee report as "locked in a time warp, displaying a management structure, commitment to productivity and ethos which was more appropriate to a British colonial bureaucracy of the 1950s." I am disappointed that the Labor Government, which has thus far displayed a conservationist slant in the creation of national parks and the enactment of a state environmental planning policy that controls private land clearing, would suggest the extension of a Greiner initiated piece of legislation which impeded the effective operation of Labor initiated legislation, the Environmental Planning and Assessment Act. State Forests should, at the very least, be subject to the same controls as other government organisations under this legislation.

I am here, among other reasons, to protect and renew the environment for the children of this State. I believe that the proper maintenance of our rare and wonderful ecosystems is fundamental to a quality of life that we, as a generation, and learning from the mistakes of the past, can be proud to pass on to our descendants. I have worked with other members on the crossbenches and members of the wide conservation community and I am convinced that their arguments against this extension are by and large sound in judgment. A Better Future for our Children supports those ideals and is convinced that the direction taken by this Government in seeking to amend the Timber Industry (Interim Protection) Act is a step backward in terms of appropriate treatment

of our precious resource, that is, our environment, and hence what is best long-term for the children of New South Wales.

**The Hon. R. S. L. JONES [3.23]:** On behalf of the Australian Democrats I oppose the Timber Industry (Interim Protection) Amendment Bill. No wonder Mr Col Dorber is walking around Parliament today happily smiling, whistling and boasting that he has done over the Greenies, done over the conservationists. He claims to have done over the conservationists on the Threatened Species Conservation Bill as well. When there is a smile on Col Dorber's face we have got to be worried, I can tell you. The Timber Industry (Interim Protection) Act was enacted in 1992 as a result, as we have already heard, of a number of successful court cases when it became clear that State Forests were breaking the law regarding environmental impact statements. That was essentially National Party legislation. I am surprised that it is a Labor Government that is extending this legislation for three years. The coalition would never have been so outrageous as to attempt to extend it for three years; it would not have got away with it. I strongly suspect that some Government members who today will support this, would once have fought vigorously against any three year extension. I suspect that at this rate the coalition will be greener than the Labor Party.

**The Hon. J. H. Jobling:** You are just discovering the truth.

**The Hon. R. S. L. JONES:** I am just discovering what may be the truth. State Forests has had three and a half years to progress beyond this so-called interim situation and by now should have prepared adequate environmental impact statements for all its old growth and high conservation value native forest logging operations, and thereby would have complied with the Environmental Planning and Assessment Act, in line with every other government agency and major developer in this State. It is only State Forests who are unable to obey the law. There is a saying in South America, "Mismo circo con diferentes payosis" which means the same circus but different clowns. Essentially the bureaucracy is still intact—

**The Hon. J. H. Jobling:** Would you identify the language?

**The Hon. R. S. L. JONES:** Spanish, it is a South American phrase. When they change governments frequently, the bureaucracy remains in place and still governs, and that is exactly what has happened this time. But this time the bureaucracy has managed to rort the system to the extent of getting this measure extended by three years, when it would never have got away with it under a coalition government. In fact, the bureaucracy is actually stronger than it was under the coalition Government, because the coalition Government knew when they were being done over by the bureaucracy. The

bureaucracy is having a field day with Ministers who do not actually realise they are in charge of the situation.

I told the Minister for Land and Water Conservation he is in charge of the situation, he is the one who should be running the show and not State Forests, but he does not seem to realise that yet. State Forests are running the Minister. State Forests are the ones who are deciding the national park boundaries. State Forests are deciding everything and the whole system is being grossly rorted. In fact, we had talks yesterday about setting up a select committee to examine State Forests and their management practices and we will be hearing more about that later on, no doubt, because this system has been badly rorted. This is a classic example of how it has been rorted. It is ironic that this legislation has been introduced, given what the Minister said in a speech on 21 November, namely:

The Government's forestry reforms have already transferred logging from identified wilderness and high-conservation-value old-growth forests to mainly regrowth forests and plantations.

In that case the Timber Industry (Interim Protection) Amendment Bill does not need to be extended. There would be no chance of any court case occurring regarding a regrowth forest or a plantation at all. What this legislation means is that the Government has not pulled out of high conservation old growth forests or wilderness. The Hon. I. Cohen identified a number of compartments in wilderness areas, including flora reserves which are on the hit list for State Forests, if they get away with it and if the Minister does not see through the rorts perpetrated by State Forests.

So far three environmental impact statements have been determined, two have been put on public display, one is currently on display and it is understood that six more environmental impact statements are due to go on public display soon. If State Forests had met their legal obligations under the Environmental Planning and Assessment Act, as they should have done by now, there would be no reason to extend this Timber Industry (Interim Protection) Act. As the Hon. I. Cohen said, they have spent a huge amount of public money on environmental impact statements which will effectively be totally wasted if this bill passes here today, which I have no doubt it will, with the support of the coalition. The coalition, especially the National Party members, will probably be delighted that they managed to get it through for three years. This is bowing basically to Boral and the other big timber companies that have rorted the system under the same State Forests, under the same managers. Boral got about 80 per cent of the northern resource and the small timber companies are not getting anything; they are being squeezed out. I wonder how that system got rorted under the previous Government, and exactly the same thing could happen under the current Government.

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Recently I met Jack Beale who was a Minister in 1971 and a member of Parliament from 1942 to 1973. I first met him in Stockholm at an environmental conference. He was the Minister who signed the original deal with Harris Daishowa, so this rorting has been going on for a very long time. If the Government intends to honour its commitment to protect old growth forests then it is hard to fathom the rationale for continuing to exempt State Forests from the Environmental Planning and Assessment Act—that is the bottom line. It is disgraceful—I am quite incredulous—that I have to speak in support of a three-year extension of the Act. I did not think I would have to do it with a government that got in on conservation preferences. I know that the coalition Government would never have attempted this. Mismo circo con diferentes payosos.

9> Reverend the Hon. F. J. NILE [3.30]: The Call to Australia group supports the Timber Industry (Interim Protection) Amendment Bill 1995, the object of which is to amend the Timber Industry (Interim Protection) Act 1992 in order to further extend, from 31 December 1995 to 31 December 1998, the date on which that Act expires. The expiration date of the Act was previously extended, from 31 December 1994 to 31 December 1995, by the Timber Industry (Interim Protection) Amendment Act 1994. There has been much controversy and debate about the legislation. During the period the coalition was in government there were meetings with Minister Moore and others to resolve the conflict between the demands of conservation groups and the efforts of the timber industry in seeking to maintain a timber industry in New South Wales—basically to maintain jobs.

Now that the Australian Labor Party is in government it has found it necessary to extend the legislation because decisions in the Land and Environment Court have extended the power of the Environmental Planning and Assessment Act 1979 far beyond what was intended when it was introduced. Court interpretations in other areas have extended the range of legislation. The Government must consider the complicated question of whether the Environmental Planning and Assessment Act should be amended or its application deferred so that a further review can be undertaken. The provisions of the Environmental Planning and Assessment Act 1979 and the Endangered Fauna (Interim Protection) Act 1991 designed to protect endangered fauna affect the areas of native forests, particularly State forests, available for timber harvesting.

We all want to maintain native forest and protect endangered fauna whilst at the same time—everyone acknowledges that it is difficult—protecting jobs in the timber industry, and by protecting jobs in the timber industry we protect families dependent on those jobs. Priorities must be balanced to achieve this. Labor and the coalition should endeavour to achieve a bipartisan approach to forests. Forests should not be a political football as they have been in the past. Labor members of this House in opposition sought to use the

forest issue politically but when they came into government they saw that their rhetoric was no longer applicable because they had to act responsibly. Under pressure from green groups and the Australian Democrats, Labor members used forests as a political football in the same way that previously the Aboriginal issue was used as a political football. I am pleased that there is now a non-partisan approach to helping Aboriginal people, without scoring political points. The same approach should be followed on the environment and forests—and I believe this is now the case.

However, this is not acceptable to the Greens or the Hon. R. S. L. Jones, representing the Australian Democrats in this debate. We assume that he speaks for the Hon. Elisabeth Kirkby, but we are not sure now whether he speaks for the party or for himself. The Hon. I. Cohen and the Hon. R. S. L. Jones are not happy with the bill. The Greens have adopted a new strategy, led by Bob Brown from Tasmania and Dr Singer in Victoria, who are standing for the Senate, and other candidates. The Greens have now kicked the ALP out of the bed; they do not need the ALP any more, having milked it for all they can get. Bob Brown has made it clear that the Greens are in the business of winning seats for themselves. At the next election they hope to win seats by attacking both the coalition and the ALP. In other words, they are using the issue politically, hoping to gain the votes of naive teenagers to secure a Senate seat.

I believe that teenagers today are sensible and not naive. They realise that the Greens particularly have more to their policies than simply saving a tree. I was trying to think of a way of summing up the policy of the Greens, such as: save a tree, scrap a job; or save a tree, terminate a human being. The Greens have interesting policies—especially in regard to drugs, abortion, euthanasia, homosexuality and so on. Voters, especially new voters, should be discerning in how they exercise their vote at the next election. The Australian Labor Party has realised that in governing it has a responsibility to the whole of society. The Environmental Planning and Assessment Act and the Endangered Fauna (Interim Protection) Act were well intended but their effects have become ridiculous in application following court decisions.

There was controversy not long ago in relation to the Olympic site. A clay pit that had been used for brick making was found to contain a species of frogs claimed to be endangered. There was a question of whether the Olympic site would have to be moved so that the frogs—living in a totally artificial environment, in the remains of a commercial operation; not a native forest but simply a hole in the ground with rainwater in it—could be protected. I could give other illustrations across the State. There must be a balance between extreme interpretations and policies in relation to protecting endangered fauna which stop human beings from enjoying their lives and community activities and benefits—in this case the Olympic Games.



Building 2  
423 Pennant Hills Road  
Pennant Hills, N.S.W. 2120

16th September, 1992

North East Forest Alliance  
NSW Environment Centre  
39 George Street  
The Rocks NSW 2000

Dear Sir/Madam

Copy of a letter recently forwarded to the Australian Conservation Foundation in respect of moratorium areas scheduled under the Timber Industry (Interim Protection) Act is enclosed for your information.

Yours faithfully

A handwritten signature in dark ink, appearing to read "H. Drielsma", is written over a horizontal line.

H. DRIELSMA  
Commissioner for Forests

Encl:



Building 2  
423 Pennant Hills Road  
Pennant Hills, N.S.W. 2120

16th September 1992

Ms Sue Salmon  
NSW Campaign Co-ordinator  
Australian Conservation Foundation  
1st Floor  
88 George Street  
SYDNEY 2000

*Sue*  
Dear Ms Salmon,

I refer to my letter of 20 March which clearly stated the Commission's commitment not to log identified moratorium areas without full EIS consideration.

This commitment is now formalised by the Timber Industry (Interim) Protection Act which describes moratorium areas by compartment lists in Schedule 1 and by reference to catalogued diagrams held in the Commission's Head Office. The diagrams referred to in the Act are small scale maps (1:125 000) which do not show compartment numbers or boundaries.

In the interests of clarity and to avoid any ambiguities between compartment lists and small scale maps, moratorium areas have been plotted on to a full set of large scale (1:25 000) maps showing compartment boundaries. In this process, some anomalies between lists and small scale maps became evident. This was largely due to the imprecision of small scale mapping, but also because of compartment re-numbering and in a few instances compartments within mapped areas were inadvertently omitted from the lists. In all cases the largest area (whether map or list) has in practice been accepted as the moratorium area, and has now been shown on the detailed 1:25 000 maps. A detailed schedule is attached for your information.

The purpose of this letter is to advise you that a full set of 1:25 000 compartment maps showing moratorium areas is available for inspection at Head Office and local maps are available at relevant Regional and District forestry offices; and to re-affirm the Commission's intention to honour the moratorium commitments, and its obligations under the Timber Industry (Interim Protection) Act.

Yours sincerely

*H. Drielsma*  
H. DRIELSMA  
Commissioner for Forests

**DISCREPANCIES BETWEEN DESCRIPTION OF MORATORIUM AREAS  
IN SCHEDULE 1 AND CATALOGUED MAPS**

**1. COMPARTMENTS OR PART COMPARTMENTS SHOWN ON MAP  
BUT OMITTED FROM COMPARTMENT LIST**

**Action: Accept Moratorium Areas are as mapped,  
compartment list should include the following  
compartments:**

<u>Management Area</u>	<u>Compartments</u>	<u>Comments</u>
Dorrigo	Cpt.197	Inadvertantly omitted from list - is within Injunction Area.
Tenterfield	Cpt.127 Cpts.245,246, 267,268,270, 272-276,pt.278, 348-352 pt.Cpts.278,283 285,286,290	These are logged regrowth compartments not required for logging and not listed for this reason.
Wauchope	Cpt.85,124,165 333,334, pt.Cpt.200	Omission
Kempsey	Cpt.151	New compartment- previously un-numbered
	Cpt.29	Omission
Wingham	Cpt.235	List shows only part Cpt.235. Section not listed is regrowth not required for logging.
Gloucester	pt.Cpt.208	Steep, inaccessible area only

## 2. COMPARTMENTS OR PART COMPARTMENTS LISTED, BUT NOT SHOWN ON MAP

(a) **Action:** Accept Moratorium Area as listed - amend maps accordingly as follows:

(i) Whole Cpt. Listed, small scale map shows only part cpt.

<u>Management Area</u>	<u>Compartments</u>	<u>Comments</u>
Tenterfield	Cpt. 247	Area not shown on map is logged regrowth
	Cpts 238,239, 240	Areas not shown on map are steep and inaccessible
Wauchope	Cpts 39,40, 43,44,49,98, 116,325,326, 331,334	Omission
Gloucester	Cpt. 152	Steep and inaccessible area not shown on map

(ii) Whole Compartment listed - not shown on map

<u>Management Area</u>	<u>Compartment</u>	<u>Comments</u>
Tenterfield	Cpt 114 Cpt 96 within Boonoo SF	Omission
Wauchope	Cpts 132,168	Omission
Wingham	Cpt 275	Omission
Gloucester	Cpt 154	Steep and inaccessible

(iii) Part Compartment listed - not shown on map

<u>Management Area</u>	<u>Compartments</u>	<u>Comments</u>
Kempsey	pt.cpt 95	Omission

**(b) Action: Accept Moratorium Areas as mapped -  
Compartment list should delete the following:**

<u>Management Area</u>	<u>Compartments</u>	<u>Comments</u>
Wauchope	Cpts 177,178	These (old) Compartments now in Mt. Seaview Nature Reserve

**3. OLD COMPARTMENTS REQUIRING AMENDMENT**

**Action: Amend the following (old) compartment numbers:**

<u>Management Area</u>	<u>Compartments</u>	<u>Comments</u>
Tenterfield	Amend cpts 353, 354 to 153, 154 resp.	
Wauchope	Amend Cpt.334 (Mt.Boss SF) to Cpt.334A	Changed to avoid having 2 cpts 334 in the Bellangry Forest Group.

**4. NEW AREAS NOT LISTED OR MAPPED**

**Action: Add the following to Moratorium Area:**

<u>Management Area</u>	<u>Compartment</u>	<u>Comment</u>
Wauchope	No.4 Extn. to Doyles River SF (no Cpt. number)	Surrounded by Moratorium Area and Nature Reserve - logical inclusion in Moratorium Area

S/o Please to John Corbridge

# Leader of the House

New South Wales Legislative Assembly



Room 751  
Parliament House  
Macquarie Street  
Tel: 230 2436  
Fax: 221 6378

1 SEP 1992

Mr J E Hatton MP  
Member for South Coast  
Suite 1, 1st Floor  
NOWRA NSW 2541

Dear Mr Hatton

## TIMBER INDUSTRY (INTERIM PROTECTION) ACT, 1992

In March this year the Government gave various undertakings in Parliament, with regard to the above mentioned Act, including that the relevant Ministers would write to the Leader of the Opposition, the Honourable Member for Manly and the Honourable Member for the South Coast. These undertakings are now confirmed as follows:

1. Other Avenues of intervention should the Forestry Commission act in breach of its licence from the National Parks and Wildlife Service and/or cause damage to the Environment

The Government confirms that the Minister for the Environment will not interfere with the exercise of discretion by the Director of the National Parks and Wildlife Service in seeking interlocutory relief in the Land and Environment Court to restrain the breach of licence.

2. Concerns raised by the former Member for Davidson about the lack of adequate mechanisms to control logging on private land, in particular, land proposed to be cleared for agriculture.

Despite the resignation of the Member for Davidson, we confirm that it is not the intention of the Government or the relevant Minister to allow private land clearing operations under the guise of forestry or of logging or harvesting. The responsible Minister will be monitoring activities carefully using the procedures outlined in the legislation.

3. Interim Protection Orders

The Government wishes to make it absolutely clear, that the Minister for the Environment has not refused to implement any recommendation for the imposition of an interim protection order that has been put to him. Ministers have a duty to discharge their responsibilities and ministerial discretions in a properly informed and reasonable manner on the merits of each case. This will be applied in this, as all other matters.

4. Section 6 (2) ... If the Forestry Commission obtains an environmental impact statement after the commencement of this Act in respect of any logging operations (on lands specified in schedules 1 and 2) the Forestry Commission, is not to carry out, or approve or permit, those operations unless the Minister for Planning has determined it may do so in accordance with section 8.

The Government guarantees that the increased resource needs of the Department of Planning and its Director will be addressed so that this commitment can be fully implemented. Seven new positions have been added to the Department of Planning to allow for the necessary work on logging operations.

5. Minister for Planning to be the determining authority for environmental impact statements on logging operations – Clause 8(2) – Clause 64 – Report by the Minister for Planning

The Government accepts that the Minister for Planning, when making a determination, will have to make a determination report covering similar matters to those required by clause 64 of the Environmental Planning and Assessment Regulation.

6. Minister for Planning to be the determining authority for environmental impact statements on logging operations – Section 9(5) – consultation between the Department of Planning and the National Parks and Wildlife Service.

With respect to wilderness the Government expects the Director of planning to take into account any prior decision on wilderness assessments by Cabinet and the advice of the Director of the National Parks and Wildlife Service.

7. Minister for Planning to be the determining authority for environmental impact statements on logging operations – Section 9(6) – Necessity for consultation between the Minister for Planning and the Minister responsible for the Forestry Commission when making a determination.

The Government believes that the operations Minister should have the right by statute to make a submission because he is responsible for the operational body. As part of that process, other Ministers may wish to make submissions about these matters, this will be at the discretion of each Minister.

8. Section 9(5) Dr Macdonald asks why subclause (5), where it reads "is to examine the environmental impact statement", does not read "examine and consider".

The Government confirms that it has been advised that there is no need to import the words "and consider" because that is comprehended in the drafting process by using the word "examine".

9. Section 8(7) Dr Macdonald asks in relation to reports from the Director of Planning and the Forestry Commission being taken into account – What about taking into account submissions from the public or public authorities?

The Government has been advised that the report of the Director of Planning will include consideration of submissions from the public and other statutory authorities that may have an interest. This is implicit in the Act as drafted.

10. Section 8. Mr Knowles. Terms of Management for Environmental Impact Statements

Mr Knowles sought confirmation that the Director of Planning and officers of the Department of Planning would be responsible for issuing of the Director's requirements for environmental impact statements. Section 8(2) has been interpreted to mean that the Forestry Commission must obtain Director's requirements as if the Environmental Planning and Assessment Act applied. Some requirements have already been issued under this arrangement.

We wish to reiterate Minister Moore's statements that "It is certainly the intention of the Government that the directors' requirements be established by the Director of Planning. That is now the case in the environmental impact statement process that is required of operational departments including the Forestry Commission. Therefore the Government does not believe that there is any need for change in that regard".

11. Section 11. Mr Hatton. Interim Protection Orders having the same effect as a Stop Work Order

Mr Hatton, sought confirmation that the Interim Protection Orders would be issued quickly if they were needed. This Government gives the undertaking that the Minister responsible will not seek to shackle the Director of the National Parks and Wildlife Service in this regard. In addition, should the Director of the National Parks and Wildlife Service, in accordance with the amendment which has recently been carried, wish to seek relief in the Land and Environment Court to obtain a restraint for a breach of licence, he will be entirely free to do so.

12. Section 9, Wilderness Assessments

The Government wishes to confirm that wilderness assessments by the Director of the National Parks and Wildlife Service will be completed and made available to the Director of Planning and to the public when submissions are made, at the time these matters are considered by the Director.

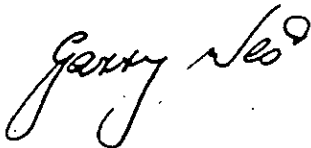
13. Section 9, Wilderness Assessments

The Government has agreed to coordinate the wilderness assessment process and the forestry impact statement process – this will enable the Director of Planning, when advising the Minister, to have all the necessary material available. As part of that process this material will be publicly available.

14. Section 15, Relating to the reporting on the endangered fauna legislation

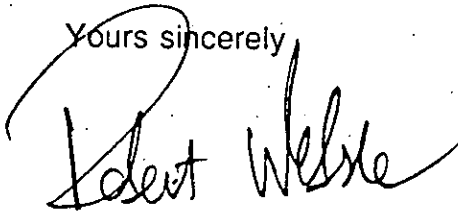
The Government agreed that the Report on Endangered Fauna legislation would be available on 30 April to make it possible for that report to be brought forward while the Parliament was still sitting. This timetable was met.

Yours sincerely



Garry West MP  
Minister for Conservation  
and Land Management, and  
Minister for Energy  
Leader of the House

Yours sincerely



Robert Webster MP  
Minister for Planning

Yours sincerely



Chris Hartcher MP  
Minister for  
Environment

# EIS STRATEGY TO SEPTEMBER 1994

## MANAGEMENT AREAS

ENVIRONMENTAL IMPACT STATEMENTS TO BE COMPLETED BY 30th SEPTEMBER 1994

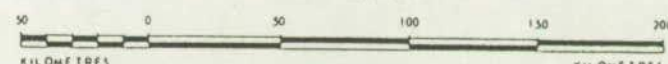
	Completion Date
1. Mt. Royal Management Area	September 1992
2. Wingham Management Area	September 1992
3. Dorrigo Management Area	October 1992
4. Glen Innes Management Area	October 1992
5. Kempsey Management Area Wauchope Management Area	May 1993
6. Grafton Management Area	July 1993
7. Casino Management Area Casino West Management Area Murwillumbah Management Area	July 1993
8. Gloucester Management Area Chichester Management Area	September 1993
9. Tenterfield Management Area	October 1993
10. Urbenville Management Area	December 1993
11. Urunga Management Area	February 1994
12. Walcha/Nundle Management Area Styx River Management Area	April 1994
13. Warung Management Area	June 1994
14. Queanbeyan Management Area Badja Management Area	September 1994
15. Wyong Management Area	September 1994



## NEW SOUTH WALES

SHOWING  
STATE FORESTS TIMBER RESERVES  
FORESTRY OFFICES

SCALE 1:200,000



ALBERS PROJECTION

State Forest.....

Timber Reserve.....

Region Boundary....

District Boundary....

Region Office.....

District Office.....

Workshop.....

Nursery.....

See numerical list of State Forests on reverse side.  
Forests less than 10ha have not been shown.

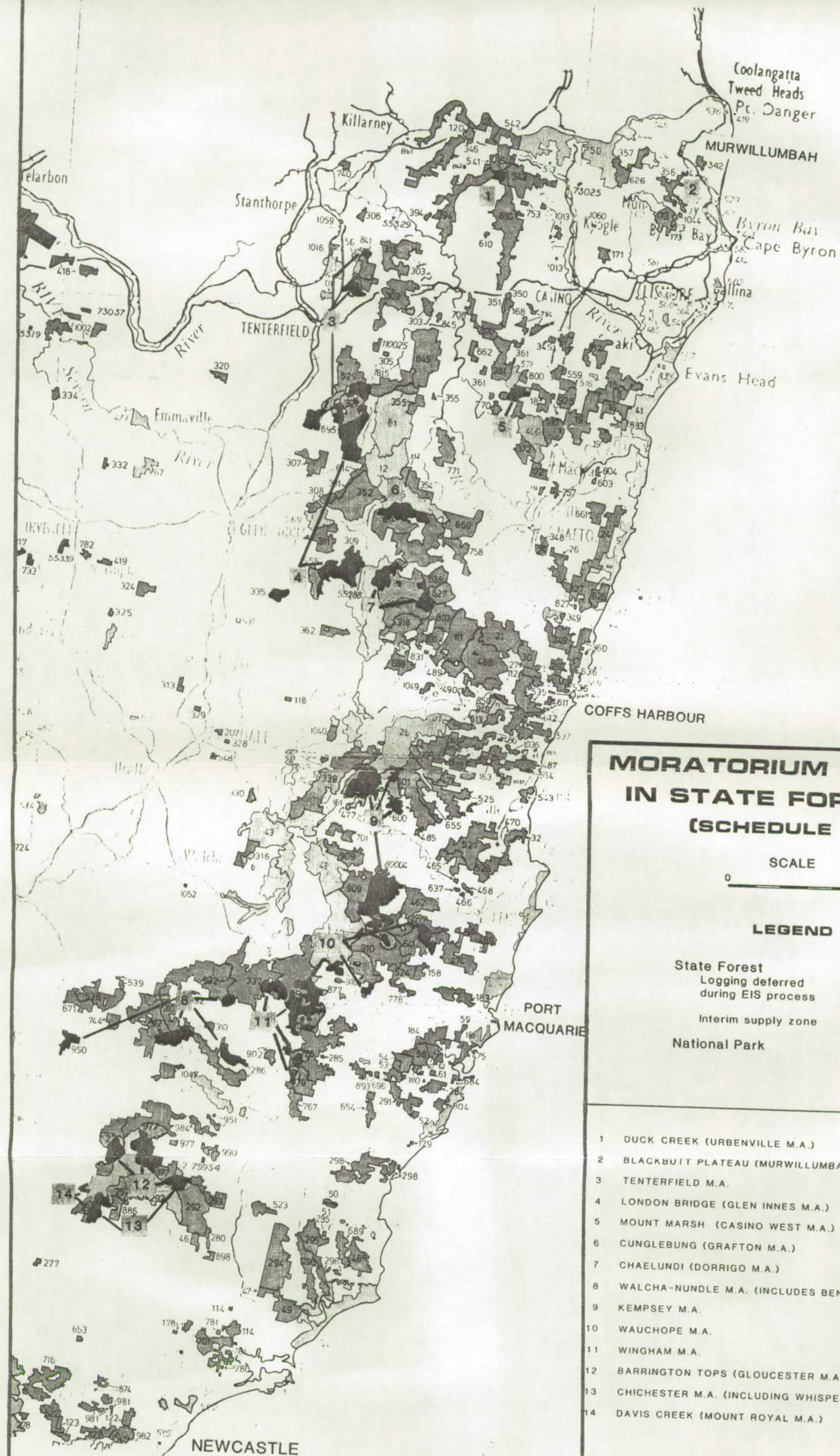
COMPILATION NOTE

Compiled by the Mapping Branch Forestry Commission of N.S.W.  
Forest details are correct as at January 1977  
Base Map from Department of Lands  
MAP PRODUCED OCTOBER 1977  
Printed in Australia by the State Printer  
Forestry Commission of New South Wales



Catalogue No. Misc. 1/1200

Revision Date: September 1990



# Protest over logging

About 20 people last night set up camp in the Upper Duck Creek catchment, north of Kyogle, in a bid to force the Forestry Commission to amend plans for logging the area.

Aidan Ricketts, spokesman for the Toonumbah Environment Centre, said the commission was not meeting harvesting guidelines recommended by the National Parks and Wildlife Service and the NSW Soil Conservation Service.

The commission's harvesting plan for the 412ha section, about 40 km north-west of Kyogle, was not up-to-date with the soil erosion and threatened species requirements of the two departments, he said.

The TEC had not wanted to stop logging in the whole area and so had prepared an amended version of the harvesting plan for the commission, Mr Ricketts said.

Pg 3 31/8/93

Page 22 The Sunday Mail June 13 1993

# Big Foot sets foot in the rainforests

**STORIES** are rife in Far North Queensland that the Yowie or Big Foot may be alive and well in the towering World Heritage rainforest.

Charlie Bochow, of Julatten, owns a shack on Mount Spurgeon, behind Mossman.

About 5km past his isolated rainforest retreat he discovered strange footprints.

Mr Bochow and his son were inspecting an abandoned bulldozer when they noticed huge footmarks with four toes and what appeared to be a claw extending from them.

"We couldn't believe our eyes — the footprints went from the creek to the dozer," Mr Bochow said.

Forestry worker Alfred Morris, of Ravenshoe, recalls the

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By EUGENIE NAVARRE

---

encounter he had on the Wind-sor plateau behind Mount Molloy in 1983.

"I was up in the scrub and it was late in the afternoon when I heard a cough and a roar-type noise," he said.

"It was real eerie. The scrub went really quiet. You could have heard a leaf drop. The last time I heard a noise like that was in a circus. I've never heard it before in the bush."

Mrs Claire Noble, of Tully, said there had been a number of sightings in the area during the past 30 years.

People who have seen them say they are six or seven feet tall, smell like stale urine and make a screaming noise.

# Forest hides the trees <sup>Echo 4/8/94</sup>

The Forestry Commission's loss to the North East Forest Alliance over logging in the Dorriggo area has resulted in the destruction of a few more trees through the media releases that have ensued.

Another casualty has been the English language, with the responsible Minister, George Souris, calling the Commission's now-withdrawn EIS on Dorriggo 'sufficiently deficient'.

He went on to attack the 'anti-timber lobby' for seeking 'premature legal processes in the courts'.

Shifting into full 'Yes Minister' mode, Mr Souris went on to clarify (?) his intentions: 'I will be requiring the new Forest Policy Unit to coordinate the approach to a better methodology, and to that end I will be seeking to involve relevant Government Departments, the timber industry and the conservation movement, to develop a better

strategy and process, in a determined bid to produce a long term procedure which is accountable and binding, and which produces general confidence and finality in the eventual determination'.

The Forestry Commission's contribution to cutting down trees for press statements said that its chief, Dr Hans Drielsma, 'blamed the situation on the morass of environmental legislation and the constantly changing goal posts'.

NEFA said that it wanted to see an 'ecologically sustainable timber industry which provides long term benefits for local communities'. It slammed Dr Drielsma for trying to blame the National Parks and Wildlife Service's insistence (legally required) on a proper fauna survey.

The sooner the battle ends, the more paper will be spared from being used on media releases.

# Protesters halt logging in State forest

Pg 4  
11/9/93

Members of the Toonumbah Environment Centre yesterday prevented logging continuing in an area next to a wildlife corridor in the Richmond Range State Forest near Urbenville.

About 20 people set up camp in the Upper Duck Creek catchment, north of Kyogle, on Monday night.

It was claimed yesterday the action was a bid to force the Forestry Commission to abide by recommendations of the threatened species unit of the National Parks and Wildlife Service (NPWS) and the NSW Soil Conservation Service.

Yesterday, a tripod occupied by one environmentalist prevented the movement of two pieces of heavy equipment in the forest.

Two legs of the tripod stood on the pieces of equipment, with the third leg resting on the ground.

Forest Protection Society State co-ordinator Mrs Rhondda O'Neill said yesterday's 'attempted blockade' confirmed that claims by environmentalists that they wanted to see a balance struck between wood production and forest preservation were 'hollow rhetoric'.

"No amount of consultation, negotiation or compromise is going to stop them seeking the closure of the native forest industry on

the North Coast and the loss of thousands more jobs," said Mrs O'Neill.

Spokesman for the Toonumbah Environment Centre Aidan Ricketts described the action as an enforcement measure, not a blockade. Access to and from the forest had not been blocked.

He said the Forestry Commission was not meeting harvesting guidelines recommended by the NPWS and the NSW Soil Conservation Service and the Environment Centre's action was an attempt to bring about its compliance.

The commission's harvesting plan for compartments 211 and part of 212 of the forest about 40 km north-west of Kyogle, did not meet current soil erosion standards and threatened species requirements of the two departments, he said.

The area being logged contains 23 wildlife species officially listed by the Forestry Commission as endangered.

Today representatives of the threatened species unit of the NPWS, the Forestry Commission, a local forester and members of the Toonumbah Environment Centre will meet at the protest site.

# Cautious support for Forestry shake-up

The North East Forest Alliance (NEFA) is cautiously optimistic about sweeping changes to the NSW Forestry Commission announced yesterday by NSW Land and Water Conservation Minister, George Souris.

Mr Souris announced a name change for the Forestry Commission to State Forests of NSW, and the establishment of a seven-member Board of Governance which would focus on commercial interests.

Mr Dailan Pugh said NEFA was disappointed by an apparent lack of ecological expertise on the Board of Governance, but said the re-structuring of the Commission was 'a step in the right direction'.

"The crucial question now is just how big a step it will turn out to be," he said.

Mr Souris also announced the establishment of a new 14-member Forest Policy Advisory Committee to liaise with the Department's Forest Policy Unit.

The committee will be the first formal consultative process involving the community, conservationists and the industry and will have direct input to the department and the Minister, Mr Souris said.

Four of the committee members will be conservationists/environmentalists.

Mr Pugh welcomed the establishment of the committee, but said it was unclear how the four conservationists would be chosen, or by whom.

"We have no idea who they will be, if they are to be appointed by the Minister or if NEFA will have any representation on the committee," said Mr Pugh.

"We certainly will be putting a submission before Mr Souris to have NEFA representation on the committee."

Mr Pugh said NEFA last week had submitted a forest peace proposal to the Fahey Government. The proposal was seen as a separate issue to the changes announced yesterday.

In an attempt to achieve a resolution to more than a decade of dispute, NEFA had proposed that a balanced steering committee for north-eastern NSW be established and funded, said Mr Pugh.

NEFA proposed that the steering committee comprise representatives of State and Federal governments, conservation groups and the timber industry.

"The principal requirement is that there be equal repre-

sentation from conservation interests and those who profit from resource use," he said.

Mr Pugh said NEFA had received encouraging feedback on the proposal from Mr Souris' office and from other government departments.

Mr Souris said yesterday the new name and logo for State Forests of NSW more accurately reflected its commercial focus.

But he said this would not mean more logging as the amount of land available the commission was set by other bodies.

State Forests of NSW will operate as if it was a public company with the same public accountabilities as the corporate sector.

The Board of Governance, said Mr Souris, would improve efficiency in the commission, develop a focused commercial approach, and be responsible for the new level of accountability.

"The Forestry Commission should be able to focus its emphasis on the commercial operations of managing the State's forests and enable the Government to undertake its stewardship role in terms of government policy and forest policy," Mr Souris said.

P93 26/8/93

*Libby, please file corresp  
also give copy to  
John Corkhill  
To Sue*



*Attn John Corkhill.  
at NCC.  
17 SEP 1992*

Building 2  
423 Pennant Hills Road  
Pennant Hills, N.S.W. 2120

16th September 1992

Ms Sue Salmon  
NSW Campaign Co-ordinator  
Australian Conservation Foundation  
1st Floor  
88 George Street  
SYDNEY 2000

*Sue*  
Dear Ms Salmon,

I refer to my letter of 20 March which clearly stated the Commission's commitment not to log identified moratorium areas without full EIS consideration.

This commitment is now formalised by the Timber Industry (Interim) Protection Act which describes moratorium areas by compartment lists in Schedule 1 and by reference to catalogued diagrams held in the Commission's Head Office. The diagrams referred to in the Act are small scale maps (1:125 000) which do not show compartment numbers or boundaries.

In the interests of clarity and to avoid any ambiguities between compartment lists and small scale maps, moratorium areas have been plotted on to a full set of large scale (1:25 000) maps showing compartment boundaries. In this process, some anomalies between lists and small scale maps became evident. This was largely due to the imprecision of small scale mapping, but also because of compartment re-numbering and in a few instances compartments within mapped areas were inadvertently omitted from the lists. In all cases the largest area (whether map or list) has in practice been accepted as the moratorium area, and has now been shown on the detailed 1:25 000 maps. A detailed schedule is attached for your information.

The purpose of this letter is to advise you that a full set of 1:25 000 compartment maps showing moratorium areas is available for inspection at Head Office and local maps are available at relevant Regional and District forestry offices; and to re-affirm the Commission's intention to honour the moratorium commitments, and its obligations under the Timber Industry (Interim Protection) Act.

Yours sincerely

*Hans Drielsma*  
H. DRIELSMA  
Commissioner for Forests

## 2. COMPARTMENTS OR PART COMPARTMENTS LISTED, BUT NOT SHOWN ON MAP

(a) **Action:** Accept Moratorium Area as listed - amend maps accordingly as follows:

(i) Whole Cpt. Listed, small scale map shows only part cpt.

<u>Management Area</u>	<u>Compartments</u>	<u>Comments</u>
Tenterfield	Cpt. 247	Area not shown on map is logged regrowth
	Cpts 238,239, 240	Areas not shown on map are steep and inaccessible
Wauchope	Cpts 39,40, 43,44,49,98, 116,325,326, 331,334	Omission
Gloucester	Cpt. 152	Steep and inaccessible area not shown on map

(ii) Whole Compartment listed - not shown on map

<u>Management Area</u>	<u>Compartment</u>	<u>Comments</u>
Tenterfield	Cpt 114 Cpt 96 within Boonoo SF	Omission
Wauchope	Cpts 132,168	Omission
Wingham	Cpt 275	Omission
Gloucester	Cpt 154	Steep and inaccessible

(iii) Part Compartment listed - not shown on map

<u>Management Area</u>	<u>Compartments</u>	<u>Comments</u>
Kempsey	pt.cpt 95	Omission

# Compo sought over forestry EIS freeze

The NSW Forestry Commission should pay Clarence Valley sawmills compensation if the freeze on the environmental impact study (EIS) process causes them to close due to lack of logs, according to Clarence ALP candidate John Lester.

The compensation should be used to keep current employees in a job, Mr Lester said.

"This whole sorry saga is a sad reflection on the management of NSW forests by the two past National Party ministers, Ian Causley and Garry West," he said.

"It was their total lack of regard for the due processes in the past which has led to this tragic state of affairs today where, because of the Forestry Commission's inadequate EIS process, Clarence Valley mills stand to lose their log supply."

Mr Lester has also called into question the role of the Forest Products Association (FPA) in the matter.

"Members of the FPA must be wondering what their association is doing when their executive officer Col Dorber spends \$40,000 of their money on a futile Federal election campaign in Page while the very process which was designed to give them some timber security is running off the rails," Mr Lester said.

"For years now the FPA has been supporting the Forestry Commission as both have blundered in and out of the courts, losing every case which has been presented against them.

"It is time the FPA lifted its game and employed a professional approach to the vital issue of log security for its members."

Pg 21 7/8/91

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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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Mr John Hatton, MLA,  
Independent Member for the South Coast,  
P.O. Box 634,  
Nowra. 2541.

30 March 1992

<< For Mr Hatton's personal attention >>

Dear Mr Hatton,

Re: Charter for Reform, Memorandum Of Understanding between the  
Greiner Government and Independent Members of Parliament and the  
Timber Industry (Interim Protection) Bill, 1992.

I write, now some 2 weeks distant from the passage of the above Bill, to report my observations and criticisms of the Parliament's process, and your action in considering this legislation.

I am taking the time to commit these views to paper since I have been asked by the media to comment on the role of the Independents in the passage of this Bill.

In making comment to the media I was, and remain, critical of Dr Metherell in particular, for reasons which are not relevant here. I have also been critical of you because of your action in supporting the Bill.

I believe it is only proper that my concerns are communicated to you directly. I attempted to do so following the passage of the Bill, via telephone, but you were unavailable.

From my limited contact with you I understand that you value feedback and accountability. You are a 'straight talker' as I am, so I will not be indirect in my remarks.

My criticisms amount to an audit of the spirit, and even the letter, of the 'Memorandum of Understanding between the Government and Independent Members of Parliament' and the 'Charter for Reform' which preceeded it.

As I understand them, these important documents attempt to encapsulate a philosophical view that government, and particularly the NSW Parliament, should be open, accountable, democratic and should properly serve the public interest.

Your view, and the view of your colleagues Ms Moore and Dr MacDonald, as I understand it, is that you seek at every opportunity to pursue the implementation of the principles for urgent reform of the processes of government.

As I understand them, these principles include:

- \* consultation on legislation involving major issues of public interest;
- \* the provision of public information with, or without formal Freedom of Information requests;
- \* scrutiny of statutory authorities and, if necessary, their forced accountability;
- \* 'Third party rights' to permit any person to enforce breaches of law.

My understanding of the Independents' position was that the Independent MPs would consider every piece of legislation on its merits; and where Bills were inconsistent with the principles for government reform, Independent MPs would prevail on the Government to ensure that appropriate amendments were incorporated into Bills to give effect to those principles.

Surprisingly, your actions in considering the Timber Industry (Interim Protection Bill, 1992) appear to me to seriously contradict these principles. What follows is my assessment of these serious contradictions.

#### On 'Freedom of Information'...

A three page letter written on 26/2/1992 on behalf of the combined NSW environment groups by their parliamentary Environmental Liaison Officer (ELO), Mr Peter Wright, was sent to your Parliament House Office marked 'Urgent'. It sought your intervention to force the public release of information relevant to the TIIP Bill.

That information fell broadly into three categories: documentary evidence of -

- \* actual or threatened job losses due to the EFIP Act;
- \* areas of timber supply lawfully available; and
- \* details of the timber supply required by the industry in the immediate future.

In a telephone conversation with Peter Wright on Monday 2/3/'92, you agreed that this information was essential in evaluating the TIIP Bill. At your request, Peter contacted your staffer, Arthur King, and asked him to contact the office of the Minister for CALM to arrange for the supply of the requested information.

At the TIIP Bill briefing the following evening (Tuesday 3/3/'92) you were apparently unaware of this letter. It appeared that no action had been taken by your office on this matter.

Despite verbals pleas by myself, other Independent MPs and members of the Labor and Australian Democrat parties, for the information requested to be made public, no clear commitment to do so was made by FCNSW Commissioner or the Minister for CALM.

A second written request was made by me at that meeting, through you, to the Minister to clarify his response to the request for relevant information. Again, no commitment to provide the information was made.

When I later briefly inquired of you, in the corridors and at the lift, of any progress on the provision of the information requested, you remarked that you had no power to compel the Government or FCNSW to produce such information.

I found such a remark difficult to accept from an MP on whom the Government sought to rely in the passage of the TIIP Bill. The balance of power has already afforded you and your colleagues great scope to make requests and insist on matters of principle.

I agree that there is no formal legal power to compel the provision of information, relevant to matters of major public interest to Parliament or to the public. The political power to force the provision of information was however available to you, but you apparently chose not to pursue the issue.

The moral obligation to be an informed decision maker, and to critically examine, and even test, the veracity of conflicting claims made by vested interest groups and public interest groups was transgressed by almost all of the NSW Members of Parliament, yourself included.

Instead the consideration of a Bill with far-reaching implications for the state's and nation's ancient natural heritage was symbolically debated in the Legislative Assembly without the testing of its two fundamental premises: the timber industry's claim of an imminent 6,000 job losses and the Commission's assertion of its inability to lawfully supply timber to the industry because of the Endangered Fauna(IP) Act, 1991.

On public consultation on legislation of major public interest...  
Apart from the hurly burly of the last minute Tuesday night briefing on the TIIP Bill (3/3/'92) the Government did not consult with the NSW environment movement, let alone allow the two periods of 28 days for exposure and public comment as described in the MOU.

Instead of attending a prior arranged briefing with representatives of the environment groups, MPs attended a briefing called by the government. MPs had not heard the concerns of the environment groups nor considered the dissection of the inaccurate and misleading Government briefing paper before that meeting.

As a result the environment movement was effectively frozen out of any consultations or negotiations. We were deliberately excluded.

#### On 'Third Party Rights'...

You specifically voted against an amendment to insert these rights into the Bill. From my observation from the public gallery, your vote was crucial in ensuring the failure of that and other amendments.

Given the historical practice of permitting third party rights for enforcement which exists in NSW laws such as the Heritage Act, 1977, the EPA Act, 1979, the National Parks and Wildlife Act, 1984, and considering the public position of Independents regarding Third Party Rights in the recent debate on the Protection of the Environment Administration Act, I found your vote against this right of standing utterly bewildering.

As you know I have been a persistent applicant to the Land and Environment Court under these third party rights, precisely because FCNSW had been breaking NSW law with impunity for several years, and successive governments had failed to enforce these laws.

By voting against these rights you have specifically denied me, and others, the right to ensure that FCNSW does not breach the provisions of the TIIP Act, as it has breached other environmental laws.

#### On accountability...

As you well know, the all party Parliamentary Accounts Committee made many findings against FCNSW in its report of its inquiry. Little or no apparent action has been taken on the numerous recommendations made within it. Despite NEFA's attempts to obtain the government's response to the Report of this Inquiry, the Minister for CALM's letter to the Chairman of the PAC is still secret and unavailable!

The Commission remains isolated and hugely unaccountable at a time when major overhauls of agencies such as the Water Board are the subject of intense public accountability exercises. The Forestry Commission's claims, its advice and its operations are rarely subject to any kind of credible accountability processes.

Its forest Management Plans permit no public participation or public review. FCNSW's performance under FOI has been appalling, provoking an Ombudsmans Inquiry. Frequently, annual reports of activities in a Forestry District or Managment Area are still overdue 12 months after the time they are required to be completed. There are numerous documented examples of breaches of the Standard Soil Erosion Mitigation Conditions (SEMC) and other prescriptions designed to safeguard forest values during logging. Action in inquiring into and remedying these breaches has been non-existent or pathetically slow.

The additional FCNSW accountability processes provided for in the TIIP Act is a 3 monthly report on progress on preparation of EIS's.

No accountability processes were provided to ensure that the setting of levels of timber yield is ecologically sustainable, nor are there procedures to bring FCNSW to account for its compliance with its own policies and prescriptions.

Amazingly, after all the claims and assertions by FCNSW of the impact of the EFIP Act, FCNSW is not even required to report on the operation of the EFIP Act and its effect on forestry!

#### TI(IP) Act rewards the law breakers...

Your principled position opposing and exposing acts of corruption is well known and has been highly commended within the community.

Yet the outcome of the TIIP Act rewards the lawbreakers, the Forestry Commission of NSW, and undermines the public interest campaigners who have fought to enforce these laws.

Despite numerous findings of the Land and Environment Court, starting with Kivi vs FCNSW in 1982, FCNSW has repeatedly broken the law in that it has not complied with the EPA Act's requirements (ss. 111 and 112) to produce EISs where its activities are likely to have a significant affect on the environment.

It was this continuing failure to prepare EISs in a timely manner which gave the FCNSW the opportunity to contrive the crisis of 'lack of supply' and dump the blame onto the EFIP Act.

So, having broken the law repeatedly over an 11 year period, finally FCNSW has had the application of those provisions suspended from its sphere of activity. Many other state agencies have been able to comply with the EIS obligations, but FCNSW has not & is now exempt.

Thus, in my mind, your support for this Bill, and the exemption from lawful obligations, is quite inconsistent with your prior advocacy of proper, lawful conduct within government.

### Parliamentary reform abandoned...

The Independents position on the reform of the NSW Parliament has won wide support from many observers of the operation of the Houses of Parliament.

Yet, contrary to your stated position on the need for reforms of the conduct of the Parliament, you voted for a government Bill which involved the:

- \* exclusive back room negotiations, involving at least the Government and Dr Metherell, rather than debate on the floor of the House;
- \* manipulation of Government numbers in the division to pass the Bill to the Council on Friday 6/3/'92;
- \* emergency recalling of Parliament at considerable cost;
- \* late sitting of the Assembly, until after midnight 10/3/'92.

### Taking matters on trust and accepting undertakings made by Ministers...

After your two decades in Parliament and your recent declaration of 'no more Mr Nice Guy', I was very surprised to witness you accept verbal assurances from government Ministers as being binding commitments which would remedy concerns expressed about the shortcomings of the proposed Bill.

I do not trust these assurances and was surprised that you did.

Have the assurances made in the debate been extracted from the Hansard and confirmed in writing to you by the respective Ministers as promised by Mr Moore?

If so, will you release these commitments so that they may be publicly scrutinised and tested?

If not, are you still confident the Ministers will honour these?

Far more importantly, what happens if your trust in the Ministers' undertakings was misplaced or is betrayed and the basis for your support for the Bill is severely undermined by subsequent events?

### Consequences of TI(IP) Act...

As part of your conclusion in the debate on the Bill you said that the Bill's passage would end the need for conflict over forests.

I was astounded to hear that claim. Had I, as the Sydney co-ordinator for the North East Forest Alliance been asked, I would have advised the opposite. There will be renewed, even intensified, dispute over important forest resources, particularly wilderness, put at risk by the Bill.

With access to Legal Aid greatly restricted; a cut of \$500,000 to legal aid funding; the appointment of vested interest industry groups to the Legal Aid advisory committee; and the denial of 'third party rights' under this law, the public's access to the courts is becoming increasingly impeded.

With the Government's proven willingness to 'override' the findings of the Court by political intervention, our victories in issues at law have been very shortlived. While the Court has a formal requirement for and standard of proof, unlike the Parliament, its capacity to consider environmental issues is nonetheless limited to matters addressed within legislation.

With significant shortfalls in funding to the Ombudsman, and major ongoing complaints of police and other statutory authorities actions going unaddressed for want of resources, our access to an expert impartial adjudicator of a broad range of disputes and complaints has also been severely hampered.

My confidence in the competence of Parliament, to separate fact from fiction, and vested interest from public interest, has been shattered. I doubt that it is useful for us to participate in the NSW parliamentary process any further on this issue.

In my view the Parliament was callously manipulated by hysterical headlines, unproven claims by vested interests, and contrived outrage from a screaming honking crowd specifically invited to Sydney by the Minister and the Premier. Apparently as scripted by the industry, Parliament passed into law a Bill which had no basis in fact, despite the misgivings of numerous MPs who, at various times, called for the provision of relevant 'facts'.

We cannot easily go to the Court, to the Ombudsman as umpire, or to the Parliament and expect our very serious public interest concerns to be competently addressed. We cannot even obtain basic information which should be publicly available!

This analysis of the state of health of the civilised processes of government does not equate to an end to forest disputes.

#### On the worth of attempting to inform MP's...

In conclusion, may I ask, did you receive and read any of the submissions made by NEFA as the body fighting for the forests affected (the north east forests) when considering the Bill the subject of a special recall of Parliament?

NEFA provided a briefing note, a briefing paper, a submission, colour photographs, various maps, co-signed letters with other environment groups and had its barrister at your convenience and

the convenience of other MPs.

From my point of view, NEFA and the NSW environment groups had their act together, to the best of our capacity considering the lack of publicly available information, to inform MPs but we were overlooked, isolated and ignored.

Perhaps you could advise of any difficulty or problem with our critique of the TIIP Bill, or our preparedness for briefings and negotiations?

Certainly your feedback on my comments and the specific last question would be very much appreciated.

I am quite sincere in requesting a response, either in writing or preferably in person, which addresses the many points raised above.

Thank you for considering this frank dialogue.

Yours sincerely,

J.R. Corkill

cc Ms Clover Moore, Dr Peter Macdonald

12th June, 1991

The Hon. N. F. Greiner, M.P.,  
Premier,  
State Office Block,  
Macquarie Street,  
SYDNEY 2000

Dear Premier,

We, the Members for Bligh, Manly and South Coast, in the interests of maintaining stable government in New South Wales, undertake:

1. to support Supply being granted to the Government;
2. not to support the Opposition in any Motion of No Confidence, unless it relates to matters of corruption or gross maladministration. We reserve the right to move a Motion of No Confidence on any matter, at any time, if the Government does not honour its agreement to implement the Charter of Reform in accordance with the agreed timetable or in relation to matters of corruption or gross maladministration.

These undertakings are given on the condition that:

1. a Charter of Reform (appended to this letter) is implemented by the Government in a form, and to a programme, acceptable to us.
2. in addition to a monthly update, consultation on progress on implementation of the Charter of Reform takes place every three months, with a full review at the end of twelve months. If at that time, progress is satisfactory in our view, the agreement shall stand for a further twelve months. If however, progress is not satisfactory in our view, we reserve the right to withdraw from this agreement;
3. the Government guarantees the right to each of us to introduce and fully debate legislation, and the Government shall facilitate the progress of such legislation through the second and third reading stages, subject to the will of the House;

2.

4. Similarly, the Government guarantees to each of us the right to move and fully debate amendments to legislation; and to move and debate motions on any matter.

Further, we will vote upon all legislation before the House on its merits.

Yours sincerely,

CLOVER MOORE, M.P., JOHN HATTON, M.P., PETER MACDONALD, M.P.

## CHARTER OF REFORM

### SUMMARY OF PROPOSALS

#### I. OPEN AND ACCOUNTABLE GOVERNMENT

1. Freedom of Information.
2. Ombudsman and Auditor-General.
3. Whistle blower legislation.

#### II. LAW AND JUSTICE

1. Defamation Act reform
2. Legal Services Ombudsman.
3. Judicial Independence

#### III. PARLIAMENTARY REFORM

1. Four year fixed term.
2. Consideration of Legislation.
3. The Speakership.
4. Standing Orders and Procedures.
5. Parliamentary Committees.
6. Parliamentary Appropriations.
7. Parliamentary Counsel.
8. Declaration of pecuniary interest.

#### IV. ELECTORAL REFORM

1. Election Funding
2. Referenda

## I. OPEN AND ACCOUNTABLE GOVERNMENT

### 1. Reform of the Freedom of Information Act to include;

All internal reviews of decisions refusing to disclose documents in whole or in part area to be conducted by the Ombudsman. (Amend s34(5) Fol Act). The Ombudsman is to have all the powers of the original decision maker. Existing rights of appeal to the court shall be preserved.

Charges are to be reasonable.

No Agency to be exempt under the Act.

Local Government to be subject to all provisions of the Act.

The Freedom of Information Act shall override the secrecy provisions in all other Acts, and any document that is the subject of secrecy provisions in any other act shall only be exempt where the ombudsman decides that their disclosure would be contrary to the public interest.

All Government Agencies shall publish annual reports in a standard form to allow comparisons between departments to be easily made.

### 2. Ombudsman and Auditor-General

Strengthening the power and independence of the Ombudsman and Auditor General by providing for;

- a The Ombudsman and Auditor General to report directly and frequently to the Parliament.
- b. The Ombudsman and Auditor General to be able to inspect all documents of Government.
- c. The Ombudsman and Auditor General to be able to publish reports at any stage of an investigation with or without ministerial consent.

### 3. Whistle Blower

The Government shall recognise the fundamental right of freedom of speech for all public sector employees, and shall legislate to provide full protection of the rights and employment of any public servant(s) who make information public and/or available to the Parliament and/or its members about corruption, incompetence, inefficiency or waste; such protection to be provided by an Act based on the United States Whistle Blower Protection Act 1989.

## II. LAW AND JUSTICE

### 1. Defamation

Amendment of the Defamation Act and other Acts to be extent necessary to remove restrictions on the full media reporting of Government. Such reform shall not be dependent upon conformity with similar legislation in any other State or States. Such reform shall incorporate the following;

- a. Allow for truth alone as a defence.
- b. Limit damages for non-economic loss in defamation.
- c. Allow a public figure test.

### 2. Legal Services Ombudsman

The Government shall appoint a legal services ombudsman to oversee the legal profession.

### 3. Independence of the Judiciary

Judicial independence from executive Government to be entrenched in the New South Wales Constitution Act.

## III. PARLIAMENTARY REFORM

1. Parliament shall have a fixed four year term.
2. Exposure drafts of all legislation to be made available for public and community group consideration and comment.
3. The Speaker to be chosen and the term of his office determined either by a two thirds majority of the Parliament or by acclamation or elimination ballot.
4. Recognition by the Treasury and all arms of State Government that the principal presiding officers of the Parliament shall represent the will of the parliament in matters of administration and finance in conjunction with a Board of M.P.s.
5. Legislation that is not proclaimed within 90 days of the third reading to be notified to the house and debated.
6. Exposure drafts of all legislation to be made available for public comment.
7. A complete review of Parliamentary procedure and standing orders shall occur as a matter of urgency.

8. Enhancement of all parliamentary committees. members of the Parliament shall have a role, with the presiding officers, to formulate budget submissions for Parliamentary appropriations, and that suitable mechanisms to formulate adequate budgets including committee business.
9. A separate Parliamentary Appropriations Bill to provide for Parliaments independence from executive Government.
10. Parliamentary Counsel to become officers of the Parliament, and to be available to private members to assist in the drafting of bills and amendments.

#### IV. ELECTORAL REFORM

##### 1. Election Funding

Mandatory disclosure of the original source of all contributions to political parties, groups, or individual candidates whether financial or in kind.

- 2 Referenda. Questions in referenda should be clearly stated and relate to a single issue for decision. The following referenda will be put to the people of NSW at the Local Government Elections in September 1991.
  - i. Should State Elections be held at fixed four year intervals?
  - ii. Should all state and local Government elections be based on one vote one value?
  - iii. Should citizen initiated referenda be adopted?

## CHARTER OF REFORM

### I. OPEN AND ACCOUNTABLE GOVERNMENT

#### 1. Reform of the Freedom of Information Act to include:

- (i) All internal reviews of decisions which involve refusal to disclose documents in whole or in part are to be conducted by the Ombudsman. (Amend s34(5) FoI Act). The Ombudsman is to have all the powers of the original decision maker. Existing rights of appeal to the court shall be preserved.

In reaching his determination, the Ombudsman may provide access to a document notwithstanding that it is otherwise exempt if in his or her opinion, it is in the public interest to do so.

Before disclosing any such document, the Ombudsman shall give the agency and any third person whose interests might be affected by disclosure an opportunity to make submissions as to why the disclosure should not be made. If, after receiving those submissions, the Ombudsman decides to disclose the document, he or she shall give the agency, the applicant and any third party notice of his or her intention to do so. Any agency or person objecting to disclosure will have a right of appeal to the Court, and if an appeal is filed within 14 days, the Ombudsman is not to disclose the document unless the court so orders.

- ii) All fees associated with requests for documents to be set and amended by regulation; such regulations shall provide for the automatic granting of lower fees in cases of hardship or public interest cases.

- iii) There shall be no charges for considering exemptions or review of decisions by either the agency or Ombudsman.

The Act shall apply to all documents, whether created before or after the commencement of the Act (repeal s25 (1) (e)).

- iv) No agency to be exempt under the Act but the Ombudsman is bound by secrecy provisions covering publication;
- v) Local government to be subject to all provisions of the Act;
- vi) Law enforcement documents, including documents created by the State Intelligence Group and the former Special Branch shall only be exempt where the Ombudsman decides that their disclosure would be contrary to the public interest.
- vii) The Freedom of Information Act shall override the secrecy provisions in all other Acts, and any document that is the subject of secrecy provisions in any other act shall only be exempt where the Ombudsman decides that their disclosure would be contrary to the public interest.
- viii) The time limits in which requests for documents are to be met to be shortened to 14 days as of 1 January, 1992.
- ix) The Ombudsman shall have the power to vary any unreasonable charges imposed in relation to the administration of the Act.
- (x) Documents supplied to M.P.s for work in accordance with their duties without charge.

## 2. Reports and Board Minutes

- i) A requirement that the minutes and annual reports of the boards of all statutory authorities be publicly exhibited.
- (ii) A requirement that all agencies shall publish annual reports, in a standard format.

(iii) The Minister shall report to parliament failure of departments to meet Annual Report deadline.

3. The Government shall recognise the fundamental right of freedom of speech for all public sector employees, and shall legislate to provide full protection of the rights and employment of any public servant(s) who make information public and/or available to the Parliament and/or its members about corruption, incompetence, inefficiency or waste; such protection to be provided by an Act based on the United States Whistle Blower Protection Act 1989. A bill for this Act shall be introduced and proceed through all stages in the 1991 Budget session. A working party appointed in consultation with Independent Members of Parliament, shall be convened to prepare the Bill.

4. Amendment of the Defamation Act and other Acts to the extent necessary to remove restrictions on the full media reporting of Government. Such reform shall not be dependent upon conformity with similar legislation in any other state or states. Further, such reform shall:

- i) Emphasise "truth" as a defence;
- ii) Limit non-economic loss in defamation set at 70 percent of the maximum payable for the loss of the whole of life under the Motor Accidents Act currently \$180,000.
- iii) A public figure test, similar to in the US along the lines of the US "Sullivan" judgement, shall apply.
- iv) The cause of action in all defamation cases to be the matter complained of, that is, the publication and not the imputations arising from the publication.
- v) The defamation law shall be simplified so that juries can give clear answers to the important question whether the publication was substantially true.
- vi) Public figures should not recover damages for defamation, unless the publisher failed to take adequate and reasonable

precautions to ascertain the truth of the matter published or else knew or reasonably ought to have known that the matter published was substantially untrue.

- vii) Where the matter published was substantially untrue but the publisher took reasonable and adequate precautions to ascertain the truth of the matter published, public figures should have a right to a court-ordered correction of the publication, giving the correction similar prominence and distribution as the false publication.
- viii) Compulsory conciliation conferences to be convened by a court appointed officer within two weeks of the commencement of defamation proceedings so that early settlement and apologies can be obtained before legal costs mount.
- ix) All defamation proceedings must be commenced within six months of the plaintiff learning of the publication.

5. Strengthening the power and independence of the Ombudsman and Auditor-General by providing for:

- i) The Ombudsman and Auditor-General be appointed upon proposal by a joint tripartisan parliamentary committee. The resolution to appoint must be carried by a two thirds majority in each house of parliament, otherwise referred back to the committee.
- (ii) Further, that the Ombudsman and Auditor General shall be responsible for the appointment of his/her deputy and other senior staff.
- iii) The Ombudsman and Auditor-General to report directly to the Presiding Officers of the Parliament;

Any report presented to the Presiding Officers by the Ombudsman or Auditor-General must be tabled by each Presiding Officer in his/her respective house on the first sitting day following the receipt of the report.

The Ombudsman and Auditor-General are to be given free and unfettered access to all Government documents, notwithstanding obligations of secrecy, duties of confidence and the laws relating to public interest and legal professional privilege (replace s.22 of the Ombudsman Act 1974).

Notwithstanding such obligations, duties or laws, the Ombudsman is to report to Parliament in all cases where he finds wrong conduct.

The Minister responsible for the Department or agency against which a finding of a wrong conduct has been made to respond to the Ombudsman's report by a public statement to the Parliament within 12 sitting days of the House of Parliament in which the Minister sits.

- iv) The Ombudsman and Auditor-General to be able to publish reports at any stage of an investigation, with or without Ministerial consent.
- v) The actions of all public sector employees to be subject to scrutiny of the Ombudsman and Auditor-General.

6. The Election Funding Act shall be amended to provide for:

- i) Mandatory disclosure of the original source of contributions to political parties, groups or candidates, whether financial or in kind.
- ii) Disclosure to be made annually by a Declaration of Income and Expenditure no later than 30 days after the end of each financial year.
- iii) Unsuccessful candidates and groups to disclose any donation, whether financial or in kind, after any election in which they were candidates.
- iv) Mandatory disclosure of all forms of income and expenditure by third parties which involve themselves in the political

process.

- v) Disclosure of all donations made between the previous election and the announcement of current election no later than two days after the election announcement.
- vi) Where a candidate or party fails to disclose sources of funding, or makes a false or incomplete declaration of sources of funding, that candidate or party shall be ineligible to receive funding from the Elections Funding Authority for five years following the date of the election for which there was failure to disclose, or a false or incomplete declaration was made.

The Election Funding Authority to be restructured to provide for the part-time commissioners to be the Ombudsman and Auditor-General, replacing the nominees of the government and opposition parties.

- vii) Notwithstanding the above the Joint Select Committee on Election Funding shall be reconvened within 14 days of the first sitting day of the Fiftieth Parliament, so that work done up to date can be utilised particularly evidence collected in the United States and Canada.

7. The Government shall appoint a Legal Services Ombudsman. The Legal Services Ombudsman shall have the power to:

- i) Examine allegations about the way complaints about members of the legal profession have been handled by the Bar, the Law Society, or any other legal professional body;
- ii) Refer cases back to any body which originally investigated the complaint, or any disciplinary tribunal which has the power to consider the complaint;
- iii) Recommend level of payment of compensation by the professional body concerned;
- iv) Recommend changes or improvements to the complaints

- procedures of professional bodies; and
- v) publicise decisions, by a suitable public notice in the two major daily newspapers.

The government shall remove all legal barriers to the Trade Practices Act applying to the legal profession.

8. Judicial independence from Executive government to be entrenched in the New South Wales Constitution Act.

9. Third Party Rights.

The third party should be given the right to sue in public interest cases. All public duties may be enforced and all breaches or threatened or potential breaches of public laws may be restrained or remedied by any person whether or not that person has standing to sue at common law.

No legislative or administrative restriction on provision of legal aid, and indemnity against costs for public interest cases, pursuant to Third Party Rights.

## II. PARLIAMENTARY REFORM

1. Parliament shall have a fixed four year term.

In deciding on the method of implementation of this reform the Victorian and South Australian Bills establishing fixed terms in those states shall be considered, as well the report of the Constitutional Commission 1989 and the Bill introduced in the Senate in 1981 by Senator Evans and Appendix A (attached).

Such reform shall be entrenched in the New South Wales Constitution Act, if necessary by way of a referendum.

2. The strengthening of the independence of the Speaker by:

- i) The Speaker to be chosen either by a two-thirds majority of the parliament, or by acclamation; or by elimination ballot (Appendix 2).
- ii) The Parliament to determine on a bipartisan basis the term of office of the Speaker.
- iii) Recognition by the Treasury and all arms of State Government administration that the principal presiding officers of the parliament shall represent the will of the parliament in matters of administration and finance.

### 3. Parliamentary and community consideration of legislation:

All reforms in this section shall be by way of legislation as a Parliamentary Reform Act.

- i) Exposure drafts of all legislation to be made available for public comment at least 28 days before, except where otherwise provided for in Appendix 3 (to be added).
- ii) Funding for legal or other assistance, shall be made available to community groups making submissions on proposed legislation.

- (iii) Financial, social and environmental impact statements shall be tabled with all bills, except where otherwise agreed on a bipartisan basis.
- iv) Unless by tripartisan agreement, legislation to be referred to ad hoc legislation committees for consideration, scrutiny and report.
- v) Major legislation to have a statutory review mechanism, such as a parliamentary committee, with the power to hold inquiries and receive submissions on the implementation, operation and administration of the legislation, and to make draft amendments and recommendations to the parliament.
- vi) Legislation that is not proclaimed within ninety days of the third reading to be notified to the House and debated.

4. Parliamentary procedure and standing orders:

A complete review of Parliamentary procedure and standing orders shall occur as a matter of urgency. These reforms shall include:

- i) Parliamentary sitting days shall be extended to allow for:

Parliament to sit for four days in each sitting week, commencing at 10.00a.m. and rising at 10.00 p.m.

Proceedings shall be interrupted to allow for an adjournment debate. Parliament shall rise at 10.00 p.m. except where a motion to extend the sitting has been adopted without dissent.

- i) Speaking time of Ministers and Opposition Spokespersons to be limited to 20 minutes and subsequent speakers to 10 minutes, thereby giving members increased speaking time and adequate opportunity to debate and to participate in amending government bills;
- ii) Sufficient additional private members' days to be scheduled to ensure private members' bills are fully

debated with adequate time for consideration by the House, before being brought to a vote on the second and third readings; and

- iii) Private members, including Independent members, to have the right to initiate debates on matters of public importance and private members' motions, with the government facilitating debate on such matters.
- iv) Any motion that the question be put cannot take effect until after two hours of debate on the matter upon which the closure was sought. Further any speech in reply shall not be included in these two hours.
- v) Suspension of standing orders to be permitted at times other than during Question Time.
- vi) Reform of the procedures to allow full debate on general business motions and tripartisan participation.
- vii) The government to be required to publish an agenda listing all legislation to be introduced and/or debated in each house at least 24 hours prior to the sitting day on which it is to be introduced and/or debated; and further that this agenda may only be varied by a vote of both houses of the Parliament. Such an agenda shall be published in at least two daily newspapers circulating in New South Wales.
- viii) Questions on notice to be answered within fifteen sitting days. Where a Minister fails to answer a question on notice within 15 sitting days, the Minister shall provide an explanation on the notice paper as to why the question is not answered.
- (ix) Answers to questions without notice should be no longer than seven minutes. In the event of a Minister requiring more time to answer a question, the Minister shall exercise the right to make a further statement at the end of question time.

5. Parliamentary Committees

- i) Enhancement of all parliamentary committees. Members of Parliament shall have a role, with the Presiding Officers, in formulating budget submissions for parliamentary appropriations with suitable mechanisms to formulate adequate budgets to cover, among other things, committee business.

The establishment of committees, which shall comprise of members of both the Legislative Assembly and Legislative Council, and shall include the aforementioned legislation committees, budget estimates committees, Triennial Performance Review Committees, a parliamentary appropriations committee and other committees according to the will of either House.

The Budget Estimates Committees shall be a joint standing committee of the Parliament and shall be established prior to the bringing down of the 1991 State budget. The duties of each committee shall include examining proposed budget appropriations, and the administration and operations of government departments and authorities.

The Triennial Performance Review Committees shall conduct performance reviews of all government departments on a triennial basis. Departments shall be grouped according to their function (eg legal services, financial services, transport and communication etc), with each grouping being reviewed in the one year. Such reviews shall not be restricted to finance, but shall examine the aims and objectives of departments, and performance generally.

- ii) Each and every committee report shall receive a parliamentary response from the government; this response to be followed by a parliamentary debate on the committee report, such response to take place within the term of the session.

6. Parliamentary appropriations

- i) A separate Parliamentary Appropriation Bill to provide for Parliament's independence from the Executive government.
- ii) The Parliamentary Appropriation Bill of the Fiftieth Parliament and each subsequent annual Parliamentary Appropriation Bill to provide for:
  - a) A more equitable distribution of resources among Members of Parliament;
  - b) Improved funding for information technology for Members of Parliament;
  - c) Adequate funding for all parliamentary committees, including staff, resources and accommodation outside Parliament House.
  - d) Improve resources for the parliamentary library including the establishment of a specialist research service which is available to all members.

7. Parliamentary counsel

Parliamentary counsel to become officers of the Parliament, and to be available to private members to assist in the drafting of bills and amendments to bills.

8. Declaration of pecuniary interest

Comprehensive declaration of pecuniary interest legislation applying to all parliamentarians, senior executive service and senior members of statutory bodies. Declaration of pecuniary interest shall apply also to statutory bodies with decision making power, and to local government.

9. Recognition by the Treasury and all arms of State Government administration that the principal presiding officers of the parliament shall represent the will of the parliament in matters of administration and finance.

10 Referenda

- i) Multiple referenda shall be held conjointly with each NSW parliamentary election.
- ii) Questions to be put in a referenda to be held conjointly with the elections for the Fifty-first Parliament shall include:
  - a) Should all state and local government elections be based on one vote, one value?
  - c) Should citizen initiated referenda be adopted?

APPENDIX 1

- i) An earlier election shall only be held where, within the first three years of the term, the Legislative Assembly passes a motion of no confidence in the Premier and his Ministers. If a motion of confidence in an alternative administration is passed within seven days of the successful motion of no confidence, then the Governor is to commission an alternative administration.

The proposer of any motion of no confidence must give 24 hours written notice of the motion to the Speaker.

Where a meeting of the Legislative Assembly is not fixed to take place within seven days after the day on which a motion of no confidence is passed, the Assembly shall be called together to meet within seven days after that day.

A general election shall not be held if after the passage of the no confidence motion and before the passing of a motion of confidence in an alternative administration, the Premier resigns and a person is appointed as Premier.

- ii) These provisions shall be entrenched in the NSW Constitution Act, if necessary by way of referendum.

ATTENTION: CRAIG KNOWLES, M.P. for MOOREBANK.

30.10.1992

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SUMMARY OF REFERENCES IN DEBATE ON  
TIMBER INDUSTRY (INTERIM PROTECTION) ACT 1992  
TO CHANGES IN DETERMINING AUTHORITY UNDER Part V OF EPA Act '79  
for FORESTRY COMMISSION E.I.S.' s  
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Page Nos refer to NSW 'Parliamentary Debates - Hansard No. 34, 3/3/'92 - 11/3/92'. Main speakers only.

Legislative Assembly

Mr Garry West: Minister for CALM, Second Reading Speech  
p. 424 (4.3.'92)

Ms Pam Allan: Shadow minister for the Environment  
pp. 615-616, 618-619 (5.3.'92)

Mr Garry West: Minister for CALM, In Reply  
p. 760 No mention of Changes to Part V

HOUSE IN COMMITTEE

Mr Craig Knowles: MP for Moorebank.  
Amendment Re: Forestry Committee as determining authority  
pp. 810, 815-816 (6.3.'92)

Dr Terry Metherell: (then) MP for Davidson  
p. 816

Mr Bob Martin: MP for Port Stephens  
p. 816

Mr John Hatton: MP for South Coast  
p. 816-817

Mr Garry West: Minister for CALM, In Reply to amendment  
p. 817

Legislative Council

Mr Robert Webster, representing West, Second Reading Speech  
p. 724 (6.3.'92)

\*\* N.B Ministerial Statement Mr Garry West, p.839-843 (10.3.'92)

Legislative Assembly (2nd time!) Suspension of Standing Orders

Mr Tim Moore: Leader of Government Business  
p.859-860

House in Committee  
p.860-861

Mr Garry West: Minister for CALM,  
p. 885, (10.3.'92)

Mr Craig Knowles: MP for Moorebank.  
p. 885, (10.3.'92)

Dr Peter Macdonald: MP for Manly  
p. 886, (10.3.'92)

Mr John Hatton: MP for South Coast  
p. 886, (10.3.'92)

Mr Garry West: Minister for CALM,  
p. 893-894, (10.3.'92)

Dr Terry Metherell: MP for Davidson  
p. 894 (10.3.'92)

Mr Garry West: Minister for CALM,  
p. 897 (10.3.'92)

Mr Bob Martin: MP for Port Stephens  
p. 897 (10.3.'92)

Dr Peter Macdonald: MP for Manly  
p. 897 (10.3.'92)

Mr Craig Knowles: MP for Moorebank  
p. 897-898 (10.3.'92)

Mr Garry West: Minister for CALM,  
p. 898-899, (10.3.'92)

Mr Tim Moore: Minister for the Environment  
p. 899-900 (10.3.'92)

Dr Terry Metherell: MP for Davidson  
p. 900-901 (10.3.'92)

Mr Craig Knowles: MP for Moorebank  
p. 901-902 (10.3.'92)

Mr Garry West: Minister for CALM,  
p. 902 (10.3.'92)

Dr Peter Macdonald: MP for Manly  
p. 902-903 (10.3.'92)

Mr Tim Moore: Minister for the Environment  
p. 903 (10.3.'92)

Ms Pam Allan: Shadow Minister for the Environment  
p. 904 (10.3.'92)

Mr Craig Knowles: MP for Moorebank  
p. 904 (10.3.'92)

Legislative Council (the 2nd time!)  
Mr Richard Jones  
p. 943, then 953-955 (11.3.'92)

Ms Lis Kirkby  
p. 983 (11.3.'92)

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SUMMARY OF REFERENCES IN DEBATE ON  
TIMBER INDUSTRY (INTERIM PROTECTION) ACT 1992  
RTO: CHANGES IN DETERMINING AUTHORITY UNDER Part V OF EPA Act '79  
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Page Nos refer to NSW 'Parliamentary Debates - Hansard No. 34, 3/3/'92 - 11/3/92'

In the Legislative Assembly

Mr Garry West: Minister for CALM, Second Reading Speech  
p. 424

HOUSE IN  
COMMITTEE  
Ms Pam Allan: Shadow minister for the Environment  
pp. 615, 618, 619

Mr Craig Knowles: MP for Moorebank.  
Amendment Re: Forestry Committee as determining authority  
pp. 810, 815-816

Dr Terry Metherell: (then) MP for Davidson  
p. 816

Mr Bob Martin: MP for Port Stephens  
p. 816

Mr Garry West: Minister for CALM, In Reply starts at p. 760  
No mention in Reply

In the Legislative Council

Mr Robert Webster, representing West, Second Reading Speech  
p. 724

720  
\*\* Ministerial Statement Mr Garry West, p. 842

In the Legislative Assembly (the 2nd time!) - House in Committee

Mr Garry West: Minister for CALM,  
p. 885,

Mr Craig Knowles: MP for Moorebank.  
p. 885,

Dr Peter Macdonald: MP for Manly  
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Mr John Hatton: Mp for South Coast  
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In the Legislative Council (the 2nd time!)

Mr Richard Jones  
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Ms Lis Kirkby  
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## EIS STRATEGY: PROGRESS REPORT - 30.9.92

(a) EIS*	(b) FLORA/FAUNA SURVEYS	(c) PROGRESS (% completed)	(d) PRINCIPAL CONSULTANT	(e) PROGRESS ON EIS	(f) ANTICIPATED PUBLIC EXHIBITION	(g) ANTICIPATED DETERMINATION
1. MT ROYAL	Forestry Commission	Completed	Kinhill Engineers	Completed	Now on Exhibition	February 1993
2. WINGHAM	Forestry Commission	Completed	Truyard-Epps	Completed	Now on Exhibition	January 1993
3. GLEN INNES	Austeco	Completed	Manidis-Roberts	Final draft received for approval**	Oct. 1992	February 1993
4. DORRIGO	Mt King Ecological Surveys	Completed	Sinclair, Knight	95%**	Oct. 1992	March 1993
5. GRAFTON	Austeco	90%	Margules, Groome	60%	February 1993	-
6. CASINO/MUR- WILLUMBAH	Austeco	90%	Margules, Groome	50%	February 1993	-
7. KEMPSEY/ WAUCHOPE	Mt King Ecological Surveys/Binas	85%	Truyard-Epps	35%	March 1993	-
8. GLOUCESTER/ CHICHESTER	Ecotone	75%	Manidis-Roberts	40%	March 1993	-
9. TENTERFIELD	Gunninah	85%	Manidis-Roberts	10%	May 1993	-
10. URBENVILLE	Austeco	10%	Not yet appointed		September 1993	-
11. URUNGA/ COFFS HARBOUR	Not yet appointed	Survey this Spring/Summer	Not yet appointed			
12. WALCHA/ NUNDLE/STYX	Not yet appointed	Survey this Spring/Summer	Not yet appointed			
13. WARUNG	Not yet appointed	Survey this Spring/Summer	Not yet appointed			
14. QUEANBEYAN /BADJA	Not yet appointed	Survey this Spring/Summer	Not yet appointed			
15. WYONG	Not yet appointed	Survey this Spring/Summer	Not yet appointed			

\* E.I.S.s relate to Management Areas and are listed in order of proposed release.

\*\* Completion of these E.I.S.s was delayed due to major problems meeting the requirements of the Endangered Fauna legislation. These problems have now been largely overcome for these E.I.S.s.

+-----+  
**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;  
+-----+

Mr Craig Knowles,  
Member for Moorebank,  
6/36 Carlisle Street,  
Ingleburn. 2565.

30.10.'92

Dear Craig

Re: Changes to Part V EPA Act mooted during TIIP Act debate

Please find hereunder a Summary and a copy of the extracts from the relevant pages of Hansard. I believe that this is a comprehensive review of the debate, but I'm not going to swear to it!

There were only a few single sentence throw away remarks about Pt V made. I have not included these. Hope this helps...

Cheers!



+-----+  
**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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+-----+

Mr John Hatton, MLA,  
Independent Member for the South Coast,  
P.O. Box 634,  
Nowra. 2541.

25 June 1992

**<< For Mr Hatton's  
personal attention >>**

Dear Mr Hatton,

Re: Timber Industry (Interim Protection) Bill, 1992.

I refer to your letter of 6 April.

I was disappointed that you did not reply to the issues raised in my letter of 30/3/92 regarding your approach to and voting on the Timber Industry (Interim Protection) Bill, with specific regard to the Memo of Understanding with the (then) Greiner Government.

You indicated in your letter that you "found it difficult to wade through" my letter wherein I detailed a number of instances where I perceived an inconsistency with my understanding of the MOU and your voting pattern on the TIIP Bill.

What was the nature of your difficulty?

I took considerable effort to advise you of my concerns and requested in my letter a clarification or correction of my understanding of the MOU and sought a meeting with you to discuss this matter with you.

Instead I recieved a recitation of your life history, and a listing of information which you read; including documents relating exclusively to the South East Forest Protection Bill. You made no mention of the information prepared by the North East Forest Alliance (NEFA) specifically on the TIIP and its implications for the forests of the north east of the state.

In your letter you advise of 'lectures' you recieved from me and the 'other side', yet it seems a crucial distinction is not being drawn between approaches from the environment movement, including the North East Forest Alliance, who are PUBLIC INTEREST advocates and the representations made by industry groups who plainly represent VESTED INTERESTS in receipt of considerable public subsidies and discounts.

I attempted not to lecture in my letter and sought advice and clarification on matters of very serious dimension.

I renew my request for a discussion with you, in Sydney at your convenience, on this Bill, now an Act, and the Memo of Understanding, which I understand has now been agreed to by the Fahey Government. This request is a genuine search for understanding on my behalf, to which I hope you will sincerely respond.

I renew also my request that you pursue the written assurances of the Minister for the Environment and the Minister for CALM made in the Assembly's debate during the passage of the TIIP Bill.

Further, may I suggest that you seek the ratification and commitment of the new Premier and the new Minister for the Environment (when announced) to the commitments made by Mr Moore when he was acting as Minister for the Environment. These commitments should be easily summarised from the Hansard, to which you and your staff have greater access than I.

Finally, I append a copy of a letter from the Office of the Ombudsman to the Commissioner for Forests, Dr Drielsma, which follows a complaint of the conduct of FCNSW in the briefing on the TIIP Bill and in the days prior to and following the all-party briefing meeting which you chaired.

I am sure you will be very interested in Dr Drielsma's replies to the questions of the Office of the Ombudsman, when they are recieved, since they go to precisely the heart of the matters which we complained of to you and your Independent colleagues. I will forward a copy of any reply by Dr Drielsma in due course.

In the meantime I look forward to an opportunity to meet and discuss the operation of the TIIP Act, ongoing problems in the forests of the state's north east, and the nature and application of the MOU between the Independents and the Government.

Yours sincerely,

John R. Corkill  
Sydney Area Co-ordinator



PARLIAMENT OF NEW SOUTH WALES  
LEGISLATIVE ASSEMBLY

MEMBER FOR SOUTH COAST

OFFICE: Suite 1, 1st Floor  
50 Berry Street  
NOWRA 2541

PHONE: (044) 21 0408  
(044) 21 0222

FAX: (044) 22 1180

MAIL: P.O. Box 634  
NOWRA 2541

12 August 1992

Mr. John R. Corkill,  
Sydney Area Co-ordinator,  
NSW Environment Centre,  
39 George Street,  
THE ROCKS. 2000

Dear Mr. Corkill,

Thank you for your letter of the 25 June 1992.

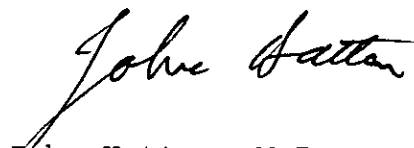
The brevity of this response should indicate quite clearly how I feel about the tone of your response.

I have been happy to meet with environmental groups. I have given a disproportionate part of my time to this issue. I consider matters indepth, but unfortunately from your view point, I consider them from both sides of the argument, and that seems to be the sticking point between us.

I have written to Mr. Hartcher and Mr. West in pursuit of the written assurances given by the former Minister for the Environment and by Mr. West in a discussion of the Timber Industry Protection Bill.

I find the tone of your letter offensive, particularly in regard to my "life history". It was only meant to demonstrate to you, one who has little or no regard apparently, for the rights of people to earn a living in a tough economic climate, that I, at least, do appreciate the economic circumstances of people adversely effected by legislation. A single minded, uncompromising pursuit of goals, however laudable, without sufficient indepth recognition of the human factors involved, is totally unacceptable to me. I feel it would be a waste of time to further correspond or discuss this matter with you, although I will continue, as I have done in the past, to meet with representatives of peak conservation groups.

Yours sincerely,

  
John Hatton, M.P.,  
Member for South Coast.

-----  
**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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-----

Mr John Hatton, MLA,  
Independent Member for the South Coast,  
P.O. Box 634,  
Nowra. 2541.

30 March 1992

<< For Mr Hatton's personal attention >>

Dear Mr Hatton,

Re: Charter for Reform, Memorandum Of Understanding between the  
Greiner Government and Independent Members of Parliament and the  
Timber Industry (Interim Protection) Bill, 1992.

I write, now some 2 weeks distant from the passage of the above Bill, to report my observations and criticisms of the Parliament's process, and your action in considering this legislation.

I am taking the time to commit these views to paper since I have been asked by the media to comment on the role of the Independents in the passage of this Bill.

In making comment to the media I was, and remain, critical of Dr Metherell in particular, for reasons which are not relevant here. I have also been critical of you because of your action in supporting the Bill.

I believe it is only proper that my concerns are communicated to you directly. I attempted to do so following the passage of the Bill, via telephone, but you were unavailable.

From my limited contact with you I understand that you value feedback and accountability. You are a 'straight talker' as I am, so I will not be indirect in my remarks.

My criticisms amount to an audit of the spirit, and even the letter, of the 'Memorandum of Understanding between the Government and Independent Members of Parliament' and the 'Charter for Reform' which preceded it.

As I understand them, these important documents attempt to encapsulate a philosophical view that government, and particularly the NSW Parliament, should be open, accountable, democratic and should properly serve the public interest.

Your view, and the view of your colleagues Ms Moore and Dr MacDonald, as I understand it, is that you seek at every opportunity to pursue the implementation of the principles for urgent reform of the processes of government.

As I understand them, these principles include:

- \* consultation on legislation involving major issues of public interest;
- \* the provision of public information with, or without formal Freedom of Information requests;
- \* scrutiny of statutory authorities and, if necessary, their forced accountability;
- \* 'Third party rights' to permit any person to enforce breaches of law.

My understanding of the Independents' position was that the Independent MPs would consider every piece of legislation on its merits; and where Bills were inconsistent with the principles for government reform, Independent MPs would prevail on the Government to ensure that appropriate amendments were incorporated into Bills to give effect to those principles.

Surprisingly, your actions in considering the Timber Industry (Interim Protection Bill, 1992) appear to me to seriously contradict these principles. What follows is my assessment of these serious contradictions.

#### On 'Freedom of Information'...

A three page letter written on 26/2/1992 on behalf of the combined NSW environment groups by their parliamentary Environmental Liaison Officer (ELO), Mr Peter Wright, was sent to your Parliament House Office marked 'Urgent'. It sought your intervention to force the public release of information relevant to the TIIP Bill.

That information fell broadly into three categories: documentary evidence of -

- \* actual or threatened job losses due to the EFIP Act;
- \* areas of timber supply lawfully available; and
- \* details of the timber supply required by the industry in the immediate future.

In a telephone conversation with Peter Wright on Monday 2/3/'92, you agreed that this information was essential in evaluating the TIIP Bill. At your request, Peter contacted your staffer, Arthur King, and asked him to contact the office of the Minister for CALM to arrange for the supply of the requested information.

At the TIIP Bill briefing the following evening (Tuesday 3/3/'92) you were apparently unaware of this letter. It appeared that no action had been taken by your office on this matter.

× Despite verbals pleas by myself, other Independent MPs and members of the Labor and Australian Democrat parties, for the information requested to be made public, no clear commitment to do so was made by FCNSW Commissioner or the Minister for CALM.

A second written request was made by me at that meeting, through you, to the Minister to clarify his response to the request for relevant information. Again, no commitment to provide the information was made.

When I later briefly inquired of you, in the corridors and at the lift, of any progress on the provision of the information requested, you remarked that you had no power to compel the Government or FCNSW to produce such information.

I found such a remark difficult to accept from an MP on whom the Government sought to rely in the passage of the TIIP Bill. The balance of power has already afforded you and your colleagues great scope to make requests and insist on matters of principle.

I agree that there is no formal legal power to compel the provision of information, relevant to matters of major public interest to Parliament or to the public. The political power to force the provision of information was however available to you, but you apparently chose not to pursue the issue.

The moral obligation to be an informed decision maker, and to critically examine, and even test, the veracity of conflicting claims made by vested interest groups and public interest groups was transgressed by almost all of the NSW Members of Parliament, yourself included.

Instead the consideration of a Bill with far-reaching implications for the state's and nation's ancient natural heritage was symbolically debated in the Legislative Assembly without the testing of its two fundamental premises: the timber industry's claim of an imminent 6,000 job losses and the Commission's assertion of its inability to lawfully supply timber to the industry because of the Endangered Fauna(IP) Act, 1991.

On public consultation on legislation of major public interest...  
Apart from the hurly burly of the last minute Tuesday night briefing on the TIIP Bill (3/3/'92) the Government did not consult with the NSW environment movement, let alone allow the two periods of 28 days for exposure and public comment as described in the MOU.

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As a result the environment movement was effectively frozen out of any consultations or negotiations. We were deliberately excluded.

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You specifically voted against an amendment to insert these rights into the Bill. From my observation from the public gallery, your vote was crucial in ensuring the failure of that and other amendments.

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As you know I have been a persistent applicant to the Land and Environment Court under these third party rights, precisely because FCNSW had been breaking NSW law with impunity for several years, and successive governments had failed to enforce these laws.

By voting against these rights you have specifically denied me, and others, the right to ensure that FCNSW does not breach the provisions of the TIIP Act, as it has breached other environmental laws.

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It was this continuing failure to prepare EISs in a timely manner which gave the FCNSW the opportunity to contrive the crisis of 'lack of supply' and dump the blame onto the EFIP Act.

So, having broken the law repeatedly over an 11 year period, finally FCNSW has had the application of those provisions suspended from its sphere of activity. Many other state agencies have been able to comply with the EIS obligations, but FCNSW has not & is now exempt.

Thus, in my mind, your support for this Bill, and the exemption from lawful obligations, is quite inconsistent with your prior advocacy of proper, lawful conduct within government.

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Yet, contrary to your stated position on the need for reforms of the conduct of the Parliament, you voted for a government Bill which involved the:

- \* exclusive back room negotiations, involving at least the Government and Dr Metherell, rather than debate on the floor of the House;
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I was astounded to hear that claim. Had I, as the Sydney co-ordinator for the North East Forest Alliance been asked, I would have advised the opposite. There will be renewed, even intensified, dispute over important forest resources, particularly wilderness, put at risk by the Bill.

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My confidence in the competence of Parliament, to separate fact from fiction, and vested interest from public interest, has been shattered. I doubt that it is useful for us to participate in the NSW parliamentary process any further on this issue.

In my view the Parliament was callously manipulated by hysterical headlines, unproven claims by vested interests, and contrived outrage from a screaming honking crowd specifically invited to Sydney by the Minister and the Premier. Apparently as scripted by the industry, Parliament passed into law a Bill which had no basis in fact, despite the misgivings of numerous MPs who, at various times, called for the provision of relevant 'facts'.

We cannot easily go to the Court, to the Ombudsman as umpire, or to the Parliament and expect our very serious public interest concerns to be competently addressed. We cannot even obtain basic information which should be publicly available!

This analysis of the state of health of the civilised processes of government does not equate to an end to forest disputes.

#### On the worth of attempting to inform MP's...

In conclusion, may I ask, did you receive and read any of the submissions made by NEFA as the body fighting for the forests affected (the north east forests) when considering the Bill the subject of a special recall of Parliament?

NEFA provided a briefing note, a briefing paper, a submission, colour photographs, various maps, co-signed letters with other environment groups and had its barrister at your convenience and

the convenience of other MPs.

From my point of view, NEFA and the NSW environment groups had their act together, to the best of our capacity considering the lack of publicly available information, to inform MPs but we were overlooked, isolated and ignored.

Perhaps you could advise of any difficulty or problem with our critique of the TIIP Bill, or our preparedness for briefings and negotiations?

Certainly your feedback on my comments and the specific last question would be very much appreciated.

I am quite sincere in requesting a response, either in writing or preferably in person, which addresses the many points raised above.

Thank you for considering this frank dialogue.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J.R. Corkill'. The signature is fluid and cursive, with a large initial 'J' and a stylized 'C'.

J.R. Corkill

cc Ms Clover Moore, Dr Peter Macdonald



PARLIAMENT OF NEW SOUTH WALES  
LEGISLATIVE ASSEMBLY

MEMBER FOR SOUTH COAST

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6 April 1992

Mr. J.R. Corkill,  
'The Big Scrub' Environment Centre,  
149 Keen Street,  
LISMORE. 2480.

Dear Mr. Corkill,

I found it difficult to wade through your letter. You obviously have no idea of the demands on an Independent Member of Parliament. The amount of time that I put into the Forest issue is disproportionate when one considers the enormity of the responsibilities that are carried.

You would have had nothing to criticise, if I had agreed with everything that John Corkill suggested. You have the luxury of being single minded in this issue. I have no such luxury. If you are looking for the reason why John Hatton behaved as he did, then you need look no further than my family. With six brothers and two sisters and my father on an Invalid Pension since 1949 until his death in 1979, I know what it is like to be in a family with little or on occasions almost no income and I am not prepared to throw people away. Whether you believe it or not my heart is in the preservation of the forests. You speak of consultation and proper examination of legislation, yet the clear impression that I received from you and your colleagues is that you did not want the South East Forest Protection Bill to go before a Parliamentary Committee and as a matter of fact Geoff Angel thought it was simply a stalling tactic on my part.

I read the Formby Report, the critique of the Formby Report, the critique of the critique of the Formby Report and relevant sections of the R.A.C. reports. I have listened ad nauseam to both sides on the North Coast forests, despite your protestations. You complain of little or no access, yet the Forestry debate was lightyears away from any experience in my eighteen years in the parliament, prior to the Charter of Reform.

It is my belief that you had an enormous amount of input into the debate. Was there ever an occasion where conservation, forestry and other interested parties sat around a table and discussed things with two Ministers present in the National Party Room and again at the large semi-public meeting at which the two Ministers were present.

What I find fascinating is that you lecture me from your side of it, and I get lectured by people on the other side of the debate and criticised in my local paper for supporting the Interim Fauna Protection Bill. On the question of the Minister's written assurances, if you write me a letter confined to that, I will certainly be insisting on written undertakings from the Minister. I rely on you to specifically outline those assurances, which will save me time and ensure that your case is not misrepresented.

I have forwarded a copy of this letter to my fellow independents, so that they might be aware of my response.

Yours sincerely,



John Hatton, M.P.,  
Member for South Coast.

# All eyes on Hatton in green countdown

Nick Greiner's swansong, a package of measures designed to alter the centre of gravity in the environment/economy contest, will soon be debated in Parliament, writes **ANNE SUSSKIND**.

**T**HE FAHEY Government's first big test of will with the Independents looks set to begin. It centres on new legislation which will profoundly alter the way the competing pressures of environmental protection and industry and development are reconciled.

Everyone is waiting for the Independent MP John Hatton to make up his mind about the set of five bills, collectively known as the Natural Resources Management Package, due to come before the NSW Parliament this session.

Ask members of the Green movement why they have protested so little about what they have labelled the biggest environmental onslaught NSW has yet seen, and they'll tell you the ALP has rejected the package — which it has labelled pro-industry and anti-conservation — as have two other Independents.

Now they're hoping Mr Hatton — who has expressed some reservations — will, too, and they'll be saved the trouble of mounting an all-out campaign against it.

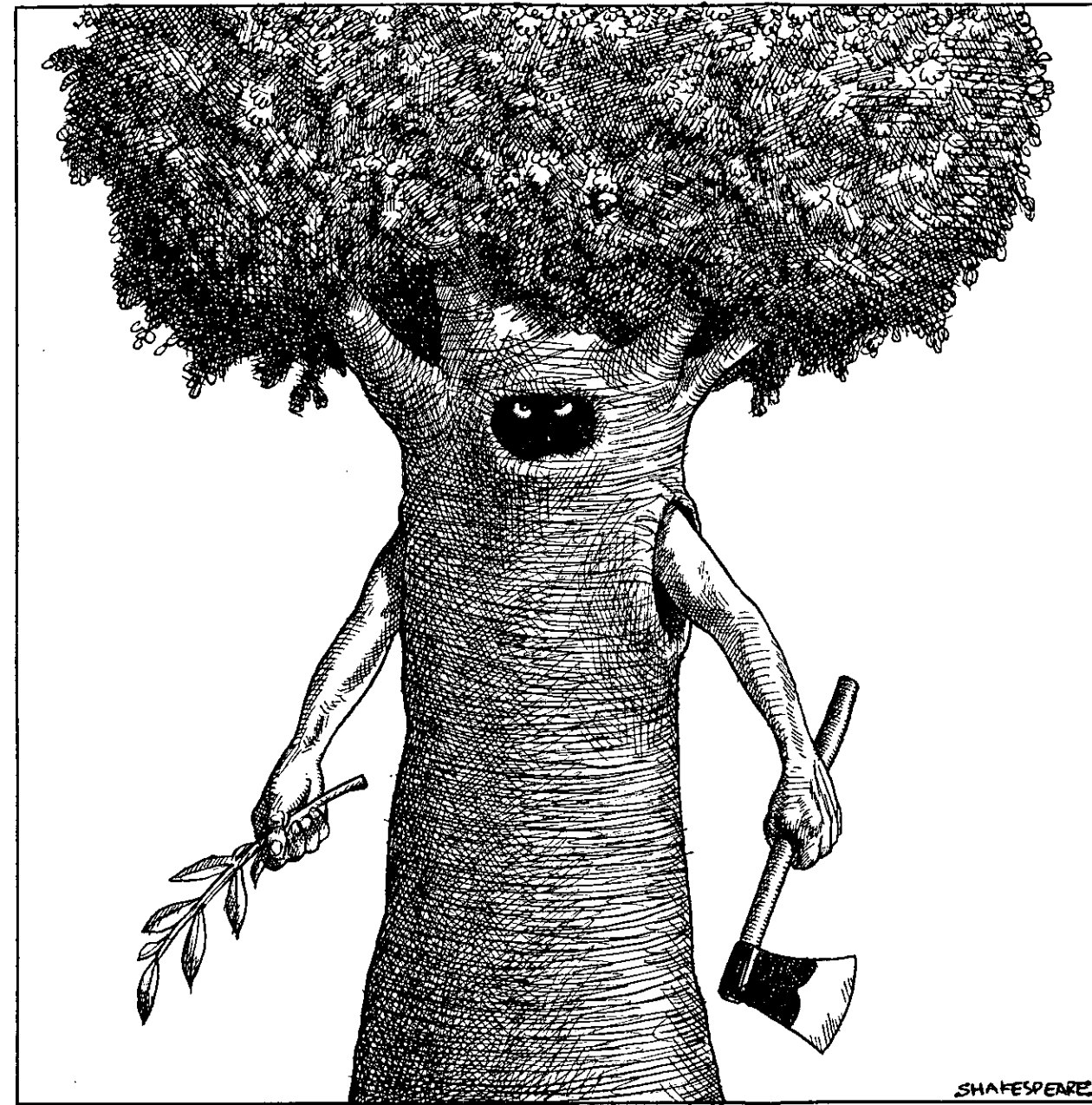
The big supporter of the bills is the National Party — led by the Cabinet ministers Garry West, Ian Causley, Wal Murray and Robert Webster, who are also the ministers in charge of the resource and development portfolios.

But according to one Liberal parliamentarian, those in government who "adopt a more environmentally friendly perspective" are alarmed by the package.

"It's the calm before the storm," he said. "People on both sides are relying on Hatton. The developers, the mining and forest perspective are relying on Hatton to get it through, and the Greens are presuming that because Hatton couldn't possibly agree with all the provisions, there is no need to fight the good fight."

The package, which takes in the Natural Resources Management Council Bill, the Endangered and Other Threatened Species Conservation Bill, the Environmental Planning and Assessment (Amendment) Bill, Forest (Resource Security) Bill, and the Heritage (Amendment) Bill, covers all aspects of public land use.

According to the Government, it will



make the resolution of environmental disputes easier. When he introduced it, the former premier, Mr Nick Greiner, said the uncertain climate in which industry has had to operate has meant it often lacked confidence in making longer-term investments in NSW, depriving the State of job-creation opportunities.

The legislation's key feature is the establishment of a powerful 13-member Natural Resources Management Council (NRMC) which will be responsible for deciding the uses of all public land — Crown land, State forests, national parks and the State's coastal waters — taking into account environmental and economic considerations.

Wal Murray, who made the Second Reading speech in Parliament, said the

council's composition would ensure that industry and conservation interests were reconciled, and that disputes were resolved before decisions were made, rather than after as has frequently occurred at present.

But, environmentalists point out, the proposed council is heavily skewed in favour of resource interests.

Government bureaucrats and appointees by far outnumber those who are non-government. Five of the seven departmental heads will represent resource interests. There are to be four non-government members with special expertise, appointed by the Premier — three with expertise in resource economics, natural resource extraction and processing, and industry and

commerce, compared with one in bio-diversity conservation.

The second bill, the Endangered and Other Threatened Species Conservation Bill, would replace the Opposition-introduced Endangered Fauna (Interim Protection) Act. The major upset with this bill is that it scraps the NSW list of about 200 endangered species in favour of the national list of 57. "Endangered" will mean likely to become extinct in Australia in 20 years.

An animal reasonably secure nationally — for example, the koala which is secure in Victoria but endangered in NSW — will no longer be protected in NSW, and no longer be able to be used by environmentalists as a pretext for stopping activities such as logging.

Scientists, academics and conservationists are outraged by this, arguing that true bio-diversity requires the protection of species in differing habitats; and that should a rare species be wiped out in one State, we need the back-up of another.

Unlike the legislation it replaces, Murray said, the new one would confine the scope of "taking and killing" offences — defined by the Chaelundi case to mean the degradation or destruction of the habitat of endangered fauna — to those which require proof of intent to "hunt, kill, injure or capture" the fauna concerned.

The third bill in the Government's package, the Environmental Planning and Assessment (Amendment) Bill, requires the Minister for Planning to approve projects or activities proposed by government agencies which are likely to significantly affect the environment; it does not seem to have attracted much attention from the environmental lobby.

The Forest (Resource Security) Bill is based on the NRMC's determination that certain forests be set aside for timber production, so giving the timber industry security of supply. It would also see the industry compensated if this supply is threatened by environmental or other considerations.

The bill exempts the industry from Part Five of the EPA Act in designated production forests — that is, the part requiring an environmental impact statement — as the environmental impact of those operations "will have already been assessed by the NRMC".

For the environmental movement, the bill is obviously flawed as its functioning is premised on decisions to be made by a council it views with extreme scepticism.

Also, legal sources point out that successive governments being locked into compensation agreements could prove to be a problem. For example, should a forest prove to have a rare plant of pharmaceutical value — and should a government later want to revise its position on logging — it may find it politically and financially impossible to buy its way out, just as Greiner found with the Harbour tunnel.

Also, environmentalists point out, a logger who closes up shop will be able to virtually sell the logging rights — tantamount to privatising forests.

The Heritage (Amendment) Bill excludes from the ambit of the Heritage Act items of environmental heritage, with the rationale that the natural environment is protected by other legislation, particularly the National Parks and Wildlife Act of 1974.

It also places Aboriginal places and relics "outside the scope of the Heritage Act" — a move severely criticised by the NSW Law Society, which says it is the only legislation covering Aboriginal

places and relics which requires community consultation, and the Aboriginal Lands Council which says it contravenes the spirit of the Federal Race Discrimination Act by providing less protection for Aboriginal than European heritage.

The forestry industry also has its complaints, the most significant of which is a demand that there be a "level playing field" — that all national park proposals in future be subject to social and environmental impact statements, just as developments are subject to environmental impact statements.

But, unlike the environmental movement which is aghast by the entire package, the forestry industry's complaints can essentially be accommodated by modifications around the edges of the legislation.

According to Brian Preston, a Sydney barrister, who recently presented a paper on the package to the judges of the Land and Environment Court, the philosophical basis of the whole package — implicit in its title — is utilitarian. It focuses only on the consequences to humans, and "tends to reduce nature to a storage bin of natural resources or raw materials".

He said: "... the intrinsic value of the environment and its components, including wildlife, is not recognised [in the package]."

It's hard to get anyone in government to talk about the package. Ministers hide behind the fact that it cuts across so many portfolios, and their press secretaries shunt questions on it from minister to minister.

So what next? Despite threats from the more radical Green groups that the "hill tribes will come to town" and talk by the more mainstream groups of action plans, nothing has yet eventuated.

Perhaps it's a hard one for the environmental movement to take on — it's a complicated, legalistic package which is difficult to wade through and much harder to explain to the public than the plight of a soft, furry animal caught in the wake of a logging operation.

Hatton says he's received lots of mail from both sides, and intends to make a decision as soon as he's properly considered the issues.

The package was Greiner's baby — the last legislation he introduced — and although Fahey has given it his official backing, he is understood to be more cautious about the political fallout.

Politicking aside, the choice is stark. Do we set up a legal framework in which there are few opportunities for conservationists to challenge industry and government or do we continue with the messy business of fighting it out battle by battle in the courts?

Conservationists would prefer the second option — to maintain the status quo — which at least leaves them in there with a fighting chance.

Anne Susskind is a Herald journalist.

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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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Mr John Hatton, MLA,  
Independent Member for the South Coast,  
P.O. Box 634,  
Nowra. 2541.

30 March 1992

<< For Mr Hatton's personal attention >>

Dear Mr Hatton,

Re: Charter for Reform, Memorandum Of Understanding between the  
Greiner Government and Independent Members of Parliament and the  
Timber Industry (Interim Protection) Bill, 1992.

I write, now some 2 weeks distant from the passage of the above Bill, to report my observations and criticisms of the Parliament's process, and your action in considering this legislation.

I am taking the time to commit these views to paper since I have been asked by the media to comment on the role of the Independents in the passage of this Bill.

In making comment to the media I was, and remain, critical of Dr Metherell in particular, for reasons which are not relevant here. I have also been critical of you because of your action in supporting the Bill.

I believe it is only proper that my concerns are communicated to you directly. I attempted to do so following the passage of the Bill, via telephone, but you were unavailable.

From my limited contact with you I understand that you value feedback and accountability. You are a 'straight talker' as I am, so I will not be indirect in my remarks.

My criticisms amount to an audit of the spirit, and even the letter, of the 'Memorandum of Understanding between the Government and Independent Members of Parliament' and the 'Charter for Reform' which preceeded it.

As I understand them, these important documents attempt to encapsulate a philosophical view that government, and particularly the NSW Parliament, should be open, accountable, democratic and should properly serve the public interest.

Your view, and the view of your colleagues Ms Moore and Dr MacDonald, as I understand it, is that you seek at every opportunity to pursue the implementation of the principles for urgent reform of the processes of government.

As I understand them, these principles include:

- \* consultation on legislation involving major issues of public interest;
- \* the provision of public information with, or without formal Freedom of Information requests;
- \* scrutiny of statutory authorities and, if necessary, their forced accountability;
- \* 'Third party rights' to permit any person to enforce breaches of law.

My understanding of the Independents' position was that the Independent MPs would consider every piece of legislation on its merits; and where Bills were inconsistent with the principles for government reform, Independent MPs would prevail on the Government to ensure that appropriate amendments were incorporated into Bills to give effect to those principles.

Surprisingly, your actions in considering the Timber Industry (Interim Protection Bill, 1992) appear to me to seriously contradict these principles. What follows is my assessment of these serious contradictions.

#### On 'Freedom of Information'...

A three page letter written on 26/2/1992 on behalf of the combined NSW environment groups by their parliamentary Environmental Liaison Officer (ELO), Mr Peter Wright, was sent to your Parliament House Office marked 'Urgent'. It sought your intervention to force the public release of information relevant to the TIIP Bill.

That information fell broadly into three categories: documentary evidence of -

- \* actual or threatened job losses due to the EFIP Act;
- \* areas of timber supply lawfully available; and
- \* details of the timber supply required by the industry in the immediate future.

In a telephone conversation with Peter Wright on Monday 2/3/'92, you agreed that this information was essential in evaluating the TIIP Bill. At your request, Peter contacted your staffer, Arthur King, and asked him to contact the office of the Minister for CALM to arrange for the supply of the requested information.

At the TIIP Bill briefing the following evening (Tuesday 3/3/'92) you were apparently unaware of this letter. It appeared that no action had been taken by your office on this matter.

Despite verbals pleas by myself, other Independent MPs and members of the Labor and Australian Democrat parties, for the information requested to be made public, no clear commitment to do so was made by FCNSW Commissioner or the Minister for CALM.

A second written request was made by me at that meeting, through you, to the Minister to clarify his response to the request for relevant information. Again, no commitment to provide the information was made.

When I later briefly inquired of you, in the corridors and at the lift, of any progress on the provision of the information requested, you remarked that you had no power to compel the Government or FCNSW to produce such information.

I found such a remark difficult to accept from an MP on whom the Government sought to rely in the passage of the TIIP Bill. The balance of power has already afforded you and your colleagues great scope to make requests and insist on matters of principle.

I agree that there is no formal legal power to compel the provision of information, relevant to matters of major public interest to Parliament or to the public. The political power to force the provision of information was however available to you, but you apparently chose not to pursue the issue.

The moral obligation to be an informed decision maker, and to critically examine, and even test, the veracity of conflicting claims made by vested interest groups and public interest groups was transgressed by almost all of the NSW Members of Parliament, yourself included.

Instead the consideration of a Bill with far-reaching implications for the state's and nation's ancient natural heritage was symbolically debated in the Legislative Assembly without the testing of its two fundamental premises: the timber industry's claim of an imminent 6,000 job losses and the Commission's assertion of its inability to lawfully supply timber to the industry because of the Endangered Fauna(IP) Act, 1991.

On public consultation on legislation of major public interest...  
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With significant shortfalls in funding to the Ombudsman, and major ongoing complaints of police and other statutory authorities actions going unaddressed for want of resources, our access to an expert impartial adjudicator of a broad range of disputes and complaints has also been severely hampered.

My confidence in the competence of Parliament, to separate fact from fiction, and vested interest from public interest, has been shattered. I doubt that it is useful for us to participate in the NSW parliamentary process any further on this issue.

In my view the Parliament was callously manipulated by hysterical headlines, unproven claims by vested interests, and contrived outrage from a screaming honking crowd specifically invited to Sydney by the Minister and the Premier. Apparently as scripted by the industry, Parliament passed into law a Bill which had no basis in fact, despite the misgivings of numerous MPs who, at various times, called for the provision of relevant 'facts'.

We cannot easily go to the Court, to the Ombudsman as umpire, or to the Parliament and expect our very serious public interest concerns to be competently addressed. We cannot even obtain basic information which should be publicly available!

This analysis of the state of health of the civilised processes of government does not equate to an end to forest disputes.

#### On the worth of attempting to inform MP's...

In conclusion, may I ask, did you receive and read any of the submissions made by NEFA as the body fighting for the forests affected (the north east forests) when considering the Bill the subject of a special recall of Parliament?

NEFA provided a briefing note, a briefing paper, a submission, colour photographs, various maps, co-signed letters with other environment groups and had its barrister at your convenience and

the convenience of other MPs.

From my point of view, NEFA and the NSW environment groups had their act together, to the best of our capacity considering the lack of publicly available information, to inform MPs but we were overlooked, isolated and ignored.

Perhaps you could advise of any difficulty or problem with our critique of the TIIP Bill, or our preparedness for briefings and negotiations?

Certainly your feedback on my comments and the specific last question would be very much appreciated.

I am quite sincere in requesting a response, either in writing or preferably in person, which addresses the many points raised above.

Thank you for considering this frank dialogue.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J.R. Corkill'. The signature is fluid and cursive, with a large initial 'J' and a stylized 'C'.

J.R. Corkill

cc Ms Clover Moore, Dr Peter Macdonald

-----+  
**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;  
-----+

Mr John Hatton, MLA,  
Independent Member for the South Coast,  
P.O. Box 634,  
Nowra. 2541.

25 June 1992

<< For Mr Hatton's  
personal attention >>

Dear Mr Hatton,

Re: Timber Industry (Interim Protection) Bill, 1992.

I refer to your letter of 6 April.

I was disappointed that you did not reply to the issues raised in my letter of 30/3/92 regarding your approach to and voting on the Timber Industry (Interim Protection) Bill, with specific regard to the Memo of Understanding with the (then) Greiner Government.

You indicated in your letter that you "found it difficult to wade through" my letter wherein I detailed a number of instances where I perceived an inconsistency with my understanding of the MOU and your voting pattern on the TIIP Bill.

What was the nature of your difficulty?

I took considerable effort to advise you of my concerns and requested in my letter a clarification or correction of my understanding of the MOU and sought a meeting with you to discuss this matter with you.

Instead I recieved a recitation of your life history, and a listing of information which you read: including documents relating exclusively to the South East Forest Protection Bill. You made no mention of the information prepared by the North East Forest Alliance (NEFA) specifically on the TIIP and its implications for the forests of the north east of the state.

In your letter you advise of 'lectures' you recieved from me and the 'other side', yet it seems a crucial distinction is not being drawn between approaches from the environment movement, including the North East Forest Alliance, who are PUBLIC INTEREST advocates and the representations made by industry groups who plainly represent VESTED INTERESTS in receipt of considerable public subsidies and discounts.

I attempted not to lecture in my letter and sought advice and clarification on matters of very serious dimension.

I renew my request for a discussion with you, in Sydney at your convenience, on this Bill, now an Act, and the Memo of Understanding, which I understand has now been agreed to by the Fahey Government. This request is a genuine search for understanding on my behalf, to which I hope you will sincerely respond.

I renew also my request that you pursue the written assurances of the Minister for the Environment and the Minister for CALM made in the Assembly's debate during the passage of the TIIP Bill.

Further, may I suggest that you seek the ratification and commitment of the new Premier and the new Minister for the Environment (when announced) to the commitments made by Mr Moore when he was acting as Minister for the Environment. These commitments should be easily summarised from the Hansard, to which you and your staff have greater access than I.

Finally, I append a copy of a letter from the Office of the Ombudsman to the Commissioner for Forests, Dr Drielsma, which follows a complaint of the conduct of FCNSW in the briefing on the TIIP Bill and in the days prior to and following the all-party briefing meeting which you chaired.

I am sure you will be very interested in Dr Drielsma's replies to the questions of the Office of the Ombudsman, when they are recieved, since they go to precisely the heart of the matters which we complained of to you and your Independent colleagues. I will forward a copy of any reply by Dr Drielsma in due course.

In the meantime I look forward to an opportunity to meet and discuss the operation of the TIIP Act, ongoing problems in the forests of the state's north east, and the nature and application of the MOU between the Independents and the Government.

Yours sincerely,

John R. Corkill  
Sydney Area Co-ordinator



## OFFICE OF THE OMBUDSMAN

3RD FLOOR 580 GEORGE STREET, SYDNEY 2000  
TELEPHONE: 286 1000

Our reference: 44838 JF:sms

Enquiries: Ms Jo Flanagan  
286 1007

Your reference:

Dr Hans Drielsma  
Commissioner for Forests  
Building 2  
423 Pennant Hills Road  
PENNANT HILLS NSW 2120

1 JUN 1992

Dear Dr Drielsma

Re: Complaint by Samantha Potts on behalf of the Big Scrub Environment Centre

For your information, I enclose a copy of the letter of complaint and attachments.

As you will note, the complainant alleges that some of the actions of the Forestry Commission of New South Wales (FCNSW) obstructed and frustrated the successful operation of the Endangered Fauna (Interim Protection) Act, 1991 by the National Parks and Wildlife Service (NPWS). Also, that the Forestry Commission of New South Wales repeated the timber industry claim that thousands of jobs would be lost in the industry, without having documentary evidence to support such a claim. Further, that Forestry Commission of New South Wales refused to provide this evidence and also failed to provide evidence to substantiate the claim that, as a result of the EF (IP) Act, forest operations could not be approved by Forestry Commission of New South Wales without contravening the Environmental Planning & Assessment Act.

In order to assist me to decide whether this matter should be investigated under the Ombudsman Act, I would appreciate your response to the issues raised, together with your answers to the following questions:

1. From the information provided in the complaint, it appears that approval was refused for activities in state forests on the basis that the EF (IP) Act required that a licence be obtained from the National Parks and Wildlife Service.

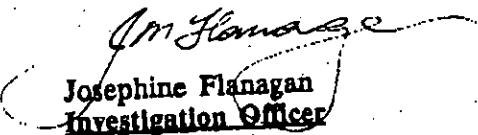
- 1.1 Why was this done, when it appears from a Forestry Commission of New South Wales memo (Attachment I) that staff should have been aware this was not necessary?
- 1.2 Why, in these cases, did District Foresters fail to exercise their discretion to decide whether or not endangered species would be impacted upon by the proposed activities?
2. Please advise whether staff used Forestry Commission of New South Wales resources to distribute timber industry material (as the complainant alleges was done in the Tenterfield Office) and if so, the basis on which this was done.
3. The complainant alleges that you stated, during the meeting of parties interested in the Timber Industry (Interim Protection) Bill on 3 March 1992, that Forestry Commission of New South Wales had not made and would make no attempt to check the industry's claim about employment levels.
  - 3.1 Is this an accurate account of your remarks?
  - 3.2 If it is true, can you explain why the industry's claims were accepted without question by the Commission.
  - 3.3 If it is untrue, please provide the documentation on which the claims were based.
  - 3.4 Would you please provide a copy of any record that may have been kept of the briefing session e.g. minutes or a transcript.
4. The briefing paper states that "the implementation of the 5-year strategy is running ahead of schedule. Six EISs are nearing completion and will be published this year".
 

However, the complainant alleges that you admitted, at the TIIP Bill briefing session, that it was the Forestry Commission of New South Wales's failure to prepare EISs in a timely manner which limited the Commission's capacity to lawfully supply timber to the industry.

  - 4.1 Is this an accurate account of your remarks?
  - 4.2 Please provide a schedule of all EISs with information showing when they are due to be completed.
5. Please provide a copy of the Forest Products Association report on which the Minister for Forests relied in his speech to Parliament.
6. Please provide a copy of all instructions from the Head Office of the Forestry Commission of New South Wales to Regional and District Offices in relation to the action staff should take to meet the requirements of the EF (IP) Act.

I would appreciate your response to the above matters within 28 days of the date of this letter.

Yours sincerely

  
 Josephine Flanagan  
 Investigation Officer  
 for the Ombudsman

By CHRISTINE RAU and  
SIMON KENT

**ATTACKS** on Independent MPs by former NSW Tourism Minister Michael Yabsley have put in doubt the future stability of the Fahey Government.

Clover Moore, one of the Independents, said yesterday she was seriously reconsidering her commitment to maintaining stable government in NSW — unless Mr Yabsley apologised for comments he made last week against both her and fellow Independents John Hatton and Dr Peter Macdonald.

Mr Yabsley said on ABC radio the Independents behaved like "feral cats" and called them "political low life".

Under parliamentary privilege, he accused John Hatton of being a perjurer and Clover Moore of taking bribes. He said he would hate to be a patient in Dr Macdonald's surgery.

Ms Moore said yesterday she had since met Premier John Fahey, who had promised that Mr Yabsley would be asked in Parliament next Tuesday to withdraw and apologise for his comments. Mr Fahey has not publicly censured Mr Yabsley so far.

But Ms Moore revealed the Premier had "agreed to make a public statement disassociating himself, his party and his Government from the comments made by Mr Yabsley".

She described Mr Yabsley as a "very ugly person."

"I might add that I am absolutely appalled by the malicious lies he (Yabsley) has been spouting both inside the Parliament and outside it. I will not descend to his level and reply. I will only say that Yabsley is beneath contempt.



**ATTACKS: Mr Yabsley**

"If this sort of thing continues, then I must question whether or not it is worth putting up with slander, lies and innuendo.

"I cannot take my seat in the House now without Yabsley calling out things like 'don't sit near her, you'll need to wash with Dettol afterwards'.

"It's plainly infantile — and does nothing to enhance the Westminster system, which Yabsley himself plainly cannot come to grips with."

Other key observers of last week's events also yesterday joined the debate over Mr Yabsley's behaviour:

● Independent MP John Hatton said Mr Yabsley's attacks were irrelevant.

"It is my view, and Peter Macdonald's too, that the more the spitefulness and uncouth language came through, the more positive the reaction from within our electorate. So I was not at all concerned by it," he said.

"If you have been through the Wran and the Askin days, and you have seen the exchanges between Punch and Wran, and have been on the end of the blowtorch — from Yabsley it's fairly irrelevant stuff.

"I spoke to Peter Macdonald briefly and he thought two comments



**APPALLED: Ms Moore**

were over the top: one which Yabsley was forced to withdraw was some slur about his medical practice; and he thought it was bad form to make a comment in front of schoolchildren on the steps of Parliament (where Yabsley said to the children they were keeping bad company in talking to Macdonald).

● Opposition leader Bob Carr said Premier Fahey had committed his first major mistake by saying he was happy with Michael Yabsley's role.

"The electorate does not want vicious attacks mounted on politicians," Mr Carr said.

"If I were one of the Independents, I would ignore Mr Yabsley."

● Opposition leader in the Legislative Council, Michael Egan, added: "I think Mr Fahey's reaction has been clumsy and confused."

● Sydney Morning Herald and Melbourne Age pollster Irving Saulwick said personally he thought Mr Yabsley was debasing politics and indulging in personal abuse that was "utterly unreasonable".

● Shadow Attorney General Paul Whelan said Mr Yabsley basically had no standing or respect in his own party, let alone in the Opposition or the Independents.

# Yabsley's attacks jeopardise Govt



INDEPENDENT  
COMMISSION  
AGAINST  
CORRUPTION

## REPORT ON INVESTIGATION INTO THE METHERELL RESIGNATION AND APPOINTMENT

JUNE 1992

\*\*\*END\*\*\*

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### Chapter 10

#### STATUTORY MATTERS AND CONCLUSION

The ICAC Act requires that Reports such as this must contain certain statements, and may contain certain recommendations. Those matters are dealt with in this chapter.

##### Section 78(2)

The Commission recommends that this Report be made public forthwith. The power to make such a recommendation is conferred by s78(2). The consequence, pursuant to s78(3), is that a Presiding Officer of a House of Parliament may make the Report public, whether or not that House is in session, and whether or not the Report has been laid before that House. If that course is followed, the Report attracts the same privileges and immunities as if it had been laid before that House.

I make this recommendation in the knowledge that the Presiding Officers will exercise their own judgment. It may be convenient for them to make the Report public in advance of the Parliament being recalled, as I understand it is to be, to debate its contents. I do think it important that the Report becomes available to all - participants, others in the political process, and the public generally - at the same time.

##### Section 74A(2)

There are five "affected" persons within the meaning of s74A(3). The preceding subsection requires that the Report must include, in respect of each such person, a statement as to whether or not in all the circumstances the Commission is of the opinion that consideration should be given to prosecution for a specified criminal offence, the taking of action for a specified disciplinary offence, or the taking of action on specified grounds with a view to dismissing, dispensing with the services of or otherwise terminating the services of the person as a public official.

The statement the Commission makes in respect of each of Greiner, Moore, Humphry, Metherell and Hazzard is that in all of the circumstances consideration should not be given to prosecution for any criminal offence, or the taking of action for any disciplinary offence.

Notwithstanding the conclusion reached that the conduct of each of Greiner and Moore was corrupt conduct within the meaning of the ICAC Act, the Commission is not of the opinion that consideration should be given to the taking of action against either of them with a view to dismissal as Premier and Minister respectively. The reasons have already been stated. That action could only be taken, under the Constitution Act, by the Governor unilaterally or on the advice of the Executive Council. The former course is one which would be followed only in the most extreme circumstances, and the latter could arise but is unlikely to. The political reality is that this Report will be debated in the Parliament, and advice will be given to the Governor upon which he will act as a result of that Parliamentary discussion and any resolutions that may flow from it. It would not be a responsible exercise of the Commission's power for it to state that the Governor or the Executive Council should supervene. The supremacy of Parliament must be recognised.

In declining to make a statement that consideration should be given to dismissal, I am not to be taken as arguing for or against that course. The matter now passes to Parliament for its mature and responsible consideration.

The statement the Commission makes in relation to Humphry, Metherell and Hazzard is that it is not of the opinion that consideration should be given to the taking of action against any of them with a view to dismissal, dispensation of services or the termination of services as a public official.

#### The Death of Politics?

When addressing the Legislative Assembly in answer to the censure motion, on 28 April, the Premier said what follows. It is one extract taken from a long speech.

If what the Minister for the Environment did and what I did was corrupt, then in my judgment every political appointment that has ever been made in this State was corrupt. It will not be the case of the Leader of the Opposition or of a Leader in the Upper House reserving for themselves certain positions that they intend to use for political appointments. It will simply be against the law. If what we did was wrong then let every member on the other side of the House understand that the brand of New South Wales right-wing Labor politics which has been its stock-in-trade over the past 30 years will be not just immoral, but it will be seen as corrupt and it will be sanctioned with all the same feeling that has been expressed on this occasion. Ultimately, if what was done was against the law, then all honourable members need to understand that it is, for practical purposes, the death of politics in this State.

Once a political party is elected to office it will be against the law for it to make decisions which are in any way influenced by political considerations. There will be no question of Government paying particular attention, for example, to the needs of marginal seats; it will no longer be just a matter of politics - it will be against the law. What the Opposition and the media have opened up here is the very nature of politics itself - that is, the conflict between the demands of politics and the demands of public office. Under the English common law very serious obligations to act in the public interest are placed on those elected to public office, and yet our highest public officials are at the same time part of a political system which is about what is in many ways a largely private interest in terms of winning or holding a seat or holding office. This is a very difficult philosophical matter. In simple terms, the philosophy, which was once called disinterestedness, meant that once elected to Parliament members were obliged to ignore the interests of their constituents and act only in what they considered to be the national interest.

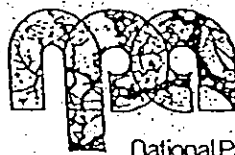
We here in Australia chose not to adopt that view of parliamentary office. When the labour movement gave us the party system last century a clear decision was taken to embrace politics and make it an integral part of our system. I am prepared to accept that community attitudes have changed, and that what is tolerated at one time is not acceptable at another. But every member needs to understand that the standards that are implied in this censure of me today are entirely new standards and are

very strict standards. I am not sure, when honourable members have considered them calmly in the bright light of day, that those standards that are going to produce a workable system of democracy in our State, but they are standards that ought to be left to Mr Temby and the ICAC to adjudicate on before this House comes to make any serious judgments.

In due course of time it will be for the Parliament to decide whether the standard of conduct in public life required by this Report is unduly high. However I should make clear that the conclusion reached is based squarely on the fact that Metherell's appointment was to a public service position, there being a statutory requirement for appointment on the basis of merit.

Most of the other "jobs for the boys" examples given by Greiner in the course of his speech, and presented before me, were of a different type. As a matter of tradition, diplomatic and judicial appointments have been utilised by Governments as a form of patronage. Of course only the best should be appointed, but exceptions are not unknown. That is particularly true with diplomatic appointments of members of the party in power, whom it wishes to look after or sometimes get rid of, following a period of Parliamentary service. There is typically nothing very noble about such appointments, but the statement just made represents reality. Similarly with respect to appointments of Ministerial staff. There is no requirement, in law or practice, for such appointments to be made on a merit basis. Most political parties in this country have been involved in appointments of Ministerial staff using a mix of criteria including capacity, political connections, ideology, and perceived loyalty. Apart from the first, these criteria have nothing to do with public service appointments.

In conclusion, the Commission holds no stake in the outcome of the Parliamentary deliberations on this Report. The statutory duty has been performed, a full investigation conducted, and a conclusion reached and stated as to whether and whose conduct was corrupt within the meaning of the ICAC Act. It is now the responsibility of members of Parliament to decide how seriously they view the conduct in question. The Commission will turn its attention to the balance of the investigation, which has to do with laws, practices, and procedures, and possible changes thereto.



## SOUTH EAST FOREST ALLIANCE

24th June 1992

### Media Release - 25 June 92

#### URGENT GREEN ISSUES FOR FAHEY

Peak environment groups have flagged two urgent issues with the new State Premier, John Fahey.

They want the Premier to drop the Government's Natural Resources Management package of five bills. The package was released last week.

And they want the Premier to protect the National Parks system and Service against the constant attacks of the National Party.

#### Natural Resource Legislation - 'pure Bjelke Petersen'

Dr Judy Messer, Chairperson of the Nature Conservation Council of NSW said: 'The Natural Resources Bills if passed by Parliament, will rapidly escalate destruction of the NSW environment. The legislation is pure Bjelke Petersen in philosophy,' she said.

'The Bills would:

- \* reduce accountability of departments and ministers;
- \* reduce the transparency of decisions on key environmental issues;
- \* increase the influence of vested interests over land-use decisions;
- \* allow secret decisions over compensation agreements and endangered species habitat;
- \* politicise scientific reporting;
- \* allow virtual privatisation of public resources.'

Dr Messer said the bills would create an environment conducive to future corruption in land use and resource allocation because of the lack of public participation and accountability provisions.

Wildlife, land use, water, coastal development, minerals, heritage etc would be the subject of decisions by a Council dominated by the resource exploitation departments, some of which are too client-orientated in terms of the industries which they are supposed to regulate.

Public information and participation, citizen challenges in Court, public exhibition processes, the environmental assessment process, could all

Ms Clover Moore, MLA,  
Independent Member for Bligh,  
58 Oxford Street, Paddington. 2021.

6 July 1992

<< For Ms Moore's personal attention >>

Dear Clover,

## Congratulations!

Please accept the thanks of the North East Forest Alliance for your adroit and poised handling of the recent debacle surrounding the findings of the Independent Commission Against Corruption against Mr Greiner and Mr Moore.

Your radio & TV appearances were measured and polished in stark contrast with the hysterical responses of the government.

My colleagues in NEFA believe that you acted in the only manner possible given the complete inability of Mr Greiner or Mr Moore to accept the umpire's verdict, and resign in accordance with long standing Parliamentary practice, and the requirements of their professed 'honesty and integrity'.

NEFA remains concerned however, that the Fahey Murray Government will be little different from the Greiner Murray Government in terms of its impacts on the natural environment.

We ask that you remain vigilant to attempts to further attack the natural heritage and heritage legislation of this state or the ICAC legislation. We ask that you not hesitate to withdraw your support from the Fahey government if these attacks continue, or if the actions of the new(?) government indicate a continuance of the environmental vandalism and refusal to fairly resolve conflict so characteristic of the Greiner Murray government.

We sympathise with you over the disgraceful personal attacks and slurs originating from ex-Minister Yabsley, as we in the North East Forest Alliance constantly suffer from similar unjustified slurs by members of Cabinet and the timber industry.

Stay positive and keep up the good work!

Yours sincerely,

John R. Corkill  
Sydney Area Co-ordinator

Mr Peter Macdonald, MLA,  
Independent Member for Manly,  
35 Sydney Road, Manly. 2095.

6 July 1992

<< For Dr Macdonald's personal attention >>

Dear Peter,

## Congratulations!

I write to thank you on behalf of the North East Forest Alliance for your cool and straightforward handling of the recent events which flowed from the Metherell affair and findings of the Independent Commission Against Corruption.

I heard you on radio on several occasions and saw you once briefly on television, and believe that you came across very credibly, in a confident but not arrogant manner, quite unlike Greiner or spokespeople for the Liberal Party.

NEFA believes that you took the only course available given Greiner's refusal to step down, in the first instance, his convenient 'memory losses', his gross misrepresentation of what the ICAC Report said, and then his legal challenge of Tenby's assessment of the facts.

It's evident that if both Moore and Greiner had stepped down prior to the ICAC hearings, in accordance with Parliamentary practice, as did Neville Wran, or even after the handing down of the ICAC report, then the situation which confronted you need never have arisen. It is outrageous for Coalition members to now attack you for acting properly in a situation created wholly because of inappropriate actions by Greiner and Moore, supported by the Coalition!

It's this fundamental support for Greiner throughout the debacle, and the vicious attacks on Independent MP's, Tenby personally and ICAC itself which makes NEFA think that little will change through a new Liberal leadership. We remain concerned that the Fahey Murray Government will be little different from the Greiner Murray Government in terms of its impacts on the environment or its standards of propriety.

We ask that you remain vigilant to attempts to further attack the natural heritage and heritage legislation of this state or the ICAC legislation. We ask that you not hesitate to withdraw your support from the Fahey government if these attacks continue, or if the actions of the new(?) government indicate a continuance of the environmental vandalism and refusal to fairly resolve conflict so characteristic of the Greiner Murray government.

We sympathise with you over the disgraceful personal attacks and slurs originating from ex-Minister Yabsley, as we in the North East Forest Alliance constantly suffer from similar unjustified slurs by members of Cabinet and the timber industry.

Stay positive and keep up the good work!

Yours sincerely,

John R. Corkill  
Sydney Area Co-ordinator

# Timber Industry Protection Racket

The past month has seen a mammoth \$600,000 campaign of lies and distortion by the vested interests of the timber lobby. The media swallowed the 6000 jobs claim hook line and sinker and despite almost daily attempts by NEFA to present evidence to the contrary, very few of our media releases were given a run. When the industry appeared before the Industrial Commission their claim to stand down 6000 workers collapsed, being reduced to 13.

In February the industry began its campaign claiming that the Endangered Fauna Act was delaying harvesting throughout the state. This claim had no basis in fact, as the Director of NPWS had already issued the forestry commission with all of the licenses which it had requested.

## THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT "EP(IP) Act"

In the first round of license applications, the NPWS had required the Forestry Commission to declare that they had complied with the requirements of the Environmental Planning and Assessment Act. Despite numerous court cases over the past decade which confirmed the duty of the Commission to prepare EISs prior to logging sensitive forest areas, especially old growth forests, the Commission had failed to do so.

The Commission claimed it could not apply for licenses for large areas of forest because it had not completed EISs, a spectacular about face by anyone's standards. The timber industry and the National party seized upon this admission by the Commission and claimed massive job losses would occur if licenses were not granted.

The NPWS saw fit to then grant licenses to the Commission without insisting on strict compliance with the EP&A Act, subsequently the Commission was granted licenses for all logging operations on the North Coast whether it had complied with the law or not.

## FORESTRY COMMISSION FAILURE TO PREPARE EISs

Despite the failure to provide proof of threatened jobs, and despite the fact that it was now clear that the Endangered Fauna Act was no impediment to harvesting, the campaign continued regardless. It was clear by this stage that the Forestry Commission was entirely responsible for any timber supply crisis due to its failure to have completed EISs over all areas.

Instead of admonishing the Forestry Commission for 13 years of illegal logging, the (National Party) Minister for Conservation and Land Management, Mr Gary West proposed the "Timber Industry

(Interim protection) Bill". The effect of the Bill was to exempt the forestry commission from the need to comply with the long standing requirements of the EP&A Act, effectively to allow old growth and wilderness logging to proceed without any prior environmental assessment. Basically the Bill amounts to "changing the law to protect the guilty".

## THE TIMBER INDUSTRY (INTERIM PROTECTION) ACT "TI(IP) Act"

In the ensuing parliamentary fiasco the Bill was first amended by the ALP to protect nominated wilderness areas and proposed national parks from being logged without prior EIS preparation. The Bill was passed in the lower house (it was amended form but was rejected in the upper house. Parliament was recalled several days later in an "emergency" sitting to again debate the Bill). The recall of parliament coincided with a rally organised by the timber industry. The ALP and the independents Moore, Macdonald and Metherell promised to stand firm on the amendments. The government realised the Bill would be defeated unless they made some changes, the government then proposed changes similar in appearance but quite different in effect than those demanded by the opposition.

One major amendment was to require that the Forestry Commission no longer determines its own EISs, instead they will now be determined by (National Party) Minister for Planning, Robert Webber. The oppositions original proposal had been that these EISs should be determined by an independent panel.

## THE 'SO CALLED' WILDERNESS AMMENDMENTS.

Amendments supposedly designed to protect wilderness areas were a complete whitewash, the only wilderness areas exempted were areas unsuitable for logging. Nevertheless this superficial wilderness amendment was enough for the government to enlist the support of Dr Metherell, and consequently the Bill was passed.

Substantial areas nominated for wilderness listing are now targeted to be logged

without any prior assessment. These include the western part of Washpool, parts of Dalmorton SP in the Bindery wilderness, and parts of nominated wilderness areas of New England, Werrimimbe and Barrington Tops. The list of nominated national parks being targeted includes the Focal Peaks area near Toonumbah and the Richmond Range, and many more. Several key old growth areas that were originally included in the Premiers 1990 list of "incorruptible old growth areas" have also been targeted including Jenner SF near Tenterfield and Riamucka SF near Walukha.

The new Act will allow rainforest destruction, old growth logging, clearing of native forest for pine plantation, wilderness logging, and habitat destruction to continue without any need for prior Environmental assessment, in 18 management areas on the North Coast.

The only environmental constraints that will apply in respect of areas covered by the Act will be the requirements contained in Forestry Commission Management Plans, and conditions placed on Fauna Licenses obtained from the NPWS.

## GLIMMERS OF HOPE

Despite the passage of this draconian and regressive legislation, there are still options open for the continuation of NEFAs old growth logging campaign. NEFA is looking at legal options both within the new legislation and within other existing legislation.

The Endangered Fauna Act has remained in force, the Director of NPWS through his power to place conditions on fauna licenses will now be one of the only restraints on destructive logging practices, however judging by recent events, the NPWS will be extremely cautious in exercising this power.

Source:

Big Scrub Environment  
Centre Newsletter  
March/April 1992

**Taxpayers guide to ...**

## **THE TIMBER INDUSTRY PROTECTION RACKET**

At a time when other industries throughout Australia are restructuring for a more competitive future, the NSW timber industry remains a stagnant backwater of National party protectionism, characterised by mismanagement and environmental vandalism.

**Consider the following facts...**

**\*\$16m of public subsidy annually (source NSW public accounts committee)**

**\*\$12m annual roading subsidy.** Construction of roads and bridges for logging operations costs the NSW taxpayer over \$12m annually. Subsidisation of road construction discourages the establishment of plantations and encourages continued reliance on logging in previously inaccessible old growth areas.

**\*Monopoly over the public forests.**

**\*Repeated failure to comply with Environmental laws.**

Over the past decade and a half numerous court decisions have revealed illegal logging activities by the NSW Forestry Commission, including failure to prepare EISs and destruction of the habitat of endangered species.

**\*Exemption from environmental laws** Prior preparation of EISs is required of all other industries in NSW except the timber industry. This is despite the industry's appalling record of environmental vandalism.

**\*Mismanagement** : The resources assessment commission has found that it is mismanagement rather than conservation which is responsible for economic problems in the industry. After decades of overcutting at unsustainable levels, the industry is now concentrating their efforts on the few remaining pockets of old growth forest.

**\*Woodchipping** : As a result of continued mismanagement the industry is heading towards a collapse of the sawlog industry and its replacement by woodchipping operations.

**\*Overseas competition** Within ten years contraction of both the domestic native sawlog industry and the export woodchip industry is inevitable as a result of large scale plantation establishment overseas.

**\*Resource security** This industry which has squandered resources, wasted taxpayers money and destroyed huge tracts of high conservation value forest is now pushing for resource security to lock up NSW public forests for the exclusive benefit of vested interests.

**\*False job loss claims** Despite hysterical campaigns by the industry blaming environmentalists for supposed job losses the industry has failed to produce any evidence to support these claims.

**\*Attack on public access to courts** In an unprecedented attack on democratic principles the Greiner government has attempted to hamstring the legal process by denying public interest groups access to courts, appointing prominent members of the timber lobby to the legal aid review board and slashing the funding of the State Ombudsmen's office.

**The Greiner government has betrayed the public's interest in responsible forest management**

## **North East Forest Alliance plan for NSW forest management**

Current management practices are geared towards removal of remaining of old growth accompanied by a conversion of the sawlog industry to a low employment woodchipping industry. This agenda by the industry is environmentally disastrous and a threat to long term stable employment in the hardwood sawlog industry.

### **NEFAs plan:**

- \*End old growth forest logging**
- \*Restructure NSW Forestry Commission**
- \*Reorientation of sawlog industry** Provide assistance to sawlog mills to retool for regrowth and plantation based resource quickly.
- \*Emphasis on local value adding** to ensure maximum flow of employment and other economic benefits to rural communities.
- \*Improve the standard of regrowth forest management.**
- \* End \$12m roading subsidy** and redeploy the funds to establish plantations, especially on marginal agricultural lands.
- \*Promotion of short term pulp product industry** through non forest based pulp plantations such as bamboo, hemp and Kenaf
- \*Base land use decisions on scientific data** rather than political connections.
- \*Creation of comprehensive reserve system** to locate forest environments of high conservation value with a view to preserving range of forest types, habitat of endangered fauna, and remaining undisturbed forest ecosystems.

Old growth forest logging is a once off gold rush type of industry, once the resource is removed major restructuring is unavoidable. NEFA supports timely restructuring of native timber industry to achieve the dual purpose of responsible environmental management together with a sawlog industry capable of remaining viable in the long term.

NEFAs programme is based on sound scientific and economic data. The NSW public accounts committee and the Federal Resources Assessment Commission have both released reports which substantially validate the stand taken by NEFA on forest issues.

You can help NEFA by becoming involved in protests, writing letters to politicians and newspapers, or by donating time energy or money to help find a solution to the protracted battles over NSW forests.

Send donations to

**NEFA C/- Big Scrub Environment centre  
149 Keen St Lismore NSW 2480  
Ph 066 213 278 fax 066 222 676**

**Prepared by the North East Forest Alliance**



**MINISTER FOR PLANNING  
AND  
MINISTER FOR ENERGY**

Level 12 Westfield Tower  
100 William Street  
DARLINGHURST, Sydney 2010

Phone: (02) 368 2666  
Fax: (02) 368 2688

YOUR REF:

OUR REF:

RML 42961

File No. S92/00590/001

Mr P Wright  
Environmental Liaison Officer  
Nature Conservation Council  
39 George Street  
SYDNEY 2000

13 APR 1992

Dear Mr Wright

I refer to your letter of 5 March 1992 regarding the Timber Industry (Interim Protection) Bill 1992.

I notice your letter refers to an early draft of the Bill. Since your letter, the Timber Industry (Interim Protection) Act 1992 has been given assent. The Act incorporates some significant changes from the version of the Bill to which you refer, and addresses some of the concerns you raise.

The Act was introduced to provide interim protection for the employment of workers engaged in the logging of certain forests and the wider timber industry. The Act also provides for a full environmental assessment of logging operations being carried out or proposed to be carried out on the land specified in the schedules of the Act.

The introduction of the Timber Industry (Interim Protection) Act is consistent with the Government's continuing commitment to addressing and maintaining a balance in the use of State forests for the production of timber, whilst at the same time achieving the protection of other values including wildlife and flora conservation.

Yours sincerely

Robert Webster MLC  
Minister for Planning and  
Minister for Energy



THE NEW SOUTH WALES GOVERNMENT  
Putting people first by managing better



NEW SOUTH WALES

MINISTER FOR CONSERVATION  
AND LAND MANAGEMENT

FOR IMMEDIATE RELEASE

26 FEBRUARY 1992

The Minister for Conservation and Land Management, Garry West, today said that the Labor Party's endangered fauna legislation was causing extensive delays in processing applications for soil conservation works.

He said in Parliament that the legislation had seriously affected the administration of Protected Lands under the Soil Conservation Act and field operations carried out on private lands.

He said the Soil Conservation branch of the Department of Conservation and Land Management was advising farmers and landholders to seek advice from the National Parks and Wildlife Service before:

- clearing or logging (whether on Protected Land or not)
- removing woody weeds, camphor laurels, bitou bush or other similar noxious weeds
- draining land
- draining existing dams
- ploughing of native grasslands, and
- gully filling where sidewalls may provide the nesting sites of endangered fauna.

He said that where any proposal was likely to have a "significant impact on the environment of protected fauna" the Department had a legal obligation to call for a fauna impact statement.

"These statements will have to be prepared by an expert in fauna ecology," Mr West said.

"The legislation, which was introduced by Labor and supported by the Independents, is absolutely ridiculous in its application.

"It is tying the State up in red tape at a time when the community should be getting on with the job of trying to make a decent living.

"This legislation not only is hurting forestry, it is hurting activities all across the State."

For further information contact Geoff Mort on (02) 230 2146.

Level 2, 151 Macquarie Street, Sydney Australia, 2000  
Telephone: (02) 251 8498 Facsimile: (02) 251 1447

S/o Please to John Corkehill

# Leader of the House

New South Wales Legislative Assembly



Room 751  
Parliament House  
Macquarie Street  
Tel: 230 2436  
Fax: 221 6378

1 SEP 1992

Mr J E Hatton MP  
Member for South Coast  
Suite 1, 1st Floor  
NOWRA NSW 2541

Dear Mr Hatton

## TIMBER INDUSTRY (INTERIM PROTECTION) ACT, 1992

In March this year the Government gave various undertakings in Parliament, with regard to the above mentioned Act, including that the relevant Ministers would write to the Leader of the Opposition, the Honourable Member for Manly and the Honourable Member for the South Coast. These undertakings are now confirmed as follows:

1. Other Avenues of intervention should the Forestry Commission act in breach of its licence from the National Parks and Wildlife Service and/or cause damage to the Environment

The Government confirms that the Minister for the Environment will not interfere with the exercise of discretion by the Director of the National Parks and Wildlife Service in seeking interlocutory relief in the Land and Environment Court to restrain the breach of licence.

2. Concerns raised by the former Member for Davidson about the lack of adequate mechanisms to control logging on private land, in particular, land proposed to be cleared for agriculture.

Despite the resignation of the Member for Davidson, we confirm that it is not the intention of the Government or the relevant Minister to allow private land clearing operations under the guise of forestry or of logging or harvesting. The responsible Minister will be monitoring activities carefully using the procedures outlined in the legislation.

3. Interim Protection Orders

The Government wishes to make it absolutely clear, that the Minister for the Environment has not refused to implement any recommendation for the imposition of an interim protection order that has been put to him. Ministers have a duty to discharge their responsibilities and ministerial discretions in a properly informed and reasonable manner on the merits of each case. This will be applied in this, as all other matters.

4. Section 6 (2) ... If the Forestry Commission obtains an environmental impact statement after the commencement of this Act in respect of any logging operations (on lands specified in schedules 1 and 2) the Forestry Commission, is not to carry out, or approve or permit, those operations unless the Minister for Planning has determined it may do so in accordance with section 8.

The Government guarantees that the increased resource needs of the Department of Planning and its Director will be addressed so that this commitment can be fully implemented. Seven new positions have been added to the Department of Planning to allow for the necessary work on logging operations.

5. Minister for Planning to be the determining authority for environmental impact statements on logging operations – Clause 8(2) – Clause 64 – Report by the Minister for Planning

The Government accepts that the Minister for Planning, when making a determination, will have to make a determination report covering similar matters to those required by clause 64 of the Environmental Planning and Assessment Regulation.

6. Minister for Planning to be the determining authority for environmental impact statements on logging operations – Section 9(5) – consultation between the Department of Planning and the National Parks and Wildlife Service.

With respect to wilderness the Government expects the Director of planning to take into account any prior decision on wilderness assessments by Cabinet and the advice of the Director of the National Parks and Wildlife Service.

7. Minister for Planning to be the determining authority for environmental impact statements on logging operations – Section 9(6) – Necessity for consultation between the Minister for Planning and the Minister responsible for the Forestry Commission when making a determination.

The Government believes that the operations Minister should have the right by statute to make a submission because he is responsible for the operational body. As part of that process, other Ministers may wish to make submissions about these matters, this will be at the discretion of each Minister.

8. Section 9(5) Dr Macdonald asks why subclause (5), where it reads "is to examine the environmental impact statement", does not read "examine and consider".

The Government confirms that it has been advised that there is no need to import the words "and consider" because that it comprehended in the drafting process by using the word "examine".

9. Section 8(7) Dr Macdonald asks in relation to reports from the Director of Planning and the Forestry Commission being taken into account – What about taking into account submissions from the public or public authorities?

The Government has been advised that the report of the Director of Planning will include consideration of submissions from the public and other statutory authorities that may have an interest. This is implicit in the Act as drafted.

10. Section 8, Mr Knowles, Terms of Management for Environmental Impact Statements

Mr Knowles sought confirmation that the Director of Planning and officers of the Department of Planning would be responsible for issuing of the Director's requirements for environmental impact statements. Section 8(2) has been interpreted to mean that the Forestry Commission must obtain Director's requirements as if the Environmental Planning and Assessment Act applied. Some requirements have already been issued under this arrangement.

We wish to reiterate Minister Moore's statements that "It is certainly the intention of the Government that the directors' requirements be established by the Director of Planning. That is now the case in the environmental impact statement process that is required of operational departments including the Forestry Commission. Therefore the Government does not believe that there is any need for change in that regard".

11. Section 11, Mr Hatton, Interim Protection Orders having the same effect as a Stop Work Order

Mr Hatton, sought confirmation that the Interim Protection Orders would be issued quickly if they were needed. This Government gives the undertaking that the Minister responsible will not seek to shackle the Director of the National Parks and Wildlife Service in this regard. In addition, should the Director of the National Parks and Wildlife Service, in accordance with the amendment which has recently been carried, wish to seek relief in the Land and Environment Court to obtain a restraint for a breach of licence, he will be entirely free to do so.

12. Section 9, Wilderness Assessments

The Government wishes to confirm that wilderness assessments by the Director of the National Parks and Wildlife Service will be completed and made available to the Director of Planning and to the public when submissions are made, at the time these matters are considered by the Director.

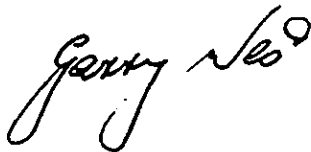
13. Section 9, Wilderness Assessments

The Government has agreed to coordinate the wilderness assessment process and the forestry impact statement process – this will enable the Director of Planning, when advising the Minister, to have all the necessary material available. As part of that process this material will be publicly available.

14. Section 15, Relating to the reporting on the endangered fauna legislation

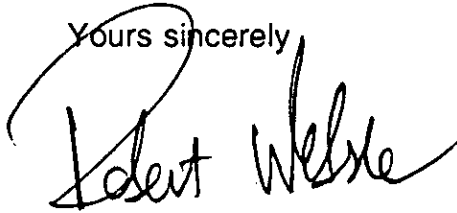
The Government agreed that the Report on Endangered Fauna legislation would be available on 30 April to make it possible for that report to be brought forward while the Parliament was still sitting. This timetable was met.

Yours sincerely



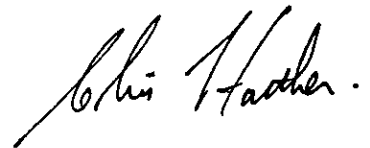
Garry West MP  
Minister for Conservation  
and Land Management, and  
Minister for Energy  
Leader of the House

Yours sincerely



Robert Webster MP  
Minister for Planning

Yours sincerely



Chris Hartcher MP  
Minister for  
Environment

ENVIRONMENT FOR OCEAN



**FOREST INDUSTRIES**  
Growth and regrowth for Australia.

FAXED

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# Forest Industries Crisis Coalition

## MEDIA RELEASE

### TIMBER INDUSTRY OUTRAGE AT STALLED LEGISLATION

The State's timber industry has reacted with outrage at the failure on Friday of the Government's Timber Industry Protection Bill to become law.

Spokesman for the Forest Industries Crisis Coalition, Dr Bill Hurditch, said the Bill represented the last vestige of hope for an industry plagued by political point-scoring and bureaucratic red-tape.

He said he could not understand why the Opposition and the Green Independents had bent over backwards to once again incorporate unworkable amendments into the legislation.

"This Bill represented a reasonable and practical solution to the growing job-loss problem caused by the Endangered Fauna legislation, but now the whole industry appears to be again in jeopardy - all because of a misguided desire of some politicians to appear green at any cost," Dr Hurditch said.

He said the industry could not agree with the three main Opposition/Green amendments because they would have increased uncertainty and risk for sawmills, rather than providing some interim resource security.

"The idea of putting all forestry decision-making in the hands of a quasi-academic committee, as proposed by the Opposition, put the whole State Forest log resource back into the melting pot.

"There would be simply no way of guaranteeing what forests would be available for long-term timber production, and no way of convincing Company Boards to invest for further job creation and investment," he said.

Dr Hurditch said he was devastated to learn on Friday that the Opposition had sided with Terry Metherell in supporting another amendment which would virtually freeze vast tracts of forest land while bureaucrats investigated their wilderness potential.

"It's simply not on to use this Bill as a back-door way of sterilising more forestry land - land which past Parliaments have committed to long-term timber production. Fortunately, the amendments were knocked out in the Upper House, and the Bill now seems likely to be returned to the Lower House next week," he said.

Dr Hurditch said the whole of country NSW was now watching to see who in the Parliament would support the Government's version of the Bill, and who would continue to entertain the green amendments aimed at currying short-term city votes at the expense of long-term country jobs.

..... ends 8th March, 1992

For further information contact Bill Hurditch on 02-264-1633 (office) or 018-214-962 (Mobile), 02-412-1974 A/H; OR Anne Farr on 02-264-1633 or 02-905-5507 (A/H).

The Forest Industries Crisis Coalition is comprised of representatives of major NSW Forest Industry Corporations, the NSW Forest Products Association, the National Association of Forest Industries, the Forest Protection Society, Forest Industry Community Support Groups and the Construction Forestry Mining Employees Union, Forest and Forest Products NSW Division.



# HON MICHAEL EGAN MLC

Leader of the Opposition  
Legislative Council  
Shadow Minister for Finance and Economic Reform

11 March 1992

## OPPOSITION CALLS FOR RECALL OF BOTH HOUSES

The Greiner Government should recall both Houses of Parliament this week if it is sincere about protecting jobs in the timber industry, the Opposition Leader in the Upper House, Michael Egan said today.

Mr Egan said that the Premier's action in recalling only the Lower House indicated his real agenda was to create a political crisis rather than protect jobs.

"The only way timber jobs can be absolutely guaranteed this week is by interim exemption of some forestry and logging activity from Part 5 of the E. P. & A. Act.

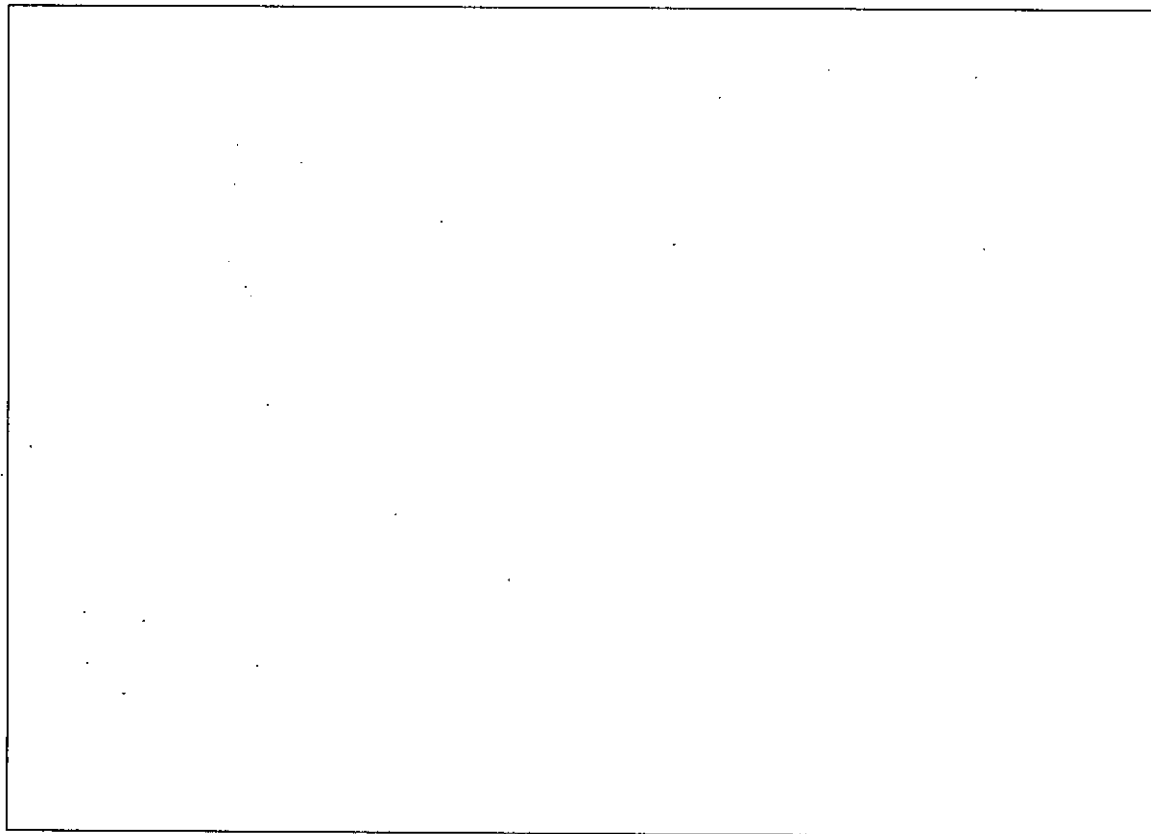
"This section of the Timber Industry (Interim Protection) Bill 1992 has the overwhelming support of M.P.'s in both Houses."

"But this vital section can only come into effect if both Houses agree on all the other provisions of the Timber Industry Bill."

"If the Lower House this week votes to uphold the provisions it supported last week, the Upper House should immediately be given the opportunity to consider whether it will bow to the Lower House's wishes.

"Otherwise the legislation and jobs will remain in limbo for at least another week", Mr Egan said.

## FAR NORTH COAST



*Different soil moisture levels have created a mosaic of wet heath, dry heath and swamp.*

light to lure unsuspecting men into the water to drown.

For the Bundjalung people, the area of the park was rich with food - wallabies, snakes, birds, honey, turtles and their eggs, fresh water mussels, water-lily bulbs, geebungs and pigface. The continuous midden of pippy and oyster shells along the beach shows <sup>how well</sup> ~~how~~ the environment provided over many generations. The bora ring to the east of Broadwater township is one of the few reminders of a lifestyle now long past.

The European use of the park area was fairly low key during the first half of this century. A few forest trees were felled to supply local needs; the heath was used as a flood refuge for cattle and as a winter location for bee hives. When the mineral sand industry took off, Broadwater became a target. The western part of the park was mined and has since been re-vegetated. It is only now starting to recover.

In 1965 the Sim Committee began its inquiry

into the conflict between conservation and sand-mining on the north coast. When they investigated the Broadwater area, they found a diverse plant community and an outstanding inner barrier dune system. As a place to study beach-forming processes, it was unequalled on the north coast. The report recommended that the proposal for a national park or nature reserve be investigated. This eventually led to the gazettal of the park in 1974. It now covers an area of 3737 ha.

### VEGETATION

Most of the park is covered in low sandy heath with occasional patches of dry open forest on the dunes, and swamps in the low-lying areas. In August and September the wet heaths and swampy lowlands are transformed by thousands of pink, white, blue, orange and yellow flowers.

In the tough and dynamic environment of the foredune, Coastal Spinifex and the fleshy Pigface are the first plants to take hold. A little way back



Bob Carr M.P. 884 307  
Leader of the Opposition

EMBARGO: 11.00am Saturday  
June 12, 1993

CARR WILL CREATE 5,000 NEW JOBS IN FORESTRY

State Opposition Leader, Mr Bob Carr, today unveiled a package of reforms aimed at creating an additional 5,000 jobs in the forestry industry.

Speaking at Labor's Annual State Conference, Mr Carr said his Government would encourage renewed investment in the timber industry - supporting more jobs, better and safer working conditions and better timber products.

"This is good news for decentralisation and regional development.

"Under John Fahey's leadership the industry has one hand tied behind its back.

"A Carr Labor Government will:

- ensure new contracts for access to forestry sources will be conditional on a commitment from industry to add value through new investment in machinery.
- requiring industry to make a commitment to large scale hardwood plantations through a "plantation levy".
- establish a new State Forest Board, replacing the Forestry Commission, to guarantee ecologically sustainable forestry operations. The Board will comprise representatives from industry, unions and environmentalists.
- corporatise pinewood production in New South Wales under the title Pine Corp.

"These plans ensure conflict in the industry is replaced by consensus.

"They mean plantation forestry can replace the destruction of old growth forests.

"And the introduction of new machinery will improve productivity and cut the number of serious accidents - now the highest of any rural industry.

"The New South Wales timber industry sustains almost 10,000 direct jobs - contributing \$1 billion to the State's economy.

"My plans will give the industry the long-term security it needs.

"This will ensure that our State's forestry areas such as those located on the South and North Coasts will gain more jobs and a guaranteed future for their families.

"With the right encouragement and incentives this key industry has an opportunity to develop new domestic and export markets generating revenue for New South Wales," Mr Carr said.



# Act intimidates foresters: NEFA

*25-2-92. Northern Star*

By RUSSELL ELDRIDGE

District foresters were unwilling to apply for logging licences in certain areas because they feared they might be personally liable for breaching the law, according to the North East Forest Alliance (NEFA).

A NEFA spokesman, Mr Dailan Pugh, said yesterday that the NSW Forestry Commission had been caught out by the Endangered Fauna (Interim Protection) Act 1991.

The Interim Act allows logging to continue under temporary licence as long as the requirements of the Environmental Planning and Assessment (EPA) Act 1979 are met.

Mr Pugh said that foresters are unwilling to state on licence application forms that the Commission complies with the EPA Act, in case a court challenge determines otherwise.

Mr Pugh said that on several occasions in the past 12 years, the NSW Land and Environment Court had found the Commission was in breach of the Act.

He said NEFA had recently pointed out to Forestry Commission staff that, under the Act, they could be personally liable.

Mr Pugh's claims were made too late yesterday for Commission staff to be contacted for comment.

NEFA's claims have been made as the media campaign over the endan-

gered fauna legislation reaches a new intensity.

The NSW Minister for Conservation and Land Management, Mr Garry West, has said that logging in State Forests in the Kempsey area would cease this week.

He blamed the interim Act because he said environmental impact statements could not be completed in time to apply for licences.

In his attack on the Act, Mr West went on to claim that sawmills at Wauchope, Grafton and Casino would close by the end of April.

"If the present trend continues, there will be a State-wide loss of more than 6000 jobs by June this year," Mr West said.

The Opposition spokesperson for Planning and Environment, Ms Pam Allan, responded by pointing out that the Premier, Mr Greiner, himself had frozen logging in large tracts of North Coast old-growth forests.

She released a 1990 statement by Mr Greiner in which he declared a logging freeze until environmental impact statements were completed.

"If there are delays to logging on the North Coast it is being caused by a lazy Forestry Commission, which hasn't finished the processing of impact statements promised almost two years ago," Ms Allan said.

Also yesterday, the NSW Forest Products Association called for the repeal of the new law, claiming it was "not working, or capable of working".



MR WEST



MS ALLAN

## Plan to free some logging

The State Government plans to introduce legislation which will exempt some logging operations from the State planning laws requiring environmental impact statements (EISs).

The legislation, the Timber Industry (Interim Protection) Bill is designed to keep the timber industry operating while the NSW Forestry Commission carries out a series of EISs in old-growth forests.

The Minister for Conservation and Land Management, Mr West, said yesterday that logging would stop from today, when a list of endangered fauna is gazetted, until the legislation is passed, which he said is expected to be next Thursday.

However, the passage of the legislation depends on the support of the independents or the ALP, who have not yet seen the details of it.

# Logging ban lifted

Logging has been reopened in about 120,000 hectares of 'frozen' North Coast forests, with the issuing yesterday of temporary licences for 11 management areas, including Casino and Tenterfield.

The move by the National Parks and Wildlife Service is in response to claims this week by the timber industry that it was on the brink of collapse in certain areas because of the Endangered Fauna (Interim Protection) Act 1991.

The industry had said it was unable to apply for licences in these areas, mostly around Kempsey, because it did not have enough time to prepare environmental impact statements.

The NPWS yesterday issued licences for these areas, subject to conditions.

The 11 management areas are Kempsey, Wauchope, Casino, Dorrig, Chichester, Gloucester, Wingham, Walcha-Nundle, Styx River, Tenterfield and Urunga.

The Director of the NPWS, Mr Bill Gillooly, said the areas licensed were those where jobs were claimed to be at risk.

"The Forestry Commission must notify the service of threatened or vulnerable or rare fauna known to occur within licensed areas," he said.

"If during logging operations the Forestry Commission becomes aware of protected fauna, it must notify the service immediately."

The commission must also notify the NPWS of what it intended to do to overcome or satisfactorily reduce the impact of logging on these animals.

Legislation will be introduced in Parliament next week as part

of a Government strategy to preserve logging jobs.

Conservation and Land Management Minister Mr Garry West said Cabinet on Wednesday night approved the Timber Industry (Interim Protection) Bill in a bid to save up to 6000 jobs in the industry.

It would partially circumvent the Environmental Planning and Assessment Act, which requires environmental impact statements to be completed before logging can proceed.

Mr West said the legislation would revert to the June 1990 strategy of Premier Mr Nick Greiner which preserved the moratorium on logging in 14 State forests covering 180,000 hectares on the North Coast, but in the interim allowed forestry operations in the 120,000 hectares outside those areas.

The legislation would effectively provide security for the industry pending the outcome of environmental impact statements in old growth forests, he said.

Meanwhile, the forestry industry claims thousands of jobs have been threatened by the ALP's Endangered Fauna (Interim Protection) Act and today will seek stand-down orders from the Industrial Relations Commission.

Mr West said it was now up to the five Lower House independents to decide whether jobs in the industry should be saved.

● 'Extinct' bat found — P7

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same as they have been told for the past 40 years — 'Wake up to yourselves, plant or perish'.

Their thinking is the same as those who would mine our beaches or drill for oil on the Barrier Reef.

One would think that the size of their salaries entitles them to have some powers of thought and planning for the future.

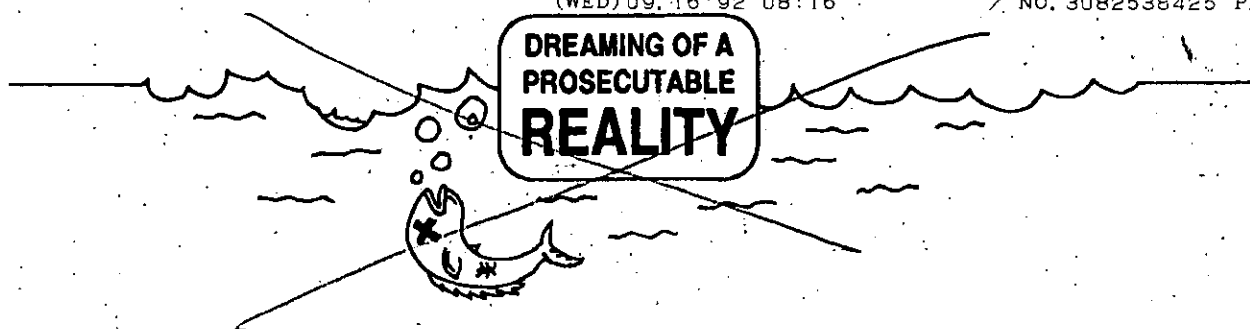
P F S JONES,  
Ballina.

Getting it cheap

I NOTE that neither Messrs Corkill or Hurditch (NS 15/2/92) made any mention of the stated intention of Australia's highest buy-

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## **'Prosecutable Reality' Under Scrutiny - NSW Pollution Policy Goes On Trial in the Courts**

A case in the Land and Environment Court is exposing the failings of the New South Wales Government's policy on pollution licensing. *Brown v Environment Protection Authority and North Broken Hill (Trading as APPM)* has been more than a year coming, and is set down for a two-week hearing in the Court from 21 September 1992.

The case <sup>effects</sup> goes to the heart of the way the NSW Government's 1990 policy of 'prosecutable reality' in pollution licensing. The policy has seen pollution limits systematically relaxed as the State Pollution Control Commission (now the Environment Protection Authority) has reviewed pollution licenses over the last two years.

### **The Shoalhaven Papermill Case**

Mr A. J. Brown is a former <sup>acting</sup> Director of the Conservation Council of the South East Region, and law student at the University of NSW. His case concerns the 'licence to pollute' issued by the SPCC in October 1991 to the Shoalhaven Papermill, operated at Nowra by North Broken Hill Ltd (APPM). The mill pipes effluent into the Shoalhaven River estuary.

Under 'prosecutable reality', APPM's pollution licence was relaxed in 1991. Through the 1980s, the licence limit on one indicator of effluent impact (BOD) was set at 50 mg/l. While APPM was putting out in excess of this, pollution officers were working to reduce this level. But in the 1991 licence, the Government lifted the 'never to be exceeded' limit to 720 mg/l. Under 'prosecutable reality', APPM was licenced to pump out its pollution at fourteen times the previously allowed intensity, and at four times the overall load.

As well as arguing that the Government failed to exercise its licensing discretion properly according to the law, the case claims that APPM must prepare Environmental Impact Statements like other industries, and that the Government should have to consider such a statement before issuing a pollution licence. This has never happened before.

### **What is 'Prosecutable Reality'?**

'Prosecutable reality' was developed by Environment Minister Tim Moore in 1990, when he directed the State Pollution Control Commission (now the EPA) to systematically review pollution licences. The aim was to bring the conditions in the licences into line with the actual amount of pollution currently being released by industries. This was a response to public awareness that many industries across NSW had been releasing pollution in excess of their licences, sometimes for years, with the full knowledge of the Government - a situation highlighted by the testing by Greenpeace of the effluent of industries such as Caltex (Botany) and BHP (Port Kembla).

The review began with the 'Top 100' polluters, including APPM Shoalhaven. Under the policy, the Government moved the goal posts of pollution regulation, making legal what for years had been illegal. In theory it was to be accompanied by enforceable Pollution Reduction Programs, but it has (1) relieved pressure on industries to move toward clean production, (2) created as much uncertainty as before, (3) proved no more enforceable than before, and (4) has not been accompanied by adequate technical assistance.

11  
draft 1 [tiip-hat.let -Aa]

Mr John Hatton,  
Member for the South Coast,  
P.O. Box 634,  
Nowra. 2541.

25 March 1992

<< For Mr Hatton's personal attention >>

Dear Mr Hatton,

Re: Charter for Reform, MOU between Greiner Government and  
Independent Members of Parliament and  
Timber Industry (Interim Protection) Bill, 1992.

I write, now at some 10 days distance from the passage of the above Bill, to report my observations and criticisms of the Parliament's process, and your action in considering this legislation.

I am taking the time to reduce these views to writing since I have been asked by media to comment on the role of the Independents in the passage of this Bill.

In making comment to the media I was and remain critical of Dr Metherell in particular, for particular reasons which are not relevant here. I have also been critical of you because of your action in supporting the Bill.

I believe it is only proper that my concerns be communicated to you directly. I attempted to do so following the passage of the Bill, via telephone but you were in transit and unavailable.

From my limited contact with you I understand that you value feedback and accountability. You are a 'straight talker' as I am, so I will not be indirect in my remarks.

It is not my intention in providing this feedback to be offensive. Please do not construe these comments as an attack on you personally. Perhaps through your response to my concerns I may be edified, or perhaps you may see the validity of my concerns and take steps you consider appropriate.

My criticisms amount to an audit of the spirit, and even the letter, of the 'Memorandum of Understanding between the Government and Independent Members of Parliament' and the 'Charter for Reform' which preceeded it

As I understand them, these important documents attempt to encapsulate a philosophical view that government and particularly the institution of the NSW Parliament should be open, accountable, democratic and should properly serve the public interest.

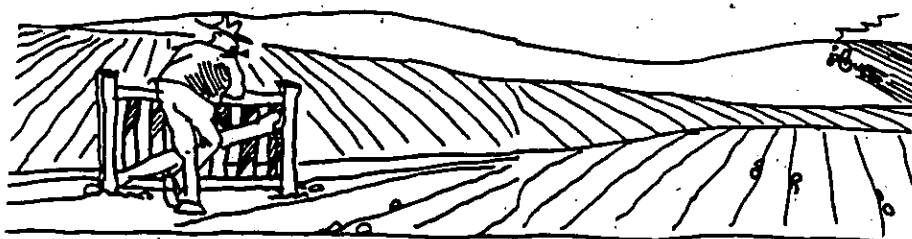
# SEARCH FOR A VISION FOR THE COAST

A 4 day Vision Quest for the future of the north coast is being planned by the North Coast Environment Council (NCEC) for April 22nd - 25th.

While the vision quest will focus on many of the issues identified by the NSW Parliament's Coastal Inquiry, undertaken by the Legislative Councils' Standing Committee on State Development, the scope of the gathering will be very much broader.

As well as reviewing the past and the present, the vision quest will be future oriented and aim at integrating the great many good examples of ecological sustainability, into a fuller picture of life in the next millenium.

NCEC's functioning and its role in achieving progress towards the vision, will be a particular focus. Places for the vision quest are limited, but the Council and its members such as the Big Scrub will report in due course.



CLEARED IT ALL MYSELF I DID

## INTERESTED IN YOUTH THEATRE? and ENVIRONMENTAL ISSUES?

Ollie Heathwood and the Ra Ra Youth Theatre are currently devising two major works, both musical plays,

with a strong emphasis on visual theatre and focus on environmental issues.

One involves young teenagers and the other older people. Ollie needs crew for both productions - lighting, sound, stage management.

These plays will be performed at the Rochdale Theatre in June and July. If you would like to be a part of this dynamic empowering theatre please call Ollie on 895 247.

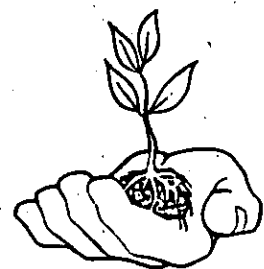


## Volunteer POSITIONS VACANT: FOREST DEFENDERS



### Volunteer positions include:

- \* forest scouts;
- \* blockaders;
- \* media spokespeople;
- \* camp cooks and support teams;
- \* botanists;
- \* zoologists and
- \* vigil keepers;
- \* tripod sitters and daredevils;
- \* police liaison;
- \* transport drivers;
- \* geologists;
- \* other emergency crew!



These positions are coming vacant in the immediate future - forest actions are planned soon but may commence at any time. Forest Defenders should have a commitment to non-violent direct action, and to protecting our natural heritage. Willingness to be arrested is desirable, though not essential. Previous wilderness camping and blockade experience &/or equipment would be an advantage! Initiative and a sense of humour are essential!

These jobs offer no financial reward but great job satisfaction and pleasant working conditions. Scope for skills development, training and significant advancement exists! Working hours will be flexible but may involve short notice of a start. Overtime and recreational leave to be negotiated on site.

Please contact your local environment centre to express an interest in this work, to find out more information and to link into the North East Forest Alliance action network. Thanks to Greiner- Murray minority government and the Forestry Commission of NSW there will be plenty of work in the foreseeable future.

Registration forms available at the Big Scrub.

NEFA

Managing 'old growth' forests better by putting Earth first!

**DIRECT ACTION**

Your view, and the view of your colleagues Ms Moore and Dr MacDonald, as I understand it, is that you seek at every opportunity to pursue the implementation of the principles for urgent reform of the processes of government.

As I understand them, these principles include:

- \* consultation on legislation involving major issues of public interest;
- \* the provision of public information with, or without formal Freedom of Information requests;
- \* scrutiny of statutory authorities and, if necessary, their forced accountability;
- \* 'Third party rights' to permit any person to enforce breaches of law;

My understanding of the Independents position was that the Independent MP's would consider every piece of legislation on its merits; and where Bills were inconsistent with the principles for government reform, Independent MP's would prevail on the Government to ensure that appropriate amendments were incorporated into Bills to give effect to those principles.

Surprisingly, your actions in considering the Timber Industry (Interim Protection Bill, 1992) appear to me to be significantly inconsistent with these principles.

On 'Freedom of Information':

A three page letter written on 26/2/1992 on behalf of the combined NSW environment groups by their parliamentary Environmental Liaison Officer (ELO), Mr Peter Wright, was sent to your Parliament House Office marked 'Urgent'. It sought your intervention to force the public release of information relevant to the TIIP Bill.

That information fell broadly into three categories: documentary evidence of -

- \* actual or threatened job losses due to the EFIP Act;
- \* areas of timber supply lawfully available; and
- \* details of the timber supply required by the industry in the immediate future.

You were apparently unaware of this letters' existence ? days later when asked at the TIIP Bill briefing of FCNSW's progress in supplying the requested information. It appeared that no action had been taken by your office in the intervening period.

Despite desperate verbals pleas by myself, other Independent MP's and members of the Labor and Australian Democrats parties, for the information requested to be provided in the public domain no clear commitment to do so was made by FCNSW Commissioner or the Minister for CALM.

A second written request was made by me at that meeting, through you, to the Minister to clarify his response to the request for relevant information. Again, no commitment to provide the information was made.

When I later briefly inquired of you, in the corridors and at the lift, of any progress on the provision of the information requested, you remarked that you had no power to compel the Government or FCNSW to produce such information.

Coming from an MP on whom the Government sought to rely in the passage of the TIIP Bill, I found such a remark difficult to accept since the balance of power has already afforded you and your colleagues great scope to make requests and insist on matters of principle.

That there exists no formal legal power to compel the provision of information relevant matters of major public interest to the Parliament or into the public domain is not disputed. The political power to force the provision of information was available to you, in my assessment, but apparently you did not pursue the issue.

The moral obligation to be an informed decision maker, and to critically examine, and even test, the veracity of conflicting claims made by vested interest groups and public interest groups was transgressed by almost all of the NSW Members of Parliament, yourself included.

Instead the consideration of a Bill with far reaching implications for the state's and nation's ancient natural heritage was symbolically debated in the Legislative Assembly without the testing of its two fundamental premises: the timber industry's claim of an imminent 6,000 job losses and the Commission's assertion of its inability to lawfully supply timber to the industry because of the Endangered Fauna(IP) Act, 1991.

On public consultation on legislation of major public interest...  
Apart from the hurly burly of the Government's last minute Tuesday night briefing on its Bill there was no consultation with the NSW environment movement by the Government, let alone the two periods of 28 days for exposure and public comment referred to in the MOU.

Instead of attending a prior arranged briefing with representatives of the environment groups, MP's attended a briefing called by the government. MP's had not even heard the concerns of the environment groups nor considered the dissection of the inaccurate and misleading Government briefing paper before that meeting.

As a result the environment movement was effectively frozen out of any consultations or negotiations. We were deliberately excluded.

On 'Third Party Rights'...

You specifically voted against an amendment to insert these rights into the Bill. From my observation from the public gallery, your vote was crucial in ensuring the failure of that and other amendments.

Given the historical practice of permitting third party rights for enforcement which exists in NSW laws such as the Heritage Act, 1977, the EPA Act, 1979, the National Parks and Wildlife Act, 1984 and considering the public position of Independents regarding Third Party Rights in the recent debate on the Environmental Offences and Penalties Act, I found your vote against this right of standing utterly bewildering.

As you know I have been a persistent applicant to the Land and Environment Court under these third party rights, precisely because FCNSW had been breaking NSW law with impunity for several years, and successive governments had failed to enforce these laws.

By voting against these rights you have specifically denied me, and others, the right to ensure that FCNSW does not breach the provisions of the TIIP Act, as it has breached other environmental laws.

On accountability...

As you well know, the all party Parliamentary Accounts Committee made many findings against FCNSW in its report of its inquiry. Little or no apparent action has been taken on the numerous recommendations made within it. The Minister's response to this inquiry is still secret and unavailable!

The Commission remains isolated and hugely unaccountable at a time when major overhauls of agencies such as the Water Board are the subject of intense public accountability exercises. The Forestry Commission's claims, its advice and its operations are rarely subject to any kind of credible accountability processes.

Its forest Management Plans permit no public participation or public review. FCNSW's performance under FOI has been appalling, provoking an Ombudsmans Inquiry. Frequently, annual reports of activities in a Forestry District or Managment Area are still overdue 12 months after the time they are required to be completed. There are numerous documented examples of breaches of the Standard Soil Erosion Mitigation Conditions (SEMC) and other prescriptions designed to safeguard forest valuesd during logging. Action in inquiring onto and remedying these breaches has been non-existent or pathetically slow.

The additional FCNSW accountability processes provided for in the TIIP Act is a 3 monthly report on progress on preparation of EIS's.

No accountability processes were provided to ensure that the setting of levels of timber yield is ecologically sustainable, nor are there procedures to bring FCNSW to account for its compliance with its own policies and prescriptions.

Amazingly, after all the claims and assertions by FCNSW of the impact of the EFIP Act, FCNSW is not even required to report on the operation of the EFIP Act and its effect on forestry!

TI(IP) Act rewards the law breakers...

Your principled position opposing and exposing acts of corruption is well known and has been highly commended within the community.

Yet the outcome of the TIIP Act rewards the lawbreakers, the Forestry Commission of NSW, and undermines the public interest campaigners who have fought to enforce these laws.

Despite numerous findings of the Land and Environment Court, starting with Kivi vs FCNSW in 1982?, FCNSW has repeatedly broken the law in that it has not complied with the EPA Act's requirements (ss. 111 and 112) to produce EIS's where its activities will have a significant affect on the environment.

It was this continuing failure to prepare EIS's in a timely manner which gave the FCNSW the opportunity to contrive the crisis of 'lack of supply' and dump the blame onto the EFIP Act.

So, having broken the law repeatedly over a 11 year period, finally FCNSW has had the application of those provisions suspended from its sphere of activity. Every other state agency has been able to comply with the EIS obligations, but FCNSW has not & is now exempt.

Thus, in my mind, your support for this Bill, and the exemption from lawful obligations, remains a major inconsistency with your prior advocacy of proper, lawful conduct within government.

Parliamentary reform abandoned...

The Independents position on the reform of the NSW Parliament has won wide support from many observers of the operation of the Houses of Parliament.

Yet, contrary to your stated position on the need for reforms of the conduct of the Parliament, you voted for a government Bill which involved the:

- \* exclusive back room negotiations, involving at least the Government and Dr Metherell, rather than debate on the floor of the House;
- \* manipulation of Government numbers in the division to pass the Bill to the Council;
- \* the emergency recalling of Parliament at considerable cost;
- \* the late sitting of the Assembly, until after midnight.

Taking matters on trust and accepting undertakings made by Ministers...

After your two decades in Parliament and your recent declaration of 'no more Mr Nice Guy', I was very surprised to witness you accept verbal assurances from government Ministers as being binding commitments which would remedy concerns expressed about the shortcomings of the proposed Bill.

I do not trust these assurances and was surprised that you did.

Have the assurances made in the debate been extracted from the Hansard and confirmed in writing to you by the respective Ministers as promised by Mr Moore?

If so, will you release these commitments so that they may be publicly scrutinised and tested?

If not, are you still confident the Ministers will honour these?

Far more importantly, what happens if your trust in the Ministers' undertakings was misplaced or is betrayed and the basis for your support for the Bill is severely undermined by subsequent events?

Consequences of TI(IP) Act...

As part of your conclusion in the debate on the Bill you said that the Bill's passage would end the need for conflict over forests.

I was astounded to hear that claim. Had I, as the Sydney co-ordinator for the North East Forest Alliance been asked, I would have advised of consequences the direct opposite. There will be renewed, even intensified, dispute over important forest resources, particular wilderness, put at risk by the Bill.

With access to Legal Aid greatly restricted; a cut of \$500,000 to legal aid funding; the appointment of vested interest industry groups to the Legal Aid advisory committee; and the denial of 'third party rights' under this law, the public's access to the courts is now becoming increasingly impeded.

With the Government's proven willingness to 'overtop' the findings of the Court by political intervention, even our wins in issues at law have been shown to have been very shortlived victories.

While at least the court has a formal requirement for and standard of proof, its capacity to consider environmental issues is nonetheless limited to matters addressed within legislation.

With significant shortfalls in funding to the Ombudsman, and major ongoing complaints of police and other statutory authorities actions going unaddressed for want of resources, our access to an expert impartial adjudicator of a broad range of disputes and complaints has also been severely hampered.

With our confidence in the competence of Parliament, to separate fact from fiction and vested interest from public interest, quite

shattered, the usefulness of participating in the NSW parliamentary process is dubious to say the least.

In my view the Parliament was callously manipulated by hysterical headlines, quite unproven claims by vested interests, contrived outrage from a screaming honking crowd and, as scripted by the industry, passed into law a Bill which had and still has no basis in fact.

We cannot easily go to the Court, the Ombudsman as umpire or to the Parliament and expect our very serious public interest concerns to be competently addressed. We cannot even obtain basic information which should be publicly available!

This analysis of the state of health of the civilised processes of government does not equate to an end to forest disputes.

On the worth of attempting to inform MP's...

In conclusion, may I ask, did you receive and read any of the submissions made by NEFA as the body fighting for the forests affected: the north east forests; when considering the Bill the subject of a special recall of Parliament?

NEFA provided a briefing note, a briefing paper, a submission, colour photographs, various maps, co-signed letters with other environment groups and had its barrister at your convenience and the convenience of other MP's.

From my point of view, NEFA and the NSW environment groups had their act together, to the best of our capacity considering the lack of publicly available information, to inform MP's but we were overlooked, isolated and ignored.

Perhaps you could advise of any difficulty or problem with our critique of the TIIP Bill, or our preparedness for briefings and negotiations?

Certainly your feedback on my comments and the specific last question would be very much appreciated.

I am quite sincere in requesting a response, either in writing or preferably in person, which addresses the many points raised above.

Thank you for considering this frank dialogue.

Yours sincerely,

J.R. Corkill

cc Ms Clover Moore, Dr Peter Macdonald

















*List of Maps  
showing wilderness areas  
which can be logged  
without F.I.S.*

*Timber Industry (Interim Protection) 1992*

**SCHEDULE 2—LAND SUBJECT TO PROPOSALS UNDER  
SECTION 7 OF WILDERNESS ACT 1987 ALSO SUBJECT TO  
MORATORIUM ON LOGGING OPERATIONS**

(Secs. 3, 5, 6, 9)

Those areas of land the subject of proposals received and being considered, as at the date of assent to this Act, by the Director of National Parks and Wildlife under section 7 of the Wilderness Act 1987 and referred to for the purposes of the proposals as follows:

Guy Fawkes

Mann (but not including that part of the land that is the site of the proposed Mosquito Creek Road)

Washpool (but only including those parts of the land that are within Glen Innes and Casino West Management Areas)

New England (but only including those parts of the land that are within Styx River Management Area)

Werrikimbe (but only including that part of the land that is within the Wauchope Management Area)

Barrington (but only including those parts of the land that are within Gloucester and Chichester Management Areas)

Macleay Gorges

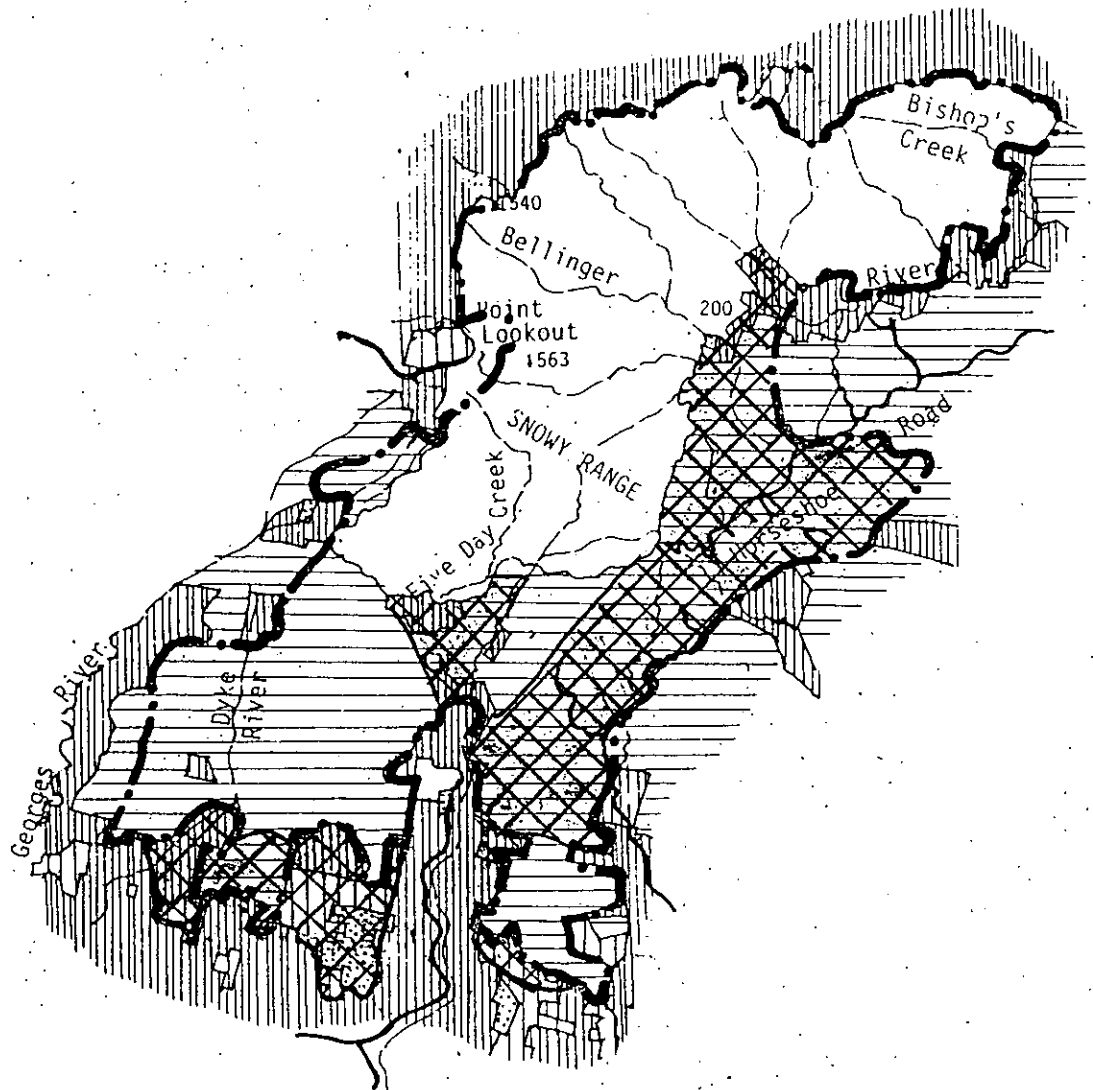
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**SCHEDULE 3—TIMETABLE FOR ASSESSMENT OF  
WILDERNESS PROPOSALS REFERRED TO IN SCHEDULE 2**

(Sec. 7)

Proposal	Date
Guy Fawkes	31 October 1992
Mann	31 October 1992
Washpool	31 October 1992
New England	31 May 1993
Werrikimbe	31 May 1993
Barrington	30 September 1993
Macleay Gorges	30 April 1994
Deua	30 September 1994

# NEW ENGLAND



Boundary of Proposed Wilderness



State Boundary



Coastline



Creek/River



Road



National Park, Nature Reserve



State Forest, Timber Reserve



Crown Land and Water Board Reserve

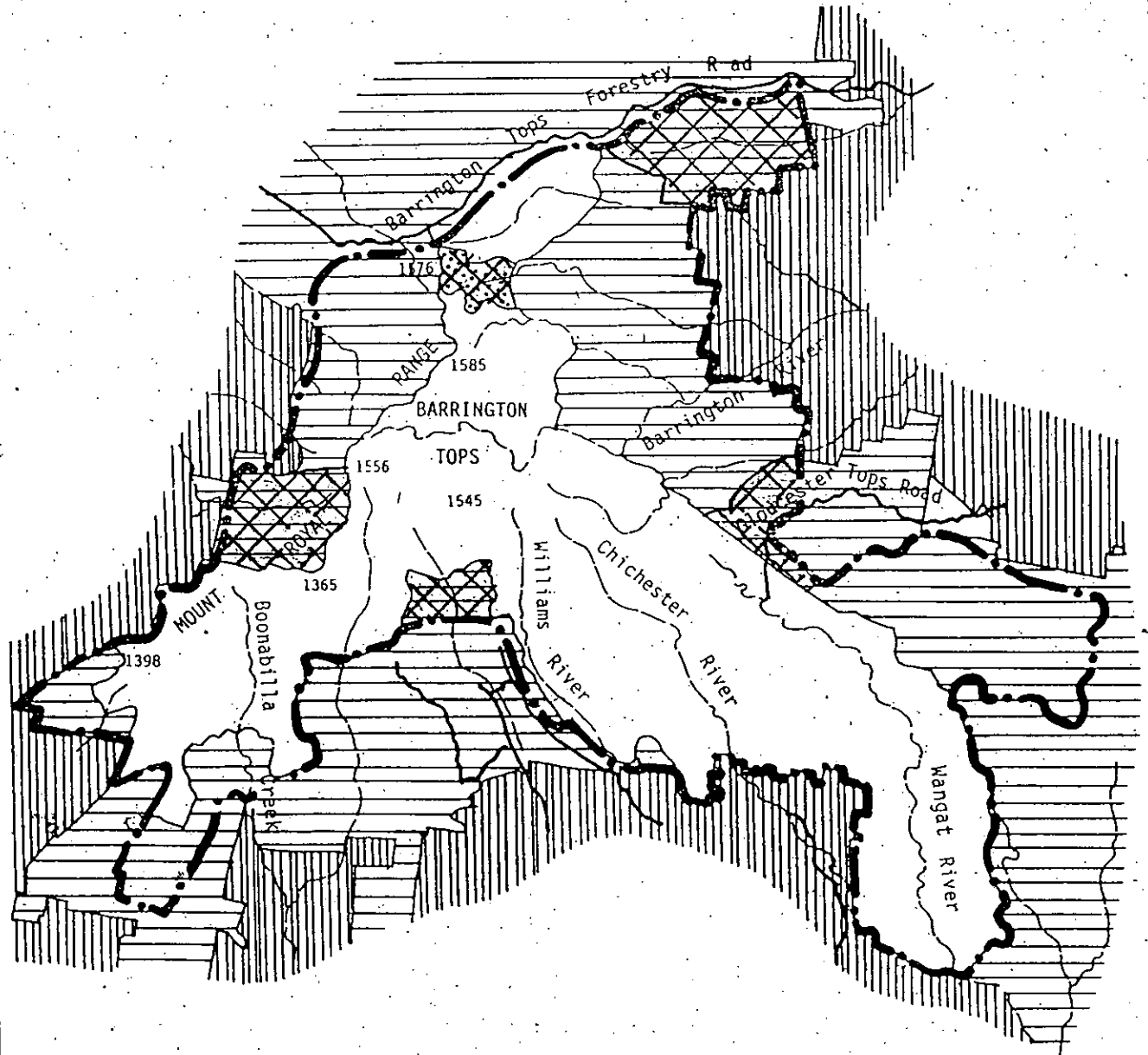



Freehold Land



Leasehold Land











# BARRINGTON

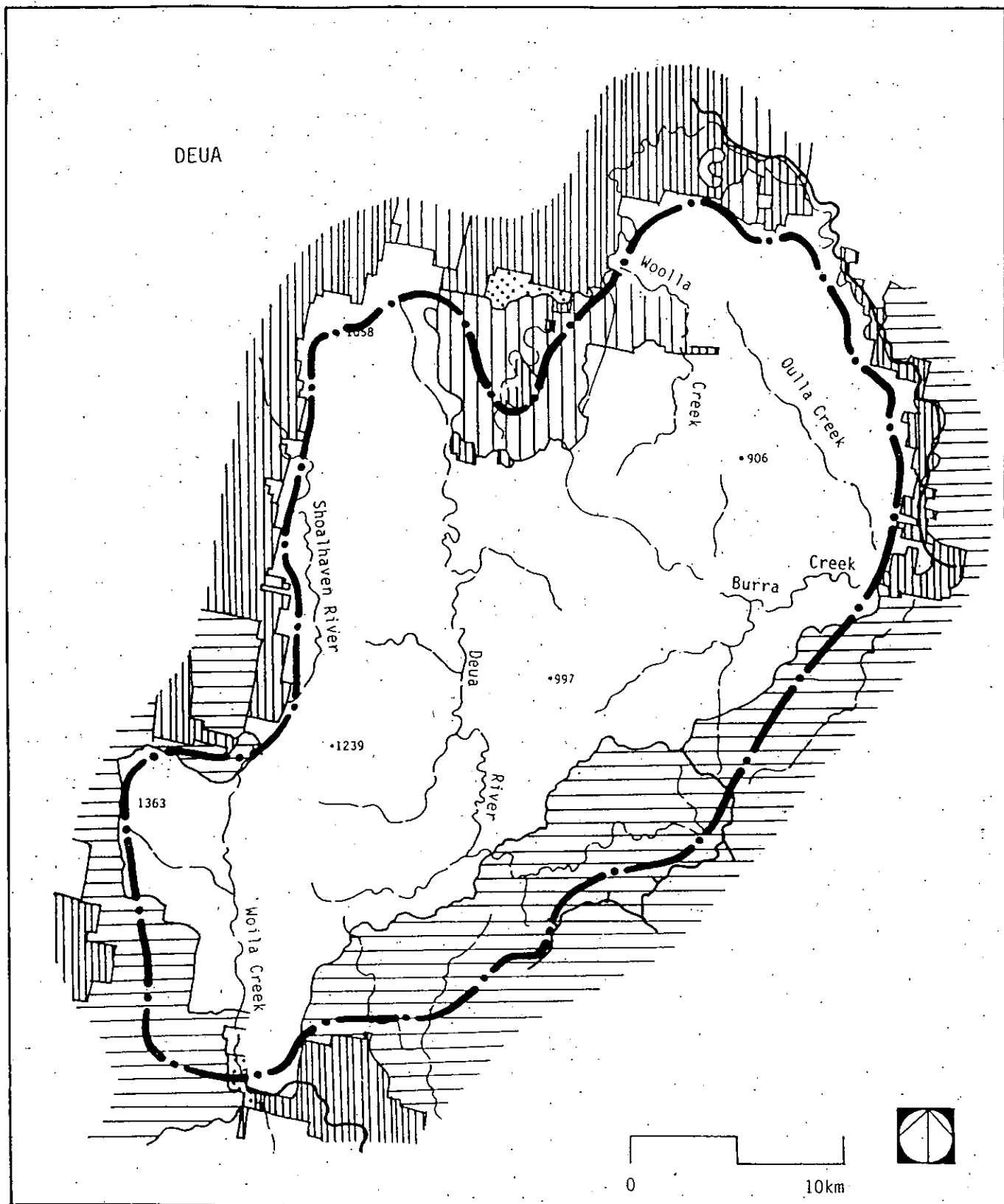


 AREA WHICH CAN BE LOGGED WITHOUT EIS  
(represents about 35% of nomination  
outside national park)

0 10km.

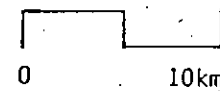
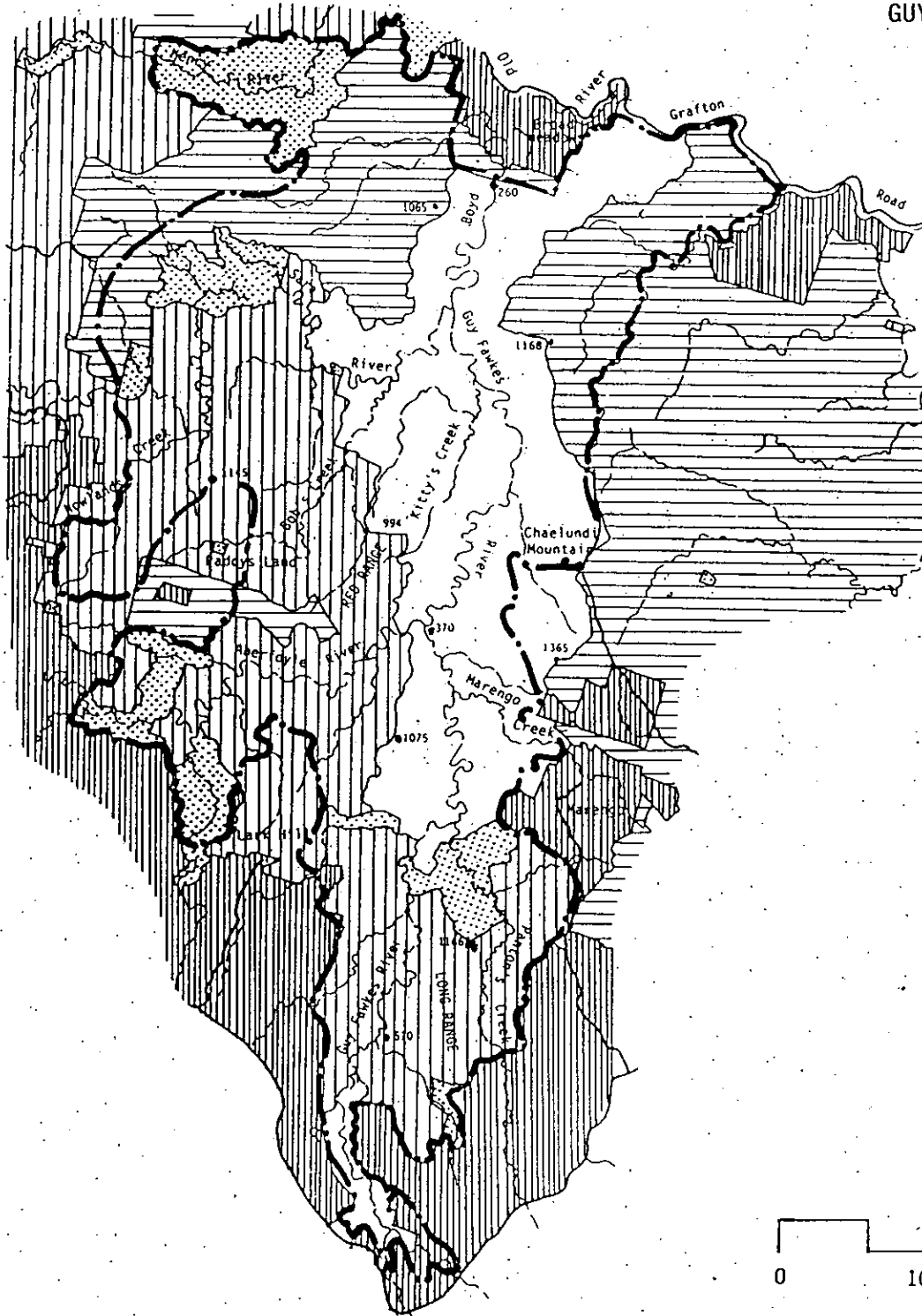












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|---|---|
|  Boundary of Proposed Wilderness |  National Park, Nature Reserve      |
|  State Boundary                  |  State Forest, Timber Reserve       |
|  Coastline                       |  Crown Land and Water Board Reserve |
|  Creek/River                     |  Freehold Land                      |
|  Road                            |  Leasehold Land                     |

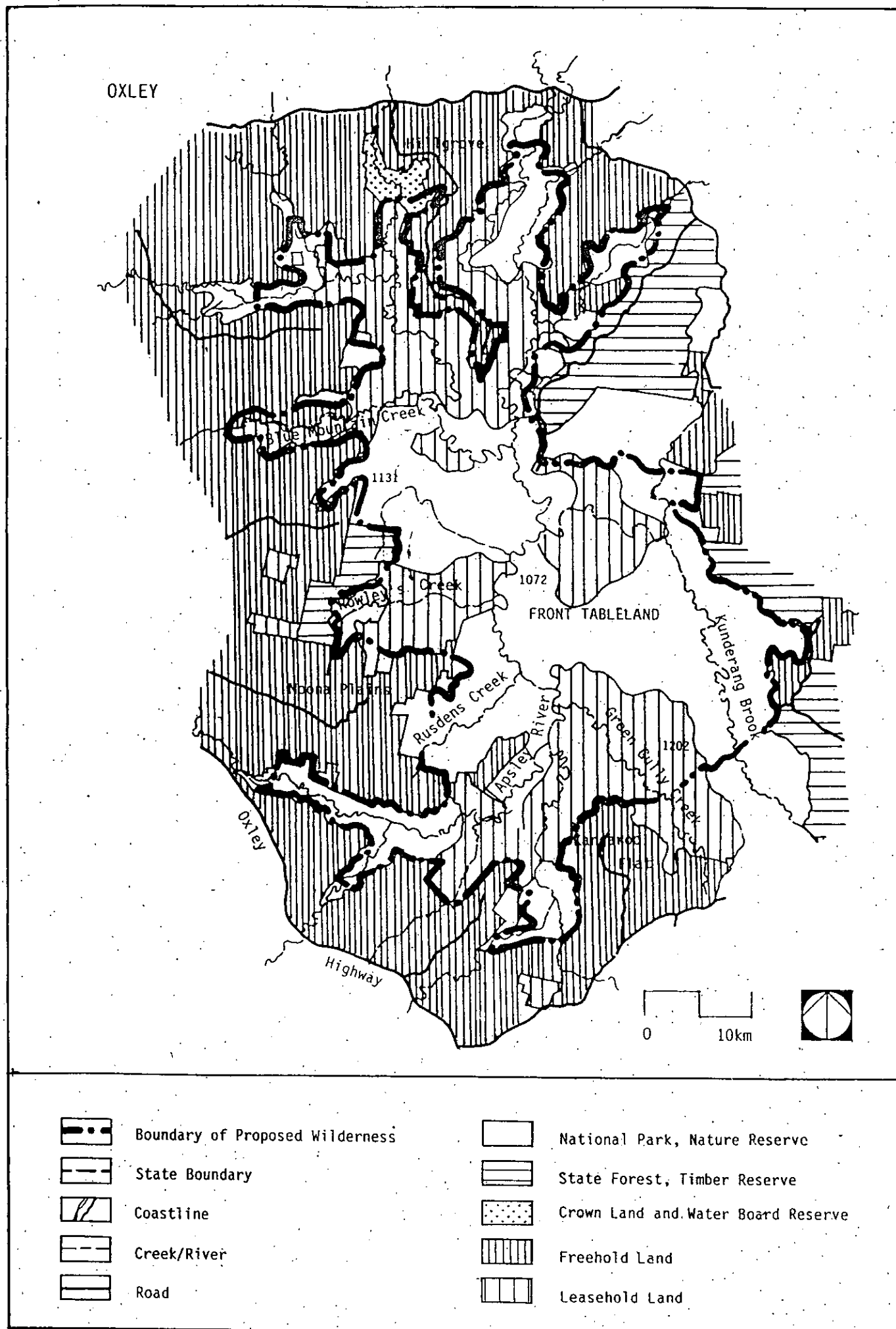


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|  | Coastline                       |  | Crown Land and Water Board Reserve |
|  | Creek/River                     |  | Freehold Land                      |
|  | Road                            |  | Leasehold Land                     |

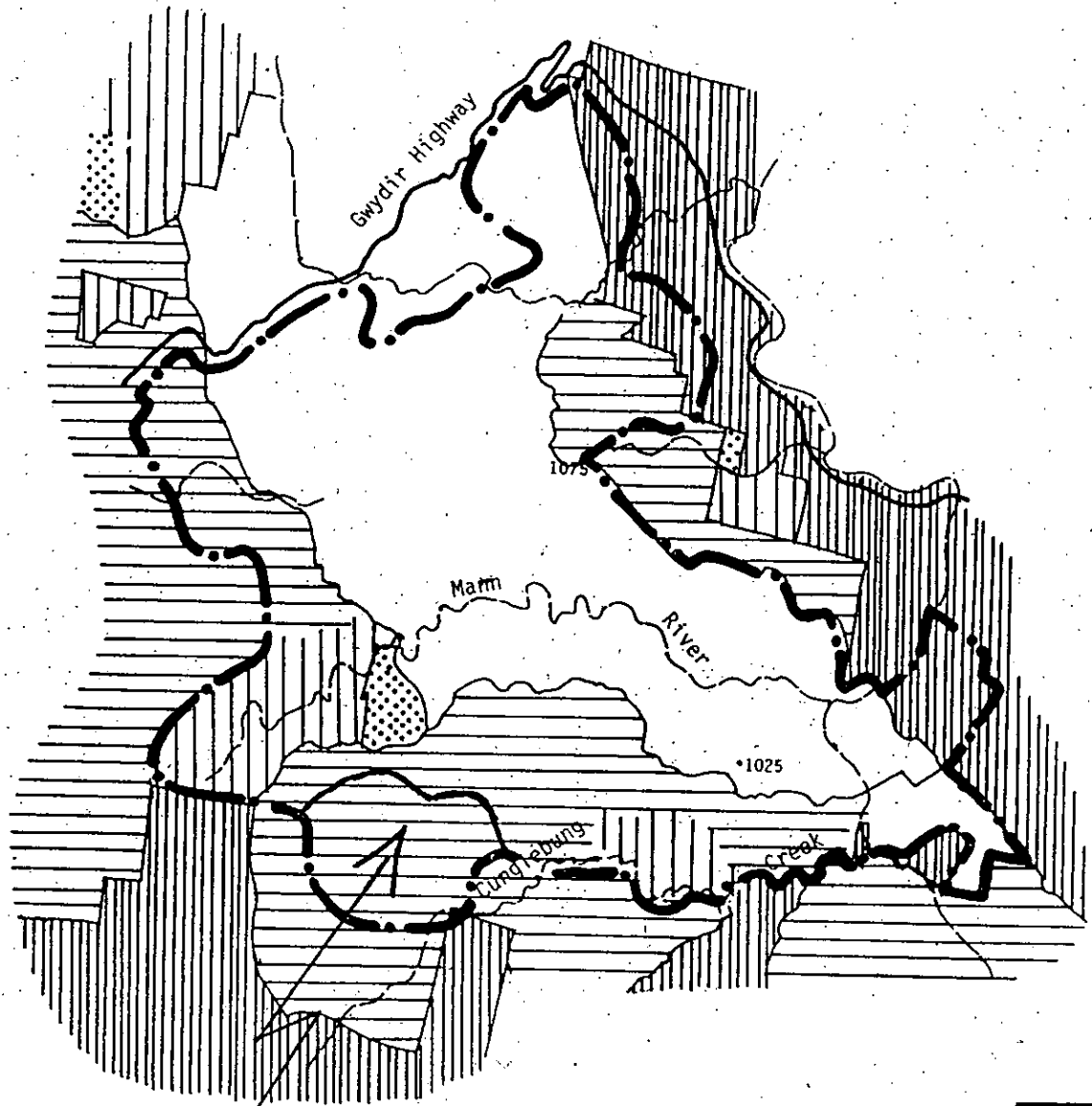
GUY FAWKES



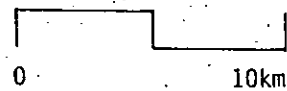
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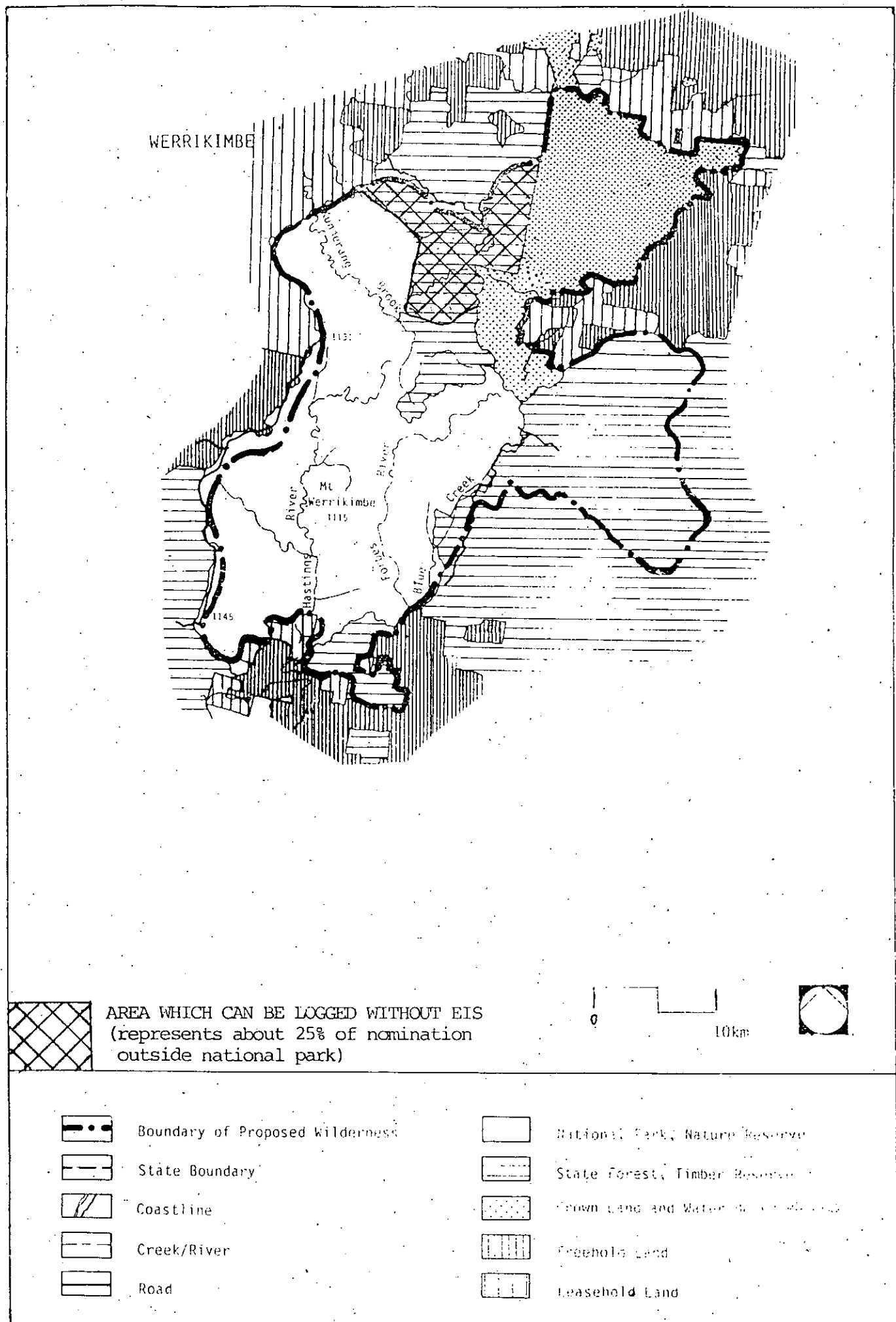
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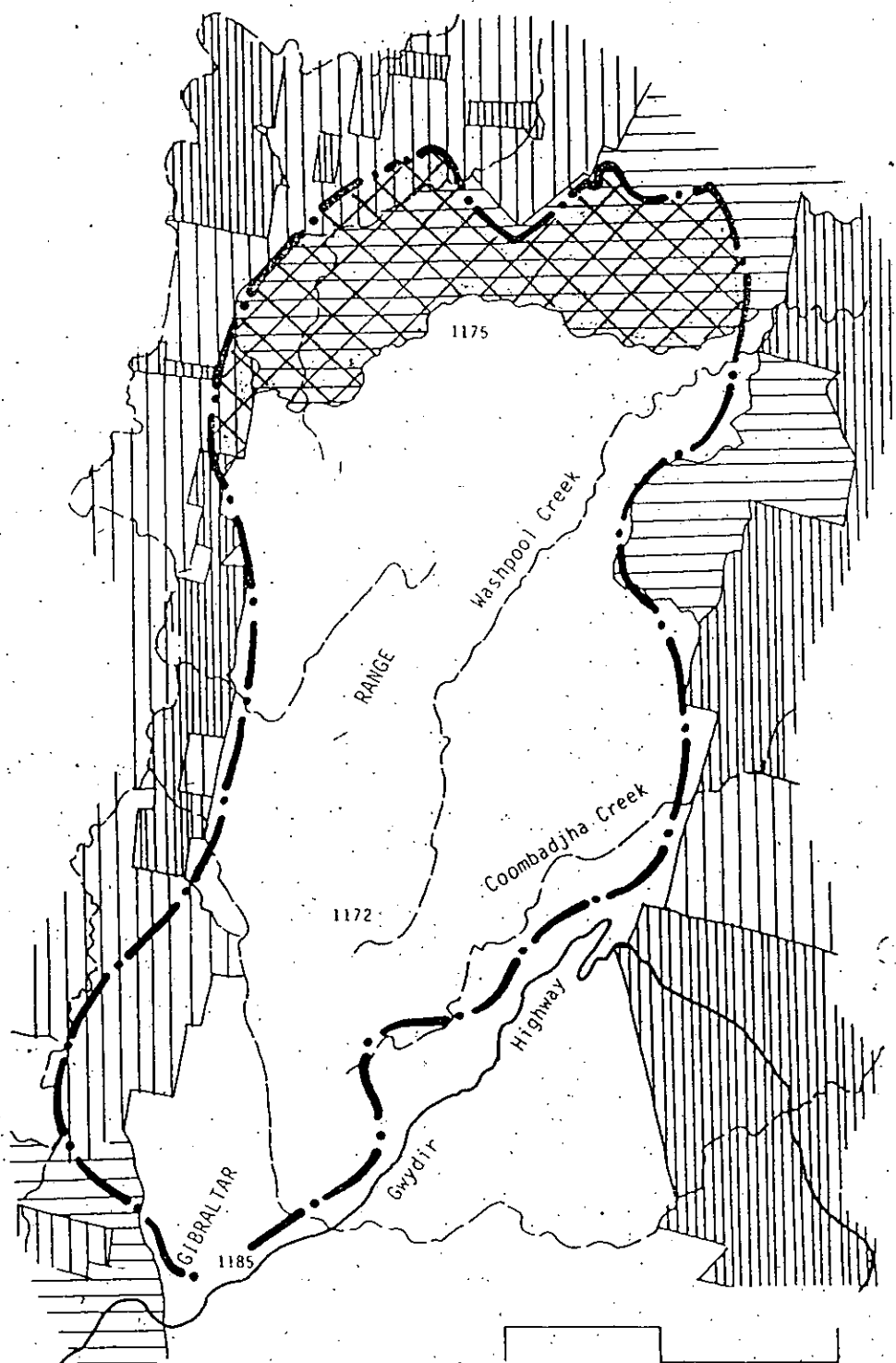
APPROX. POSITION OF MOSQUITO ROAD  
which can be established without an EIS.



- |  |                                 |  |                                    |
|--|---------------------------------|--|------------------------------------|
|  | Boundary of Proposed Wilderness |  | National Park, Nature Reserve      |
|  | State Boundary                  |  | State Forest, Timber Reserve       |
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|  | Creek/River                     |  | Freehold Land                      |
|  | Road                            |  | Leasehold Land                     |



WASHPOOL



AREA WHICH CAN BE LOGGED WITHOUT EIS 0  
(represents about 70% of nomination outside national park)

10km



Boundary of Proposed Wilderness



State Boundary



Coastline



Creek/River



Road



National Park, Nature Reserve



State Forest, Timber Reserve



Crown Land and Water Board Reserve



Freehold Land



Leasehold Land

THIRD PRINT

TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

NEW SOUTH WALES



This print of the Bill shows the amendments made by the Legislative Council on 6 March 1992. The text omitted is struck through, and the text inserted is in bold type.

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THIRD PRINT

## TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

NEW SOUTH WALES



### TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Objects of this Act
4. Definitions
5. Land to which this Act applies
6. Moratorium on logging operations on Schedule 1 land
7. Logging operations on Schedule 2 land and their environmental assessment
8. Application of other regulatory provisions
9. Stop work orders
- ~~9. Prohibition on logging operations on certain land~~
10. Logging operations on private land
11. Expiry of this Act
- ~~12. Constitution and functions of the Forestry Committee~~
- ~~13. Proceedings for breaches of this Act and the regulations~~
- ~~14. Amendment of EPA Act~~
- ~~15. Quarterly reporting by Director of National Parks and Wildlife~~
16. Quarterly reporting by the Minister

SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE CARRIED OUT UNTIL AN EIS IS OBTAINED

SCHEDULE 2—OTHER FOREST AREAS IN WHICH LOGGING OPERATIONS MAY BE CARRIED OUT PENDING OBTAINING OF EIS

~~SCHEDULE 3—THE FORESTRY COMMITTEE~~

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NEW SOUTH WALES



Act No. , 1992

An Act to provide interim protection for the employment of workers in the timber industry pending the completion of full environmental assessment of certain logging operations and to enable regulations to authorise logging operations on certain private land.

*Timber Industry (Interim Protection) 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Timber Industry (Interim Protection) Act 1992.

**Commencement**

2. This Act commences on the date of assent.

**Objects of this Act**

3. The objects of this Act are:
  - (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
  - (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1 and 2; and
  - (c) to give legislative effect to the moratorium on logging operations applying to the land specified in Schedule 1 until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the EPA Act; and
  - (d) to suspend the application of Part 5 of the EPA Act to logging operations being carried out or proposed to be carried out on the land specified in Schedule 2 pending the completion of the environmental assessment of those operations; and
  - (e) to ensure that any logging operations carried out on the land specified in Schedule 2 are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in any management plan prepared by the Forestry Commission and applying to the land; and
  - (f) to prevent a stop work order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) from having effect in respect of land during the period when the application of Part 5 of the EPA Act is suspended in respect of the land; and
  - (g) to enable the making of regulations to extend the protections provided by the Act to logging operations on certain private land.

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**Definitions**

4. In this Act:

“ecologically sustainable development” has the same meaning as under section 6 (2) of the Protection of the Environment Administration Act 1991;

“EPA Act” means the Environmental Planning and Assessment Act 1979;

“logging operations” means the cutting and removal of timber from land and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

**Land to which this Act applies**

5. This Act applies to the land specified in Schedules 1 and 2 and any land in respect of which a regulation is in force under section 10.

**Moratorium on logging operations on Schedule 1 land**

6. The Forestry Commission must not carry out logging operations or approve or permit logging operations to be carried out on any land specified in Schedule 1 until it has complied with Part 5 of the EPA Act in respect of those operations (in so far as that Part is required to be complied with).

**Logging operations on Schedule 2 land and their environmental assessment**

7. (1) During the period of operation of this Act, the application of Part 5 of the EPA Act in respect of logging operations being carried out or proposed to be carried out on land specified in Schedule 2 is suspended, subject to this section.

(2) The Forestry Commission should obtain an environmental impact statement in respect of logging operations being carried out or proposed to be carried out on each area of land specified in Schedule 2 by the date specified in that Schedule in relation to the area as if Part 5 of the EPA Act had not been suspended by this section (and in so far as that Part would require an environmental impact statement to be obtained if it were not so suspended).

(3) Nothing in this section requires the Forestry Commission to obtain an environmental impact statement in respect of an area if it decides not to carry out logging operations in the area.

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(4) If the Forestry Commission adopts an environmental impact statement obtained by it in relation to an area of land in accordance with subsection (2), the statement is taken to have been obtained in accordance with Part 5 of the EPA Act and the suspension of that Part in relation to the area of land ceases.

(5) Logging operations carried out in accordance with this Act on the land specified in Schedule 2 during the suspension of Part 5 of the EPA Act in relation to the land are taken to have been carried out in compliance with that Part.

**Application of other regulatory provisions**

8. ~~(1)~~ In order to promote ecologically sustainable development, a person who carries out logging operations on any land specified in Schedule 2 during the period when the application of Part 5 of the EPA Act is suspended in respect of the land must comply with:

- (a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan; and
- (b) the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land.

~~(2) Nothing in this section affects any licence or any conditions or restrictions contained in any licence issued under the National Parks and Wildlife Act 1974 by the Director of the National Parks and Wildlife.~~

**Stop work orders**

9. During the period when the application of Part 5 of the EPA Act is suspended in respect of land specified in Schedule 2, an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date of assent to this Act has no effect in respect of that land.

~~**Prohibition on logging operations on certain land**~~

~~9. (1) The Forestry Commission must not carry out logging operations or approve or permit logging operations to be carried out on any land to which this Act applies if it has been given a notice by the Director of National Parks and Wildlife that there is in relation to the land a proposal made before, on or after the date of assent to this Act:~~

- ~~(a) under section 7 of the Wilderness Act 1987; or~~

*Timber Industry (Interim Protection) 1992*

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~~(b) for the reservation, dedication or declaration under the National Parks and Wildlife Act 1974 of the land.~~

~~(2) A notice under this section continues in force until the Director of National Parks and Wildlife informs the Forestry Commission that the notice is withdrawn.~~

~~(3) The Director of National Parks and Wildlife is required to publish a notification in the Gazette of the giving or withdrawal of a notice under this section.~~

#### Logging operations on private land

10. (1) The Governor may make regulations prescribing areas of land for the purposes of this section.

(2) The regulations may not prescribe an area of land specified in Schedule 1 or 2 or Crown-timber lands within the meaning of the Forestry Act 1916.

(3) A regulation may not be made unless the Minister certifies that, in the Minister's opinion:

- (a) the making of the regulation is necessary to provide protection for the employment of workers engaged in logging operations and in the wider timber industry; and
- (b) the logging operations concerned are being undertaken in good faith for the purposes of timber production; and
- (c) the logging operations concerned are proposed to be conducted in a manner which mitigates their environmental impacts to the greatest practicable extent.

~~(4) During the period in which a regulation is in force in relation to land, the application of the provisions of the EPA Act referred to in subsection (5) in respect of logging operations being carried out or proposed to be carried out on the land is suspended.~~

(4) During the period in which a regulation is in force in relation to land:

- (a) the application of the provisions of the EPA Act referred to in subsection (5) in respect of logging operations being carried out or proposed to be carried out on the land is suspended; and
- (b) an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date on which the regulation commences has no effect in respect of that land.

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(5) The provisions of the EPA Act that are suspended are Part 5 and the provisions inserted in that Act by the Endangered Fauna (Interim Protection) Act 1991.

(6) Logging operations carried out in accordance with this section on land during the suspension of those provisions of the EPA Act are taken to have been carried out in compliance with those provisions.

(7) The regulations may prescribe conditions subject to which the authority conferred by this section has effect. Any such conditions may include conditions relating to the preparation of environmental impact statements or fauna impact statements during the suspension.

**Expiry of this Act**

11. This Act expires on 30 September 1994.

**~~Constitution and functions of the Forestry Committee~~**

~~12. (1) Despite the provisions of sections 112 and 113 of the EPA Act, for the purposes of examining and considering an environmental impact statement obtained by or furnished to the Forestry Commission or any other determining authority in relation to logging operations and for the purpose of determining whether to grant an approval in relation to such an activity, the determining authority is to be the Forestry Committee established by this section.~~

~~(2) The Minister for Conservation and Land Management and the Minister for the Environment are to appoint the following persons to constitute the Forestry Committee within 1 month after the commencement of this Act:~~

- ~~(a) one person with expertise in the assessment and conservation of fauna likely to occur in forested regions in New South Wales;~~
- ~~(b) one person with expertise in the botanical sciences;~~
- ~~(c) one person with expertise in ecological processes;~~
- ~~(d) one person with expertise in timber resource economics;~~
- ~~(e) one person with expertise in soil erosion;~~

~~all of whom must be independent of the Forestry Commission.~~

~~(3) Schedule 3 has effect with respect to the members and procedures of the Forestry Committee.~~

~~(4) The Committee is to determine whether to grant an approval in relation to such an activity pursuant to section 112 (4) of the EPA Act as soon as possible and not later than 2 months after the completion of the exhibition period of the environmental impact statement.~~

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~~Proceedings for breaches of this Act and the regulations~~

~~13. (1) Any person may take proceedings to restrain or remedy breaches (including threatened or apprehended breaches) of this Act and any regulation made under this Act.~~

~~(2) Jurisdiction to hear and determine any such proceedings is conferred on the Land and Environment Court.~~

~~(3) Without limiting or affecting any other power of the Land and Environment Court, the Court, constituted by a Judge, may dismiss any such proceedings if the Court is of the opinion that the proceedings:~~

~~(a) are unmeritorious, trivial or vexatious; or~~

~~(b) do not raise questions affecting the public interest.~~

~~Amendment of EPA Act~~

~~14. The EPA Act is amended by omitting the words "protected fauna" wherever occurring and by inserting instead the words "endangered fauna".~~

~~Quarterly reporting by Director of National Parks and Wildlife~~

~~15. The Director of National Parks and Wildlife is to make a quarterly report to both Houses of Parliament on the operation of the Endangered Fauna (Interim Protection) Act 1991. The first such report is to be made by 31 March 1992.~~

~~Quarterly reporting by the Minister~~

~~16. The Minister is to table a quarterly report, or cause a quarterly report to be tabled, in both Houses of Parliament on the status of environmental impact statements obtained or being obtained by the Forestry Commission in respect of land specified in Schedule 2. The first such report is to be tabled by 31 March 1992.~~

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED**

(Secs. 3, 5, 6)

**DUCK CREEK—URBENVILLE MANAGEMENT AREA**

The part of Richmond Range State Forest No. 610, dedicated 22 March 1918, and the part of Yabbra State Forest No. 394, dedicated 13 April 1917, within compartments 135, 136 and 201 to 208, inclusive, of the Urbenville Management Area, having an area of about 2,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1201 in the office of the Forestry Commission.

**BLACKBUTT PLATEAU—MURWILLUMBAH  
MANAGEMENT AREA**

The part of Nullum State Forest No. 356, dedicated 9 March 1917, and the part of No. 3 Extension thereto, dedicated 12 May 1967, having an area of about 200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1202 in the office of the Forestry Commission.

**TENTERFIELD MANAGEMENT AREA**

The part of Boorook State Forest No. 841, dedicated 18 November 1932, and the whole of No. 2 Extension thereto, dedicated 10 May 1985, within compartments 81 to 84, inclusive, 135 and part 85 of the Tenterfield Management Area, having an area of about 1,050 hectares.

The whole of Boonoo State Forest No. 119, dedicated 24 June 1914, the parts of Nos. 1 and 2 Extensions thereto, dedicated 28 February 1930 and 12 January 1973, respectively, and the whole of Nos. 3, 5 and 6 Extensions thereto, dedicated 11 August 1978, 21 August 1987 and 6 November 1987, respectively, within compartments 96, 102 to 107, inclusive, 109, 112 to 117, inclusive, 120, 125 and 126 of the Tenterfield Management Area, having an area of about 3,506 hectares.

The part of Girard State Forest No. 303, No. 9 Extension, dedicated 15 February 1980, within compartments 78, 79 and 80, of the Tenterfield Management Area, having an area of about 714 hectares.

The part of Spirabo State Forest No. 321, dedicated 6 December 1918, the part of Nos. 2, 3, 5, 6, 7 and 8 Extensions thereto, dedicated 1 February 1924, 20 June 1924, 22 August 1930, 11 June 1971, 12 April

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

1985 and 13 December 1985, respectively, the part of Little Spirabo State Forest No. 695, dedicated 6 December 1918, the part Nos. 1, 2 and 3 Extensions thereto, dedicated 18 January 1924, 19 December 1952 and 18 May 1973, respectively, the part of Forest Land State Forest No. 529, dedicated 27 July 1917, and the whole of No. 4 Extension thereto, dedicated 23 January 1987, within compartments 153 and 154, 229 to 232, inclusive, 236, 238 to 240, 247, 263 to 266, inclusive, 287, 289, 291 to 318, inclusive, and 320 to 330, inclusive, of the Tenterfield Management Area, having an area of about 10,027 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1203 in the office of the Forestry Commission.

**LONDON BRIDGE—GLEN INNES MANAGEMENT AREA**

The whole of Warra State Forest No. 335, dedicated 2 February 1917, and the whole of Nos. 1 and 2 Extensions thereto, dedicated 6 February 1920 and 21 December 1973, respectively, having an area of about 1,900 hectares.

The part of Oakwood State Forest No. 555, dedicated 12 October 1917, and the parts of Nos. 1, 4, 5 and 6 Extensions thereto, dedicated 30 April 1920, 12 August 1983, 16 January 1987 and 20 October 1989, respectively, and the whole of No. 3 Extension thereto, dedicated 22 November 1974, within compartments 116 to 118, inclusive, 138 and 144, and the parts of compartments 99, 100, 102, 115, 136, 137 and 139 of the Glen Innes Management Area, having an area of about 3,517 hectares.

The whole of Glen Nevis State Forest No. 656, dedicated 31 May 1918, and the whole of Nos. 1, 2 and 3 Extensions thereto, dedicated 9 December 1921, 2 January 1953 and 11 April 1986, respectively, having an area of about 6,208 hectares.

The part of London Bridge State Forest No. 309, dedicated 5 January 1917, the part of Nos. 1 and 2 Extensions thereto, dedicated 13 November 1925 and 19 November 1976, respectively, and the whole of No. 3 Extension thereto, dedicated 21 June 1985, within compartments 130, 131, 132 and 133, and the parts of compartments 126, 128, 129, 134 and 135 of the Glen Innes Management Area, having an area of about 2,659 hectares.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The whole of Curramore State Forest No. 763, dedicated 24 March 1921, and the whole of Nos. 1, 2, 3, 4 and 5 Extensions thereto, dedicated 18 January 1924, 18 September 1925, 25 February 1983, 18 May 1984 and 19 December 1986, respectively, having an area of about 9,526 hectares.

The whole of Reserve from Sale for Timber No. 55288, notified 10 November 1922, having an area of about 87 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1204 in the office of the Forestry Commission.

**MOUNT MARSH—CASINO WEST MANAGEMENT AREA**

The parts of Mount Marsh State Forest No. 770, Nos. 2 and 4 Extensions, dedicated 30 March 1973 and 5 September 1975, respectively, within compartments 428, 429, 432, 433 and 434 and part of compartments 430 and 431 of the Casino West Management Area, having an area of about 3,300 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1205 in the office of the Forestry Commission.

**CUNGLEBUNG—GRAFTON MANAGEMENT AREA**

The whole of Dalmorton State Forest No. 814, No. 2 Extension, dedicated 12 July 1974 and the part of Dalmorton State Forest No. 814, No. 4 Extension, dedicated 11 March 1977, within compartments 508 to 545, inclusive, 552, 555 to 559, inclusive, and compartment 588 of the Grafton Management Area, having an area of about 8,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1206 in the office of the Forestry Commission.

**CHAE LUNDI—DORRIGO MANAGEMENT AREA**

The part of Chaelundi State Forest No. 996, dedicated 14 September 1973, the part of Nos. 3 and 5 Extensions thereto, dedicated 5 June 1981 and 19 March 1982, respectively, and the whole of Chaelundi State Forest No. 996, No. 2 Extension, dedicated 18 April 1975, within compartments 155 to 165, inclusive, 193, 199, 201 to 204, inclusive, 207, 209 to 219, inclusive, 221 to 227, inclusive, 238 to 256, inclusive, 273 to 284,

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SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued*

inclusive, and 302 to 306, inclusive, of the Dorrigo Management Area, having an area of about 14,200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1207 in the office of the Forestry Commission.

**WALCHA-NUNDLE MANAGEMENT AREA**

The whole of Ben Halls Gap State Forest No. 950, dedicated 7 September 1956 and the whole of Nos. 1 and 2 Extensions thereto, dedicated 9 November 1962 and 31 August 1984, respectively, having an area of about 2,850 hectares.

The part of Nowendoc State Forest No. 310, dedicated 29 December 1916, the parts of Nos. 7 and 8 Extensions thereto, dedicated 11 March 1983 and 16 September 1983, respectively, and the whole of No. 9 Extension, dedicated 18 May 1984, within compartments 206 to 210, inclusive, 219 and part of compartments 205, 211, 217 and 218 of the Walcha-Nundle Management Area, having an area of about 1,970 hectares.

The parts of Tuggolo State Forest No. 312, Nos. 1 and 2 Extensions, dedicated 17 February 1950 and 11 May 1956, respectively, and the whole of No. 13 Extension, dedicated 18 May 1984, within compartments 260 to 266, inclusive, 268, 269, 273 and 318 to 325, inclusive, of the Walcha-Nundle Management Area, having an area of about 4,440 hectares.

The part of Giro State Forest No. 286, No. 2 Extension, dedicated 12 November 1954, and the whole of Giro State Forest No. 286, Nos. 7 and 14 Extensions, dedicated 18 July 1975 and 13 February 1987, respectively, having an area of about 3,370 hectares.

The part of Riamukka State Forest No. 992, No. 3 Extension, dedicated 25 January 1974, within compartments 68, 69, 72, 73, 74, 75 and part of compartment 84 of the Walcha-Nundle Management Area, having an area of about 1,430 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1208 in the office of the Forestry Commission.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**KEMPSEY MANAGEMENT AREA**

The whole of Pee Dee State Forest No. 600, dedicated 9 November 1917, the whole of Nos. 1 and 2 Extensions thereto, dedicated 20 January 1928 and 6 July 1979, respectively, the parts of Nulla-Five Day State Forest No. 601, Nos. 7 and 8 Extensions, dedicated 10 July 1964 and 8 October 1971, respectively, and the whole of Nulla-Five Day State Forest No. 601, No. 17 Extension, dedicated 28 August 1981, within compartments 88, 89, 91 to 94, inclusive, and part of compartments 90 and 95, of the Kempsey Management Area, having an area of about 2,300 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971, within compartments 101, 124, 125, 143 and 145 and part of compartments 102, 123 and 144 of the Kempsey Management Area, having an area of about 2,000 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971 and the whole of Nulla-Five Day State Forest No. 601, Nos. 10 and 18 Extensions, dedicated 2 August 1974 and 31 March 1988, respectively, the parts of Styx River State Forest No. 339, No. 3 Extension, dedicated 22 January 1971, the whole of Styx River State Forest No. 339, No. 6 Extension, dedicated 30 April 1982, the part of Lower Creek State Forest No. 161, dedicated 24 June 1914, the parts of Nos. 1 and 5 Extensions thereto, dedicated 17 October 1924 and 3 June 1983, respectively, and the whole of Lower Creek State Forest No. 161, Nos. 3, 4, 6 and 7 Extensions, dedicated 1 December 1978, 10 September 1982, 21 September 1984 and 27 June 1986, respectively, within compartments 1, 6, 7, 12, 14 to 23, inclusive, 27, 105 to 122, inclusive, and part of compartment 104, of the Kempsey Management Area, having an area of about 11,500 hectares.

The Crown lands in the Parishes of Dudley, Panton, Warbro and Willi Willi, County of Dudley, having an area of about 12,000 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1209 in the office of the Forestry Commission.

SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued*

**WAUCHOPE MANAGEMENT AREA**

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, part of No. 14 Extension thereto, dedicated 11 June 1982, the whole of Mount Boss State Forest No. 910, No. 17 Extension, dedicated 9 September 1988, and the parts of Yessabah State Forests No. 602, Nos. 7 and 8 Extensions, dedicated 1 October 1982 and 30 December 1983, respectively, within compartments 76, 77, 82, 84, 159, 160, 299, 306 to 312, inclusive, 314 to 322, inclusive, and 325 to 332, inclusive, of the Wauchope Management Area, having an area of about 5,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949 within compartments 94 to 98, inclusive, 116 and 117 of the Wauchope Management Area, having an area of about 1,100 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, the whole of No. 7 Extension thereto, dedicated 9 February 1968, and the part of No. 13 Extension thereto, dedicated 5 January 1979, within compartments 123, 125 to 132, inclusive, and 334 of the Wauchope Management Area, having an area of about 1,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, and the whole of No. 6 Extension thereto, dedicated 22 December 1967, within compartments 264 to 272, inclusive, and 304 of the Wauchope Management Area, together with the Crown land within portion 12 Parish of Moorabark, County of Macquarie, having an area of about 2,400 hectares.

The parts of Ballengarra State Forest No. 474, Nos. 2, 3 and 8 Extensions, dedicated 1 August 1924, 4 September 1925 and 5 January 1962, respectively, and the whole of Ballengarra State Forest No. 474, Nos. 10 and 13 Extensions, dedicated 21 February 1964 and 11 April 1969, respectively, within compartments 39, 40 and 43 to 53, inclusive, of the Wauchope Management Area, having an area of about 3,000 hectares.

The part of Doyles River State Forest No. 911, dedicated 11 November 1949, part of No. 1 Extension thereto, dedicated 25 June 1971, and whole of Mount Seaview State Forest No. 877, dedicated 20 November 1942,

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

within compartments 155, 156 to 158, inclusive, 159, 168 to 195, inclusive, 201 to 203, inclusive, 205 and 206 and part of compartment 154 of the Wauchope Management Area, having an area of about 4,200 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1210 in the office of the Forestry Commission.

**WINGHAM MANAGEMENT AREA**

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, the whole of Enfield State Forest No. 337, No. 6 Extension, dedicated 23 November 1956 and the parts of Enfield State Forest No. 337, Nos. 5, 7, and 12 Extensions, dedicated 21 March 1952, 22 January 1971 and 29 September 1984, respectively, within compartments 278 to 283 and 285 to 287, inclusive, 289, 290, 293 to 296 and 302 to 307, inclusive, of the Wingham Management Area, having an area of about 3,500 hectares.

The parts of Bulga State Forest No. 285, Nos. 9, 13, 17 and 19 Extensions, dedicated 4 February 1966, 20 February 1970, 28 December 1973 and 7 February 1975 and the parts of Doyles River State Forest No. 911 and No. 1 Extension thereto, dedicated 11 November 1949 and 25 June 1971, respectively, within compartments 174, 186, 204, 207, 223 to 233, inclusive, 236, 239 to 248, 251 to 255 and 258 to 260, inclusive, 262, 264 to 275, inclusive, and parts of compartments 176, 208 and 235, of the Wingham Management Area, having an area of about 8,100 hectares.

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, within compartments 212, 213, 216 and part 209 of the Wingham Management Area, having an area of about 600 hectares.

The whole of Bulga State Forest No. 285, No. 18 Extension, dedicated 17 July 1974 and the parts of Bulga State Forest No. 285, Nos. 9 and 11 Extensions, dedicated 4 February 1966 and 11 April 1969, within compartments 117, 118, 157, 183, 184 and 185, inclusive, of the Wingham Management Area, having an area of about 1,500 hectares.

The parts of Dingo State Forest No. 779, Nos. 1 and 3 Extensions, dedicated 20 April 1923 and 28 March 1952, respectively, within compartments 142 to 147, inclusive, of the Wingham Management Area, having an area of about 1,200 hectares.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The parts of Knorrit State Forest No. 767, dedicated 15 July 1921, the parts of Dingo State Forest No. 779 and Nos. 3 and 5 Extensions thereto, dedicated 26 May 1922, 28 March 1952 and 9 July 1965, respectively, the whole of Bulga State Forest No. 285 No. 16 Extension, dedicated 10 May 1974 and the parts of Bulga State Forest No. 285 and Nos. 1, 4, 7 and 9 Extensions thereto, dedicated 8 December 1916, 9 January 1920, 24 June 1949, 13 January 1961 and 4 February 1966, respectively, within parts of compartments 10, 11, 12, 14, 20, 28, 29, 34, 35, 37, 38, 40, 41, 43, 46, 49, 50, 54, 55, 56, 63, 65, 72, 74, 75, 77, 79, 81, 83, 84, 148, 149, 151, 163, 180, 181 and 182 of the Wingham Management Area, having an area of about 5,000 hectares.

These lands are shown by hatching on plans catalogued Misc. F. 1211 (in 10 sheets) in the office of the Forestry Commission.

**BARRINGTON TOPS—GLOUCESTER MANAGEMENT  
AREA**

The parts of Stewarts Brook State Forest No. 276, Nos. 3, 4 and 8 Extensions, dedicated 19 June 1953, 28 June 1963 and 11 October 1991, respectively, and the parts of Barrington Tops State Forest No. 977 and Nos. 1 and 4 Extensions thereto, and the whole of No. 5 Extension thereto, dedicated 21 October 1960, 20 October 1961, 18 January 1974 and 24 May 1974, respectively, within compartments 44 to 68, inclusive, 107, 111 to 113, inclusive, 116, 117 and 123, 126 to 155, and 168 to 171, inclusive, of the Gloucester Management Area, having an area of about 15,900 hectares and being the land shown on diagram catalogued Misc. F. No. 1212 in the office of the Forestry Commission.

**CHICHESTER MANAGEMENT AREA (INCLUDING  
WHISPERING GULLY)**

The whole of Mount Royal State Forest No. 297, No. 1 Extension, dedicated 22 March 1951, and part of Chichester State Forest No. 292 and No. 4 Extension thereto, dedicated 19 January 1917 and 21 October 1960, respectively, within compartments 60 to 68, inclusive, 99, 141 to 143, inclusive, 145 and 167 to 171, inclusive, of the Chichester Management Area, having an area of about 5,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. No. 1213 in the office of the Forestry Commission.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**DAVIS CREEK—MOUNT ROYAL MANAGEMENT AREA**

The parts of Mount Royal State Forest No. 297, dedicated 19 January 1917, within compartments 175 to 178 and 200 to 204, inclusive, of the Mount Royal Management Area, having an area of about 1,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1214 in the office of the Forestry Commission.

**SCHEDULE 2—OTHER FOREST AREAS IN WHICH  
LOGGING OPERATIONS MAY BE CARRIED OUT PENDING  
OBTAINING OF EIS**

(Secs. 3, 5, 7, 8, 9)

The following areas, excluding from them the areas specified in Schedule 1:

Area	Date for completion of environmental impact statement
1. Mt. Royal Management Area	30 September 1992
2. Wingham Management Area	30 September 1992
3. Dorrigo Management Area	31 October 1992
4. Glen Innes Management Area	31 October 1992
5. Kempsey Management Area	31 May 1993
Wauchope Management Area	
6. Grafton Management Area	31 July 1993
7. Casino Management Area	31 July 1993
Casino West Management Area	
Murwillumbah Management Area	
8. Gloucester Management Area	30 September 1993
Chichester Management Area	
9. Tenterfield Management Area	31 October 1993
10. Urbenville Management Area	31 December 1993
11. Urunga Management Area	28 February 1994
12. Walcha-Nundle Management Area	30 April 1994
Styx River Management Area	
13. Warung Management Area	30 June 1994
14. Queanbeyan Management Area	30 September 1994
Badja Management Area	
15. Wyong Management Area	30 September 1994

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SCHEDULE 2—OTHER FOREST AREAS IN WHICH LOGGING  
OPERATIONS MAY BE CARRIED OUT PENDING OBTAINING  
OF EIS—*continued*

The boundaries of each of these Management Areas are shown on the map catalogued Misc. F. 1215 in the office of the Forestry Commission.

~~SCHEDULE 3—THE FORESTRY COMMITTEE~~

~~(Sec. 12)~~

~~1. At the first meeting of the Forestry Committee the members are to elect a Convenor.~~

~~2. Two members form a quorum at any meeting of the Forestry Committee and any duly convened meeting at which a quorum is present is competent to exercise any function of the Committee.~~

~~3. Questions arising at a meeting of the Forestry Committee are to be determined by a majority of votes of the members present and voting.~~

~~4. The procedures for the calling of meetings, their frequency and the conduct of business at meetings is to be as determined by the Forestry Committee at its first meeting (and at subsequent meetings if necessary).~~

~~5. Each member of the Forestry Committee is entitled to receive such remuneration (including travelling and subsistence allowances) for attending meetings and exercising functions of the Committee as the Minister may from time to time determine in respect of him or her.~~

~~6. In the event of a casual vacancy, the Minister for Conservation and Land Management and the Minister for the Environment must immediately fill the vacancy by appointing a person having the requisite qualification.~~

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SECOND PRINT

**TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE CARRIED OUT UNTIL AN EIS IS OBTAINED**

**SCHEDULE 2—OTHER FOREST AREAS IN WHICH LOGGING OPERATIONS MAY BE CARRIED OUT PENDING OBTAINING OF EIS**

**SCHEDULE 3—THE FORESTRY COMMITTEE**

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly.*

NEW SOUTH WALES



Act No.           , 1992

An Act to provide interim protection for the employment of workers in the timber industry pending the completion of full environmental assessment of certain logging operations and to enable regulations to authorise logging operations on certain private land.

*Timber Industry (Interim Protection) 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Timber Industry (Interim Protection) Act 1992.

**Commencement**

2. This Act commences on the date of assent.

**Objects of this Act**

3. The objects of this Act are:

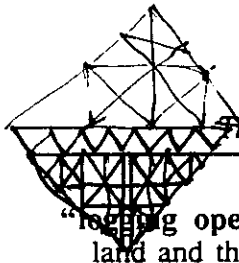
- (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
- (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1 and 2; and
- (c) to give legislative effect to the moratorium on logging operations applying to the land specified in Schedule 1 until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the EPA Act; and
- (d) to suspend the application of Part 5 of the EPA Act to logging operations being carried out or proposed to be carried out on the land specified in Schedule 2 pending the completion of the environmental assessment of those operations; and
- (e) to ensure that any logging operations carried out on the land specified in Schedule 2 are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in any management plan prepared by the Forestry Commission and applying to the land; and
- (f) to enable the making of regulations to extend the protections provided by the Act to logging operations on certain private land.

**Definitions**

4. In this Act:

“ecologically sustainable development” has the same meaning as under section 6 (2) of the Protection of the Environment Administration Act 1991;

“EPA Act” means the Environmental Planning and Assessment Act 1979;



"logging operations" means the cutting and removal of timber from land and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

**Land to which this Act applies**

5. This Act applies to the land specified in Schedules 1 and 2 and any land in respect of which a regulation is in force under section 10.

**Moratorium on logging operations on Schedule 1 land**

6. The Forestry Commission must not carry out logging operations or approve or permit logging operations to be carried out on any land specified in Schedule 1 until it has complied with Part 5 of the EPA Act in respect of those operations (in so far as that Part is required to be complied with).

**Logging operations on Schedule 2 land and their environmental assessment**

7. (1) During the period of operation of this Act, the application of Part 5 of the EPA Act in respect of logging operations being carried out or proposed to be carried out on land specified in Schedule 2 is suspended, subject to this section.

(2) The Forestry Commission should obtain an environmental impact statement in respect of logging operations being carried out or proposed to be carried out on each area of land specified in Schedule 2 by the date specified in that Schedule in relation to the area as if Part 5 of the EPA Act had not been suspended by this section (and in so far as that Part would require an environmental impact statement to be obtained if it were not so suspended).

(3) Nothing in this section requires the Forestry Commission to obtain an environmental impact statement in respect of an area if it decides not to carry out logging operations in the area.

(4) If the Forestry Commission adopts an environmental impact statement obtained by it in relation to an area of land in accordance with subsection (2), the statement is taken to have been obtained in accordance with Part 5 of the EPA Act and the suspension of that Part in relation to the area of land ceases.

(5) Logging operations carried out in accordance with this Act on the land specified in Schedule 2 during the suspension of Part 5 of the EPA Act in relation to the land are taken to have been carried out in compliance with that Part.

*Timber Industry (Interim Protection) 1992.*

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**Application of other regulatory provisions**

8. (1) In order to promote ecologically sustainable development, a person who carries out logging operations on any land specified in Schedule 2 during the period when the application of Part 5 of the EPA Act is suspended in respect of the land must comply with:

- (a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan; and
- (b) the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land.

(2) Nothing in this section affects any licence or any conditions or restrictions contained in any licence issued under the National Parks and Wildlife Act 1974 by the Director of the National Parks and Wildlife.

**Prohibition on logging operations on certain land**

9. (1) The Forestry Commission must not carry out logging operations or approve or permit logging operations to be carried out on any land to which this Act applies if it has been given a notice by the Director of National Parks and Wildlife that there is in relation to the land a proposal made before, on or after the date of assent to this Act:

- (a) under section 7 of the Wilderness Act 1987; or
- (b) for the reservation, dedication or declaration under the National Parks and Wildlife Act 1974 of the land.

(2) A notice under this section continues in force until the Director of National Parks and Wildlife informs the Forestry Commission that the notice is withdrawn.

(3) The Director of National Parks and Wildlife is required to publish a notification in the Gazette of the giving or withdrawal of a notice under this section.

**Logging operations on private land**

10. (1) The Governor may make regulations prescribing areas of land for the purposes of this section.

(2) The regulations may not prescribe an area of land specified in Schedule 1 or 2 or Crown-timber lands within the meaning of the Forestry Act 1916.

*Timber Industry (Interim Protection) 1992*

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(3) A regulation may not be made unless the Minister certifies that, in the Minister's opinion:

- (a) the making of the regulation is necessary to provide protection for the employment of workers engaged in logging operations and in the wider timber industry; and
- (b) the logging operations concerned are being undertaken in good faith for the purposes of timber production; and
- (c) the logging operations concerned are proposed to be conducted in a manner which mitigates their environmental impacts to the greatest practicable extent.

(4) During the period in which a regulation is in force in relation to land, the application of the provisions of the EPA Act referred to in subsection (5) in respect of logging operations being carried out or proposed to be carried out on the land is suspended.

(5) The provisions of the EPA Act that are suspended are Part 5 and the provisions inserted in that Act by the Endangered Fauna (Interim Protection) Act 1991.

(6) Logging operations carried out in accordance with this section on land during the suspension of those provisions of the EPA Act are taken to have been carried out in compliance with those provisions.

(7) The regulations may prescribe conditions subject to which the authority conferred by this section has effect. Any such conditions may include conditions relating to the preparation of environmental impact statements or fauna impact statements during the suspension.

**Expiry of this Act**

11. This Act expires on 30 September 1994.

**Constitution and functions of the Forestry Committee**

12. (1) Despite the provisions of sections 112 and 113 of the EPA Act, for the purposes of examining and considering an environmental impact statement obtained by or furnished to the Forestry Commission or any other determining authority in relation to logging operations and for the purpose of determining whether to grant an approval in relation to such an activity, the determining authority is to be the Forestry Committee established by this section.

lies - it needs to go  
through this week  
- there must be an  
arms length EIS process  
- there is no response to letter  
requesting information

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**Timber Industry (Interim Protection) 1992**

(2) The Minister for Conservation and Land Management and the Minister for the Environment are to appoint the following persons to constitute the Forestry Committee within 1 month after the commencement of this Act:

- (a) one person with expertise in the assessment and conservation of fauna likely to occur in forested regions in New South Wales;
- (b) one person with expertise in the botanical sciences;
- (c) one person with expertise in ecological processes;
- (d) one person with expertise in timber resource economics;
- (e) one person with expertise in soil erosion,

all of whom must be independent of the Forestry Commission.

(3) Schedule 3 has effect with respect to the members and procedures of the Forestry Committee.

(4) The Committee is to determine whether to grant an approval in relation to such an activity pursuant to section 112 (4) of the EPA Act as soon as possible and not later than 2 months after the completion of the exhibition period of the environmental impact statement.

**Proceedings for breaches of this Act and the regulations**

13. (1) Any person may take proceedings to restrain or remedy breaches (including threatened or apprehended breaches) of this Act and any regulation made under this Act.

(2) Jurisdiction to hear and determine any such proceedings is conferred on the Land and Environment Court.

(3) Without limiting or affecting any other power of the Land and Environment Court, the Court, constituted by a Judge, may dismiss any such proceedings if the Court is of the opinion that the proceedings:

- (a) are unmeritorious, trivial or vexatious; or
- (b) do not raise questions affecting the public interest.

**Amendment of EPA Act**

14. The EPA Act is amended by omitting the words "protected fauna" wherever occurring and by inserting instead the words "endangered fauna".

*Timber Industry (Interim Protection) 1992*

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**Quarterly reporting by Director of National Parks and Wildlife**

15. The Director of National Parks and Wildlife is to make a quarterly report to both Houses of Parliament on the operation of the Endangered Fauna (Interim Protection) Act 1991. The first such report is to be made by 31 March 1992.

**Quarterly reporting by the Minister**

16. The Minister is to table a quarterly report, or cause a quarterly report to be tabled, in both Houses of Parliament on the status of environmental impact statements obtained or being obtained by the Forestry Commission in respect of land specified in Schedule 2. The first such report is to be tabled by 31 March 1992.

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*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED**

(Secs. 3, 5, 6)

**DUCK CREEK—URBENVILLE MANAGEMENT AREA**

The part of Richmond Range State Forest No. 610, dedicated 22 March 1918, and the part of Yabbra State Forest No. 394, dedicated 13 April 1917, within compartments 135, 136 and 201 to 208, inclusive, of the Urbenville Management Area, having an area of about 2,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1201 in the office of the Forestry Commission.

**BLACKBUTT PLATEAU—MURWILLUMBAH  
MANAGEMENT AREA**

The part of Nullum State Forest No. 356, dedicated 9 March 1917, and the part of No. 3 Extension thereto, dedicated 12 May 1967, having an area of about 200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1202 in the office of the Forestry Commission.

**TENTERFIELD MANAGEMENT AREA**

The part of Boorook State Forest No. 841, dedicated 18 November 1932, and the whole of No. 2 Extension thereto, dedicated 10 May 1985, within compartments 81 to 84, inclusive, 135 and part 85 of the Tenterfield Management Area, having an area of about 1,050 hectares.

The whole of Boonoo State Forest No. 119, dedicated 24 June 1914, the parts of Nos. 1 and 2 Extensions thereto, dedicated 28 February 1930 and 12 January 1973, respectively, and the whole of Nos. 3, 5 and 6 Extensions thereto, dedicated 11 August 1978, 21 August 1987 and 6 November 1987, respectively, within compartments 96, 102 to 107, inclusive, 109, 112 to 117, inclusive, 120, 125 and 126 of the Tenterfield Management Area, having an area of about 3,506 hectares.

The part of Girard State Forest No. 303, No. 9 Extension, dedicated 15 February 1980, within compartments 78, 79 and 80, of the Tenterfield Management Area, having an area of about 714 hectares.

The part of Spirabo State Forest No. 321, dedicated 6 December 1918, the part of Nos. 2, 3, 5, 6, 7 and 8 Extensions thereto, dedicated 1 February 1924, 20 June 1924, 22 August 1930, 11 June 1971, 12 April

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

1985 and 13 December 1985, respectively, the part of Little Spirabo State Forest No. 695, dedicated 6 December 1918, the part Nos. 1, 2 and 3 Extensions thereto, dedicated 18 January 1924, 19 December 1952 and 18 May 1973, respectively, the part of Forest Land State Forest No. 529, dedicated 27 July 1917, and the whole of No. 4 Extension thereto, dedicated 23 January 1987, within compartments 153 and 154, 229 to 232, inclusive, 236, 238 to 240, 247, 263 to 266, inclusive, 287, 289, 291 to 318, inclusive, and 320 to 330, inclusive, of the Tenterfield Management Area, having an area of about 10,027 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1203 in the office of the Forestry Commission.

**LONDON BRIDGE—GLEN INNES MANAGEMENT AREA**

The whole of Warra State Forest No. 335, dedicated 2 February 1917, and the whole of Nos. 1 and 2 Extensions thereto, dedicated 6 February 1920 and 21 December 1973, respectively, having an area of about 1,900 hectares.

The part of Oakwood State Forest No. 555, dedicated 12 October 1917, and the parts of Nos. 1, 4, 5 and 6 Extensions thereto, dedicated 30 April 1920, 12 August 1983, 16 January 1987 and 20 October 1989, respectively, and the whole of No. 3 Extension thereto, dedicated 22 November 1974, within compartments 116 to 118, inclusive, 138 and 144, and the parts of compartments 99, 100, 102, 115, 136, 137 and 139 of the Glen Innes Management Area, having an area of about 3,517 hectares.

The whole of Glen Nevis State Forest No. 656, dedicated 31 May 1918, and the whole of Nos. 1, 2 and 3 Extensions thereto, dedicated 9 December 1921, 2 January 1953 and 11 April 1986, respectively, having an area of about 6,208 hectares.

The part of London Bridge State Forest No. 309, dedicated 5 January 1917, the part of Nos. 1 and 2 Extensions thereto, dedicated 13 November 1925 and 19 November 1976, respectively, and the whole of No. 3 Extension thereto, dedicated 21 June 1985, within compartments 130, 131, 132 and 133, and the parts of compartments 126, 128, 129, 134 and 135 of the Glen Innes Management Area, having an area of about 2,659 hectares.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The whole of Curramore State Forest No. 763, dedicated 24 March 1921, and the whole of Nos. 1, 2, 3, 4 and 5 Extensions thereto, dedicated 18 January 1924, 18 September 1925, 25 February 1983, 18 May 1984 and 19 December 1986, respectively, having an area of about 9,526 hectares.

The whole of Reserve from Sale for Timber No. 55288, notified 10 November 1922, having an area of about 87 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1204 in the office of the Forestry Commission.

**MOUNT MARSH—CASINO WEST MANAGEMENT AREA**

The parts of Mount Marsh State Forest No. 770, Nos. 2 and 4 Extensions, dedicated 30 March 1973 and 5 September 1975, respectively, within compartments 428, 429, 432, 433 and 434 and part of compartments 430 and 431 of the Casino West Management Area, having an area of about 3,300 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1205 in the office of the Forestry Commission.

**CUNGLEBUNG—GRAFTON MANAGEMENT AREA**

The whole of Dalmorton State Forest No. 814, No. 2 Extension, dedicated 12 July 1974 and the part of Dalmorton State Forest No. 814, No. 4 Extension, dedicated 11 March 1977, within compartments 508 to 545, inclusive, 552, 555 to 559, inclusive, and compartment 588 of the Grafton Management Area, having an area of about 8,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1206 in the office of the Forestry Commission.

**CHAE LUNDI—DORRIGO MANAGEMENT AREA**

The part of Chaelundi State Forest No. 996, dedicated 14 September 1973, the part of Nos. 3 and 5 Extensions thereto, dedicated 5 June 1981 and 19 March 1982, respectively, and the whole of Chaelundi State Forest No. 996, No. 2 Extension, dedicated 18 April 1975, within compartments 155 to 165, inclusive, 193, 199, 201 to 204, inclusive, 207, 209 to 219, inclusive, 221 to 227, inclusive, 238 to 256, inclusive, 273 to 284,

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

inclusive, and 302 to 306, inclusive, of the Dorrigo Management Area, having an area of about 14,200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1207 in the office of the Forestry Commission.

**WALCHA-NUNDLE MANAGEMENT AREA**

The whole of Ben Halls Gap State Forest No. 950, dedicated 7 September 1956 and the whole of Nos. 1 and 2 Extensions thereto, dedicated 9 November 1962 and 31 August 1984, respectively, having an area of about 2,850 hectares.

The part of Nowendoc State Forest No. 310, dedicated 29 December 1916, the parts of Nos. 7 and 8 Extensions thereto, dedicated 11 March 1983 and 16 September 1983, respectively, and the whole of No. 9 Extension, dedicated 18 May 1984, within compartments 206 to 210, inclusive, 219 and part of compartments 205, 211, 217 and 218 of the Walcha-Nundle Management Area, having an area of about 1,970 hectares.

The parts of Tuggolo State Forest No. 312, Nos. 1 and 2 Extensions, dedicated 17 February 1950 and 11 May 1956, respectively, and the whole of No. 13 Extension, dedicated 18 May 1984, within compartments 260 to 266, inclusive, 268, 269, 273 and 318 to 325, inclusive, of the Walcha-Nundle Management Area, having an area of about 4,440 hectares.

The part of Giro State Forest No. 286, No. 2 Extension, dedicated 12 November 1954, and the whole of Giro State Forest No. 286, Nos. 7 and 14 Extensions, dedicated 18 July 1975 and 13 February 1987, respectively, having an area of about 3,370 hectares.

The part of Riamukka State Forest No. 992, No. 3 Extension, dedicated 25 January 1974, within compartments 68, 69, 72, 73, 74, 75 and part of compartment 84 of the Walcha-Nundle Management Area, having an area of about 1,430 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1208 in the office of the Forestry Commission.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**KEMPSEY MANAGEMENT AREA**

The whole of Pee Dee State Forest No. 600, dedicated 9 November 1917, the whole of Nos. 1 and 2 Extensions thereto, dedicated 20 January 1928 and 6 July 1979, respectively, the parts of Nulla-Five Day State Forest No. 601, Nos. 7 and 8 Extensions, dedicated 10 July 1964 and 8 October 1971, respectively, and the whole of Nulla-Five Day State Forest No. 601, No. 17 Extension, dedicated 28 August 1981, within compartments 88, 89, 91 to 94, inclusive, and part of compartments 90 and 95, of the Kempsey Management Area, having an area of about 2,300 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971, within compartments 101, 124, 125, 143 and 145 and part of compartments 102, 123 and 144 of the Kempsey Management Area, having an area of about 2,000 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971 and the whole of Nulla-Five Day State Forest No. 601, Nos. 10 and 18 Extensions, dedicated 2 August 1974 and 31 March 1988, respectively, the parts of Styx River State Forest No. 339, No. 3 Extension, dedicated 22 January 1971, the whole of Styx River State Forest No. 339, No. 6 Extension, dedicated 30 April 1982, the part of Lower Creek State Forest No. 161, dedicated 24 June 1914, the parts of Nos. 1 and 5 Extensions thereto, dedicated 17 October 1924 and 3 June 1983, respectively, and the whole of Lower Creek State Forest No. 161, Nos. 3, 4, 6 and 7 Extensions, dedicated 1 December 1978, 10 September 1982, 21 September 1984 and 27 June 1986, respectively, within compartments 1, 6, 7, 12, 14 to 23, inclusive, 27, 105 to 122, inclusive, and part of compartment 104, of the Kempsey Management Area, having an area of about 11,500 hectares.

The Crown lands in the Parishes of Dudley, Panton, Warbro and Willi Willi, County of Dudley, having an area of about 12,000 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1209 in the office of the Forestry Commission.

SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued*

**WAUCHOPE MANAGEMENT AREA**

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, part of No. 14 Extension thereto, dedicated 11 June 1982, the whole of Mount Boss State Forest No. 910, No. 17 Extension, dedicated 9 September 1988, and the parts of Yessabah State Forests No. 602, Nos. 7 and 8 Extensions, dedicated 1 October 1982 and 30 December 1983, respectively, within compartments 76, 77, 82, 84, 159, 160, 299, 306 to 312, inclusive, 314 to 322, inclusive, and 325 to 332, inclusive, of the Wauchope Management Area, having an area of about 5,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949 within compartments 94 to 98, inclusive, 116 and 117 of the Wauchope Management Area, having an area of about 1,100 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, the whole of No. 7 Extension thereto, dedicated 9 February 1968, and the part of No. 13 Extension thereto, dedicated 5 January 1979, within compartments 123, 125 to 132, inclusive, and 334 of the Wauchope Management Area, having an area of about 1,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, and the whole of No. 6 Extension thereto, dedicated 22 December 1967, within compartments 264 to 272, inclusive, and 304 of the Wauchope Management Area, together with the Crown land within portion 12 Parish of Moorabark, County of Macquarie, having an area of about 2,400 hectares.

The parts of Ballengarra State Forest No. 474, Nos. 2, 3 and 8 Extensions, dedicated 1 August 1924, 4 September 1925 and 5 January 1962, respectively, and the whole of Ballengarra State Forest No. 474, Nos. 10 and 13 Extensions, dedicated 21 February 1964 and 11 April 1969, respectively, within compartments 39, 40 and 43 to 53, inclusive, of the Wauchope Management Area, having an area of about 3,000 hectares.

The part of Doyles River State Forest No. 911, dedicated 11 November 1949, part of No. 1 Extension thereto, dedicated 25 June 1971, and whole of Mount Seaview State Forest No. 877, dedicated 20 November 1942,

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

within compartments 155, 156 to 158, inclusive, 159, 168 to 195, inclusive, 201 to 203, inclusive, 205 and 206 and part of compartment 154 of the Wauchope Management Area, having an area of about 4,200 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1210 in the office of the Forestry Commission.

**WINGHAM MANAGEMENT AREA**

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, the whole of Enfield State Forest No. 337, No. 6 Extension, dedicated 23 November 1956 and the parts of Enfield State Forest No. 337, Nos. 5, 7, and 12 Extensions, dedicated 21 March 1952, 22 January 1971 and 29 September 1984, respectively, within compartments 278 to 283 and 285 to 287, inclusive, 289, 290, 293 to 296 and 302 to 307, inclusive, of the Wingham Management Area, having an area of about 3,500 hectares.

The parts of Bulga State Forest No. 285, Nos. 9, 13, 17 and 19 Extensions, dedicated 4 February 1966, 20 February 1970, 28 December 1973 and 7 February 1975 and the parts of Doyles River State Forest No. 911 and No. 1 Extension thereto, dedicated 11 November 1949 and 25 June 1971, respectively, within compartments 174, 186, 204, 207, 223 to 233, inclusive, 236, 239 to 248, 251 to 255 and 258 to 260, inclusive, 262, 264 to 275, inclusive, and parts of compartments 176, 208 and 235, of the Wingham Management Area, having an area of about 8,100 hectares.

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, within compartments 212, 213, 216 and part 209 of the Wingham Management Area, having an area of about 600 hectares.

The whole of Bulga State Forest No. 285, No. 18 Extension, dedicated 17 July 1974 and the parts of Bulga State Forest No. 285, Nos. 9 and 11 Extensions, dedicated 4 February 1966 and 11 April 1969, within compartments 117, 118, 157, 183, 184 and 185, inclusive, of the Wingham Management Area, having an area of about 1,500 hectares.

The parts of Dingo State Forest No. 779, Nos. 1 and 3 Extensions, dedicated 20 April 1923 and 28 March 1952, respectively, within compartments 142 to 147, inclusive, of the Wingham Management Area, having an area of about 1,200 hectares.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The parts of Knorrit State Forest No. 767, dedicated 15 July 1921, the parts of Dingo State Forest No. 779 and Nos. 3 and 5 Extensions thereto, dedicated 26 May 1922, 28 March 1952 and 9 July 1965, respectively, the whole of Bulga State Forest No. 285 No. 16 Extension, dedicated 10 May 1974 and the parts of Bulga State Forest No. 285 and Nos. 1, 4, 7 and 9 Extensions thereto, dedicated 8 December 1916, 9 January 1920, 24 June 1949, 13 January 1961 and 4 February 1966, respectively, within parts of compartments 10, 11, 12, 14, 20, 28, 29, 34, 35, 37, 38, 40, 41, 43, 46, 49, 50, 54, 55, 56, 63, 65, 72, 74, 75, 77, 79, 81, 83, 84, 148, 149, 151, 163, 180, 181 and 182 of the Wingham Management Area, having an area of about 5,000 hectares.

These lands are shown by hatching on plans catalogued Misc. F. 1211 (in 10 sheets) in the office of the Forestry Commission.

**BARRINGTON TOPS—GLOUCESTER MANAGEMENT  
AREA**

The parts of Stewarts Brook State Forest No. 276, Nos. 3, 4 and 8 Extensions, dedicated 19 June 1953, 28 June 1963 and 11 October 1991, respectively, and the parts of Barrington Tops State Forest No. 977 and Nos. 1 and 4 Extensions thereto, and the whole of No. 5 Extension thereto, dedicated 21 October 1960, 20 October 1961, 18 January 1974 and 24 May 1974, respectively, within compartments 44 to 68, inclusive, 107, 111 to 113, inclusive, 116, 117 and 123, 126 to 155, and 168 to 171, inclusive, of the Gloucester Management Area, having an area of about 15,900 hectares and being the land shown on diagram catalogued Misc. F. No. 1212 in the office of the Forestry Commission.

**CHICHESTER MANAGEMENT AREA (INCLUDING  
WHISPERING GULLY)**

The whole of Mount Royal State Forest No. 297, No. 1 Extension, dedicated 22 March 1951, and part of Chichester State Forest No. 292 and No. 4 Extension thereto, dedicated 19 January 1917 and 21 October 1960, respectively, within compartments 60 to 68, inclusive, 99, 141 to 143, inclusive, 145 and 167 to 171, inclusive, of the Chichester Management Area, having an area of about 5,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. No. 1213 in the office of the Forestry Commission.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**DAVIS CREEK—MOUNT ROYAL MANAGEMENT AREA**

The parts of Mount Royal State Forest No. 297, dedicated 19 January 1917, within compartments 175 to 178 and 200 to 204, inclusive, of the Mount Royal Management Area, having an area of about 1,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1214 in the office of the Forestry Commission.

**SCHEDULE 2—OTHER FOREST AREAS IN WHICH  
LOGGING OPERATIONS MAY BE CARRIED OUT PENDING  
OBTAINING OF EIS**

(Secs. 3, 5, 7, 8, 9)

The following areas, excluding from them the areas specified in Schedule 1:

Area	Date for completion of environmental impact statement
1. Mt. Royal Management Area	30 September 1992
2. Wingham Management Area	30 September 1992
3. Dorrig Management Area	31 October 1992
4. Glen Innes Management Area	31 October 1992
5. Kempsey Management Area	31 May 1993
Wauchope Management Area	
6. Grafton Management Area	31 July 1993
7. Casino Management Area	31 July 1993
Casino West Management Area	
Murwillumbah Management Area	
8. Gloucester Management Area	30 September 1993
Chichester Management Area	
9. Tenterfield Management Area	31 October 1993
10. Urbenville Management Area	31 December 1993
11. Urunga Management Area	28 February 1994
12. Walcha-Nundle Management Area	30 April 1994
Styx River Management Area	
13. Warung Management Area	30 June 1994
14. Queanbeyan Management Area	30 September 1994
Badja Management Area	
15. Wyong Management Area	30 September 1994

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**SCHEDULE 2—OTHER FOREST AREAS IN WHICH LOGGING  
OPERATIONS MAY BE CARRIED OUT PENDING OBTAINING  
OF EIS—*continued***

The boundaries of each of these Management Areas are shown on the map catalogued Misc. F. 1215 in the office of the Forestry Commission.

**SCHEDULE 3—THE FORESTRY COMMITTEE**

(Sec. 12)

1. At the first meeting of the Forestry Committee the members are to elect a Convenor.
  2. Two members form a quorum at any meeting of the Forestry Committee and any duly convened meeting at which a quorum is present is competent to exercise any function of the Committee.
  3. Questions arising at a meeting of the Forestry Committee are to be determined by a majority of votes of the members present and voting.
  4. The procedures for the calling of meetings, their frequency and the conduct of business at meetings is to be as determined by the Forestry Committee at its first meeting (and at subsequent meetings if necessary).
  5. Each member of the Forestry Committee is entitled to receive such remuneration (including travelling and subsistence allowances) for attending meetings and exercising functions of the Committee as the Minister may from time to time determine in respect of him or her.
  6. In the event of a casual vacancy, the Minister for Conservation and Land Management and the Minister for the Environment must immediately fill the vacancy by appointing a person having the requisite qualification.
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FIRST PRINT

## TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
  - (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1 and 2 to the proposed Act; and
  - (c) to give legislative effect to the moratorium on logging operations applying to certain substantial areas of old growth forests specified in Schedule 1 to the proposed Act until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the Environmental Planning and Assessment Act 1979; and
  - (d) to suspend the application of Part 5 of the Environmental Planning and Assessment Act 1979 to logging operations being carried out or proposed to be carried out in certain forest areas specified in Schedule 2 to the proposed Act pending the completion of the environmental assessment of those operations; and
  - (e) to ensure that any logging operations carried out in the forest areas specified in Schedule 2 to the proposed Act are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in any management plan prepared by the Forestry Commission and applying to those areas; and
  - (f) to prevent a stop work order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) from having effect in respect of land during the period when the application of Part 5 of the Environmental Planning and Assessment Act 1979 is suspended in respect of the land; and
  - (g) to enable the making of regulations to extend the protections provided by the proposed Act to logging operations on certain private land.
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*Timber Industry (Interim Protection) 1992*

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent.

Clause 3 sets out the objects of the proposed Act, those objects being as listed above.

Clause 4 contains definitions for the purposes of the proposed Act. In particular, "logging operations" is defined to mean the cutting and removal of timber and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

Clause 5 specifies the land to which the proposed Act applies.

Clause 6 continues the existing moratorium on the logging of those substantial areas of old growth forests specified in Schedule 1 to the proposed Act until the Forestry Commission has obtained environmental impact statements for them under Part 5 of the Environmental Planning and Assessment Act 1979.

Clause 7 suspends the application of Part 5 of the Environmental Planning and Assessment Act 1979 to the land specified in Schedule 2 until 30 September 1994. This will enable logging operations to be carried out on that land during that period. However, during the period of suspension, the clause also provides that the Forestry Commission should obtain environmental impact statements for the various areas comprising that land in accordance with the timetable set out in that Schedule as if Part 5 had not been suspended. If the Forestry Commission approves an environmental impact statement for an area of Schedule 2 land, the statement is to be taken to have been obtained in accordance with Part 5 and the suspension of that Part in relation to that area ceases. Clause 7 also provides that any logging operations carried out on Schedule 2 land during the suspension of Part 5 are to be taken to have been carried out in compliance with that Part.

Clause 8 requires logging operations on Schedule 2 land during the period of suspension of Part 5 to be carried out in compliance with any management plans prepared under the Forestry Act 1916 and applying to the land, including the sustainable yield strategies applicable under the management plans, and in compliance with any relevant codes of logging practices.

Clause 9 provides that stop work orders under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) have no effect in respect of land specified in Schedule 2 during the period when Part 5 of the Environmental Planning and Assessment Act 1979 is suspended in respect of the land.

Clause 10 enables the Governor-in-Council to make regulations identifying areas of land, other than the land in Schedule 1 or 2 to the proposed Act or Crown-timber lands within the meaning of the Forestry Act 1916. While such a regulation is in force, the application of Part 5 of the Environmental Planning and Assessment Act 1979 (and the requirements of Part 4 relating to fauna impact statements inserted by the Endangered Fauna (Interim Protection) Act 1991) are suspended in respect of logging operations and stop work orders under section 92E of the National Parks and Wildlife Act 1974 have

*Timber Industry (Interim Protection) 1992*

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no effect in relation to the land, subject to any conditions of the regulations. A regulation may not be made unless the Minister certifies that the making of the regulation is necessary to protect the employment of workers in the timber industry and that the logging operations concerned are being undertaken in good faith for timber production.

Clause 11 provides that the proposed Act is to cease on 30 September 1994.

Schedules 1 and 2 contain descriptions of the land to which the proposed Act applies.

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FIRST PRINT

**TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
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5. Land to which this Act applies
6. Moratorium on logging operations on Schedule 1 land
7. Logging operations on Schedule 2 land and their environmental assessment
8. Application of other regulatory provisions
9. Stop work orders
10. Logging operations on private land
11. Expiry of this Act

SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE CARRIED OUT UNTIL AN EIS IS OBTAINED

SCHEDULE 2—OTHER FOREST AREAS IN WHICH LOGGING OPERATIONS MAY BE CARRIED OUT PENDING OBTAINING OF EIS

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# **TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992**

NEW SOUTH WALES



No. , 1992

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## **A BILL FOR**

An Act to provide interim protection for the employment of workers in the timber industry pending the completion of full environmental assessment of certain logging operations and to enable regulations to authorise logging operations on certain private land.

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*Timber Industry (Interim Protection) 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Timber Industry (Interim Protection) Act 1992.

**Commencement**

2. This Act commences on the date of assent.

**Objects of this Act**

3. The objects of this Act are:

- (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
- (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1 and 2; and
- (c) to give legislative effect to the moratorium on logging operations applying to the land specified in Schedule 1 until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the EPA Act; and
- (d) to suspend the application of Part 5 of the EPA Act to logging operations being carried out or proposed to be carried out on the land specified in Schedule 2 pending the completion of the environmental assessment of those operations; and
- (e) to ensure that any logging operations carried out on the land specified in Schedule 2 are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in any management plan prepared by the Forestry Commission and applying to the land; and
- (f) to prevent a stop work order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) from having effect in respect of land during the period when the application of Part 5 of the EPA Act is suspended in respect of the land; and
- (g) to enable the making of regulations to extend the protections provided by the Act to logging operations on certain private land.

*Timber Industry (Interim Protection) 1992*

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**Definitions**

4. In this Act:

“EPA Act” means the Environmental Planning and Assessment Act 1979;

“logging operations” means the cutting and removal of timber from land and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

**Land to which this Act applies**

5. This Act applies to the land specified in Schedules 1 and 2 and any land in respect of which a regulation is in force under section 10.

**Moratorium on logging operations on Schedule 1 land**

6. The Forestry Commission must not carry out logging operations or approve or permit logging operations to be carried out on any land specified in Schedule 1 until it has complied with Part 5 of the EPA Act in respect of those operations (in so far as that Part is required to be complied with).

**Logging operations on Schedule 2 land and their environmental assessment**

7. (1) During the period of operation of this Act, the application of Part 5 of the EPA Act in respect of logging operations being carried out or proposed to be carried out on land specified in Schedule 2 is suspended, subject to this section.

(2) The Forestry Commission should obtain an environmental impact statement in respect of logging operations being carried out or proposed to be carried out on each area of land specified in Schedule 2 by the date specified in that Schedule in relation to the area as if Part 5 of the EPA Act had not been suspended by this section (and in so far as that Part would require an environmental impact statement to be obtained if it were not so suspended).

(3) Nothing in this section requires the Forestry Commission to obtain an environmental impact statement in respect of an area if it decides not to carry out logging operations in the area.

(4) If the Forestry Commission adopts an environmental impact statement obtained by it in relation to an area of land in accordance with subsection (2), the statement is taken to have been obtained in accordance with Part 5 of the EPA Act and the suspension of that Part in relation to the area of land ceases.

*Timber Industry (Interim Protection) 1992*

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(5) Logging operations carried out in accordance with this Act on the land specified in Schedule 2 during the suspension of Part 5 of the EPA Act in relation to the land are taken to have been carried out in compliance with that Part.

**Application of other regulatory provisions**

8. In order to promote ecologically sustainable development, a person who carries out logging operations on any land specified in Schedule 2 during the period when the application of Part 5 of the EPA Act is suspended in respect of the land must comply with:

- (a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan; and
- (b) the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land.

**Stop work orders**

9. During the period when the application of Part 5 of the EPA Act is suspended in respect of land specified in Schedule 2, an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date of assent to this Act has no effect in respect of that land.

**Logging operations on private land**

10. (1) The Governor may make regulations prescribing areas of land for the purposes of this section.

(2) The regulations may not prescribe an area of land specified in Schedule 1 or 2 or Crown-timber lands within the meaning of the Forestry Act 1916.

(3) A regulation may not be made unless the Minister certifies that, in the Minister's opinion:

- (a) the making of the regulation is necessary to provide protection for the employment of workers engaged in logging operations and in the wider timber industry; and
- (b) the logging operations concerned are being undertaken in good faith for the purposes of timber production.

(4) During the period in which a regulation is in force in relation to land:

*Timber Industry (Interim Protection) 1992*

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- (a) the application of the provisions of the EPA Act referred to in subsection (5) in respect of logging operations being carried out or proposed to be carried out on the land is suspended; and
- (b) an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date on which the regulation commences has no effect in respect of that land.

(5) The provisions of the EPA Act that are suspended are Part 5 and the provisions inserted in that Act by the Endangered Fauna (Interim Protection) Act 1991.

(6) Logging operations carried out in accordance with this section on land during the suspension of those provisions of the EPA Act are taken to have been carried out in compliance with those provisions.

(7) The regulations may prescribe conditions subject to which the authority conferred by this section has effect. Any such conditions may include conditions relating to the preparation of environmental impact statements or fauna impact statements during the suspension.

**Expiry of this Act**

11. This Act expires on 30 September 1994.
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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED**

(Secs. 3, 5, 6)

**DUCK CREEK—URBENVILLE MANAGEMENT AREA**

The part of Richmond Range State Forest No. 610, dedicated 22 March 1918, and the part of Yabbra State Forest No. 394, dedicated 13 April 1917, within compartments 135, 136 and 201 to 208, inclusive, of the Urbenville Management Area, having an area of about 2,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1201 in the office of the Forestry Commission.

**BLACKBUTT PLATEAU—MURWILLUMBAH  
MANAGEMENT AREA**

The part of Nullum State Forest No. 356, dedicated 9 March 1917, and the part of No. 3 Extension thereto, dedicated 12 May 1967, having an area of about 200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1202 in the office of the Forestry Commission.

**TENTERFIELD MANAGEMENT AREA**

The part of Boorook State Forest No. 841, dedicated 18 November 1932, and the whole of No. 2 Extension thereto, dedicated 10 May 1985, within compartments 81 to 84, inclusive, 135 and part 85 of the Tenterfield Management Area, having an area of about 1,050 hectares.

The whole of Boonoo State Forest No. 119, dedicated 24 June 1914, the parts of Nos. 1 and 2 Extensions thereto, dedicated 28 February 1930 and 12 January 1973, respectively, and the whole of Nos. 3, 5 and 6 Extensions thereto, dedicated 11 August 1978, 21 August 1987 and 6 November 1987, respectively, within compartments 96, 102 to 107, inclusive, 109, 112 to 117, inclusive, 120, 125 and 126 of the Tenterfield Management Area, having an area of about 3,506 hectares.

The part of Girard State Forest No. 303, No. 9 Extension, dedicated 15 February 1980, within compartments 78, 79 and 80, of the Tenterfield Management Area, having an area of about 714 hectares.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The part of Spirabo State Forest No. 321, dedicated 6 December 1918, the part of Nos. 2, 3, 5, 6, 7 and 8 Extensions thereto, dedicated 1 February 1924, 20 June 1924, 22 August 1930, 11 June 1971, 12 April 1985 and 13 December 1985, respectively, the part of Little Spirabo State Forest No. 695, dedicated 6 December 1918, the part Nos. 1, 2 and 3 Extensions thereto, dedicated 18 January 1924, 19 December 1952 and 18 May 1973, respectively, the part of Forest Land State Forest No. 529, dedicated 27 July 1917, and the whole of No. 4 Extension thereto, dedicated 23 January 1987, within compartments 153 and 154, 229 to 232, inclusive, 236, 238 to 240, 247, 263 to 266, inclusive, 287, 289, 291 to 318, inclusive, and 320 to 330, inclusive, of the Tenterfield Management Area, having an area of about 10,027 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1203 in the office of the Forestry Commission.

**LONDON BRIDGE—GLEN INNES MANAGEMENT AREA**

The whole of Warra State Forest No. 335, dedicated 2 February 1917, and the whole of Nos. 1 and 2 Extensions thereto, dedicated 6 February 1920 and 21 December 1973, respectively, having an area of about 1,900 hectares.

The part of Oakwood State Forest No. 555, dedicated 12 October 1917, and the parts of Nos. 1, 4, 5 and 6 Extensions thereto, dedicated 30 April 1920, 12 August 1983, 16 January 1987 and 20 October 1989, respectively, and the whole of No. 3 Extension thereto, dedicated 22 November 1974, within compartments 116 to 118, inclusive, 138 and 144, and the parts of compartments 99, 100, 102, 115, 136, 137 and 139 of the Glen Innes Management Area, having an area of about 3,517 hectares.

The whole of Glen Nevis State Forest No. 656, dedicated 31 May 1918, and the whole of Nos. 1, 2 and 3 Extensions thereto, dedicated 9 December 1921, 2 January 1953 and 11 April 1986, respectively, having an area of about 6,208 hectares.

The part of London Bridge State Forest No. 309, dedicated 5 January 1917, the part of Nos. 1 and 2 Extensions thereto, dedicated 13 November 1925 and 19 November 1976, respectively, and the whole of No. 3 Extension thereto, dedicated 21 June 1985, within compartments 130, 131, 132 and 133, and the parts of compartments 126, 128, 129, 134 and 135 of the Glen Innes Management Area, having an area of about 2,659 hectares.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The whole of Curramore State Forest No. 763, dedicated 24 March 1921, and the whole of Nos. 1, 2, 3, 4 and 5 Extensions thereto, dedicated 18 January 1924, 18 September 1925, 25 February 1983, 18 May 1984 and 19 December 1986, respectively, having an area of about 9,526 hectares.

The whole of Reserve from Sale for Timber No. 55288, notified 10 November 1922, having an area of about 87 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1204 in the office of the Forestry Commission.

**MOUNT MARSH—CASINO WEST MANAGEMENT AREA**

The parts of Mount Marsh State Forest No. 770, Nos. 2 and 4 Extensions, dedicated 30 March 1973 and 5 September 1975, respectively, within compartments 428, 429, 432, 433 and 434 and part of compartments 430 and 431 of the Casino West Management Area, having an area of about 3,300 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1205 in the office of the Forestry Commission.

**CUNGLEBUNG—GRAFTON MANAGEMENT AREA**

The whole of Dalmorton State Forest No. 814, No. 2 Extension, dedicated 12 July 1974 and the part of Dalmorton State Forest No. 814, No. 4 Extension, dedicated 11 March 1977, within compartments 508 to 545, inclusive, 552, 555 to 559, inclusive, and compartment 588 of the Grafton Management Area, having an area of about 8,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1206 in the office of the Forestry Commission.

**CHAE LUNDI—DORRIGO MANAGEMENT AREA**

The part of Chaelundi State Forest No. 996, dedicated 14 September 1973, the part of Nos. 3 and 5 Extensions thereto, dedicated 5 June 1981 and 19 March 1982, respectively, and the whole of Chaelundi State Forest No. 996, No. 2 Extension, dedicated 18 April 1975, within compartments 155 to 165, inclusive, 193, 199, 201 to 204, inclusive, 207, 209 to 219, inclusive, 221 to 227, inclusive, 238 to 256, inclusive, 273 to 284, inclusive, and 302 to 306, inclusive, of the Dorrigo Management Area, having an area of about 14,200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1207 in the office of the Forestry Commission.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**WALCHA-NUNDLE MANAGEMENT AREA**

The whole of Ben Halls Gap State Forest No. 950, dedicated 7 September 1956 and the whole of Nos. 1 and 2 Extensions thereto, dedicated 9 November 1962 and 31 August 1984, respectively, having an area of about 2,850 hectares.

The part of Nowendoc State Forest No. 310, dedicated 29 December 1916, the parts of Nos. 7 and 8 Extensions thereto, dedicated 11 March 1983 and 16 September 1983, respectively, and the whole of No. 9 Extension, dedicated 18 May 1984, within compartments 206 to 210, inclusive, 219 and part of compartments 205, 211, 217 and 218 of the Walcha-Nundle Management Area, having an area of about 1,970 hectares.

The parts of Tuggolo State Forest No. 312, Nos. 1 and 2 Extensions, dedicated 17 February 1950 and 11 May 1956, respectively, and the whole of No. 13 Extension, dedicated 18 May 1984, within compartments 260 to 266, inclusive, 268, 269, 273 and 318 to 325, inclusive, of the Walcha-Nundle Management Area, having an area of about 4,440 hectares.

The part of Giro State Forest No. 286, No. 2 Extension, dedicated 12 November 1954, and the whole of Giro State Forest No. 286, Nos. 7 and 14 Extensions, dedicated 18 July 1975 and 13 February 1987, respectively, having an area of about 3,370 hectares.

The part of Riamukka State Forest No. 992, No. 3 Extension, dedicated 25 January 1974, within compartments 68, 69, 72, 73, 74, 75 and part of compartment 84 of the Walcha-Nundle Management Area, having an area of about 1,430 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1208 in the office of the Forestry Commission.

**KEMPSEY MANAGEMENT AREA**

The whole of Pee Dee State Forest No. 600, dedicated 9 November 1917, the whole of Nos. 1 and 2 Extensions thereto, dedicated 20 January 1928 and 6 July 1979, respectively, the parts of Nulla-Five Day State Forest No. 601, Nos. 7 and 8 Extensions, dedicated 10 July 1964 and 8 October 1971, respectively, and the whole of Nulla-Five Day State Forest

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

No. 601, No. 17 Extension, dedicated 28 August 1981, within compartments 88, 89, 91 to 94, inclusive, and part of compartments 90 and 95, of the Kempsey Management Area, having an area of about 2,300 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971, within compartments 101, 124, 125, 143 and 145 and part of compartments 102, 123 and 144 of the Kempsey Management Area, having an area of about 2,000 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971 and the whole of Nulla-Five Day State Forest No. 601, Nos. 10 and 18 Extensions, dedicated 2 August 1974 and 31 March 1988, respectively, the parts of Styx River State Forest No. 339, No. 3 Extension, dedicated 22 January 1971, the whole of Styx River State Forest No. 339, No. 6 Extension, dedicated 30 April 1982, the part of Lower Creek State Forest No. 161, dedicated 24 June 1914, the parts of Nos. 1 and 5 Extensions thereto, dedicated 17 October 1924 and 3 June 1983, respectively, and the whole of Lower Creek State Forest No. 161, Nos. 3, 4, 6 and 7 Extensions, dedicated 1 December 1978, 10 September 1982, 21 September 1984 and 27 June 1986, respectively, within compartments 1, 6, 7, 12, 14 to 23, inclusive, 27, 105 to 122, inclusive, and part of compartment 104, of the Kempsey Management Area, having an area of about 11,500 hectares.

The Crown lands in the Parishes of Dudley, Panton, Warbro and Willi Willi, County of Dudley, having an area of about 12,000 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1209 in the office of the Forestry Commission.

**WAUCHOPE MANAGEMENT AREA**

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, part of No. 14 Extension thereto, dedicated 11 June 1982, the whole of Mount Boss State Forest No. 910, No. 17 Extension, dedicated 9 September 1988, and the parts of Yessabah State Forests No. 602, Nos. 7 and 8 Extensions, dedicated 1 October 1982 and 30 December 1983, respectively, within compartments 76, 77, 82, 84, 159, 160, 299, 306 to 312, inclusive, 314 to 322, inclusive, and 325 to 332, inclusive, of the Wauchope Management Area, having an area of about 5,500 hectares.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949 within compartments 94 to 98, inclusive, 116 and 117 of the Wauchope Management Area, having an area of about 1,100 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, the whole of No. 7 Extension thereto, dedicated 9 February 1968, and the part of No. 13 Extension thereto, dedicated 5 January 1979, within compartments 123, 125 to 132, inclusive, and 334 of the Wauchope Management Area, having an area of about 1,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, and the whole of No. 6 Extension thereto, dedicated 22 December 1967, within compartments 264 to 272, inclusive, and 304 of the Wauchope Management Area, together with the Crown land within portion 12 Parish of Moorabark, County of Macquarie, having an area of about 2,400 hectares.

The parts of Ballengarra State Forest No. 474, Nos. 2, 3 and 8 Extensions, dedicated 1 August 1924, 4 September 1925 and 5 January 1962, respectively, and the whole of Ballengarra State Forest No. 474, Nos. 10 and 13 Extensions, dedicated 21 February 1964 and 11 April 1969, respectively, within compartments 39, 40 and 43 to 53, inclusive, of the Wauchope Management Area, having an area of about 3,000 hectares.

The part of Doyles River State Forest No. 911, dedicated 11 November 1949, part of No. 1 Extension thereto, dedicated 25 June 1971, and whole of Mount Seaview State Forest No. 877, dedicated 20 November 1942, within compartments 155, 156 to 158, inclusive, 159, 168 to 195, inclusive, 201 to 203, inclusive, 205 and 206 and part of compartment 154 of the Wauchope Management Area, having an area of about 4,200 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1210 in the office of the Forestry Commission.

**WINGHAM MANAGEMENT AREA**

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, the whole of Enfield State Forest No. 337, No. 6 Extension, dedicated 23 November 1956 and the parts of Enfield State Forest No. 337, Nos. 5, 7, and 12 Extensions, dedicated 21 March 1952, 22 January 1971 and 29 September 1984, respectively, within compartments 278 to 283 and 285 to 287, inclusive, 289, 290, 293 to 296 and 302 to 307, inclusive, of the Wingham Management Area, having an area of about 3,500 hectares.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

The parts of Bulga State Forest No. 285, Nos. 9, 13, 17 and 19 Extensions, dedicated 4 February 1966, 20 February 1970, 28 December 1973 and 7 February 1975 and the parts of Doyles River State Forest No. 911 and No. 1 Extension thereto, dedicated 11 November 1949 and 25 June 1971, respectively, within compartments 174, 186, 204, 207, 223 to 233, inclusive, 236, 239 to 248, 251 to 255 and 258 to 260, inclusive, 262, 264 to 275, inclusive, and parts of compartments 176, 208 and 235, of the Wingham Management Area, having an area of about 8,100 hectares.

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, within compartments 212, 213, 216 and part 209 of the Wingham Management Area, having an area of about 600 hectares.

The whole of Bulga State Forest No. 285, No. 18 Extension, dedicated 17 July 1974 and the parts of Bulga State Forest No. 285, Nos. 9 and 11 Extensions, dedicated 4 February 1966 and 11 April 1969, within compartments 117, 118, 157, 183, 184 and 185, inclusive, of the Wingham Management Area, having an area of about 1,500 hectares.

The parts of Dingo State Forest No. 779, Nos. 1 and 3 Extensions, dedicated 20 April 1923 and 28 March 1952, respectively, within compartments 142 to 147, inclusive, of the Wingham Management Area, having an area of about 1,200 hectares.

The parts of Knorrit State Forest No. 767, dedicated 15 July 1921, the parts of Dingo State Forest No. 779 and Nos. 3 and 5 Extensions thereto, dedicated 26 May 1922, 28 March 1952 and 9 July 1965, respectively, the whole of Bulga State Forest No. 285 No. 16 Extension, dedicated 10 May 1974 and the parts of Bulga State Forest No. 285 and Nos. 1, 4, 7 and 9 Extensions thereto, dedicated 8 December 1916, 9 January 1920, 24 June 1949, 13 January 1961 and 4 February 1966, respectively, within parts of compartments 10, 11, 12, 14, 20, 28, 29, 34, 35, 37, 38, 40, 41, 43, 46, 49, 50, 54, 55, 56, 63, 65, 72, 75, 77, 79, 81, 83, 84, 148, 149, 151, 163, 180, 181 and 182 of the Wingham Management Area, having an area of about 5,000 hectares.

These lands are shown by hatching on plans catalogued Misc. F. 1211 (in 10 sheets) in the office of the Forestry Commission.

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**SCHEDULE 1—SUBSTANTIAL AREAS OF OLD GROWTH  
FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE  
CARRIED OUT UNTIL AN EIS IS OBTAINED—*continued***

**BARRINGTON TOPS—GLOUCESTER MANAGEMENT  
AREA**

The parts of Stewarts Brook State Forest No. 276, Nos. 3, 4 and 8 Extensions, dedicated 19 June 1953, 28 June 1963 and 11 October 1991, respectively, and the parts of Barrington Tops State Forest No. 977 and Nos. 1 and 4 Extensions thereto, and the whole of No. 5 Extension thereto, dedicated 21 October 1960, 20 October 1961, 18 January 1974 and 24 May 1974, respectively, within compartments 44 to 68, inclusive, 107, 111 to 113, inclusive, 116, 117 and 123, 126 to 155, and 168 to 171, inclusive, of the Gloucester Management Area, having an area of about 15,900 hectares and being the land shown on diagram catalogued Misc. F. No. 1212 in the office of the Forestry Commission.

**CHICHESTER MANAGEMENT AREA (INCLUDING  
WHISPERING GULLY)**

The whole of Mount Royal State Forest No. 297, No. 1 Extension, dedicated 22 March 1951, and part of Chichester State Forest No. 292 and No. 4 Extension thereto, dedicated 19 January 1917 and 21 October 1960, respectively, within compartments 60 to 68, inclusive, 99, 141 to 143, inclusive, 145 and 167 to 171, inclusive, of the Chichester Management Area, having an area of about 5,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. No. 1213 in the office of the Forestry Commission.

**DAVIS CREEK—MOUNT ROYAL MANAGEMENT AREA**

The parts of Mount Royal State Forest No. 297, dedicated 19 January 1917, within compartments 175 to 178 and 200 to 204, inclusive, of the Mount Royal Management Area, having an area of about 1,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1214 in the office of the Forestry Commission.

*Timber Industry (Interim Protection) 1992*

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**SCHEDULE 2—OTHER FOREST AREAS IN WHICH  
LOGGING OPERATIONS MAY BE CARRIED OUT PENDING  
OBTAINING OF EIS**

(Secs. 3, 5, 7, 8, 9)

The following areas, excluding from them the areas specified in Schedule 1:

Area	Date for completion of environmental impact statement
1. Mt. Royal Management Area	30 September 1992
2. Wingham Management Area	30 September 1992
3. Dorrigo Management Area	31 October 1992
4. Glen Innes Management Area	31 October 1992
5. Kempsey Management Area	31 May 1993
Wauchope Management Area	
6. Grafton Management Area	31 July 1993
7. Casino Management Area	31 July 1993
Casino West Management Area	
Murwillumbah Management Area	
8. Gloucester Management Area	30 September 1993
Chichester Management Area	
9. Tenterfield Management Area	31 October 1993
10. Urbenville Management Area	31 December 1993
11. Urunga Management Area	28 February 1994
12. Walcha-Nundle Management Area	30 April 1994
Stryx River Management Area	
13. Warung Management Area	30 June 1994
14. Queanbeyan Management Area	30 September 1994
Badja Management Area	
15. Wyong Management Area	30 September 1994

The boundaries of each of these Management Areas are shown on the map catalogued Misc. F. 1215 in the office of the Forestry Commission.

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CONFIDENTIAL DRAFT  
FOR FIRST PRINT

TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

NEW SOUTH WALES

[STATE ARMS]

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
- (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1 and 2 to the proposed Act; and
- (c) to give legislative effect to the moratorium on logging operations applying to certain substantial areas of old growth forests specified in Schedule 1 to the proposed Act until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the Environmental Planning and Assessment Act 1979; and
- (d) to suspend the application of Part 5 of the Environmental Planning and Assessment Act 1979 to logging operations being carried out or proposed to be carried out in certain forest areas specified in Schedule 2 to the proposed Act pending the completion of the environmental assessment of those operations; and
- (e) to ensure that any logging operations carried out in the forest areas specified in Schedule 2 to the proposed Act are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in any management plan prepared by the Forestry Commission and applying to those areas; and
- (f) to prevent a stop work order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) from having effect in respect of land during the period when

the application of Part 5 of the Environmental Planning and Assessment Act 1979 is suspended in respect of the land; and

- (g) to enable the making of regulations to extend the protections provided by the proposed Act to logging operations on certain private land.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent.

Clause 3 sets out the objects of the proposed Act, those objects being as listed above.

Clause 4 contains definitions for the purposes of the proposed Act. In particular, "logging operations" is defined to mean the cutting and removal of timber and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

Clause 5 specifies the land to which the proposed Act applies.

Clause 6 continues the existing moratorium on the logging of those substantial areas of old growth forests specified in Schedule 1 to the proposed Act until the Forestry Commission has obtained environmental impact statements for them under Part 5 of the Environmental Planning and Assessment Act 1979.

Clause 7 suspends the application of Part 5 of the Environmental Planning and Assessment Act 1979 to the land specified in Schedule 2 until 30 September 1994. This will enable logging operations to be carried out on that land during that period. However, during the period of suspension, the clause also provides that the Forestry Commission should obtain environmental impact statements for the various areas comprising that land in accordance with the timetable set out in that Schedule as if Part 5 had not been suspended. If the Forestry Commission approves an environmental impact statement for an area of Schedule 2 land, the statement is to be taken to have been obtained in accordance with Part 5 and the suspension of that Part in relation to that area ceases. Clause 7 also provides that any logging operations carried out on Schedule 2 land during the suspension of Part 5 are to be taken to have been carried out in compliance with that Part.

Clause 8 requires logging operations on Schedule 2 land during the period of suspension of Part 5 to be carried out in compliance with any management plans prepared under the Forestry Act 1916 and applying to the land, including the sustainable yield strategies applicable under the management plans, and in compliance with any relevant codes of logging practices.

Clause 9 provides that stop work orders under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) have no effect in respect of land specified in Schedule 2 during the

period when Part 5 of the Environmental Planning and Assessment Act 1979 is suspended in respect of the land.

Clause 10 enables the Governor-in-Council to make regulations identifying areas of land, other than the land in Schedule 1 or 2 to the proposed Act or Crown-timber lands within the meaning of the Forestry Act 1916. While such a regulation is in force, the application of Part 5 of the Environmental Planning and Assessment Act 1979 (and the requirements of Part 4 relating to fauna impact statements inserted by the Endangered Fauna (Interim Protection) Act 1991) are suspended in respect of logging operations and stop work orders under section 92E of the National Parks and Wildlife Act 1974 have no effect in relation to the land, subject to any conditions of the regulations. A regulation may not be made unless the Minister certifies that the making of the regulation is necessary to protect the employment of workers in the timber industry and that the logging operations concerned are being undertaken in good faith for timber production.

Clause 11 provides that the proposed Act is to cease on 30 September 1994.

Schedules 1 and 2 contain descriptions of the land to which the proposed Act applies.

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TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

NEW SOUTH WALES

[STATE ARMS]

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Objects of this Act
4. Definitions
5. Land to which this Act applies
6. Moratorium on logging operations on Schedule 1 land
7. Logging operations on Schedule 2 land and their environmental assessment
8. Application of other regulatory provisions
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10. Logging operations on private land
11. Expiry of this Act

SCHEDULE 1 - SUBSTANTIAL AREAS OF OLD GROWTH FORESTS ON WHICH NO LOGGING OPERATIONS MAY BE CARRIED OUT UNTIL AN EIS IS OBTAINED

SCHEDULE 2 - OTHER FOREST AREAS IN WHICH LOGGING OPERATIONS MAY BE CARRIED OUT PENDING OBTAINING OF EIS

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TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

NEW SOUTH WALES

[STATE ARMS]

No. , 1992

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A BILL FOR

An Act to provide interim protection for the employment of workers in the timber industry pending the completion of full environmental assessment of certain logging operations and to enable regulations to authorise logging operations on certain private land.

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The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Timber Industry (Interim Protection) Act 1992.

Commencement

2. This Act commences on the date of assent.

Objects of this Act

3. The objects of this Act are:

- (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
- (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1 and 2; and
- (c) to give legislative effect to the moratorium on logging operations applying to the land specified in Schedule 1 until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the EPA Act; and
- (d) to suspend the application of Part 5 of the EPA Act to logging operations being carried out or proposed to be carried out on the land specified in Schedule 2 pending

- the completion of the environmental assessment of those operations; and
- (e) to ensure that any logging operations carried out on the land specified in Schedule 2 are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in any management plan prepared by the Forestry Commission and applying to the land; and
  - (f) to prevent a stop work order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) from having effect in respect of land during the period when the application of Part 5 of the EPA Act is suspended in respect of the land; and
  - (g) to enable the making of regulations to extend the protections provided by the Act to logging operations on certain private land.

#### Definitions

4. In this Act:

"EPA Act" means the Environmental Planning and Assessment Act 1979;

"logging operations" means the cutting and removal of timber from land and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

#### Land to which this Act applies

5. This Act applies to the land specified in Schedules 1 and 2 and any land in respect of which a regulation is in force under section 10.

#### Moratorium on logging operations on Schedule 1 land

6. The Forestry Commission must not carry out logging operations or approve or permit logging operations to be carried out on any land specified in Schedule 1 until it has complied with Part 5 of the EPA Act in respect of those operations (in so far as that Part is required to be complied with).

#### Logging operations on Schedule 2 land and their environmental assessment

7. (1) During the period of operation of this Act, the application of Part 5 of the EPA Act in respect of logging operations being carried out or proposed to be carried out on land specified in Schedule 2 is suspended, subject to this section.

(2) The Forestry Commission should obtain an environmental impact statement in respect of logging operations being carried out or proposed to be carried out on each area of land specified in Schedule 2 by the date specified in that Schedule in relation to the area as if Part 5 of the EPA Act had not been suspended by this section (and in so far as that Part would require an environmental impact statement to be obtained if it were not so suspended).

(3) Nothing in this section requires the Forestry Commission

to obtain an environmental impact statement in respect of an area if it decides not to carry out logging operations in the area.

(4) If the Forestry Commission adopts an environmental impact statement obtained by it in relation to an area of land in accordance with subsection (2), the statement is taken to have been obtained in accordance with Part 5 of the EPA Act and the suspension of that Part in relation to the area of land ceases.

(5) Logging operations carried out in accordance with this Act on the land specified in Schedule 2 during the suspension of Part 5 of the EPA Act in relation to the land are taken to have been carried out in compliance with that Part.

#### Application of other regulatory provisions

8. In order to promote ecologically sustainable development, a person who carries out logging operations on any land specified in Schedule 2 during the period when the application of Part 5 of the EPA Act is suspended in respect of the land must comply with:

- (a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan; and
- (b) the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land.

#### Stop work orders

9. During the period when the application of Part 5 of the EPA Act is suspended in respect of land specified in Schedule 2, an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date of assent to this Act has no effect in respect of that land.

#### Logging operations on private land

10. (1) The Governor may make regulations prescribing areas of land for the purposes of this section.

(2) The regulations may not prescribe an area of land specified in Schedule 1 or 2 or Crown-timber lands within the meaning of the Forestry Act 1916.

(3) A regulation may not be made unless the Minister certifies that, in the Minister's opinion:

- (a) the making of the regulation is necessary to provide protection for the employment of workers engaged in logging operations and in the wider timber industry; and
  - (b) the logging operations concerned are being undertaken in good faith for the purposes of timber production.
- (4) During the period in which a regulation is in force in relation to land:

- (a) the application of the provisions of the EPA Act referred to in subsection (5) in respect of logging operations being carried out or proposed to be carried

- out on the land is suspended; and
- (b) an order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) made before, on or after the date on which the regulation commences has no effect in respect of that land.
- (5) The provisions of the EPA Act that are suspended are Part 5 and the provisions inserted in that Act by the Endangered Fauna (Interim Protection) Act 1991.
- (6) Logging operations carried out in accordance with this section on land during the suspension of those provisions of the EPA Act are taken to have been carried out in compliance with those provisions.
- (7) The regulations may prescribe conditions subject to which the authority conferred by this section has effect. Any such conditions may include conditions relating to the preparation of environmental impact statements or fauna impact statements during the suspension.

**Expiry of this Act**

11. This Act expires on 30 September 1994.
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SCHEDULE 1 - SUBSTANTIAL AREAS OF OLD GROWTH FORESTS  
ON WHICH NO LOGGING OPERATIONS MAY BE CARRIED OUT  
UNTIL AN EIS IS OBTAINED

(Secs. 3, 5, 6)

DUCK CREEK-URBENVILLE MANAGEMENT AREA

The part of Richmond Range State Forest No. 610, dedicated 22 March 1918, and the part of Yabbra State Forest No. 394, dedicated 13 April 1917, within compartments 135, 136 and 201 to 208, inclusive, of the Urbenville Management Area, having an area of about 2,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1201 in the Forestry Commission.

BLACKBUTT PLATEAU - MURWILLUMBAH MANAGEMENT AREA

The part of Nullum State Forest No. 356, dedicated 9 March 1917, and the part of No. 3 Extension thereto, dedicated 12 May 1967, having an area of about 200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1202 in the Forestry Commission.

TENTERFIELD MANAGEMENT AREA

The part of Boorook State Forest No. 841, dedicated 18 November 1932, and the whole of No. 2 Extension thereto, dedicated 10 May 1985, within compartments 81 to 84, inclusive, 135 and part 85 of the Tenterfield Management Area, having an area of about 1,050 hectares.

The whole of Boonoo State Forest No. 119, dedicated 24 June 1914, the parts of Nos. 1 and 2 Extensions thereto, dedicated 28 February 1930 and 12 January 1973, respectively, and the whole of Nos. 3, 5 and 6 Extensions thereto, dedicated 11 August 1978, 21 August 1987 and 6 November 1987, respectively, within compartments 96, 102 to 107, inclusive, 109, 112 to 117, inclusive, 120, 125 and 126 of the Tenterfield Management Area, having an area of about 3,506 hectares.

The part of Girard State Forest No. 303, No. 9 Extension, dedicated 15 February 1980, within compartments 78, 79 and 80, of the Tenterfield Management Area, having an area of about 714 hectares.

The part of Spirabo State Forest No. 321, dedicated 6 December 1918, the part of Nos. 2, 3, 5, 6, 7 and 8 Extensions thereto, dedicated 1 February 1924, 20 June 1924, 22 August 1930, 11 June 1971, 12 April 1985 and 13 December 1985, respectively, the part of Little Spirabo State Forest

No. 695, dedicated 6 December 1918, the part Nos. 1, 2 and 3 Extensions thereto, dedicated 18 January 1924, 19 December 1952 and 18 May 1973, respectively, the part of Forest Land State Forest No. 529, dedicated 27 July 1917, and the whole of No. 4 Extension thereto, dedicated 23 January 1987, within compartments 153 and 154, 229 to 232, inclusive, 236, 238 to 240, 247, 263 to 266, inclusive, 287, 289, 291 to 318, inclusive, and 320 to 330, inclusive, of the Tenterfield Management Area, having an area of about 10,027 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1203 in the Forestry Commission.

#### LONDON BRIDGE - GLEN INNES MANAGEMENT AREA

The whole of Warra State Forest No. 335, dedicated 2 February 1917, and the whole of Nos. 1 and 2 Extensions thereto, dedicated 6 February 1920 and 21 December 1973, respectively, having an area of about 1,900 hectares.

The part of Oakwood State Forest No. 555, dedicated 12 October 1917, and the parts of Nos. 1, 4, 5 and 6 Extensions thereto, dedicated 30 April 1920, 12 August 1983, 16 January 1987 and 20 October 1989, respectively, and the whole of No. 3 Extension thereto, dedicated 22 November 1974, within compartments 116 to 118, inclusive, 138 and 144, and the parts of compartments 99, 100, 102, 115, 136, 137 and 139 of the Glen Innes Management Area, having an area of about 3,517 hectares.

The whole of Glen Nevis State Forest No. 656, dedicated 31 May 1918, and the whole of Nos. 1, 2 and 3 Extensions thereto, dedicated 9 December 1921, 2 January 1953 and 11 April 1986, respectively, having an area of about 6,208 hectares.

The part of London Bridge State Forest No. 309, dedicated 5 January 1917, the part of Nos. 1 and 2 Extensions thereto, dedicated 13 November 1925 and 19 November 1976, respectively, and the whole of No. 3 Extension thereto, dedicated 21 June 1985, within compartments 130, 131, 132 and 133, and the parts of compartments 126, 128, 129, 134 and 135 of the Glen Innes Management Area, having an area of about 2,659 hectares.

The whole of Curramore State Forest No. 763, dedicated 24 March 1921, and the whole of Nos. 1, 2, 3, 4 and 5 Extensions thereto, dedicated 18 January 1924, 18 September 1925, 25 February 1983, 18th May 1984 and 19 December 1986, respectively, having an area of about 9,526 hectares.

The whole of Reserve from Sale for Timber No. 55288, notified 10 November 1922, having an area of about 87 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1204 in the Forestry Commission.

**MOUNT MARSH - CASINO WEST MANAGEMENT AREA**

The parts of Mount Marsh State Forest No. 770, Nos. 2 and 4 Extensions, dedicated 30 March 1973 and 5th September 1975, respectively, within compartments 428, 429, 432, 433 and 434 and part of compartments 430 and 431 of the Casino West Management Area, having an area of about 3,300 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1205 in the Forestry Commission.

**CUNGLEBUNG - GRAFTON MANAGEMENT AREA**

The whole of Dalmorton State Forest No. 814, No. 2 Extension, dedicated 12 July 1974 and the part of Dalmoreton State Forest No. 814, No. 4 Extension, dedicated 11 March 1977, within compartments 508 to 545, inclusive, 552, 555 to 559, inclusive, and compartment 588 of the Grafton Management Area, having an area of about 8,500 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1206 in the Forestry Commission.

**CHAE LUNDI - DORRIGO MANAGEMENT AREA**

The part of Chaelundi State Forest No. 996, dedicated 14 September 1973, the part of Nos. 3 and 5 Extensions thereto, dedicated 5 June 1981 and 19 March 1982, respectively, and the whole of Chaelundi State Forest No. 996, No. 2 Extension, dedicated 18 April 1975, within compartments 155 to 165, inclusive, 193, 199, 201 to 204, inclusive, 207, 209 to 219, inclusive, 221 to 227, inclusive, 238 to 256, inclusive, 273 to 284, inclusive, and 302 to 306, inclusive, of the Dorrigo Management Area, having an area of about 14,200 hectares, being the land shown by hatching on the diagram catalogued Misc. F. 1207 in the Forestry Commission.

**WALCHA-NUNDLE MANAGEMENT AREA**

The whole of Ben Halls Gap State Forest No. 950, dedicated 7 September 1956 and the whole of Nos. 1 and 2 Extensions thereto, dedicated 9 November 1962 and 31 August 1984, respectively, having an area of about 2,850 hectares.

The part of Nowendoc State Forest No. 310, dedicated 29 December 1916, the parts of Nos. 7 and 8 Extensions thereto, dedicated 11 March 1983 and 16 September 1983, respectively, and the whole of No. 9 Extension, dedicated 18 May 1984, within compartments 206 to 210, inclusive, 219 and part of compartments 205, 211, 217 and 218 of the Walcha-Nundle Management Area, having an area of about 1,970 hectares.

The parts of Tuggolo State Forest No. 312, Nos. 1 and 2 Extensions, dedicated 17 February 1950 and 11 May 1956,

respectively, and the whole of No. 13 Extension, dedicated 18 May 1984, within compartments 260 to 266, inclusive, 268, 269, 273 and 318 to 325, inclusive, of the Walcha-Nundle Management Area, having an area of about 4,440 hectares.

The part of Giro State Forest No. 286, No. 2 Extension, dedicated 12 November 1954, and the whole of Giro State Forest No. 286, Nos. 7 and 14 Extensions, dedicated 18 July 1975 and 13 February 1987, respectively, having an area of about 3,370 hectares.

The part of Riamukka State Forest No. 992, No. 3 Extension dedicated 25 January 1974, within compartments 68, 69, 72, 73, 74, 75 and part of compartment 84 of the Walcha-Nundle Management Area, having an area of about 1,430 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1208 in the Forestry Commission.

#### KEMPSEY MANAGEMENT AREA

The whole of Pee Dee State Forest No. 600, dedicated 9 November 1917, the whole of Nos. 1 and 2 Extensions thereto, dedicated 20 January 1928 and 6 July 1979, respectively, the parts of Nulla-Five Day State Forest No. 601, Nos. 7 and 8 Extensions, dedicated 10 July 1964 and 8 October 1971, respectively, and the whole of Nulla-Five Day State Forest No. 601, No. 17 Extension, dedicated 28 August 1981, within compartments 88, 89, 91 to 94, inclusive, and part of compartments 90 and 95, of the Kempsey Management Area, having an area of about 2,300 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971, within compartments 101, 124, 125, 143 and 145 and part of compartments 102, 123 and 144 of the Kempsey Management Area, having an area of about 2,000 hectares.

The part of Nulla-Five Day State Forest No. 601, No. 8 Extension, dedicated 8 October 1971 and the whole of Nulla-Five Day State Forest No. 601, No. 10 and 18 Extensions, dedicated 2 August 1974 and 31 March 1988, respectively, the parts of Styx River State Forest No. 339, No. 3 Extension, dedicated 22 January 1971, the whole of Styx River State Forest No. 339, No. 6 Extension, dedicated 30 April 1982, the part of Lower Creek State Forest No. 161, dedicated 24 June 1914, the parts of Nos. 1 and 5 Extensions thereto, dedicated 17 October 1924 and 3 June 1983, respectively, and the whole of Lower Creek State Forest No. 161, Nos. 3, 4, 6 and 7 Extensions, dedicated 1 December 1978, 10 September 1982, 21 September 1984 and 27 June 1986, respectively, within compartments 1, 6, 7, 12, 14 to 23, inclusive, 27, 105 to 122, inclusive, and part of compartment 104, of the Kempsey Management Area, having an area of about 11,500 hectares.

The Crown lands in the Parishes of Dudley, Panton, Warbro and Willi Willi, County of Dudley, having an area of about 12,000 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1209 in the Forestry Commission.

#### WAUCHOPE MANAGEMENT AREA

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, part of No. 14 Extension thereto, dedicated 11 June 1982, the whole of Mount Boss State Forest No. 910, No. 17 Extension, dedicated 9 September 1988, and the parts of Yessabah State Forests No. 602, Nos. 7 and 8 Extensions, dedicated 1 October 1982 and 30 December 1983, respectively, within compartments 76, 77, 82, 84, 159, 160, 299, 306 to 312, inclusive, 314 to 322, inclusive, and 325 to 332, inclusive, of the Wauchope Management Area, having an area of about 5,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949 within compartments 94 to 98, inclusive, 116 and 117 of the Wauchope Management Area, having an area of about 1,100 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, the whole of No. 7 Extension thereto, dedicated 9 February 1968, and the part of No. 13 Extension thereto, dedicated 5 January 1979, within compartments 123, 125 to 132, inclusive, and 334 of the Wauchope Management Area, having an area of about 1,500 hectares.

The part of Mount Boss State Forest No. 910, dedicated 11 November 1949, and the whole of No. 6 Extension thereto, dedicated 22 December 1967, within compartments 264 to 272, inclusive, and 304 of the Wauchope Management Area, together with the Crown land within portion 12 Parish of Moorabark, County of Macquarie, having an area of about 2,400 hectares.

The parts of Ballengarra State Forest No. 474, Nos. 2, 3 and 8 Extensions, dedicated 1 August 1924, 4 September 1925 and 5 January 1962, respectively, and the whole of Ballengarra State Forest No. 474, Nos. 10 and 13 Extensions, dedicated 21 February 1964 and 11 April 1969, within compartments 39, 40 and 43 to 53, inclusive, of the Wauchope Management Area, having an area of about 3,000 hectares.

The part of Doyles River State Forest No. 911, dedicated 11 November 1949, part of No. 1 Extension thereto, dedicated 25 June 1971, and whole of Mount Seaview State Forest No. 877, dedicated 20 November 1942, within compartments 155, 156 to 158, inclusive, 159, 168 to 195, inclusive, 201 to 203, inclusive, 205 and 206 and part of compartment 154 of the Wauchope Management Area, having an area of about 4,200 hectares.

These lands are shown by hatching on the diagram catalogued Misc. F. 1210 in the Forestry Commission.

#### WINGHAM MANAGEMENT AREA

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, the whole of Enfield State Forest No. 337, No. 6 Extension, dedicated 23 November 1956 and the parts of Enfield State Forest No. 337, Nos. 5, 7, and 12 Extensions, dedicated 21 March 1952, 22 January 1971 and 29 September 1984, respectively, within compartments 278 to 283 and 285 to 287, inclusive, 289, 290, 293 to 296 and 302 to 307, inclusive, of the Wingham Management Area, having an area of about 3,500 hectares.

The parts of Bulga State Forest No. 285, Nos. 9, 13, 17 and 19 Extensions, dedicated 4 February 1966, 20 February 1970, 28 December 1973 and 7 February 1975 and the parts of Doyles River State Forest No. 911 and No. 1 Extension thereto, dedicated 11 November 1949 and 25 June 1971, respectively, within compartments 174, 186, 204, 207, 223 to 233, inclusive, 236, 239 to 248, 251 to 255 and 258 to 260, inclusive, 262, 264 to 275, inclusive, and parts of compartments 176, 208 and 235, of the Wingham Management Area, having an area of about 8,100 hectares.

The parts of Doyles River State Forest No. 911, dedicated 11 November 1949, within compartments 212, 213, 216 and part 209 of the Wingham Management Area, having an area of about 600 hectares.

The whole of Bulga State Forest No. 285, No. 18 Extension, dedicated 17 July 1974 and the parts of Bulga State Forest No. 285, Nos. 9 and 11 Extensions, dedicated 4 February 1966 and 11 April 1969, within compartments 117, 118, 157, 183, 184 and 185, inclusive, of the Wingham Management Area, having an area of about 1,500 hectares.

The parts of Dingo State Forest No. 779, Nos. 1 and 3 Extensions, dedicated 20 April 1923 and 28 March 1952, within compartments 142 to 147, inclusive, of the Wingham Management Area, having an area of about 1,200 hectares.

The parts of Knorrit State Forest No. 767, dedicated 15 July 1921, the parts of Dingo State Forest No. 779 and Nos. 3 and 5 Extensions thereto, dedicated 26 May 1922, 28 March 1952 and 9 July 1965, respectively, the whole of Bulga State Forest No. 285 No. 16 Extension, dedicated 10 May 1974 and the parts of Bulga State Forest No. 285 and Nos. 1, 4, 7 and 9 Extensions thereto, dedicated 8 December 1916, 9 January 1920, 24 June 1949, 13 January 1961 and 4 February 1966, respectively, within parts of compartments 10, 11, 12, 14, 20, 28, 29, 34, 35, 37, 38, 40, 41, 43, 46, 49, 50, 54, 55, 56, 63, 65, 72, 75, 77, 79, 81, 83, 84, 148, 149, 151, 163, 180, 181 and 182 of the Wingham Management Area, having an

area of about 5,000 hectares.

These lands are shown by hatching on plans catalogued Misc. F. 1211 (in 10 sheets) in the Forestry Commission.

#### BARRINGTON TOPS - GLOUCESTER MANAGEMENT AREA

The parts of Stewarts Brook State Forest No. 276, Nos. 3, 4 and 8 Extensions, dedicated 19 June 1953, 28 June 1963 and 11 October 1991, respectively, and the parts of Barrington Tops State Forest No. 977 and Nos. 1 and 4 Extensions thereto, and the whole of No. 5 Extension thereto, dedicated 21 October 1960, 20 October 1961, 18 January 1974 and 24 May 1974, respectively, within compartments 44 to 68, inclusive, 107, 111 to 113, inclusive, 116, 117 and 123, 126 to 155, and 168 to 171, inclusive, of the Gloucester Management Area, having an area of about 15,900 hectares and being the land shown on diagram catalogued Misc. F. No. 1212 in the Forestry Commission.

#### CHICHESTER MANAGEMENT AREA (INCLUDING WHISPERING GULLY)

The whole of Mount Royal State Forest No. 297, No. 1 Extension, dedicated 22 March 1951, and part of Chichester State Forest No. 292 and No. 4 Extension thereto, dedicated 19 January 1917 and 21 October 1960, respectively, within compartments 60 to 68, inclusive, 99, 141 to 143, inclusive, 145 and 167 to 171, inclusive, of the Chichester Management Area, having an area of about 5,500 hectares, and being the land shown hatching on diagram catalogued Misc. F. No. 1213 in the Forestry Commission.

#### DAVIS CREEK - MOUNT ROYAL MANAGEMENT AREA

The parts of Mount Royal State Forest No. 297, dedicated 19 January 1917, within compartments 175 to 178 and 200 to 204, inclusive, of the Mount Royal Management Area, having an area of about 1,900 hectares, and being the land shown by hatching on the diagram catalogued Misc. F. 1214 in the Forestry Commission.

#### SCHEDULE 2 - OTHER FOREST AREAS IN WHICH LOGGING OPERATIONS MAY BE CARRIED OUT PENDING OBTAINING OF EIS (Secs. 3, 5, 7, 8)

The following areas, excluding from them the areas specified in Schedule 1:

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Area	Date for completion of environmental impact statement
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1. Mt. Royal Management Area	30 September 1992
2. Wingham Management Area	30 September 1992
3. Dorrig Management Area	31 October 1992
4. Glen Innes Management Area	31 October 1992
5. Kempsey Management Area Wauchope Management Area	31 May 1993
6. Grafton Management Area	31 July 1993
7. Casino Management Area Casino West Management Area Murwillumbah Management Area	31 July 1993
8. Gloucester Management Area Chichester Management Area	30 September 1993
9. Tenterfield Management Area	31 October 1993
10. Urbenville Management Area	31 December 1993
11. Urunga Management Area	28 February 1994
12. Walcha-Nundle Management Area Styx River Management Area	30 April 1994
13. Warung Management Area	30 June 1994
14. Queanbeyan Management Area Badja Management Area	30 September 1994
15. Wyong Management Area	30 September 1994

The boundaries of each of these Management Areas are shown on the map catalogued Misc. F. 1215 in the Forestry Commission.

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**BACKGROUND BRIEFING ON  
TIMBER INDUSTRY (INTERIM  
PROTECTION) BILL 1992**

**North East Forest Alliance**

**SUPPORT FOR THE TIMBER INDUSTRY (INTERIM PROTECTION) BILL IS  
SUPPORT FOR:**

- \* UNSUSTAINABLE LOGGING
- \* RAINFOREST LOGGING
- \* WILDERNESS DESTRUCTION
- \* CONVERSION OF NATIVE FOREST TO PINE PLANTATIONS
- \* DESTRUCTION OF ABORIGINAL SITES
- \* REMOVAL OF ENVIRONMENTAL SAFEGUARDS
- \* FORESTRY COMMISSION DECEIT
- \* INTENSIFIED CONFLICT AND CONFRONTATION

**HERE'S WHY:**

**1. CAN MANAGEMENT PLANS BE  
RELIED UPON?**

Sections 3 (e) and 8 (a) of the Bill are designed to give a form of "resource security" to the timber industry by guaranteeing the volumes of timber specified in Forestry Commission management plans. This has the dangerous effect of allowing unsustainable logging, rainforest logging and conversion of native forests to pine plantations to continue unchecked. These problems are compounded because, while the Forestry Commission has undertaken to revise management plans every five years or 10 years "at the latest", on the north coast 8 management plans are 10-15 years old and 14 are 5-10 years old. Thus much of the data and prescriptions are out of date and inaccurate.

While the Forestry Commission claims to have a sustained yield strategy they are not logging on a sustainable basis in many management areas. Their evident strategy in some management areas is to cut-out the old growth forests then drastically reduce, or eliminate, quotas and then manage the regrowth forests on a sustainable basis at some future time. It is evident from reading management plans and annual reports that in many management areas estimates of available volumes are often inaccurate and significant shortfalls are occurring in some

The current Bulahdelah Management Plan (1980) states:

"...present estimates indicate that the sawlog yield cannot be sustained at existing levels [of 24 580 m<sup>3</sup> nett] for longer than about 16 years. The extent of the decrease in yield cannot be predicted with precision. ... it seems unlikely that sawlog availability will decrease below about 10 000 m<sup>3</sup> per annum." (p.26)

The Annual Reports for the Bulahdelah Management Area give a quota sawlog yield of 30 172 m<sup>3</sup> nett for 1987/88, 29 685 m<sup>3</sup> nett for 1988/89 and 32 199 m<sup>3</sup> nett for 1989/90. It is evident that rather than reduce the cut to a sustainable level the cut has actually increased.

The current Management Plan for Kendall Management Area (1982) states:

"...indications... are that sawlog yields available ...from the application of current harvesting prescriptions over the period to about 2010, could be something of the order of about 75% of the current rate of cut and quota commitments [of 32 300 m<sup>3</sup>]." (p.35)

UNSUSTAINABLE LOGGING SHOULD NOT BE CONDONED

## 1.2 MANAGEMENT PLANS ALLOW RAINFOREST LOGGING TO CONTINUE

The current Management Plan for Casino West Management Area (1979) states:

Rainforest logging (outside North Washpool) "...shall be restricted to the harvesting of mature and overmature stems:... From areas of Subtropical type encountered and economically accessible only during hardwood logging, to retain at least 50% canopy cover to maintain a viable rainforest structure of the pre-existing species range."

The current Management Plan for Coffs Harbour Management Area (1984) states:

"Rainforest timbers are expected to be available only in very small volumes, as trees selected for speciality uses only on an individual basis, or from trees damaged or likely to be damaged in roading, hardwood logging, or other forest operations.

"The above comments exclude hoop pine which is present as a significant resource ranging from overmature trees to sub-merchantable regrowth. These stands are expected to be available for regular selective harvesting of an as yet indeterminate yield in the future."

management areas the Commission considers to be on sustained yield.

Section 8 states "a person who carries out logging operations on any land specified in Schedule 2 ... must comply with:

(a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan"

#### **1.1 MANAGEMENT PLANS REQUIRE THAT SOME FORESTS MUST BE LOGGED ON AN UNSUSTAINABLE BASIS.**

The current Management Plan for Casino West Management Area (1979) states:

"...the current hardwood sawlog yield of 21 000 m<sup>3</sup> nett quota per annum from the Ewingar forests could only extend until about mid 1995... it is estimated that a replacement mature sawlog crop could not be recruited for approximately a further sixty years. Consequently, the sustained yield rate of sawlog production from the Ewingar forests would be only about one quarter of the present rate of cut." (p.23a)

The Casino West Management Plan Annual Report 1988/89 notes that for the Ewingar Working Circle the hardwood quota was still 21 000 m<sup>3</sup> nett with 22 239 m<sup>3</sup> nett cut in 1987/88 and 18 416 m<sup>3</sup> cut in 1988/89. Over a period of ten years there had been no attempt whatsoever to reduce the quota to a sustainable level. There is still no intent to do so.

The current Management Plan for Walcha-Nundle Management Area (1987) states:

"Harvest of the currently identified sawlog resource could continue at present rates for some 10 years; i.e. until 1997. ... To bridge the estimated minimum 40 year gap from the present until growing stock builds up sufficiently to sustain viable quota yields would require a reduction in quota yield from the present 52 000 m<sup>3</sup> gross... to 12 300 gross per annum." (p. 47)

As at 9 March 1992 the quota was still 52 000 m<sup>3</sup> gross.

The current Tenterfield Management Plan (1983) states:

"The long-term sawlog yield capacity of the Management Area is expected to be less than the current rate of cut [of 21 000 m<sup>3</sup>]. ...Current speculative indications are that the forest types occurring in the Management Area could reasonably be expected to sustain a quota-sawlog yield of only... 15 000 m<sup>3</sup> net/year..." (p.24-25)

Many management areas specify logging of rainforests for speciality purposes yet the Forestry Commission has deliberately refused to define "speciality" so as to leave their options open. Similarly there is no restriction on the common practice of bulldozing roads and snig tracks through rainforest.

Rainforest with eucalypt and Brush Box emergents, which renowned ecologists (e.g. Prof. L. Webb) describe as rainforest, are still being clearfelled without any environmental assessment, on the grounds that the Forestry Commission doesn't consider it rainforest.

#### RAINFOREST LOGGING SHOULD NOT BE CONDONED

### 1.3 MANAGEMENT PLANS ALLOW THE CLEARING OF NATIVE FORESTS FOR PINE PLANTATIONS TO CONTINUE

The current Management Plan for Walcha-Nundle Management Area (1987) states:

"The plantation estate shall continue to be expanded at up to about 500 hectares per annum or as directed by the Commission..." (p.85)

"In native forest areas, site preparation shall normally be by tractor clearing, windrow stacking, rootraking, burning of windrows, restacking and disc ploughing." (p.87)

The Management Plan notes that "the plantations of the Area are not in a uniformly good silvicultural condition. ...around 20% of the plantations either suffers from severe weed competition, is on excessively steep topography, was established on poorly prepared sites, or for various reasons is poorly stocked." (p.30). It is also noted that limited low pruning, no high pruning, and limited thinning has been carried out because of labour constraints. As they can't even manage the plantations they have it is madness to go on creating more.

Mr. Gordon, the then Minister for Conservation and Water Resources, announced on 12 October 1979, an undertaking by the Forestry Commission to prepare Environmental Impact Statements for conifer plantation development in the Bathurst and Nundle-Nowendoc areas. A similar undertaking was given in 1989 for conifer plantation development in the Tallagander area.

The promised E.I.S.'s were never prepared and from 1980 to 1990 in the Walcha-Nundle Management Area alone 3 764 hectares of native forests were illegally cleared. The Commission was reminded of their undertakings in July and December 1990 and requested to cease any further clearing without first preparing an E.I.S. The Commission has continued to clear. Even though the District Forester maintains that when they bulldoze a tree with a Koala in it they pause to give the Koala time to get out of

the way, it is the height of hypocrisy for them to now turn around and say they have to prepare an E.I.S. for a selective logging operation in a forest they have previously degraded.

CONVERSION OF NATIVE FORESTS TO PINE PLANTATIONS SHOULD NOT NOW BE CONDONED.

## **2 ENVIRONMENTAL SAFEGUARDS**

The only clause that deals with measures to be taken to protect the environment in the Bill is 8 (b) which notes that a person who carries out logging operations must comply with;

"the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land."

Codes of logging practices relate to safety matters and the legal obligations of logging contractors and workers under the Forestry Act, they do not contain environmental prescriptions except limited soil erosion control guidelines. The 1988 Coffs Harbour Code does not even refer to Section 111 of the E.P.A. Act, which requires continuing monitoring of the environmental impact of forestry activities, or the legal obligation imposed by Section 112 to prepare an E.I.S. when the operation is likely to have a significant environmental impact.

The Standard Erosion Mitigation Conditions are the only general prescriptions applied in N.S.W. These are specifically designed to lessen erosion and stream degradation. They have been shown in the field to be inadequate and have been strongly criticised by soil scientist Dr. J. Magarity. The Forestry Commission is aware that the prescriptions are inadequate. The prescriptions should be improved, with allowance for public input, and not entrenched as they are now.

More recent Management Plans have various prescriptions for the protection of a limited number of fauna while older plans can have no specific prescriptions. The prescriptions generally adopted by the Commission have been repeatedly criticised for over a decade by their own researchers (e.g. W. Rhonan-Jones, C. Mackowski, R. Kavanagh) and independent researchers (e.g. Prof. H. Recher, Dr. A. Smith, Dr. T. Norton, Dr. H. Possingham), often to no avail. While the Endangered Fauna (Interim Protection) Act will hopefully offer some protection for endangered fauna there are no adequate prescriptions for other protected fauna.

It is equally important to take responsible measures to protect rare and endangered plants, unusual plant associations, rainforests and sites of cultural significance.

The Forestry Commission generally refuses to undertake any form of environmental or cultural assessment of areas before commencing operations. They rely instead upon any chance findings of significant species or sites that their marketing foreman may make. In general such people are not trained in botany, zoology or archaeology and so the chances of them stumbling across significant species or sites is remote.

There are numerous recorded instances where the approach of "what you don't see can't hurt you" has led to detrimental activities occurring in habitats of rare or endangered species or significant sites. In one instance a road was pushed through an Aboriginal bora ring.

It is essential that the Forestry Commission not be exempted from the requirement of Section 111 of the E.P.A. Act to adequately assess the environment to be affected by their activities.

**ABANDONMENT OF ENVIRONMENTAL SAFEGUARDS MUST NOT BE TOLERATED.**

### **3 GREINER'S MISSING FORESTS.**

In June 1990 Premier Greiner launched 'Meeting the Environmental Challenge: A Forestry Strategy' which was an undertaking to prepare Environmental Impact Statements for "some 180 000 ha within 14 separate forest management areas." in northern N.S.W. A roughly drawn map accompanied the document which indicated the areas. These were predominantly old growth forest areas. The Forestry Commission omitted enough old growth forest to maintain supplies to industry while the E.I.S.'s were being prepared.

At the time of the announcement the Forestry Commission was still preparing the supporting documents and had not completed the more detailed maps. Soon after they released a more detailed colour map titled "EIS Priority Areas in State Forests" which depicted the E.I.S. areas. At this stage it was evident that two of the E.I.S. areas, one in Riamukka S.F. and one in Tuggulo S.F., had been omitted.

Some time later the final maps were completed and released along with a detailed breakdown of the areas involved. At this stage it was apparent that a further area in Jenner State Forest had been completely dropped along with parts of other areas in Mt. Royal, Oakwood, London Bridge and Riamukka State Forests. The total area was now given as 169 600 ha., a loss of some 10 400 ha. The Forestry Commission reneged on Greiner's announcement. This has been brought to Minister West's attention on a number of occasions but he has failed to do anything about it.

**GREINER'S MISSING E.I.S. AREAS MUST BE RESTORED.**

#### **4 WILDERNESS DESTRUCTION**

There have been persistent claims that there has been an agreement between the Minister for Conservation and Land Management, Mr. West, and the Minister for the Environment, Mr. Moore, that no logging will be permitted in Wilderness Areas.

Despite this logging has occurred in Washpool Wilderness (Forestland S.F.), Bindery Wilderness (Dalmorton and Cangai S.F.'s), Guy Fawkes River Wilderness (Chaelundi and London Bridge S.F.'s) and Werrikimbe Wilderness (Carrai and Mt. Boss S.F.'s). These have all been nominated for identification under the Wilderness Act and are currently being assessed by the N.P.W.S.

**WILDERNESS AREAS SHOULD NOT BE DESTROYED BEFORE THEY ARE ASSESSED**

#### **5 WILL JOBS REALLY BE LOST?**

On the 18 February 1992 the Forest Products Association claimed that 94 jobs had already been lost as a result of the Endangered Fauna (Interim Protection) Bill, with a further 302 jobs to be lost within 2 months. When contacted they said that the job losses were ascertained from responses to a questionnaire they had sent out. From the information they provided it was only possible to check out 63 of the claims where job losses had already supposedly occurred.

Twenty nine were reputed to involve logging on State Forests but when Forestry Commission Head Office and the respective Districts were contacted they totally denied that any such job losses had occurred. In one instance where 5 jobs were claimed to have been lost because three compartments could not be logged when they had already finished logging them.

Thirty four were reputed to have resulted from not being able to log private land in the Bellingen Shire. When the shire and local saw millers were contacted it became apparent that one mill (J. Caben's) employing 6 people had recently closed for unrelated economic reasons and that another (K. Adams') employing 8 people was going to have to close soon because the Forestry Commission had given their allocation to another mill. There were no other expected job losses.

By the 24 February 1992 the multiplier effect was gaining momentum and expected job losses had skyrocketed to 6 000. In an effort to get to the truth of the matter all Forestry Commission Regional Offices, a number of District Offices and a variety of saw millers in north eastern N.S.W. were contacted. Based on this it is apparent that:

a) With the exception of two areas all Management Areas in north eastern N.S.W. have enough compartments to maintain supplies to industry for at least two months and mostly four months. In each case the Forestry Commission has obtained a fauna licence after certifying that it had complied with the EPA Act. There are concerns in some areas that the timber available from these areas is of generally poorer quality. The N.P.W.S. has issued licences for 837 compartments, every one for which an application was lodged.

b) The Forestry Commission has also obtained fauna licences for a further 293 compartments where it has not certified that it has complied with the EPA Act. It is evident that the Forestry Commission could comply with the EPA Act in many compartments by undertaking a proper assessment and adopting adequate mitigation prescriptions without having to prepare an E.I.S.

c) The Forestry Commission claims that it can not identify enough compartments in the Kempsey and Urunga Management Areas to maintain supplies to industry, even though it has obtained fauna licences for 68 and 60 compartments respectively, after it certified compliance with the EPA Act. Licences have been issued for a further 57 and 66 compartments respectively for which it has not certified EPA Act compliance. Fifty one of these compartments are in Mistake State Forest in Urunga Management Area. The Commission released a draft E.I.S. in August 1991 which had major flaws. The Commission has delayed determination while extra work has been undertaken. It is apparent that if the local community was consulted (and its concerns addressed) that the E.I.S. could readily be determined for at least part of the area. Mistake State Forest is within economic haulage distance of the Kempsey mills and thus timber could be 'lent' to those mills on a temporary basis if required.

d) Many small 'salvage' millers are concerned that the Forestry Commission has not obtained licences to supply them while the Soil Conservation Service is denying them access to private property. It is evident that in many areas their operations could be modified to ensure compliance with the EPA Act without first preparing an E.I.S. and licences issued. It appears that both the Forestry Commission and Soil Conservation Service are deliberately picking on them to get at the Endangered Fauna (Interim Protection) Act (EFIP Act).

The Forestry Commission and other National Party controlled Government Departments are, in many instances, going out of their way to frustrate the EFIP Act. Minister West has issued a press release (28 February 1992) in which he notes that the Soil Conservation branch is telling people to contact the N.P.W.S. for such activities as "removing woody weeds, camphor laurels, bitou bush or other similar noxious weeds" and "gully filling". Documents obtained from the N.P.W.S. under a Freedom of Information request reveal that on the grounds that their activities may significantly affect endangered fauna the

Forestry Commission has told people they must obtain a licence from the N.P.W.S. for activities such as hunting feral goats, spraying weeds, camping, orienteering, car rallies, horse riding and picking greenery. There is a concerted campaign to discredit the Act and waste N.P.W.S. staff's time.

The timber industry's half million dollar campaign to get rid of the EFIP Act is similarly going to extremes to discredit the Act and remove all environmental constraints on logging. It would seem inevitable that workers will be stood down because of both the industry's and the Commission's unwillingness to work within any environmental constraints. It is also apparent that in the short term there is no need to stand down workers if a responsible attitude is taken. The measures suggested above will buy enough time for an independent inquiry to be established so that all the propaganda can be sorted through and a rational approach to overcome any hurdles identified.

Environmental safeguards and significant areas should not be sacrificed because of a campaign of falsehoods and innuendo. It is time to begin to solve the forest conflict in north east N.S.W. not to accentuate it by throwing planning laws out the window. Present logging practices are unsustainable, the market trend is away from hardwoods and the recession is having a significant effect on the industry. Any solution will require restructuring the timber industry irrespective of environmental protection measures. Transitional arrangements must begin to be implemented now.

**THERE MUST BE AN INQUIRY INTO  
THE OBSTRUCTIONIST APPROACH OF  
THE FORESTRY COMMISSION, AND TO  
ASCERTAIN WHAT IS REALLY  
HAPPENING TO THE TIMBER  
INDUSTRY.**

Prepared by Dailan Pugh: Far North East Co-ordinator

TS ✓ ✓ ✓ ✓  
  
**- DRAFT -**

**NSW FOREST CRISIS TASK FORCE**

**ACTION PLAN - 1992/93**

**Endorsed by:**

- Major NSW Forest Industry Corporations
- NSW Forest Products Association
- National Association of Forest Industries
- Forest Protection Society
- Australian Timber & Allied Industries Union

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## 1 INTRODUCTION

On 17th December, 1991, the NSW Parliament passed legislation which poses the biggest single threat to the viability of the NSW indigenous forest industry. The legislation, known as the *Endangered Fauna (Interim Protection) Act* (EFA), was ostensibly designed to protect endangered fauna. However, its provisions give unprecedented, explicit and over-riding powers to the Director of the National Parks and Wildlife Service in the approval process for routine native forest management and harvesting. Within a month of its enactment the EFA has resulted in an *Stop-Work* order, and the cessation of routine harvesting in parts of most native forest Management Areas of NSW.

The legislation was sponsored by the Labor Opposition, and approved by the Shadow Cabinet, in line with the ALP's platform of severely curtailing native forest logging, in favour of plantation substitutes. Further to the EFA, the Opposition has signalled its intention to proceed with the introduction of a Bill to create extensive new National Parks in the State's South-East. This is in direct conflict with Commonwealth-State Agreements aimed at granting resource security in the Region.

The Leader of the Opposition's intention to create at least twenty new National Parks if elected to office, is a matter of public record.

Immediate threats to the industry include:

- \* Likely inability to obtain adequate licenses and approval under the Endangered Fauna legislation.
- \* High probability that it is illegal (under the EP&A Act) to log old growth areas that have not been subject to an environmental impact statement.
- \* Possible passage of an ALP sponsored Private Member's Bill to expand the national parks in South East NSW beyond the areas agreed in the 1990 Commonwealth/State agreement.
- \* The possibility of a Carr lead Labor State Government coming to power which would almost inevitably result in the progressive closure of the industry across much of the State.

Unless secure access to resources is achieved by the forest industries, both through appropriate Commonwealth and State legislation, the industry in NSW will contract.

In addition to the native forest sector, the softwood sector is under considerable threat from, in the first instance, the Endangered Fauna Act, and, more generally, lack of public confidence in the Forestry Commission. Accordingly, the softwood sector should be asked for positive support for the programme.

The entire forest industry in NSW, as represented by individual corporations, the NSW Forest Products Association, the National Association of Forest Industries, and Timber Unions, has agreed to mount a proactive campaign to meet this present crisis. The campaign will operate in two main phases:

- (a) overcoming the immediate effects of the EFA, and
- (b) reversing the longer-term political disadvantage which is allowing anti-industry policies to prevail.

This *Action Plan* sets out the objectives, strategies, funding and operational mechanics for the campaign.

## 2 OBJECTIVES

The key medium-term objective of the campaign is:

To achieve political stability for the forest industries in NSW, resulting in legislation enabling the development of a viable, profitable and long-term native forest industry.

The time horizon for achievement of this objective is the next State Election, presumed to be not less than 12-months hence.

The short-term objectives of the campaign are:

To reverse those aspects of the *Endangered Fauna (interim Protection) Act* which are detrimental to the native forest industries in NSW, and

To overcome proposals for an expanded National Park network in the South-East Forests.

Political influence can be developed through:

1. Establishment of a timber industry coalition representing the total native forest based industry, unions and community groups. The industry must be able to speak with unified voice.
2. Public awareness and image building programme.
3. The establishment of close and effective links with key political figures and committees.
4. Applying pressure through links between the industry and the political process. [Contact between the unions and the Labor Party and between senior industry executives and the Liberal Party can play an important role in this].
5. Developing strong local industry support groups (FPS etc.), particularly in marginal electorates.
6. Lobbying the bureaucracy through the development of scientific and economic papers and arguments in relation to the key forest management and economic issues.

### 3 THE STRATEGY

The strategy must have the aim of repealing and amending legislation and introducing new legislation as quickly as possible. However, in order to achieve this the political parties will have to clearly understand that the industry is committed to a major program up to at least the next election in NSW. Otherwise politicians feel that industry concern can be damped down by "band aid" solutions such as minor amendments to legislation and the process of piecemeal dismemberment of the industry will continue.

The themes of the program should be a combination of "jobs" and "responsible forest management". The emphasis given to the respective themes will depend on economic circumstances and the precise group that are being targeted for the message.

The details of the program are as follows:

#### 1. Public awareness

The elements of the public awareness segment of the programme will include:

- 1.1 Subject to continuing funding of the National FICA campaign, a number of waves of television advertising of the "classroom commercial" type will continue in NSW.
- 1.2 Specific targeted advertising will need to be developed, State wide and at regional and local level.
- 1.3 Specific stories will need to be developed for the media.
- 1.4 A steady stream of letters to the editor from a range of sources will be required.
- 1.5 Link to major media events eg Royal East Show

#### 2. Establishment of links with politicians and influential people in Government and Opposition circles.

- 2.1 Direct lobbying by associations, industry firms and unions, including the use of political strategists/commentators
- 2.2 Preparation of carefully targeted industry papers and submissions, involving independent analysts/consultants
- 2.3 Indirect industry contacts through groups such as the Business Council of Australia.
- 2.4 High level union connections through the ACTU and peak Union officials.
- 2.5 Petitions and combined letters from key industry and union executives.
- 2.6 Involve local government authorities.

#### 3. Local association/marginal seat campaign

- 3.1 Demonstrate a clear cause, structure and time frame, with a sunset clause.
- 3.2 Mobilisation of industry people in the electorate through FPS, FPA and TABMA etc.
- 3.3 Involve local government

- 3.4 Fund raising - Forest Industry Crisis Fighting Fund
- 3.5 Targeted direct mail campaign.
- 3.6 Letter box drops.
- 3.7 Public meetings
- 3.8 Addresses to service groups, Lions, Rotary etc.
- 3.9 Contact with local schools, technical colleges etc.
- 3.10 Demonstrations, possibly parking a truck outside local member's office.
- 3.11 Delegations to the local member from constituents.
- 3.12 Stories, letters, photos etc for the local media, talk back radio etc.
- 3.13 Stalls at the local show, etc.
- 3.14 Sponsoring of local events.
- 3.15 Rally on Timber Solidarity Day.
- 3.16 Involve other kindred bodies, such as the Farmers Association, transport workers, local union branch etc.
- 3.17 Put up banners, signs as appropriate.
- 3.18 Petitions

#### 4. Direct action programs

- 4.1 These can range from local rallies, blockades, media events through to wide spread industry closure. As direct action which will involve costs for industry and the workers it is not something to be contemplated lightly. Nevertheless, it may well be necessary to bear some short term costs in order to achieve long term gains.

#### 5. Program focussing on industry leaders including:

- 5.1 Pressure on Bob Carr from Unions, ALP branches, Federal ALP, Backbenchers
- 5.2 Pressure on Pam Allan through local activities in her electorate.

#### 4 MANAGEMENT OF THE PROGRAMME

It is proposed to establish a Crisis Policy Committee to include industry and union leaders. The Policy Committee will meet as necessary and maintain regular contact by fax etc.

The Policy Committee will establish a Management Committee to run the day to day activities.

This program will be independent and separate from the current ongoing NAFT and FPA programs but will draw on the resources of both associations as appropriate.

The day to day operations will be managed by Dr Bill Hurditch who will work on the program virtually full time. He will be supported in some areas by Colin Dorber and Anna Parr from FPA as agreed by the Policy Committee.

From the NAFT side it is expected that the program will involve Dr Robert Bain, Mrs Robyn Loydell and Mr Jim Devine (FICA Public Awareness Manager). Mr Peter Perkins would continue involvement through the FICA public awareness campaign and other NAFT/FICA staff would assist as necessary.

In addition, it would be expected that specialised consultants will be required particularly in the areas of political strategy, preparation of studies and submissions, lobbying and Government relations.

Finally, but most importantly, industry executives must be committed to the program personally and through ensuring and enabling that their staff to participate in the full range of local and lobbying activities as appropriate.

## 5 BUDGET

The programme will be funded from existing industry funds (FPA, NAFI and FPA), but will require substantial additional injections of funds to achieve the total proposed budget of \$555,000 in 1992/93.

The budget breakdown is proposed as follows:

### EXPENDITURE

#### CONSULTANTS

Political Impacts Paper	\$15,000
Political Strategy/Party Contacts	\$45,000
Attitude Surveys	\$20,000
Government Consultant	\$25,000
Legislative Review/Drafting	\$25,000
	<hr/>
	\$130,000

#### MARGINAL SEATS

Direct Marketing (5 electorates)	\$60,000
Local Advertising	\$75,000
Media Releases & Distribution	\$20,000
Special Events	\$20,000
Letterbox Drops	\$10,000
	<hr/>
	\$185,000

#### ASSOCIATED ACTIVITIES

Media/Parliamentary Tours	\$15,000
FPS Support	\$15,000
	<hr/>
	\$30,000

#### STAFF RESOURCES

Programme Management	\$125,000
Media Liaison	\$45,000
Other Lobbying	\$40,000

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In addition, it would be expected that specialised consultants will be required particularly in the areas of political strategy, preparation of studies and submissions, lobbying and Government relations.

Finally, but most importantly, industry executives must be committed to the program personally and through ensuring and assisting that their staff to participate in the full range of local and lobbying activities as appropriate.

	<u>          </u>
	\$210,000
GRAND TOTAL	\$555,000
SOURCE OF FUNDS	
Existing Resources	
FPA	\$220,000
NAFI	\$120,000
Required Additional Funds	\$215,000
TOTAL	\$555,000

## **5 TIMING**

The program and funding are to be considered by the Policy Committee on Tuesday 11 February. The program will announced and commenced probably on Friday 14 February.

JOHN CORKILL ET. AL.

Under licences for which the F.C. certified they had complied with the E.P.A. Act is included one compartment covered by Greiner's old growth moratorium:

WAUCHOPE : BELANGERA S.F. Cmpt. 46.

Under General licence No. T50045, 27.2.92 issued by the NPWS the F.C. was not required to certify that they had complied with the E.P.A. Act. Though they are for areas in which they want to commence operations prior to 17 March 1992. This list includes 2 areas which Greiner included in his announcement but which were subsequently dropped from F.C. lists:

X (WALCHA - NUNDLE M.A. : RIAMUKKA S.F. : Cmpts 139, 140, 141, 142, 144.

? TENTERFIELD M.A. : JENNER S.F. : Cmpts. 412, 413, 414, 415 on map.

(Licence)  
It also includes further compartments covered by Greiner's moratorium:

WALCHA - NUNDLE M.A. : NOWENDOC S.F. : Cmpt 219

: TUGGOLO S.F. : Cmpts 268, 269

Dailan.

on map. attached to Greiner \$180,000

FENSW list 169,000

10,000

Dr Judy Messer  
NCC.

Dear Judy,

**Re; Timber Industry (Interim Protection) Bill 1992.**

Attached are a few documents with some information and some assertions.

There are two major areas where the conservation movement and the opposition are failing to gain publicity. ie.

1. Publicizing the extent to which the N.P.W.S. have issued licences to allow logging to proceed in the various Forestry Commission Management Areas on the North Coast. I only have the lists for the Dorrigo, Urunga and Kempsey Districts though I am aware that the issue of licences has been very extensive.

*Feb 20th*

The licences issued are interim licences which allow logging to proceed in the subject forest compartments for a period of 120 days after the publication of the new list of endangered species. In the Dorrigo District the licences cover 26 compartments, in Urunga 50 compartments and in Kempsey 64 compartments. I have seen an extensive list of compartments for the Coffs Harbour Management District as well but I have not counted them nor is the list still available to me.

The Forestry Commission will provide us with maps covering those compartments in the Urunga District this week so that we can check those compartments out. We do not know what area, (hectares), is involved; But for reference the three compartments contested at Chaelundi State Forest include approximately 560 hectares. We hear un-substantiated claims that as a result of the depression/recession timber orders have been very low for the past twelve months and that as a result mills are chipping a much greater percentage volume of their throughput - including of course high quality sawlogs. We have been told for example that the Herons Creek Mill, near Port Macquarie, is now chipping 80% of its throughput.

There is no evidence that any jobs will be lost as a result of the Fauna Protection Act; And we should not accept govt, industry or National Party claims. The major threat to North Coast Timber Industry jobs is the subservience of the govt and the Forestry Commission to Japanese Paper Manufacturers and Boral their Australian agents

2. Evidence indicates that the Forestry Commission may be deliberately progressively eliminating locally owned small sawmillers. It certainly does nothing to stimulate and foster the development of value adding at a local level.

The Chaelundi E.I.S. revealed that Boral Industries trading as sawmillers and woodchippers under the name Allen Taylor have been granted timber supply agreements with the Commission for the next twenty, (now nineteen), years. And that the other two major mills drawing resource from the Dorrigo Management District have their supply contract renewed on an annual basis. Small local millers are not granted any security of supply and in the Urunga District simply do not have access to prime quality sawlogs.

006551869 URBAN HABITAT

615 P05 09.03.92 08:15

The F.C. even allocates all the prime quality logs from local plantations to Allen Taylor Boral to be transported 300 km to Gloucester to be milled.

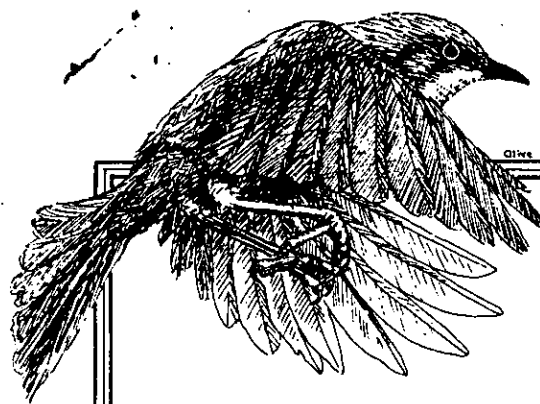
Boral are 20% shareholders in Export Woodchips Ltd which exports chips from Newcastle to Japan. Its 80% shareholder partner is a Japanese paper manufacturing monopolist.

The F.C. and the National Party are conducting their current campaign of dis-information principally in the interests of the Japanese paper manufacturing monopoly; And are using the employees in the North Coast Timber/woodchipping industry as cannon fodder in their campaign to discredit the environmental movement and the Opposition so that they can continue to sellout our North Coast Forests to Japanese interests and their Australian agents.

All the best

Trevor

Judy I will draft a statement  
& fax to you  
I want get to see the article till  
after 2:00am - and have to  
deliver my daughter to Day Care  
at 9:30 so there will be a  
delay till about 10:30am.



Olive Whistler

# THE BIG SCRUB ENVIRONMENT CENTRE

INC.

149 Keen Street, Lismore 2480.

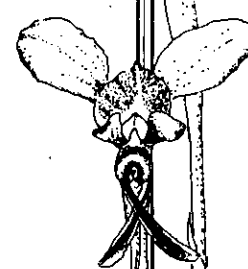
Phone (066) 21 3278

Fax (066) 22 2676

Draft 2

Superficial

Swampy Orchid



Mr Watson,  
Office of the Ombudsman,  
3rd Floor, 580 George Street,  
Sydney. 2000.

25 March, 1992

Dear Mr Watson,

## Failure to provide information by Forestry Commission of NSW

### Disinformation and obstruction of Endangered Fauna (Interim Protection) Act, 1991 by the Forestry Commission of NSW

As you are aware the Big Scrub Environment Centre Inc. has been in dispute with the Forestry Commission of NSW (FCNSW) for some months, arising from our complaint of an unsatisfactory compliance with the Freedom of Information Act, 1984.

Following the intervention of your office, in February 1992, the Commission appeared to make serious attempts to answer requests for information made under the FOI Act on 22nd April 1991.

I wish to advise that at the time of writing, this Centre's application on the behalf of a number of persons for access to and copies of a wide range of information held in District and Regional Offices throughout the state's north east still have not been satisfied. Reference made here is to the FOI application described as XX41 being the Regional FOI application made on 22nd April 1991.

You would be aware that the Centre made this wide application for information under the FOI Act because throughout previous years there had been an ongoing failure by FCNSW to freely provide information on the public assets it is obliged to manage in the public interest.

The right to information on logging and road construction, as matters of public interest, affecting public land under management by a public authority has not been disputed, yet the Centre's nominees have been unable to gain access to such information.

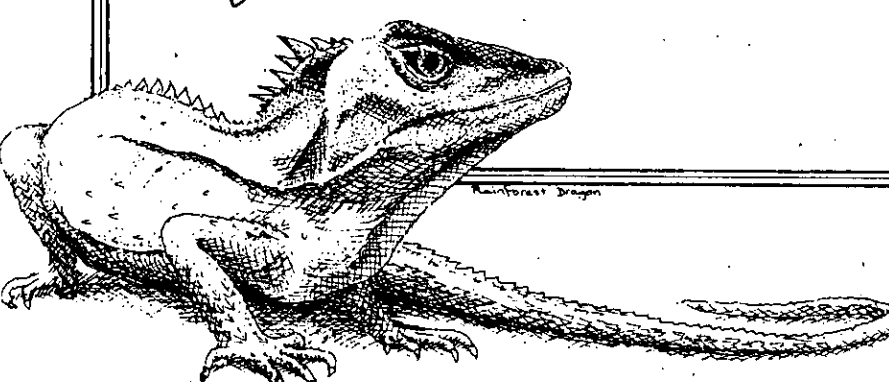
In the meantime, and in the absence of this crucial information, significant decisions have been and are being made by Government and by the Commission which affect areas of land for which information has been formally sought almost 12 months ago!

No opportunity has been afforded public interest groups to participate in these recent decisions, and even had such opportunities to participate been offered, our capacity to be involved in a meaningful way would be hamstrung by the continuing failure to provide access to information.

have been

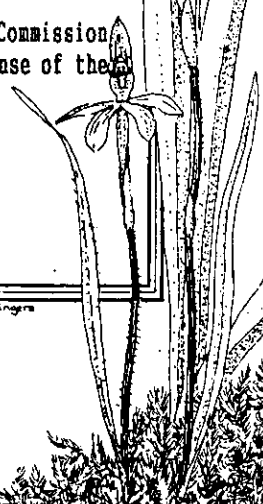
In the absence of the information requested, the decisions and actions of the Government and the Commission cannot be the subject of the legitimate processes of political scrutiny and review: again because of the lack of information available.

?



Rainforest Dragon

Pink Fingers



Thus our rights as concerned members of the public: ~~rights~~

- \* to information;
- \* to know what activities the Commission intends to undertake;
- \* to know what management decisions the Commission is making;
- \* to undertake legal actions to enforce law; and
- \* to effectively participate in the political process;

are severely undermined by the lack of action by the Forestry Commission in providing publicly available information.

Earlier, the Commission claimed in correspondence with your office (4 October, 1991) that the refusal of access to information under the FOI Act was the result of incompetence by a retiring staff member, not because of an intention on the Commission's behalf to deny access to information.

We now allege that such a claim, of no deliberate intention to withhold information, is false.

The Centre wishes to report further serious failures to provide any accurate information about the state's forest resources.

We assert that there has been and is still an unwritten policy of obfuscating access to information under FOI in order to limit the public's ability to use that information in:

- \* litigation to prosecute breaches of law;
- \* the political process, advising government and opposition parties of alternate views on forest management practices;
- \* public education about the responsibilities of the Commission, the state of our forests and the actions of a timber industry which receives publicly funded subsidies in the order of \$16 million per year.

[\*] Instead of providing accurate information from its own files, the Commission's staff are supplying free of charge copies of unverified and inaccurate information which originated from the vested interests in the timber industry!

In reporting these incidents the Centre wishes to make formal complaints of the Commission's conduct and requests that the Commission's actions (as described below) be the subject of further investigation and reporting by your office.

The Centre, its members (which include the plaintiff in the court actions, Mr Corkill) and the community groups such as NEFA which use the Centre's offices, are well aware of the limited resources now being made available by the Greiner Government to the Office of the Ombudsman to undertake investigations into complaints made of state government agencies.

The Centre believes that the Office of the Ombudsman is an essential 'watchdog' and hopes that the Ombudsman is able to pursue these matters since there is a limit to the extent to which members of the public can address matters of public interest in the courts.

Yours sincerely,

*Belgrave*  
*Details of G*  
*Table of Attach mts*  
*Summary*

→ as outlined in the annexure.

## Background to complaints...

Following successful court actions by John Corkill throughout 1991, a Government Regulation exempting FCNSW from section 98 and 99 of the NPWAct, was disallowed by the NSW Parliament.

A public Bill initiated by the NSW environment movement, the Endangered Fauna (Interim Protection) Bill, 1991, was introduced by the NSW Labor Party and, with the support of Independent MP's in the Legislative Assembly and the Call to Australia and Australian Democrats in the Legislative Council, the Bill passed into law.

Significantly, this Act effectively changed the balance of power between two Government agencies: NPWS and FCNSW.

The Commission, which has been antagonistic to the NPWS for many years, particularly following the rainforest decision made by the Wran government in 1982, opposed the Bill and has been openly hostile to the Act's requirement to obtain licences from NPWS before commencing forestry work.

(For detail of early history, see 'Background to Forest Disputes' prepared by counsel to Mr Corkill and the North East Forest Alliance, Mr Tim Robertson, barrister at law. [Attachment A])

The Commission's open hostility to the NPWS and the environment movement which supported the Bill and which has run a series of successful and embarrassing court actions against FCNSW, has never been more obvious.

In February 1992, the timber industry in the state's north east began claiming that the recently passed Endangered Fauna (Interim Protection) Act, 1991 was causing job losses in the industry. [Source: The Northern Star 12/2/'92]

These claims provoked considerable concern to the Centre and to public interest groups, such as the North East Forest Alliance (NEFA) which work through the Centre's facilities, since both NEFA and the Centre had supported the passage of this legislation.

Inquiries made by Mr Dailan Pugh, a nominee for the Centre under the FOI requests, and a NEFA co-ordinator, showed that there was no evidence to support these claims. (See attached report by Mr Pugh. [Attachment B])

Despite the lack of any evidence being available in the public domain to support these claims of actual or threatened job losses - let alone verify them as accurate - the political climate was quickly coloured such that pressure to repeal the Endangered Fauna Act began to build. [Source: Sydney Morning Herald 20/2/'92]

An application for stand down orders for 6,000 timber industry workers was made to the Industrial Commission in late February 1992 [Source: Sydney Morning Herald 27/2/'92] but was withdrawn 3 days later by the applicant, the Timber Trade Industrial Association because, according to its spokesperson Mr Col Dorber, it did not want the application "used for political purposes".

Plainly the application had been already used for political purposes to good effect by the timber industry & FCNSW.

The timber industry withdrew the application, it's alleged, because the TTA did not want the reasons for the issue of stand down notices to timber workers to be publicly canvassed in detail before the Industrial Commission by the Labor Party or the environment groups, both of whom had counsel (Mr Shaw QC, and Mr Robertson respectively) briefed to critically examine the basis for the application.

This process of 'brinkmanship' by the industry was supported by the Commission who indicated that it would have to 'close the industry down' because it could not guarantee lawful supply of timber to the industry, because of the Endangered Fauna Act. [Source: Timber Industry (Interim Protection) Bill, 1992 - Briefing Paper]

The industry complained that the EFIP Act was 'unworkable' [e.g. Northern Star 12/2/'92] and the Forestry Commission assisted that view by attempting to make the NPWS's operation of the EFIP Act impossible by ~~delaying~~ the Service with applications for licences for activities which did not require licencing.

Attachment C  
referring to

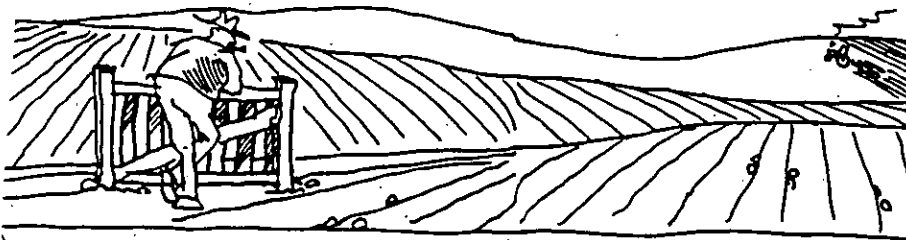
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NCEC's functioning and its role in achieving progress towards the vision, will be a particular focus. Places for the vision quest are limited, but the Council and its members such as the Big Scrub will report in due course.



CLEARED IT ALL MYSELF, DID I?

## INTERESTED IN YOUTH THEATRE? and ENVIRONMENTAL ISSUES?

Ollie Heathwood and the Ra Ra Youth Theatre are currently devising two major works, both musical plays,

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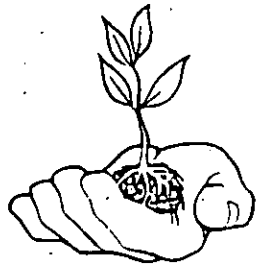


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### Volunteer positions include:

- \* forest scouts;
- \* blockaders;
- \* media spokespeople;
- \* camp cooks and support teams;
- \* botanists;
- \* zoologists and
- \* vigil keepers;
- \* tripod sitters and daredevils;
- \* police liaison;
- \* transport drivers;
- \* geologists;
- \* other emergency crew!



These positions are coming vacant in the immediate future - forest actions are planned soon but may commence at any time. Forest Defenders should have a commitment to non-violent direct action, and to protecting our natural heritage. Willingness to be arrested is desirable, though not essential. Previous wilderness camping and blockade experience & or equipment would be an advantage! Initiative and a sense of humour are essential!

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Registration forms available at the Big Scrub

NEFA

Managing 'old growth' forests better by putting Earth first!

**DIRECT ACTION**

DETAILS OF COMPLAINTS MADE OF ACTIONS BY FORESTRY COMMISSION OF NSW

1. That the Forestry Commission of NSW (FCNSW) carried out a deliberate campaign of disinformation and obstruction to frustrate the successful operation of the Endangered Fauna (Interim Protection) Act, 1991 by the National Parks and Wildlife Service (NPWS) by:

- \* refusing approval for activities in state forests to many different people and organisations on the (incorrect) basis that the EFIP Act prevented the Commission from permitting any activities in state forests without a licence from NPWS being issued to those people or groups;

e.g. documents obtained under the Freedom of Information Act, 1984 from the National Parks and Wildlife Service, disclose that among others, the following were told by FCNSW that their activities in the state forest areas could not be approved by FCNSW unless they had NPWS licences:

- \* the Australian Army, [Source: Attachment D] 1-6
- \* feral goat shooters, [Source: Attachment E] 1-2
- \* auto cyclists, [Source: Attachment F] 1-2
- \* car rally organisers, [Source: Attachment G] 1-3
- \* collectors of seed, [Source: Attachment H] 1-2

- \* refusing permission for horse riding in state forests until a licence had been issued by NPWS, in the case of the Kundabung Endurance Riders, despite clear advice that a licence would not be required for horse riding, which was contained in a memo 'Endangered Fauna (Interim Protection) Act and Environmental Impact Assessment' [Attachment I] issued by FCNSW following a meeting held on 7/2/'92.

[Source: letters from and to NPWS Attachments J] 1-2

- \* allowing District and Regional Foresters to (incorrectly) brief local councils and county councils on the effect of the EFIP Act in such a way as to advise that activities of those councils would be impossible, or would require a Fauna Impact Statement or a licence by NPWS;

e.g. Cr Lyn Orrego of Nambucca Shire Council was told by Urunga District Forester John Ball, at a Noxious Weeds meeting that spraying for weeds would be prevented under the EFIP Act [Source: NPWS file note Attachment K]

- \* after refusing approval, referring applicants for a range of recreational and commercial activities in state forests to the NPWS when on a 'prima facie' assessment those activities could not have been reasonably construed as having a 'significant impact' on the habitat of

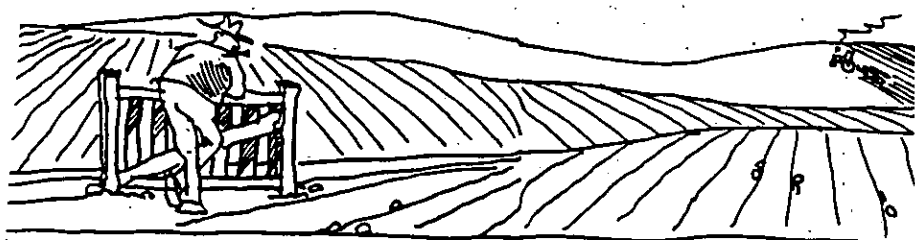
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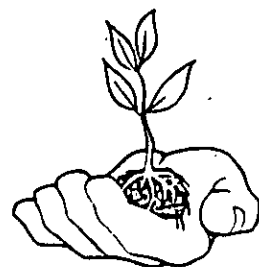


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NEFA

Managing 'old growth' forests better by putting Earth first!

**DIRECT ACTION**

endangered species' and thus requiring a Fauna Impact Statement or a licence from the NPWS;

The advice contained in the FCNSW memo 'Endangered Fauna (Interim Protection) Act and Environmental Impact Assessment' [Attachment 1], where it lists in a table of 3 columns activities which require Fauna Impact Statements and NPWS licences, does not fairly address the significance of the impact of activities described in Column A as requiring environmental impact assessment and NPWS licences.

Further, while the memo states that the District Forester should make "a decision whether or not endangered species will be impacted upon" by Column A activities, plainly District Foresters did not fairly exercise their discretion in referring all applications for activities in state forests to NPWS.

e.g. a form letter was produced in the Wyong Forestry District to deny approval for use of state forests and to refer applicants to the NPWS. [Attachment 1]

*any future application  
for*

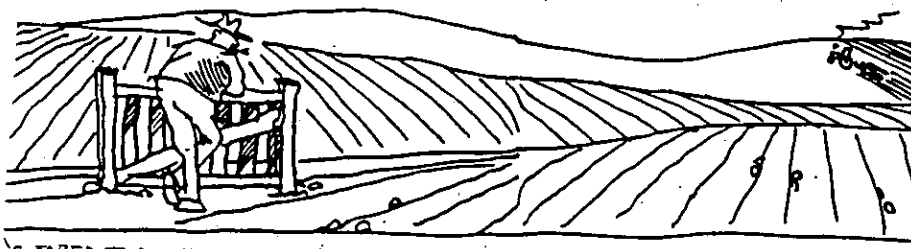
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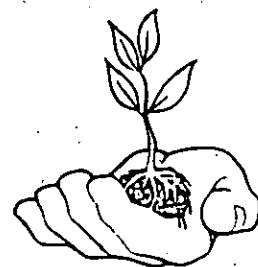


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2. That FCNSW supported and repeated the industry claim that thousands of jobs would be lost in the timber industry because of the Endangered Fauna (Interim Protection) Act, 1991 despite no documentary evidence being available to verify such a claim, by:

- \* distributing free of charge from Forestry Commission offices inaccurate and false information prepared by the industry based groups - the Forest Products Association (FPA) and the Forest Protection Society (FPS), even as late as March 21st, 1992.

e.g. a free photocopy of the 'Forestry Industry Crisis Committee's Information Kit on Effects of Endangered Fauna Act' was supplied to Mr Aidan Ricketts by Tenterfield District Forester Mr Mike Coomb on 21/3/1992. [Attachment 1]

a copy of ...  
was copied on the  
office photocopier free  
of charge and supplied  
to MR A R.

- \* making no attempt to seek the verification of timber industry claims of 6,000 likely job losses because of the Endangered Fauna Act.

3. That FCNSW failed to provide information to the public, to the Opposition or Independent Members of Parliament as requested verbally, and in writing, to support the 2 basic premises of the TIIP Bill, and in so doing:

- \* gave advice through the Commissioner for Forests to the special Parliamentary briefing called to consider the TIIP Bill, which was quite different from its public statements and advice to the Minister for CALM on the cause of lack of lawful timber supply to the timber industry;

- \* caused the Minister for CALM and other government MP's to mislead the Parliament of NSW.

The Timber Industry (Interim Protection) Bill (TIIP Bill) was proposed by the Minister for CALM in a press release on 27/2/'92 and a meeting to explain the Bill was proposed to be held in the NSW Parliament on the eve of its introduction into the Legislative Assembly.

When NSW environment groups became aware of the proposed Bill and the claims on which it was based (i.e. that jobs were being lost; that FCNSW could not lawfully supply timber because of the EFIP Act) they wrote, over the signature of their parliamentary Environmental Liaison Officer (ELO), Mr Peter Wright, to Independent MP for the South Coast, Mr John Hatton requesting him to seek and obtain a range of relevant information which could be used by MP's and the public to test the industry's claims and the Commission's assertions.

(See copy of the letter [Attachment 1])

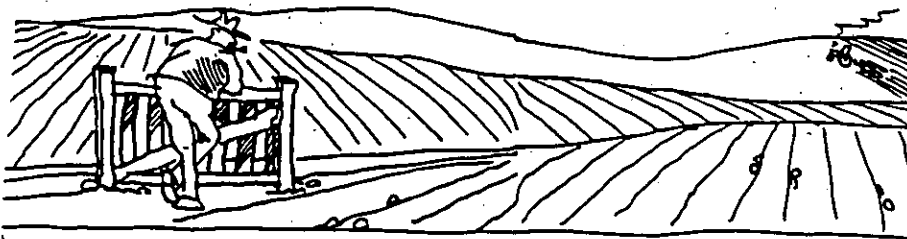
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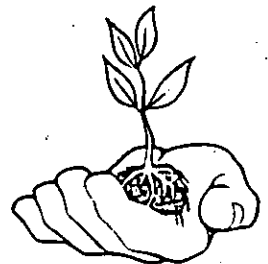


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- \* geologists;
- \* other emergency crew!



These positions are coming vacant in the immediate future. Forest actions are planned soon but may commence at any time. Forest Defenders should have a commitment to non-violent direct action, and to protecting our natural heritage. Willingness to be arrested is desirable, though not essential. Previous wilderness camping and blockade experience & or equipment would be an advantage! Initiative and a sense of humour are essential!

These jobs offer no financial reward but great job satisfaction and pleasant working conditions. Scope for skills development, training and significant advancement exists! Working hours will be flexible but may involve short notice of a start. Overtime and recreational leave to be negotiated on site.

Please contact your local environment centre, to express an interest in this work, to find out more information and to link into the North East Forest Alliance action network. Thanks to Greiner, Murray minority government and the Forestry Commission of NSW there will be plenty of work in the foreseeable future.

Registration forms available at the Big Scrub

NEFA

Managing 'old growth' forests better by putting Earth first!

**DIRECT ACTION**

That request included documents and information which would have been included in the Centre's FOI Act application made in April 1991.

No action was taken by Mr Hatton's office on that written request, for reasons which remain unclear.

At the Parliamentary briefing (Tuesday 3/3/'92) called to explain the TIIP Bill, requests were made by NSW environment groups to Mr Hatton to seek the tabling of the information requested in Mr Wright's letter, so that the briefing could proceed based on publicly available information rather than unsupported claims by industry and assertions by FCNSW.

Mr Hatton sought this information verbally from the Minister for CALM, Mr West, and handed a copy of the environment groups letter detailing the information sought to Mr West, who promptly handed the letter to Dr Hans Drielsma, Commissioner for Forests.

Repeated requests were made throughout this meeting by the environment groups, Labor and Independent MP's present, to Mr West and Dr Drielsma seeking their commitment to make this information publicly available. On each request they were evasive and unco-operative.

Dr Drielsma said at one stage words to the effect that 'the FCNSW was not in the business of checking on employment levels, since its brief was to supply timber'. He said that 'the Commission had made and would make no attempt to check the industry's claims, it simply accepted them'.

Under intense questioning from the environment groups, the Labor and Independent MP's present, and from counsel for the North East Forest Alliance, Mr Tim Robertson, Dr Drielsma and Mr West admitted that the problem with lawful supply of timber to the industry derived from the Commission's failure to prepare timely Environmental Impact Statement (EIS's) under the Environmental Planning and Assessment Act, 1979.

It was this legal requirement under ss.111 & 112 of the EPA Act which has been the subject of third party litigation by environmentalists since 1980 and the subject of the Office of the Ombudsmans 1984? Inquiry into the Wilson's Ck Action Group's complaint of the Commission's actions at Nullum SF in building the Nevasae Rd into the Blackbutt Plateau.

Despite numerous judgments against it, (refer to 'Background to Forest Dispute' [Attachment A]) the Commission had failed to prepare EIS's in a timely manner and, Dr Drielsma admitted, it was this obligation which limited the Commission's capacity to lawfully supply timber to the industry. This admission was also contained in the 'TI(IP) Bill Briefing Paper' [Attachment C].

Not only do such places provide habitats and nurseries for fish and other marine life and for various forms of bird life, but they are essential for the preservation in and near urban areas of as wide a range of natural ecosystems as is possible.

In this regard, we do not hesitate to congratulate the present Government for the work which has been undertaken by it in cleaning up waterways affecting Urban Wetlands such as Duck Creek with its mangroves which is a tributary of Parramatta River. The State Opposition fully supports the retention of Urban Wetlands in our major coastal cities and specifically rejects the 4(C)(4) zoning of the Kurnell Peninsular for toxic, noxious and hazardous industries as a threat to the Towra Point Reserve.

I now wish to turn my attention to the general question of the protection of Coastal Wetlands and the Coastal Wetland mapping which has been undertaken by the Coastal Council of New South Wales.

Although, in places, there are arguments about whether specific instances are Wetlands, properly, or not, the task which has been undertaken achieves a good deal in identifying areas where wetlands may be found and provides a most useful source document.

There can be no doubt that there is a major need, for a variety of reasons, to preserve the remaining significant areas of Coastal Wetlands in New South Wales.

These Wetlands may be under threat for a variety of reasons. The threats may come from development pressures on the coast. They may come through other forms of derivative effluent pollution of river systems or, for instance, through to the possible major threats to the two largest Wetland areas in the Jervis Bay region, on the north-eastern side of Jervis Bay, from the proposals of the New South Wales and Federal Labor Governments for the re-location of major Naval facilities from Sydney Harbour to the environmentally sensitive area of Jervis Bay.

The preservation of the breeding grounds for fish and prawns that are provided by these Wetlands are significant for a variety of reasons. They are significant for the support of the commercial fishing industries on the north and south coast; they are significant to the tourist industry as attractions for recreational fishermen and they are significant for providing part of the food chain for the survival of a wide variety of bird life and the provision of habitat for many of these bird species.

In addition, they are also important because they provide a significant but comparatively miniscule preserved remnant of what must once have been one of the dominant estuarine landforms in this State prior to the advent of European settlement. The State Opposition accepts and supports the preservation of an inventory of representative land forms and vegetation patterns in New South Wales as part of our biological and ecological heritage.

Dr Drielsma admitted that the Commission had probably been in breach of the EPA Act since its inception in 1980, based on subsequent court rulings.

Dr Drielsma also admitted that licences under the National Parks and Wildlife Act, 1974 had been issued by NPWS for all the areas for which the Commission had sought licences. He advised that the first group, but not subsequent groups, of licences issued under the NPWA required a certification that the EPA Act had been complied with.

Thus the TIIP Bill was aimed at suspending the operation of Part V of the EPA Act, to permit timber to be supplied to the industry before meeting the EIS requirements of this Act. The complaints of the effects of the Endangered Fauna Act were the smokescreen for seeking this exemption from law.

In making these admissions Dr Drielsma supplied proof of the untruth of the allegations of the timber industry and the public assertions of the Commission.

Notwithstanding these admissions, the Minister Mr West and the Premier repeated these incorrect claims and assertions in the Parliament, [Source: Hansard LA 25/2/'92 pp.2-4, pp7-8, LA 26/2/'92 pp.7-8, LA 4/3/'92 pp.44-49] presumably based on the Commission's official advice, rather than answers forced from Dr Drielsma under intense questioning.

The private truth was ignored and the public disinformation was preferred and reasserted despite the admissions made by the Commissioner for Forests.

At the conclusion of the meeting further, urgent requests were made through Mr Hatton to Dr Drielsma and Mr West for the provision of this information. They were again evasive and when pressed tentatively agreed to provide the information, though no commitment was made as to when or where the information would be supplied.

No such information was ever supplied to MP's or released into the public domain.


Thus the Bill proceeded through both Houses of Parliament based on the 2 unproven premises: the industry's claim of imminent job losses and the Commission's assertion of its inability to lawfully supply timber to the industry.

In the process of its passage, numerous MP's made reference to the lack of any information to support these claims.

In short, the timber industry and the Forestry Commission had successfully held the Parliament to ransom, demanding legislation, refusing to provide crucial information and threatening job losses if the Bill was not passed.

# Table of Attachments

[Attachment A]) 'Background to Forest Disputes' prepared by counsel to Mr Corkill and the North East Forest Alliance, Mr Tim Robertson, barrister at law.

[Attachment B])  Assessment of claimed job losses due to Endangered Fauna (Interim Protection) Act report by Mr Pugh.

[Attachment C]) 'Timber Industry (Interim Protection) Bill, 1992 - Briefing Paper,' *Minister for CAM*

[Attachment D] 1 Letter 31/1/'92 from FCNSW Asst Commissioner Bacon to Lt O'Brien, Australian Army.

2 Letter 11/2/'92 from Major Campbell, Australian Army to Ms D. Campbell NPWS.

3 Letter 14/2/'92 from NPWS Director to Major Mancell, Australian Army.

4 Letter 15/2/'92 from Captain Bourke, Australian Cadet Corps to Deputy Director (W&A) NPWS 

5 Letter 21/2/'92 from NPWS Director to Major Campbell, Australian Army.

6 Letter 21/2/'92 from NPWS Director to Captain Bourke, Australian Cadet Corps.

[Attachment E]) NPWS file note - undated - signed 'Janelle'

[Attachment F] 1 Letter 14/2/'92 from Mr Fairnham, Manager Auto Cycle Union of NSW to Director NPWS.


2 Letter 21/2/'92 from NPWS Director to Mr Fairnham, Manager Auto Cycle Union of NSW.

[Attachment G] 1 Fax 13/2/'92 from Mrs Casper, Gold Coast Tweed Motorsporting Club to Sue Walker NPWS.

2 Letter 12/2/'92 from Mr Robertson, Murwillumbah District Forester to Mrs Casper, Gold Coast Tweed Motorsporting Club.

3 Letter 13/2/'92 from Director NPWS to Mrs Casper, Gold Coast Tweed Motorsporting Club.

[Attachment H] 1 Letter 3/2/'92 from K. Lyons Acting District Forester Wyong to Mr & Mrs Pondifex.

 2 Letter 5/2/'92 from NPWS Director to Ms Gribble, Manager Australian Reptile Park.

[Attachment I]) FCNSW memo 11/2/'92 'Endangered Fauna (IP) Act and Environmental Impact Assessment'.

[Attachment J] 1 Letter 6/2/'92 from Sharron Stuckey, Kundabung Endurance Riders to NPWS Port Macquarie.

2 Letter 13/2/'92 from NPWS Director to Sharron Stuckey, Kundabung Endurance Riders.

[Attachment K]) NPWS file note 27/2/'92 by Helen Burns NPWS to Dianne Campbell NPWS.

[Attachment L]) Form letter 6/2/'92 from K. Lyons Wyong Acting District Forester to Wayne Pasker, Deepwater Sporting Car Club.

[Attachment M]) Copy of 'Forestry Industry Crisis Committee's Information Kit on Effects of Endangered Fauna Act' supplied to Mr Aidan Ricketts by Tenterfield District Forester Mr Mike Coomb on 21/3/1992.

[Attachment N]) Letter 26/2/'92 from NSW environment groups' parliamentary Environmental Liaison Officer (ELO), Mr Peter Wright, to Independent MP for the South Coast, Mr John Hatton.

Under licences for which the F.C. certified they had complied with the E.P.A. Act is included one compartment covered by Greiner's old growth moratorium:

WAUCHOPE : BELANGERA S.F. Cmpt. 46.

Under General licence No. T50045, 27.2.92 issued by the NPWS the F.C. was not required to certify that they had complied with the E.P.A. Act. Though they are for areas in which they want to commence operations prior to 17 March 1992. This list includes 2 areas which Greiner included in his announcement but which were subsequently dropped from F.C. lists:

WALCHA - NUNDLE M.A. : RIAMUKKA S.F. : Cmpts 139, 140, 141, 142, 144.

TENTERFIELD M.A. : JENNER S.F. : Cmpts 412, 413, 414, 415

It also includes further compartments covered by Greiner's moratorium:

WALCHA - NUNDLE M.A. : NOWENDOC S.F. : Cmpt 219

: TUGGOLO S.F. : Cmpts 268, 269

Dailan

354

354

6

30

744

706,236

60

456

28,731

139,616

21,889

222

706,236

\$1,450,236 + @

## DEPARTMENT OF PLANNING

Remington Centre, 175 Liverpool Street, Sydney 2000.  
Box 3927 GPO Sydney 2001. DX 15 Sydney.  
Telephone: (02) 391 2000 Fax: (02) 391 2111.

## CIRCULAR NO. B2

Issued  
4 February 1992

All City, Municipal and Shire Councils

### STATE ENVIRONMENTAL PLANNING POLICY NO. 4 - DEVELOPMENT WITHOUT CONSENT

#### INTRODUCTION

State Environmental Planning Policy (SEPP) No. 4 was gazetted on 4 December 1981 and has been amended on five occasions. The aims of the policy are to permit, without the need for development consent, development which is:

- of very minor environmental significance;
- for certain purposes by or on behalf of public authorities; and
- on land reserved or dedicated under the *National Parks and Wildlife Act 1974* provided -

the development is not prohibited under the *Environmental Planning and Assessment Act 1979* and, where applicable, development standards are met. The Policy does not affect any requirement to obtain consent or approval under another Act.

#### AMENDMENTS

2. Amendment No. 1 was gazetted on 7 October 1983, introducing a variety of new provisions and modifying several of the existing ones.
3. Amendment No. 2 was gazetted on 31 August 1984, and allows development to be carried out without consent within areas dedicated or reserved under the *National Parks*

■ Contact: Planning Systems Management

■ Our reference: S90/02176/013  
S90/0176/Z03

and Wildlife Act 1974.

4. Amendment No. 3 was gazetted on 22 November 1985 and repealed the original clause 6A of the policy. That clause provided that consent was not required for dwelling houses in residential zones, with the exception of items of environmental heritage and dwellings in a foreshore scenic protection area, harbour foreshore preservation area or beachfront scenic protection area. A new clause 6A was inserted in the policy on 7 September 1987 by Sydney Local Environmental Plan No. 87. The new clause 6A makes dwelling houses permissible without development consent in all residential zones in the City of Sydney, with the exceptions previously referred to in the repealed clause 6A and the additional exception of conservation areas identified in a planning instrument.

5. Councils will note that section 117 Direction No. G9(iv) requires that draft local environmental plans which zone land for residential purposes shall not require consent for development for the purpose of a dwelling house unless the council can satisfy the Director of Planning that this is justified in the particular circumstances.

6. Amendment No. 4 was gazetted on 26 February 1988 and permits the erection and use of portable classrooms on land on which a State school is situated without the need to obtain development consent, under certain conditions.

7. Amendment No. 5 was gazetted on 25 October 1991 and contains four items -

- development for the purposes of 'classified roads' and 'toll works' is made permissible without consent, provided this development could otherwise be carried out with consent. These road works are now in all cases assessed and determined under Part V of the *Environmental Planning and Assessment Act 1979*;

- the policy is amended so that 'subdivision', 'alteration of a building or work' and 'certain ancillary or incidental development' are not permissible without consent in relation to a range of nominated heritage items and areas;

- clause 2(5)(e) of the policy is omitted and replaced with clause 2(6) to clarify that the policy has effect in permitting development without consent on land dedicated or reserved under the *National Parks and Wildlife Act 1974* where that development would otherwise be permissible with consent; and

- Manly Local Environmental Plan 1988 is amended to permit internal alterations to buildings and works in foreshore scenic protection areas in Manly Municipality without development consent (except in the case of heritage items).

8. A copy of SEPP No. 4 as amended to the date of this circular is attached. All amendments including those made by local or regional environmental plans are

described later in this circular in the clause-by-clause explanatory notes on the contents of the policy.

#### APPLICATION OF THE POLICY

#### 9. The policy applies to the following minor forms of development:

- (i) minor subdivisions (e.g. boundary adjustments, rectifying encroachments) which do not involve land containing, comprising or being within an identified heritage item/area;
- (ii) the change of a shop to a shop of another kind;
- (iii) the change of commercial premises to commercial premises of another kind;
- (iv) the change of a social or sporting club, or community or cultural centre to another of those uses;
- (v) the change of an industry or a light industry to another light industry, subject to floor-space limits and hours of operation;
- (vi) minor building alterations, provided the building is not extended and is not an identified heritage item, or a building on land comprising or within such a heritage item/area; and
- (vii) a range of ancillary development such as parking, drainage, garages and barns, subject to certain restrictions and not on land containing or in relation to, an identified heritage item/area.

10. In order to help certain public authorities carry out their operations, the policy also allows water storage dams, sewage treatment works and electricity transmission lines to be constructed without development consent. This has been included to overcome difficulties associated with the carrying out of major utility development where land is held in a variety of ownerships and, in some cases, covers a number of local government areas.

Similarly, the policy allows certain road works by or on behalf of the State ('classified roads' and 'toll works' as defined in sections 4(1) and 46 respectively of the *State Roads Act 1986*) to be carried out without development consent, if not prohibited by other planning controls. Examples of roads which may be declared as 'classified roads' are main and secondary roads and State highways. A tollway is an example of road works which could be declared a 'toll work'.

The policy does not relieve public authorities from the obligation to take into account, under Part V of the *Environmental Planning and Assessment Act 1979*, the environmental consequences of carrying out the development. Part V requires the preparation and public exhibition of an environmental impact statement for all proposed

activities likely to significantly affect the environment.

12. The policy allows development to be carried out without consent on land reserved or dedicated under the *National Parks and Wildlife Act 1974* as an Aboriginal area, historic site, national park, nature reserve, State game reserve or State recreation area, where that development would otherwise be permissible with consent. Development within the areas named is subject to Part V of the Act.

13. The policy also requires the National Parks and Wildlife Service or State Recreation Area Trusts to consult with the local council where proposed development is likely to have a significant impact on the local road system or otherwise significantly affect land in the surrounding local government area.

14. The policy also allows the erection of single-storey portable classrooms for a period of five years without the need to obtain planning consent.

#### FURTHER ADVICE

15. If council is in doubt as to whether SEPP No. 4 applies in a particular situation, it is generally advisable to request a development application. If a person carries out development without lodging a development application and council considers that an application should have been made, council can bring proceedings in court for an order to remedy or restrain a breach of the Act. Nevertheless, councils are encouraged to use the policy at each and every opportunity, so as to avoid dealing with unnecessary development applications.

16. The council does not need to be notified that the policy is being used other than as required under clauses 7 and 8 (regarding changes of use) and, in some cases, clause 11A (regarding development on land dedicated or reserved under the *National Parks and Wildlife Act 1974*). It is still recommended that persons proposing to carry out development on the basis of the policy first consult the council's planning staff. Council can then advise if any development standards apply.

#### CONTENTS OF THE POLICY

**Clause 1:** This clause gives the name of the policy.

**Clause 2:** Clause (2) is a guide to the interpretation of the policy.

Subclause (1) defines 'council' and 'floor space' for purposes of this policy.

Subclause (2) provides that the policy adopts the definitions contained in Part II of the Environmental Planning and Assessment Model Provisions 1980.

Subclause (3) relates to clauses 7 and 8. It requires a person changing the use of a building for shops, offices, clubs or light industry to give written

*ie the public could bring an action against the Council for not so acting under s.123!*

*and I would add - any stat. authority if in doubt should submit a DA even if Council does not request it. See also s.11(A)*

notice to the council. Where such written notice is given, council can charge up to \$50.00 for recording that notice in the register referred to in clause 12.

Subclauses 4(a) and (b) provide that all development standards specified in the planning instrument which relate to the land proposed to be developed, must be complied with. The clause also establishes that the policy does not apply to any development prohibited under the Act.

The policy does not apply to certain forms of development listed in subclause (5) and (6). An example is the conversion of a dwelling house into a dual occupancy. Subclause 6 is worded so as not to restrict clause 11A of the policy.

- Clause 3:** This clause states the aims and objectives of the policy.
- Clause 4:** Clause 4 applies the policy to the State with two basic exceptions. The first exception is land to which State Environmental Planning Policy No. 26 - Littoral Rainforests applies. Secondly, the policy does not apply to land reserved or set aside for acquisition for a public purpose under a planning instrument. This is because development carried out on land reserved or set aside for such acquisition could considerably increase the acquisition costs. Further, through amendments to the policy by other planning instruments, clause 7(2) of the policy does not apply to land zoned 3(f-r) under Parramatta Local Environmental Plan 1989 (City Centre), while clause 9 of the policy does not apply to land to which Sydney Regional Environmental Plan No. 16 - Walsh Bay applies, or to land zoned 2(g) or within a defined conservation area under Parramatta LEP 1989 (City Centre).
- Clause 5:** Clause 5 provides that where development can proceed under this policy without consent, but another planning instrument requires that consent be obtained, this policy will prevail and a development application does not have to be made.
- Clause 6:** This identifies the minor types of subdivision that are permitted without consent. Exclusions from this provision are lands containing, comprising or being within identified heritage items or areas.
- Clause 6A:** This clause, with nominated exceptions, makes dwelling houses permissible without consent in residential zones in the City of Sydney.
- Clause 7:** This clause relates to the use of buildings for the purpose of shops, commercial premises, social or sporting clubs and community or cultural centres. Subject to certain limitations, it enables a shop to be changed to another shop, and a commercial premises to be changed to another commercial premises. The other uses (social, sporting clubs, etc.) may be interchanged. The clause applies to the use of existing buildings. The new use must be one permitted in that location.

In all cases, prior written advice must be given to the council, as required by clause 2(3) of the policy. A simple letter will suffice provided it identifies the building and the purpose to which it will be put. Councils may choose to adopt a standard form letter for this procedure. Councils may also request that a fee be paid, when the notice is lodged.

The policy cannot be used to authorise a change of use to a 'sex shop' without development consent (subclause 5).

Subclause (6) places two restrictions on the new use of a shop or commercial premises. The land surrounding the building cannot be used for storage or display purposes, and the hours of operation of the new use must be within those of the former use.

Subclause (7) specifies that if a condition relating to maintaining an area for landscaping, parking or the loading of vehicles applied to a building or its site prior to the change of use, that condition will still apply after the use has changed.

In general, the intention of this clause is to allow the changes of use indicated, without the need for a development application. The qualifications are intended to ensure that the change of use has no adverse effects.

**Clause 8:** This clause is similar to clause (7), and relates to industry and light industry. It allows a change of use of a building from an industry or light industry to any other light industry provided the floor area of the building or the part of the building for which the use is being altered is less than 500 square metres.

As in clause (7), prior written advice must be given to the Council and limitations apply with regard to size, rear service or off-street loading facilities, storage and display around the building, landscaping and parking. Hours of operation must be within those of the former use or between 6 a.m. and 6 p.m. if there was no industrial use operating immediately beforehand.

**Clause 9:** This generally permits, without consent, a wide range of minor internal and external alterations to any building or work such as painting or replacement of windows. It does not, however, permit the enlargement or extension of a building or work.

Development consent is still needed for these alterations in respect of the heritage items and areas, and within the environmental protection zones, listed in subclause (2). Where development is permitted by this clause, development standards specified in the relevant planning instrument must be complied with.

**Clause 10:** This clause recognises that ancillary development, such as that listed in the policy, is generally acceptable as an integral part of the original

development. This clause removes the need to obtain consent for the ancillary development in those circumstances.

The existing entrances and exits, loading and parking facilities, and landscaping requirements must not be interfered with by using the land for ancillary development.

Ancillary development is not permissible without consent if it is in a foreshore scenic protection area, harbour foreshore preservation area or a beachfront scenic protection area or if the development is in relation to an identified heritage item or area.

This clause does not apply to land to which State Environmental Planning Policy No. 14 - Coastal Wetlands applies.

**Clause 11:** Subclause (1) has been included to assist certain public authorities to carry out their operations without the need to obtain development consent. These operations are assessed and determined instead under Part V of the Act. Subclause (1) has been amended by other planning instruments so that it does not apply to certain land in the Municipalities of Kiama and Shellharbour, certain land in the Homebush Bay Development Area, or to the carrying out of development for the purpose of an extractive industry on land to which Western Division REP No. 1 - Extractive Industry applies. Due to a numbering error which occurred in an amendment to this clause, there are presently two subclauses numbered (3). The gazettal date for each of those subclauses is noted.

**Clause 11A:** This clause provides that consent is not required for development within land dedicated or reserved under the *National Parks and Wildlife Act 1974* as an Aboriginal area, historic site, national park, nature reserve, State game reserve or State recreation area.

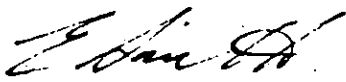
Subclauses (3) and (4) require the National Parks and Wildlife Service or a State Recreation Area Trust, to consult with the local council where the service or trust intends to carry out development which is likely to impact significantly on the local road system or otherwise significantly affect land in the locality. The service, or trust, must notify the council in writing of its intention to carry out the development. Councils should respond within 30 days of receiving notification. Following this, the service or trust must give consideration to any relevant matters requested by the council.

**Clause 11B:** This clause provides that consent is not required (with certain exceptions) for the erection and use of portable classrooms on land where a State school is situated. Development consent is still required if the height of the classroom exceeds one storey or the use is for a period exceeding five years from the date erected.

**Clause 11C:** This clause enables development for the purposes of a classified road or toll work, or a proposed classified road or toll work to be carried out

without development consent, provided the development would otherwise be permissible with consent. Part V of the Act applies to all such development.

**Clause 12:** This clause obliges councils to maintain a register of notices of changes of use. This will give some assurance to property owners that once the notice is received and registered they are legally entitled to use the premises.

A handwritten signature in dark ink, appearing to read 'E. Smith', is positioned above the printed name.

**E. SMITH**  
Secretary

**THE POLICY (GAZETTED ON 4 DECEMBER 1981;  
AS AMENDED ON 7 OCTOBER 1983, 31 AUGUST 1984,  
22 NOVEMBER 1985, 26 FEBRUARY 1988 AND  
25 OCTOBER 1991)**

Also amended by:

• State Environmental Planning Policy No. 14 - Coastal Wetlands	GG 171	12.12.85
• State Environmental Planning Policy No. 26	GG 22	5.02.88
• Illawarra REP No. 2 - Jamberoo Valley	GG 144	11.09.87
• City of Sydney LEP 1987	GG 147	18.09.87
• Sydney REP No. 16 - Walsh Bay	GG 73	16.06.89
• Parramatta (City Centre) LEP 1989	GG 84	21.07.89
• Western Division REP No. 1 - Extractive Industries	GG 119	8.12.89.
• Sydney REP No. 24 - Homebush Bay Development Area	GG 82	29.06.90

#### **CITATION**

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1. This State environmental planning policy may be cited as 'State Environmental Planning Policy No. 4 - Development Without Consent'.

#### **INTERPRETATION**

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2. (1) In this Policy, except in so far as the context or subject matter otherwise indicates or requires -

'council', in relation to the carrying out of development, means the council of the area in which the development is to be carried out;

'floor space, in relation to a building, means the area of a floor of the building, where the area of the floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above the floor level, excluding -

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall;

- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
  - (c) car-parking needed to meet any requirements of the council and any internal access thereto; and
  - (d) space for the loading and unloading of goods.
- (2) Part II of the Environmental Planning and Assessment Model Provisions, 1980, applies to and in respect of this Policy in the same way as it applies to and in respect of a local environmental plan by which that Part is adopted and so applies as if the reference to 'the local environmental plan' in clause 4(1) of that Part were a reference to this Policy.
- (3) A written notice given to a council under clause 7 or 8 with respect to a change of the use of a building is a sufficient written notice, within the meaning of that clause only if -
- (a) it is given by -
    - (i) the owner of the building; or
    - (ii) the occupier of the building, with the consent of the owner of the building,and contains a statement that it is so given executed by that owner;
  - (b) it contains a description of the building sufficient to identify the building and a statement of the particular purpose for which the building will be used after the notice has been given; and
  - (c) it is accompanied by the fee (if any) not exceeding \$50 fixed by the council for registration of the notice pursuant to clause 12.
- (4) Nothing in this Policy shall be read or construed as -
- (a) affecting any requirement to comply with a development standard;
  - (b) authorising the carrying out of any development that is prohibited under the Act, except where the carrying out of the development is so prohibited by reason only of a requirement for the obtaining of development consent before it may be carried out;
  - (c) authorising the change of an existing use, within the meaning of Division 2 of Part IV of the Act, to another use; or

- (d) authorising an alteration to, or the extension or rebuilding of, a building or work being used for an existing use, within the meaning of Division 2 of Part IV of the Act.
- (5) Nothing in this Policy shall be construed as permitting, without development consent being obtained therefor, development for the purposes of -
  - (a) the construction or erection of, or the carrying out of work for the purpose of, an aircraft landing field or helicopter landing pad or any other facility for the landing or taking off of aircraft or helicopters;
  - (b) the use of land for the landing or taking off of aircraft or helicopters;
  - (c) a home industry; or
  - (d) the conversion of a dwelling-house into 2 dwellings.
- (6) Nothing in this Policy, except clause 11A, permits the alteration of or addition to, or the extension or demolition of, a building or work;
  - (a) described in an environmental planning instrument as a heritage item, an item of the environmental heritage or a potential historical archaeological site; or
  - (b) on land described in an environmental planning instrument as comprising or being within a conservation area or a heritage conservation area; or
  - (c) on land described in an environmental planning instrument as comprising or being within a foreshore scenic protection area, a harbour foreshore preservation area or a beach front scenic protection area.

AIMS, OBJECTIVES, ETC.

3. This Policy is designed to permit development for a purpose which is of minor environmental significance, development for certain purposes by public utility undertakings and development on certain land reserved or dedicated under the National Parks and Wildlife Act, 1974, to be carried out on land without the necessity for development consent being obtained therefor, where -

- (a) the carrying out of that development is not prohibited under the Act, except by reason only of a requirement for the obtaining of development consent before that development may be carried out; and
- (b) the development is carried out in accordance with any development standard applying in respect of the development,

but without affecting any requirement to obtain consent or approval under any other Act in respect of the carrying out of development.

#### APPLICATION OF POLICY

4. (1) Subject to subclause (2), this Policy applies to the State but does not apply to land to which State Environmental Planning Policy No. 26 - Littoral Rainforests applies.
- (2) Except as provided by clause 11A, this Policy does not apply to -
  - (a) land which is reserved under an environmental planning instrument for use exclusively for a purpose referred to in section 26(c) of the Act;
  - (b) land, other than land referred to in paragraph (a), which is reserved under an environmental planning instrument for use exclusively for any purpose or thing for which a site could have been reserved under section 342G(3)(e), (f), (g), (h) or (j) of the Local Government Act, 1919, as in force immediately before 1st September, 1980; or
  - (c) land, other than land referred to in paragraph (a) or (b), which a public authority may, under an environmental planning instrument, be required to acquire by the owner of the land.
- (3) Clause 7 does not apply to land within Zone No. 3(f-r) under Parramatta Local Environmental Plan 1989 (City Centre).
- (4) Clauses 9 and 10 of this Policy do not apply to land within Zone No. 2(g) under Parramatta Local Environmental Plan 1989 (City Centre) or within a conservation area as defined in that plan.
- (5) Clauses 9 and 10 do not apply to the land to which the Sydney Regional Environmental Plan No. 16 - Walsh Bay applies.

#### INCONSISTENCY BETWEEN INSTRUMENTS

5. Subject to section 74(1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy shall prevail to the extent of the inconsistency.

#### SUBDIVISION

6. (1) Where, in the absence of this clause, a subdivision of land could be carried out, but only with development consent, for the purpose of -
  - (a) widening of public road;
  - (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment;
  - (c) rectifying an encroachment upon an allotment;

- (d) creating a public reserve;
- (e) consolidating allotments; or
- (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bushfire brigade or other rescue service purposes or public conveniences,

the subdivision may be carried out without that consent.

(2) This clause does not apply:

- (a) to land described in an environmental planning instrument as comprising or being within a conservation area or a heritage conservation area; or
- (b) to land comprising, or on which is situated, an item described in an environmental planning instrument as a heritage item, an item of the environmental heritage or a potential historical archaeological site.

#### DWELLING-HOUSES IN THE CITY OF SYDNEY

6A. (1) This clause applies to all land within the City of Sydney.

- (2) In subclause (3), a reference to land within a residential zone is a reference to land which, under an environmental planning instrument, is within a zone (within the meaning of that instrument) identified in that instrument as being a residential zone, but does not include land that is within an area described in an environmental planning instrument as a foreshore scenic protection area, a harbour foreshore preservation area or a beach front scenic protection area.
- (3) If, in the absence of this clause, a dwelling house could be erected on land within a residential zone, but only with development consent, the dwelling-house may be erected without that consent.
- (4) Subclause (3) does not authorise the alteration of any dwelling-house -
  - (a) shown upon a map supporting, or embodied or incorporated in, any environmental planning instrument; or
  - (b) listed in any Schedule forming part of an environmental planning instrument or a development control plan,

and identified as being an item of the environmental heritage, or within an area identified as a conservation area, within the meaning of the instrument or plan.

## SHOPS AND COMMERCIAL PREMISES, ETC.

## 7. (1) Subject to subclause (5), where -

- (a) a building is lawfully used, or has been lawfully constructed to be used, for the purposes of a shop of a particular kind; and
- (b) the building could not, but for this clause, be used for the purposes of a shop of another kind, except with development consent being obtained therefor,

the building may, without the necessity for development consent being obtained therefor, upon a sufficient written notice being given to the council, be used for the purposes of a shop of another kind.

## (2) Subject to subclause (5), where -

- (a) a building is lawfully used, or has been lawfully constructed to be used, for the purposes of commercial premises of a particular kind; and
- (b) the building could not, but for this clause, be used for the purposes of commercial premises of another kind, except with development consent being obtained therefor,

the building may, without the necessity for development consent being obtained, upon a sufficient written notice being given to the council, be used for the purposes of commercial premises of another kind.

## (3) Where -

- (a) a building is lawfully used, or has been lawfully constructed to be used, for the purpose of a social or sporting club (other than a club registered under the Registered Clubs Act, 1976) or a community or cultural centre; and
- (b) the building could not, but for this clause, be used for any other of the purposes referred to in paragraph (a), except with development consent being obtained therefor,

the building may, without the necessity for development consent being obtained therefor, upon a sufficient written notice being given to the council, be used for any other of those purposes.

## (4) ..... (Omitted: vide Amendment No. 1).

- (5) Subclauses (1) and (2) do not authorise the use of a building for the purposes of a shop or commercial premises in which -
- (a) restricted publications, within the meaning of the Indecent Articles and Classified Publications Act, 1975, are shown, exhibited, displayed, sold, or otherwise rendered accessible or available to the public;
  - (b) a business to which section 10 of that Act applies is conducted; or
  - (c) a business is conducted, an object of which is the display or exhibition of any article, within the meaning of that Act, that is primarily concerned with sexual behaviour, but is not printed matter.
- (6) Where a building is used for the purposes of a shop or commercial premises in pursuance of this clause -
- (a) the curtilage of the shop or commercial premises shall not be used for storage or display purposes; and
  - (b) the hours of operation of the shop or commercial premises shall not, in the case of a building used for the purposes of a shop or commercial premises immediately before the commencement of the use authorised by this clause, extend outside the hours during which the shop or commercial premises were so used at that time.
- (7) Where, immediately before the commencement of a use of a building authorised by this clause, a condition relating to -
- (a) the maintenance of landscaping;
  - (b) the parking of vehicles; or
  - (c) the provision of space for the loading or unloading of goods or vehicles,
- was imposed upon the use of the building or the use of the land upon which the building was erected, that condition applies to and in respect of the use of the building so authorised or the use of the land upon which it is erected in the same way as it applies to and in respect of that former use.

#### INDUSTRY AND LIGHT INDUSTRY

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8. (1) Subject to subclauses (3) and (4), where -
- (a) a building is lawfully used, or has been lawfully constructed to be used, for the purposes of an industry, other than a light industry; and
  - (b) the building could not, but for this clause, be used for the purposes of a light industry, except with development consent being obtained therefor,

the building may, without the necessity for development consent being obtained therefor, upon a sufficient written notice being given to the council, be used for the purposes of a light industry.

(2) Subject to subclauses (3) and (4), where -

(a) a building is lawfully used, or has been lawfully constructed to be used, for the purposes of a light industry of a particular kind; and

(b) the building could not, but for this clause, be used for the purposes of a light industry of another kind, except with development consent being obtained therefor,

the building may, without the necessity for development consent being obtained therefor, upon a sufficient written notice being given to the council, be used for the purposes of a light industry of another kind.

(3) Neither subclause (1) nor subclause (2) authorises, in any particular case, the use, for the purposes of a light industry, of any of the floor space of a building, if -

(a) the total floor space which, in the absence of this paragraph, would be authorised to be so used in that case exceeds 500 square metres; or

(b) the building does not have rear service access or access to off-street loading facilities.

(4) Where a building is used for the purposes of a light industry in pursuance of this clause -

(a) the curtilage of the building shall not be used for storage or display purposes; and

(b) the hours of operation of the light industry shall not -

(i) in the case of a building used for the purposes of an industry immediately before the commencement of the use authorised by this clause, extend outside the hours during which the building was so used at that time; and

(ii) in any other case, extend outside the hours between 6 a.m. and 6 p.m.

(5) Where, immediately before the commencement of a use of a building authorised by this clause, a condition relating to -

(a) the maintenance of landscaping;

(b) the parking of vehicles; or

(c) the provision of space for the loading or unloading of goods or vehicles,

was imposed upon the use of the building or the use of the land upon which the building was erected, that condition applies to and in respect of the use of the building so authorised or the use of the land upon which it is erected in the same way as it applied to and in respect of that former use.

#### ALTERATION OF A BUILDING OR WORK

9. (1) In subclause (2), a reference to the alteration of a building or work is a reference to the making of changes -

(a) to the internal fabric or appearance of the building or work, whether or not involving structural alterations; or

(b) to the external fabric or appearance of the building or work, being changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work,

but does not include a reference to the enlargement or extension of the building or work,

(2) A building or work that, but for this clause, could not be altered except with development consent being obtained therefor may be altered without that consent.

(3) This clause does not apply:

(a) to a building or work described in an environmental planning instrument as a heritage item, an item of the environmental heritage or a potential historical archaeological site, or

(b) to a building or work on land described in an environmental planning instrument as comprising or being within a conservation area or a heritage conservation area; or

(c) to a building or work on land described in an environmental planning instrument as comprising or being within a foreshore scenic protection area, a harbour foreshore preservation area or a beach front scenic protection area.

#### CERTAIN ANCILLARY OR INCIDENTAL DEVELOPMENT

10. (1) This clause applies to development on land for a purpose that is ancillary or incidental to a purpose for which the land may be used, being development -

- (a) for the purpose of parking, loading facilities, drainage, workers amenities, pollution control, security or for other similar purposes; or
- (b) which consists of the erection of fences, greenhouses, conservatories, garages, summer-houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, haysheds, stables, fowl-houses, pig sties, barns or the like ;

but does not apply to development authorised by clause 9 or to land to which State Environmental Planning Policy No. 14 - Coastal Wetlands applies.

- (2) Development that, but for this clause, could not be carried out except with development consent being obtained therefor may be carried out without that consent.

- (3) This clause does not apply:

- (a) to development carried out on land, or in relation to a building or work, described in an environmental planning instrument as a heritage item, an item of the environmental heritage or a potential historical archaeological site; or
- (b) to development carried out on land, or in relation to a building or work on land, described in an environmental planning instrument as comprising or being within a conservation area or a heritage conservation area; or
- (c) to development carried out on land, or in relation to a building or work on land, described in an environmental planning instrument as comprising or being within a foreshore scenic protection area, a harbour foreshore preservation area or a beach front scenic protection area; or
- (d) to land, or a building or work on land, a part of which land is used;
  - (i) as means of entrance to, or exit from, the land; or
  - (ii) for the loading, unloading, manoeuvring or parking of vehicles; or
  - (iii) for landscaping required to be carried out or maintained by reason of a condition imposed under the Act,

if the development would prevent or restrict that use of the part of the land.

#### CERTAIN DEVELOPMENT BY PUBLIC AUTHORITIES

- 11. (1) Where, in the absence of this clause, development, being the construction of water storage dams, sewage treatment works or electricity transmission lines

by or on behalf of a public authority may be carried out only with development consent being obtained therefor, that development may be carried out without that consent.

- \* (2) Subclause (1) does not apply to the following land:

Land within the Municipalities of Kiama and Shellharbour shown edged heavy black (other than land shown bounded by a black line edged by a broken line) on Sheet 1 of the map marked "Illawarra Regional Environmental Plan No. 2 - Jamberoo Valley".

Land shown edged heavy black on Sheet 1 of the map marked "Sydney Regional Environmental Plan No. 24 Homebush Bay Development Area".

- \* (3) In this clause, a reference to a map is a reference to a map deposited in the office of the Department of Planning;
- \*\* (3) Subclause (1) does not apply to a development consent referred to in subclause (1) that involves the carrying out of development for the purpose of an extractive industry on land to which Western Division Regional Environmental Plan No. 1 - Extractive Industries applies.

#### CERTAIN DEVELOPMENT ON ABORIGINAL AREAS, ETC.

- 11A. (1) This clause applies to development carried out on land dedicated or reserved under the National Parks and Wildlife Act, 1974, as an Aboriginal area, historic site, national park, nature reserve, State game reserve or State recreation area.
- (2) Where, in the absence of this clause, development to which this clause applies may be carried out only with development consent being obtained therefor, that development may be carried out without that consent.
- (3) A nominated authority shall not, in any area, carry out development to which this clause applies, being prescribed development, or cause or permit any such development to be carried out unless the nominated authority has -
  - (a) given notice in writing to the council of the area of its intention to carry out the development or cause or permit the development to be carried out; and
  - (b) given consideration to any matters requested, within 30 days of the council's having been given notice under paragraph (a), by the council to be taken into account before the development is carried out, being matters related to the fact that the intended development will be prescribed development.

*ref to  
a. 29.06.90  
of 5.12.89*

(4) In subclause (3) -

'area' has the meaning ascribed thereto in the Local Government Act, 1919;

'nominated authority' means -

(a) except as provided by paragraph (b), the Director of National Parks and Wildlife; and

(b) in relation to a prescribed development intended to be carried out in a state recreation area, the trustees of the state recreation area;

'prescribed development' means development which is likely -

(a) to generate traffic to an extent which will strain the capacity of the road system in the locality of the land on which the development is intended to be carried out or otherwise adversely affect the movement of traffic on that road system; or

(b) to otherwise significantly affect other land in that locality.

ERECTION AND USE OF PORTABLE CLASSROOMS

11B. (1) In this clause -

'State school' has the same meaning as it has in the Education and Public Instruction Act 1987.

(2) If, in the absence of this clause, the erection or use of a portable classroom on land on which a State school is situated may be carried out only with development consent being obtained, that development may be carried out without that consent.

(3) Nothing in this clause authorises -

(a) the erection, on land on which a State school is situated, of a portable classroom having a height exceeding 1 storey; or

(b) the use of a portable classroom erected on that land for a period exceeding 5 years from the date on which it was erected.

CLASSIFIED ROADS AND TOLL WORKS

11C. (1) In this clause:

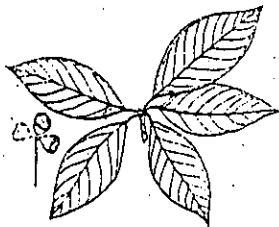
'classified road' means a classified road within the meaning of the State Roads Act 1986;

'toll work' means a work declared to be a toll work under section 46 of the State Roads Act 1986.

- (2) Where, in the absence of this clause, development for the purposes of a classified road or toll work, or a proposed classified road or toll work, may be carried out only with development consent being obtained therefor, that development may be carried out without that consent.

REGISTER OF VARIATIONS OF USES

12. Where a written notice given pursuant to clause 7 or 8 is received by a council, it shall forthwith record that fact in a register kept for that purpose.



BRUSH BOX  
*Lophosium confertus*

# N.E.F.A.

## NORTH EAST FOREST ALLIANCE

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

LISMORE: The Big Scrub Environment Centre Inc, 149 Keen St, Lismore, 2480. Ph 066 213 278, Fx 066 222 676

### SUBMISSION TO N.S.W. PARLIAMENT

### Timber Industry (Interim Protection) Bill, 1992

Hereunder is a submission prepared by the Wingham Forest Action on the behalf of the North East Forest Alliance (NEFA).

Within these pages are documentary proof that:

- \* forests for which the Premier decreed EIS's would be prepared, have been roaded and logged without EIS's;
- \* the Forestry Commission has deleted forests from the program of EIS's announced by the Premier on June 24 1990;
- \* areas of native forest in the Walcha-Nundle Management Area are still being cleared for more pine plantations despite repeated assurances from FCNSW that this was not happening;
- \* clearing of native forest for pine plantations is proceeding without an EIS despite a 12 year old promise that an Environmental Impact Statement would be prepared by FCNSW;
- \* FCNSW's soil conservation measures are inadequate & regularly cause erosion and significant pollution of watercourses.

From this submission and NEFA's briefing note on the TIIP Bill, (March 1992) it is clear that the Forestry Commission has utterly failed to honour the responsibilities of its charter: to supply timber at sustainable levels while protecting the environment.

The Commission has done more than make a few mistakes. The pattern of deceit, incompetence and confrontation has proven, absolutely conclusively, that the Forestry Commission cannot be TRUSTED.

Its time that the real root cause of the ongoing forest disputes is brought to account publicly. Parliament must take action, because successive governments have not, to ensure that no public assets continue to be managed by untrustworthy public servants.

Support for the Timber Industry (Interim Protection) Bill will entrench the unsustainable logging and environmental abuses of the last decade. It will reward the Commission for its illegality and continue the \$16,000,000 annual subsidies to the industry identified by the all party NSW Public Accounts Committee (PAC).

Please reject the Bill and demand that information on forest resources be put into the public domain, so informed consideration of alternatives to this draconian legislation can be made.

# Conservation at the Crossroads

An appeal to the NSW Parliament.

9th March 1992

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**Forestry Commission of New South Wales**

## **AUSTRALIA'S NATIVE FORESTS**

- A Gift from the Past*
- An Asset for the Present*
- A Promise for the Future*

## Conservation at the Crossroads

"To allow the devastation of the last remnants of our magnificent forests, scientific knowledge of which is still largely unknown, in order to preserve employment in the timber industry is akin to allowing the old masters in the National Gallery to be cut up in order to keep the manufacturers of coloured confetti in work".

Habitat protection is the key to species conservation. Australia has taken several major steps over recent years to address the enormous environmental problems associated with habitat destruction and species extinction. Having enacted legislation to protect the environment the NSW government now wants to repeal the legislation immediately it's effects are starting to be felt. If we are to protect our rapidly declining natural environment we must accept that there will have to be some changes to work practices and employment opportunities.

NSW is on the verge of returning to an environmental dark age of confrontation. Now that the conservation movement has repeatedly established at law that the logging of primary forests is in breach of most environmental protection legislation the government, with the collaboration of the Labour Opposition it seems, is trying to subvert the rule of law.

The Minister for Conservation and Land Management is urging timber workers to rally to demonstrate their opposition to endangered fauna protection as he tries desperately to exempt the Forestry Commission from the Environmental Planning and Assessment Act, the most basic of planning and environmental protection legislation. By supporting the Government's proposed Bill it appears the Opposition is prepared to risk losing any environmental credibility it might have had.



Compartments 129-134, Riamukka State Forest, part of the Premier's EIS strategy areas being roaded prior to logging. March 8th 1992. No EIS has been prepared.

The Forest Products Association has mounted a half million dollar campaign of misinformation claiming massive unemployment in the coming months. Meanwhile the silent majority who favour an end to environmental degradation are hard put to obtain a hearing in the current frenzy whipped up by the State Government and the timber industry.

It is only the jobs involved in the removal of the primary, original forest cover that are under threat. It has now been clearly established that it is not possible for current logging practices to continue in primary forest and at the same time comply with basic environmental protection legislation. Intense roading, logging and burning all combine to have a devastating and irreparable impact on the forest environment.

Only primary forest contains the very tall large trees, sometimes many hundreds of years old, that are needed to supply the few remaining large sawmills of the north coast. The secondary, logged or regrowth forests no longer contain enough big trees to satisfy the hunger of these industrial dinosaurs.

However, millions of hectares of secondary forest are still available to those sections of the timber industry not dependent on primary forest. These include the woodchip and pulp industries, the small sawlog mills, veneer mills sleeper cutting, durable pole supplies and salvage for bush sawn timber.

All these operations have received licences from the Parks Service, can generally comply with all existing legislation and continue uninterrupted to provide thousands of jobs both within and outside the forests.

The whole issue revolves around the environmental acceptability of the Forestry Commission's and the timber industry's presumption that they have the right to destroy the remaining unprotected primary forests on the north coast of NSW.

# Forestry Commission of N.S.W.



Forestry Office

P.O. Box 426,  
GLEN INNES, 2370.

Our reference: Mr. Furrer

Your reference: R.O. Ref/1646

The Secretary,  
Manning River T.C.M.,  
P.O. Box 482,  
TAREE, N.S.W. 2430.

Telephone (067)  
322111

Dear Sir,

I write in reply to your letter of 28th November, 1991 on the subject of pine plantation in the Nowendoc area.

Within the Manning River catchment clearing of native forest for pine plantation establishment concluded in December 1990. Parts of this area was planted in winter 1991 and the remainder will be planted next year.

My crown land is currently being cleared for pine plantation.

Despite assurances from the Forestry Commission that the practice has been discontinued (above), the clearing and burning of native forest for pine plantations continues in Walcha Nundle Management Area in Feb 1992 (below).





Plate 7.11. Earth crossing in C200 site 3. Filter strips have been cleared and sediment transport into drainage lines has resulted.



Plate 7.12. The yellow podzolic soil at this site appears to be dispersible. This sediment will pass into the stream system from both above and below the earth embankment.

The first logging cycle of the primary forest is almost complete. The Resource Assessment Commission put at 15% the amount of State Forest unlogged in NSW. Much of this is represented by small patches in otherwise logged forest.

The remainder, including a mere 180,000 Ha on the north coast is at the centre of the current dispute. This represents less than five percent of the total State forest resource. It is the last of the primary forest. It is irreplaceable and it is being removed at an ever increasing rate and will be gone in a decade or two.

#### Public Accounts Committee

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- 6.22 Further alarming the Committee was section 1.6.4 of the Management Plan for the Wingham Management Area (1985) which canvasses long-term prospects:

*"If it is assumed that the present level of cut continues and that there is no alteration in the current utilisation standards, the hardwood sawlog resources available from unlogged stands and the relogging of previously logged stands could be exhausted in the period 2005-2010. At this time the oldest significant area of regrowth resulting from earlier logging will be 60-65 years old. With current sawmill technology it is assumed that a rotation of at least 80 years is required to produce sawlogs of suitable size."*<sup>9</sup>

NSW Parliament. Public Accounts Committee Report on the Forestry Commission. Dec 1990.

Alternative employment must be found for the primary forest based employees. Changes in sawmill technology to accomodate smaller regrowth logs, a move to the establishment of a plantation based industry and the payment of compensation where appropriate are the ways to solve the problem. To exempt the timber industry from environmental laws on the other hand will only revive increased confrontation in the forests and will do nothing to solve the inevitable job losses which will occur in a few years time when the old growth resource runs out.

The future of any timber industry based on the old growth or primary forest resource is particularly bleak. Those based on regrowth and ultimately on plantations will provide the only viable investment and employment opportunities into the next millenium.

We cannot hope to set any example for halting deforestation and ending the dispossession of native tribal people's lands in the tropical and temperate forests of the rest of the world when we have already displaced Australia's own native people and continue to destroy the country's remaining forest.

If logging in primary forests is halted now, we still have a chance of taking some of our wildlife, their natural habitats and their wealth of hidden secrets into the next century beside us.

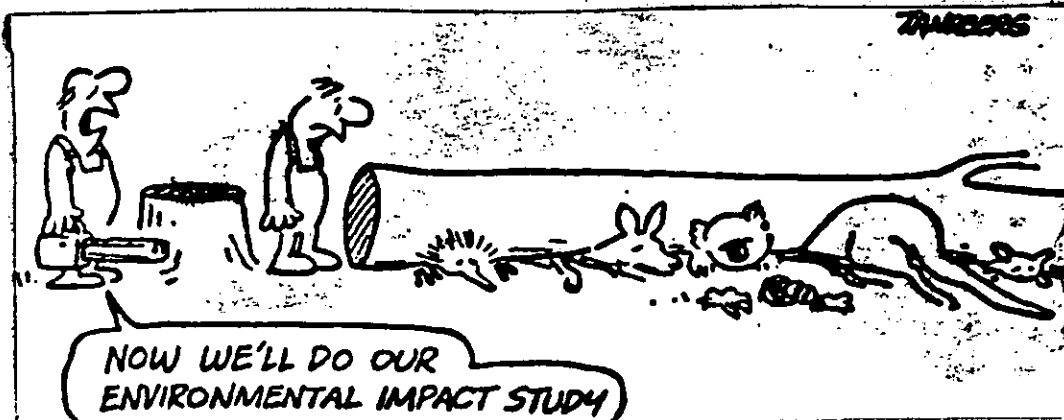
We implore the Labour Opposition and the independents to make a stand for habitat and species conservation by rejecting outright this Timber Industry (Interim Protection) Bill 1992.

-----

Prepared by:

Christopher Sheed. The Oxygen Farm Assoc. Inc.  
and  
Helmut Aimann. Wingham Forest Action.

Post Office Elands 2429 NSW (065)504572



Australian Conservation Foundation



NATURE CONSERVATION COUNCIL OF NSW



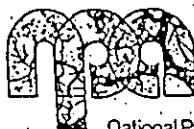
TOTAL ENVIRONMENT CENTRE



THE NATIONAL TRUST OF AUSTRALIA (New South Wales)



THE WILDERNESS SOCIETY



National Parks Association of NSW

SOUTH EAST  
FOREST ALLIANCE



FUND FOR ANIMALS

PRESS RELEASE \* \* PRESS RELEASE \* \* PRESS RELEASE \* \* PRESS RELEASE

11 March, 1992

## ENVIRONMENT GROUPS SLAM TIMBER BILL

NSW peak environment groups today condemned the Coalition, and Independents John Hutton and Terry Metherell, for supporting the Timber Industry (Interim Protection) Bill. Great criticism was also levelled at the ALP for supporting the general thrust of the Bill from the outset.

The environment groups saw Independents Peter Macdonald and Clover Moore as the only members willing to strongly oppose the whole Bill.

The groups agreed that the Bill has a number of dangerous and very disturbing provisions which threaten the future of nature conservation in NSW:

- \* The Environmental Planning and Assessment Act has been emasculated in relation to forestry operations.
- \* Logging can be carried out in 2-3 million hectares of State and privately owned forest in north-eastern NSW, including large areas of old growth forest, before environmental impacts have been assessed.
- \* Logging can proceed on private land in the north-east with almost no environmental controls.
- \* Some nominated wilderness areas, which include World Heritage quality forest, can be logged.
- \* The assessment of proposed national parks and wilderness areas is preempted.
- \* Environmental impact statements prepared by the Forestry Commission (an authority under the control of National Party Minister Gary West) will be judged by the Minister for Planning (National Party Minister Robert Webster).
- \* Emergency powers to protect endangered species under immediate threat have been eliminated in the north-east forests and in forestry operations on private land.
- \* Individuals will now find it much harder to challenge this legislation in Court.

For comments contact:

Rod Bennison, National Parks Association of NSW

264 7994

Sandra Heilpern, Nature Conservation Council of NSW

247 4206/922 7106

Sue Salmon, Australian Conservation Foundation

247 4285/211 5984

Milo Dunphy, Total Environment Centre

247 4714

Katherine Antram, Fund for Animals

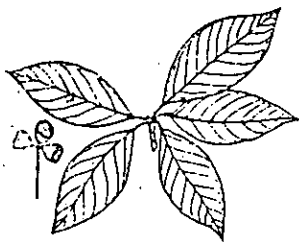
450 2122

Stephen Davies, National Trust of Australia (NSW)

258 0159

Rod Knight, The Wilderness Society

267 7929/810 6129



BRUSH BOX  
*Lophospermum confertus*

# N.E.F.A.

## NORTH EAST FOREST ALLIANCE

SYDNEY: NSW Environment Centre, 39 George St, The Rocks. 2000. Ph. 02 2474 206, Fx 02 2475 945  
LISMORE: The Big Scrub Environment Centre Inc, 149 Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 222 676

### SUBMISSION TO N.S.W. PARLIAMENT

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Within these pages are documentary proof that:

- \* forests for which the Premier decreed EIS's would be prepared, have been roaded and logged without EIS's;
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- \* clearing of native forest for pine plantations is proceeding without an EIS despite a 12 year old promise that an Environmental Impact Statement would be prepared by FCNSW;
- \* FCNSW's soil conservation measures are inadequate & regularly cause erosion and significant pollution of watercourses.

From this submission and NEFA's briefing note on the TIIP Bill, (March 1992) it is clear that the Forestry Commission has utterly failed to honour the responsibilities of its charter: to supply timber at sustainable levels while protecting the environment.

The Commission has done more than make a few mistakes. The pattern of deceit, incompetence and confrontation has proven, absolutely conclusively, that the Forestry Commission cannot be TRUSTED.

Its time that the real root cause of the ongoing forest disputes is brought to account publicly. Parliament must take action, because successive governments have not, to ensure that no public assets continue to be managed by untrustworthy public servants..

Support for the Timber Industry (Interim Protection) Bill will entrench the unsustainable logging and environmental abuses of the last decade. It will reward the Commission for its illegality and continue the \$16,000,000 annual subsidies to the industry identified by the all party NSW Public Accounts Committee (PAC).

Please reject the Bill and demand that information on forest resources be put into the public domain, so informed consideration of alternatives to this draconian legislation can be made.

New South Wales



AMENDED COPY.

LEGISLATIVE ASSEMBLY

MR PRESIDENT

The Legislative Assembly having had under consideration the Legislative Council's Message, dated 6 March 1992 requesting the concurrence of the Legislative Assembly with the amendments to the Timber Industry (Interim Protection) Bill as set forth in the Schedule to that Message, acquaints the Legislative Council that the Legislative Assembly—

- (1) Agrees to Amendments Nos. 1, 3 - 7 and 10 made by the Council in the bill.
- (2) Amendment No. 2

The Assembly disagrees with the proposed amendment because the provision highlights the requirement to comply with National Parks and Wildlife Fauna Licences.

- (3) Amendment No. 8

The Assembly disagrees with the proposed amendment because the clause amends the EPA Act to narrow the scope of the provisions of the EPA Act.

(4) Amendment No. 9

The Assembly disagrees with the proposed amendment because the clause provides a reporting mechanism on the operation of the Endangered Fauna (Interim Protection) Act 1991 but has re-drafted it below for quarterly reporting by the Minister for the Environment by 30 April 1992 instead.

- (5) As a consequence of the consideration of the Council amendments, the Assembly had this day resolved to reconsider all the clauses and schedules of the bill concurrently with the consideration of the Council amendments and accordingly, the Assembly proposes the following further amendments in the bill:

1. Clause 3. After clause 3 (d), insert:

(e) to provide that the Minister for Planning is to be the determining authority for logging operations that are subject to environmental impact statements obtained by the Forestry Commission under this Act; and

2. Clause 6. At the end of the clause, insert:

(2) However, if the Forestry Commission obtains an environmental impact statement after the commencement of this Act in respect of any such logging operations, the Forestry Commission is not to carry out, or approve or permit, those logging operations unless the Minister for Planning has determined it may do so in accordance with section 8.

3

(3) For the purposes of this section, Part 5 of the EPA Act may be complied with before or after the commencement of this Act.

3. Clause 6A. After clause 6, insert:

Timetable for assessment of wilderness proposals in moratorium areas

6A. (1) The Director of National Parks and Wildlife is to advise the Minister administering the Wilderness Act 1987 in relation to the proposals under section 7 of that Act described in Schedule 1B by the date specified in that Schedule in relation to the proposal, but in any case within the 2-year period referred to in that section.

(2) The Director of National Parks and Wildlife is required to supply a copy of that advice to the Director of Planning.

4. Clause 7. Omit clause 7 (4), insert instead:

(4) If the Forestry Commission obtains any such environmental impact statement and the Minister for Planning determines in accordance with section 8 whether or not it may carry out, or approve or permit, the logging operations to which the statement applies, the suspension of Part 5 of the EPA Act in relation to those logging operations ceases.

(5) However, if the Minister for Planning has not made that determination by the end of the period of 3 months after the completion of the period of public exhibition for the environmental impact statement, the suspension of Part 5 of the EPA Act ceases at the end of that 3-month period.

5. Clause 8. After clause 7, insert:

Minister for Planning to be determining authority  
for environmental impact statements on logging  
operations

8. (1) The Minister for Planning is to determine whether the Forestry Commission may carry out, or approve or permit, logging operations on any land specified in Schedule 1, 1A or 2 in respect of which the Forestry Commission has obtained an environmental impact statement after the commencement of this Act unless the Commission decides not to proceed with the logging operations.

(2) The Minister for Planning may make that determination unconditionally or subject to conditions and may revoke or vary any such condition. The Minister's determination (and any decision to revoke or vary a condition) are to be made public.

(3) The Minister for Planning is not to make that determination until the Forestry Commission has complied with the provisions of Part 5 of the EPA Act relating to the public exhibition of the environmental impact statement.

(4) Before making that determination, the Minister for Planning is to obtain a report from the Director of Planning. The Director is to make public that report.

(5) When preparing that report, the Director of Planning is to examine the environmental impact statement, the representations made in response to the public exhibition of the statement and any submissions from the Forestry Commission. In relation to land specified in Schedule 1A, the Director of Planning is also to take into account the advice of the Director of National Parks and Wildlife in respect of the wilderness proposal concerned.

(6) The Minister for Planning must consult with the Minister responsible for the Forestry Commission before making a determination.

(7) When making that determination, the Minister for Planning is to take into account the report of the Director of Planning and any submission from the Minister responsible for the Forestry Commission.

(8) If the Minister for Planning makes a determination under this section:

- (a) the determination is, for the purposes of Part 5 of the EPA Act, taken to be a decision of a determining authority, and that Act applies to the determination and the environmental impact statement accordingly; and

(b) the Forestry Commission is not required to comply with sections 112 and 113 of the EPA Act with respect to logging operations authorised by the Minister's determination and, for the purposes of any Act (other than the EPA Act), is taken to have complied with those sections.

However, paragraph (b) does not operate to exclude any requirement which might arise under Part 5 of the EPA Act to obtain a further environmental impact statement after the Minister's determination.

6. Clause 11. Omit the clause (expiry of Act).
7. Clause 15. Omit "Director of National Parks and Wildlife", insert instead "Minister for the Environment" and omit "31 March 1992" , insert instead "30 April 1992".
8. Clause 16. At the end of clause 16, insert:
  - (2) Immediately after the Forestry Commission obtains any such environmental impact statement, the Forestry Commission is required to forward a copy of the statement to the Parliamentary Librarian to form part of the Parliamentary Library's collection.
  - (3) The quarterly report tabled for an area for the quarter ending on or including the date specified below is to include a statement of the outcomes of the environmental assessment undertaken under this Act in relation to the area:
    - (a) Areas 1-4 - 31 December 1992.
    - (b) Areas 5-7 - 30 September 1993.
    - (c) Areas 8-10 - 31 March 1994.
    - (d) Areas 11-13 - 30 September 1994.
    - (e) Areas 14 and 15 - 31 December 1994.

9. Clause 17. After clause 16, insert:

**Expiry of this Act**

17. This Act expires on 31 December 1994, except for sections 1, 2, 4, 8 (8), 14, 15 and 17.

10. All clauses of the Bill. After "Schedules 1" wherever occurring, insert ", 1A" and after "Schedule 1" wherever occurring, insert "or 1A".

11. Schedule 1A. After Schedule 1, insert the following Schedules:

**SCHEDULE 1A - LAND SUBJECT TO PROPOSALS UNDER  
SECTION 7 OF WILDERNESS ACT 1987 ALSO SUBJECT  
TO MORATORIUM ON LOGGING OPERATIONS**

Those areas of land the subject of proposals received and being considered, as at the date of assent to this Act, by the Director of National Parks and Wildlife under section 7 of the Wilderness Act 1987 and referred to for the purposes of the proposals as follows:

Guy Fawkes

Mann (but not including that part of the land that is the site of the proposed Mosquito Creek Road)

Washpool (but only including those parts of the land that are within Glen Innes and Casino West Management Areas)

New England (but only including those parts of the land that are within Styx River Management Area)

Werrikimbe (but only including that part of the land that is within the Wauchope Management Area)

Barrington (but only including those parts of the land

that are within Gloucester and Chichester  
Management Areas)

Macleay Gorges

Deua

SCHEDULE 1B - TIMETABLE FOR ASSESSMENT OF  
WILDERNESS PROPOSALS REFERRED TO IN SCHEDULE 1A

Proposal	Date
Guy Fawkes	31 October 1992
Mann	31 October 1992
Washpool	31 October 1992
New England	31 May 1993
Werrikimbe	31 May 1993
Barrington	30 September 1993
Macleay Gorges	30 April 1994
Deua	30 September 1994

12. Schedule 2 (as printed). Omit "specified in Schedule 1",  
insert instead "specified in Schedule 1 or 1A".
-

The Assembly proposes these further amendments because it—

- provides alternate proposals to the proposed Forestry Committee which was rejected by the Council;
- enhances the operational provisions of the legislation;
- provides for consequential matter in the schedules.

And the Legislative Assembly in requesting the concurrence of the Legislative Council in its disagreement from the Council amendments and the further amendments proposed by the Assembly in the bill wishes to emphasise that the proposed amendments ~~is~~ are not in derogation of the principles incorporated in the bill and that it does not desire that its action be drawn into a precedent by either House.



Speaker

Legislative Assembly  
11 March 1992, am.

\* The Map released with Greiner's 1990 EIS statement indicated that at least a part of Jenner State Forest would be subject to EIS.

\* Jenner SF contains approximately 1,000 ha of Old Growth Forest.

\* The Premier announced 180,000 ha subject to EIS, yet the Forestry Commission list released shortly after totalled only 169,600 ha.

\* Jenner State Forest had totally disappeared from the list, as had parts of Riamuka + Tuggolo State Forests.

\* The Forestry Commission have applied for + been granted an NPWS license over Jenner State Forest.

## TIMBER INDUSTRY (INTERIM PROTECTION) BILL

### PROPOSED ADDITIONS TO SCHEDULE 1

#### JENNER S.F.

- \* Area was not part of original moratorium area, and has no particular merits for inclusion.
- \* Area is partly logged over last 18 months. some other areas appear to be regrowth from clearing last century.

#### CPT 74 KNORRIT S.F.

- \* Agreed - a drafting error.

#### RIAMUKKA S.F. CPTS 139-143, 109, 129-134

- \* Cpts 109 and 143 already logged.
- \* Areas already roaded and gravelled in preparation for logging.
- \* Areas are very significant resource areas. They constitute over 10 months supply to the local sawmills, i.e. almost 40% of that need to maintain supplies until the EIS is completed in April 1994.
- \* Cpts 129-134 are critical wet weather supplies.

- \* Jenner was part of moratorium as per the documents I gave you earlier. Addition welcome though dishonest.
- \* The Riamukka addition does not include all the compartments from the 1990 Moratorium announcement, but we don't have a list. ~~From~~ Gary West should be asked to table the map from which the Greiner map was drawn (the one I gave you earlier), along with a comparison of compartments which appeared in the subsequent colour map (see West's briefing paper).
- \* The only additions which will substantially change a single thing in favour of forest protection would be to schedule all ~~non~~ areas nominated under the Wilderness Act, with power for the NPWS Director to exclude areas definitely not wilderness. These areas are: Washpool, New England, Oxley wild rivers (Macleay), Bindery (Mann), Barrington, Guy →

Fairkes + Werrikimbe. ~~They don't~~ Werrikimbe is the only area I know of where logging is imminent (Carrai Plateau), but a resource shortage could probably be avoided by the Commission determining the mistake State Forest EIS + making the quota timber from this non-controversial area available either in Kempsey or to allow free up supply for Kempsey.

This is part of the info we requested from West on Tuesday that has not yet surfaced.

Red Knight.

## **TIMBER INDUSTRY (INTERIM PROTECTION) BILL**

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LEGISLATIVE ASSEMBLY

Timber Industry (Interim Protection) Bill 1992

Amendments to be moved in Committee

- No. 1 Page 2, clause 3 (f). Omit the paragraph.
- No. 2 Page 4, clause 8. At the end of clause 8, insert:  
(2) Nothing in this section affects any licence or any conditions or restrictions contained in any licence issued under the National Parks and Wildlife Act 1974 by the Director of the National Parks and Wildlife.
- No. 3 Page 4, clause 9. Omit the clause.
- No. 4 Page 4, clause 10. At the end of clause 10 (3) (b), insert:  
; and  
(c) the logging operations concerned are proposed to be conducted in a manner which mitigates their environmental impacts to the greatest practicable extent.
- No. 5 Page 5, clause 10. Omit clause 10 (4), insert instead:  
(4) During the period in which a regulation is in force in relation to land, the application of the provisions of the EPA Act referred to in subsection (5) in respect of logging operations being carried out or proposed to be carried out on the land is suspended.
- No. 6 Page 5, clause 10. After clause 10 (7), insert:  
(8) Within 2 working days after the making of a regulation under this section, the Minister must cause to be published and notified in a newspaper circulating State-wide a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving reasons for the certification referred to in subsection (3).
- No. 7 Page 5. After clause 11, insert:  
Constitution and functions of the Forestry Committee  
12. (1) Despite the provisions of sections 112 and 113 of the EPA Act, for the purposes of examining and considering an environmental impact statement obtained by or furnished to the Forestry Commission or any other determining authority in relation to

logging operations and for the purpose of determining whether to grant an approval in relation to such an activity, the determining authority is to be the Forestry Committee established by this section.

(2) The Minister for Conservation and Land Management and the Minister for the Environment are to appoint the following persons to constitute the Forestry Committee within 1 month after the commencement of this Act:

- (a) one person with expertise in the assessment and conservation of fauna likely to occur in forested regions in New South Wales;
  - (b) one person with expertise in the botanical sciences;
  - (c) one person with expertise in ecological processes;
  - (d) one person with expertise in resource economics;
  - (e) one person with expertise in soil erosion,
- all of whom must be independent of the Forestry Commission.

(3) Schedule 3 has effect with respect to the members and procedures of the Forestry Committee.

(4) The Committee is to determine whether to grant an approval in relation to such an activity pursuant to section 112 (4) of the EPA Act as soon as possible and not later than 2 months after the completion of the exhibition period of the environmental impact statement.

No. 8      Page 5. After proposed clause 12, insert:  
Proceedings for breaches of this Act and the regulations

13. (1) Any person may take proceedings to restrain or remedy breaches (including threatened or apprehended breaches) of this Act and any regulation made under this Act.

(2) Jurisdiction to hear and determine any such proceedings is conferred on the Land and Environment Court.

(3) Without limiting or affecting any other power of the Land and Environment Court, the Court, constituted by a Judge, may dismiss any such proceedings if the Court is of the opinion that the proceedings:

- (a) are unmeritorious, trivial or vexatious; or
- (b) do not raise questions affecting the public interest.

No. 9      Page 5. After proposed clause 13, insert:  
Amendment of EPA Act

14. The EPA Act is amended by omitting the words "protected fauna" wherever occurring and by inserting instead the words "endangered fauna".

- No. 10 Page 5. After proposed clause 14, insert:  
Quarterly reporting by Director of National Parks and Wildlife  
15. The Director of National Parks and Wildlife is to make a quarterly report to both Houses of Parliament on the operation of the Endangered Fauna (Interim Protection) Act 1991. The first such report is to be made by 31 March 1992.
- No. 11 Page 5. After proposed clause 15, insert:  
Quarterly reporting by the Minister  
16. The Minister is to table a quarterly report, or cause a quarterly report to be tabled, in both Houses of Parliament on the status of environmental impact statements obtained or being obtained by the Forestry Commission in respect of land specified in Schedule 2. The first such report is to be tabled by 31 March 1992.
- withdrawn* No. 12 Page 7, Schedule 1. At the end of that part of Schedule 1 headed "TENTERFIELD MANAGEMENT AREA", insert:  
The whole of Jenner State Forest,  
Riamukka State Forest, Compartments 109, 129-134, 139, 140, 141, 142 and 143.
- No. 13 Page 12, Schedule 1. In that part of Schedule 1 headed "WINGHAM MANAGEMENT AREA" which contains a description of parts of Knorrit State Forest, Dingo State Forest and Bulga State Forest, after "72,", insert "74,".
- No. 14 Page 14. After Schedule 2, insert:

### SCHEDULE 3 - THE FORESTRY COMMITTEE

(Sec. 12)

1. At the first meeting of the Forestry Committee the members are to elect a Convenor.
2. Two members form a quorum at any meeting of the Forestry Committee and any duly convened meeting at which a quorum is present is competent to exercise any function of the Committee.
3. Questions arising at a meeting of the Forestry Committee are to be determined by a majority of votes of the members present and voting.
4. The procedures for the calling of meetings, their frequency and the conduct of business at meetings is to be as determined by the Forestry Committee at its first meeting (and at subsequent meetings if necessary).

5. Each member of the Forestry Committee is entitled to receive such remuneration (including travelling and subsistence allowances) for attending meetings and exercising functions of the Committee as the Minister may from time to time determine in respect of him or her.

6. In the event of a casual vacancy, the Minister for Conservation and Land Management and the Minister for the Environment must immediately fill the vacancy by appointing a person having the requisite qualification.

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**LEGISLATIVE ASSEMBLY**

**Timber Industry (Interim Protection) Bill 1991**

**Amendments to be moved in Committee**

- No.1 Page 2, clause 1. Omit "Timber Industry (Interim Protection) Act" and insert "Forestry Commission (Validation of Illegal Activities) Act."
- No.2 Page 3, clause 3. Insert where appropriate:
- (a) to authorise illegal breaches of the Environmental Planning and Assessment Act 1979, by the Forestry Commission and others for a temporary period;
- Renumber succeeding paragraphs.
- No.3 Page 2, clause 3(e). Omit the words "including the sustainable yield strategies contained in the management plan prepared by the Forestry Commission applied to the land".
- No.4. Pages 3, clause 7.  
Omit "Part 5" and insert instead "sections 112 and 113" wherever occurring.
- No.5 Page 3, clause 7(2).  
Omit "should" and insert "must".
- No.6 Page 44, clause 8.  
Omit paragraph (a) and insert:
- (a) The management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, insofar as it implements sustained yield logging operations; and
- No.7 Page 5, clause 10(6). Insert after "provisions" second occurring:
- , provided that those operations are carried out in accordance with the prescriptions contained in the management plan and the code of logging practices applicable to the management area or forestry region in closest proximity to the land on which the operations are proposed to be carried out
- No.8 Page 5. After clause 11, insert:
- "12(1) All codes of logging practices referred to in section 8(b) shall be made publicly available and exhibited at Forestry Commission District and Regional offices in each management area referred to in Schedules 1 and 2 to this Act and at the New South Wales Environment Centre for a period of two months. The Forestry Commission must cause to be placed in a newspaper circulating State-wide a notice:
- (a) outlining the purpose of the exhibition;
  - (b) stating the locations where copies of the codes may be inspected or purchased; and

- 
- (c) inviting public submissions for a period of not less than 56 days after the date of notice.
- (2) All codes placed on exhibition shall be reviewed by a Committee comprising:
- (a) one person nominated by the Forestry Commission;
  - (b) one person nominated by the National Parks and Wildlife Service;
  - (c) one person nominated by the Soil Conservation Service;
  - (d) one person nominated by the Forest Products Association;
  - (e) one person nominated by the Nature Conservation Council;
  - (f) one person nominated by the Ecological Society of Australia;
  - (g) one person nominated by CSIRO with qualifications in soil science.
- (3) The Committee shall commence its operations within one month of the commencement of this Act notwithstanding that all members have not been appointed to the Committee.
- (4) The Committee shall take into account public submissions made during the exhibition period, including submissions from public authorities, and shall report to the Forestry Commission and to Parliament on whether the codes promote ecologically sustainable development and are in accordance with good environmental management practice, and shall make its report public at the same time.
- (5) "Ecologically sustainable development" in this Act has the same meaning as in the Protection of the Environment Administration Act 1991"

COMMENT ON THE PROPOSED AMENDMENTS BY THE GOVERNMENT TO THE  
TIMBER INDUSTRY (INTERIM PROTECTION ) BILL

1. The amendments create two laws for the state - one in the south east and another in the north east. In the north east stop work orders do not apply, nor do site specific environmental impact statements. In the south east both do. This is illogical and can only lead to pressures to also exempt the south east.

2. The amendments to new clause 8 make the Minister for Planning the determining authority for Forestry Commission EISs. He is not competent to do this, nor does his department have the resources to undertake the required Director's examination (Will the Director get extra resources?). Further this part of the Bill is extended indefinitely and is not caught by the expiry date of end 1994.

However, the Minister for Planning is the determining authority only for three months, after exhibition of the EIS. If he does not make a determination within this time then the process reverts back to the EPA Act and Forestry Commission determination. The time limit of three months also imposes significant constraints on the Director of the DOP in carrying out the examination, particularly for such a large management area-wide EIS.

3. The amendments remove the sunset clause on the EIS process and in particular override the Jarasius case as it applies to the north east. It is no longer an interim bill.

8(5)(b)

The case found that site-specific EIS can be required after the management-wide EIS are done, ~~as they will be under this Act~~. This is resource security by stealth and does not allow for changes in the project or new information to undergo environmental impact assessment. For example what if the north east is subject to a major expansion of woodchipping - under this Bill there will be no EIS or public comment.

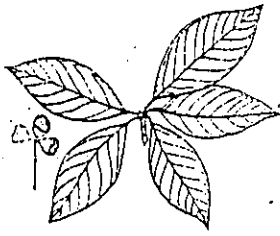
4. Stop work orders under the Endangered Fauna Act do not apply to state forest or private land. This is particularly worrying in the case of private land as there are virtually no environmental protection measures and emergency measures are no longer available.

5. The new Schedule 1A, which applies to wilderness areas subject of nomination and consideration by the Director of the NPWS, is incomplete. It does not include areas that are designated for imminent logging and could be placed on the World Heritage List. For example, New England is mostly unprotected, Mann is split in two, and parts of Werrikimbe and North Washpool are exempted.

6. The third party rights placed by the ALP are removed. Further under new clause 8 (8)(b) there is retrospective removal of third party rights to challenge the EIS.

7. The Minister for Environment is to make the report on the operation of the Endangered Fauna Act. This will allow for a sanitised report.

8. The government accepts only the ALP amendments that clarify that NPWS licences prevail over Forestry Commission management plans, and reporting requirements by the Minister on this and the Endangered Fauna Act.



BRUSH BOX  
*Lophosium confertus*

# N.E.F.A.

## NORTH EAST FOREST ALLIANCE

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

LISMORE: The Big Scrub Environment Centre Inc, 149 Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 222 676

### SUBMISSION TO N.S.W. PARLIAMENT

### Timber Industry (Interim Protection) Bill, 1992

Hereunder is a submission prepared by the Wingham Forest Action on the behalf of the North East Forest Alliance (NEFA).

Within these pages are documentary proof that:

- \* forests for which the Premier decreed EIS's would be prepared, have been roaded and logged without EIS's;
- \* the Forestry Commission has deleted forests from the program of EIS's announced by the Premier on June 24 1990;
- \* areas of native forest in the Walcha-Nundle Management Area are still being cleared for more pine plantations despite repeated assurances from FCNSW that this was not happening;
- \* clearing of native forest for pine plantations is proceeding without an EIS despite a 12 year old promise that an Environmental Impact Statement would be prepared by FCNSW;
- \* FCNSW's soil conservation measures are inadequate & regularly cause erosion and significant pollution of watercourses.

From this submission and NEFA's briefing note on the TIIP Bill, (March 1992) it is clear that the Forestry Commission has utterly failed to honour the responsibilities of its charter: to supply timber at sustainable levels while protecting the environment.

The Commission has done more than make a few mistakes. The pattern of deceit, incompetence and confrontation has proven, absolutely conclusively, that the Forestry Commission cannot be TRUSTED.

Its time that the real root cause of the ongoing forest disputes is brought to account publicly. Parliament must take action, because successive governments have not, to ensure that no public assets continue to be managed by untrustworthy public servants.

Support for the Timber Industry (Interim Protection) Bill will entrench the unsustainable logging and environmental abuses of the last decade. It will reward the Commission for its illegality and continue the \$16,000,000 annual subsidies to the industry identified by the all party NSW Public Accounts Committee (PAC).

Please reject the Bill and demand that information on forest resources be put into the public domain, so informed consideration of alternatives to this draconian legislation can be made.

# Conservation at the Crossroads

An appeal to the NSW Parliament.

9th March 1992

---



**Forestry Commission of New South Wales**

## **AUSTRALIA'S NATIVE FORESTS**

- A Gift from the Past*
- An Asset for the Present*
- A Promise for the Future*

## Conservation at the Crossroads

"To allow the devastation of the last remnants of our magnificent forests, scientific knowledge of which is still largely unknown, in order to preserve employment in the timber industry is akin to allowing the old masters in the National Gallery to be cut up in order to keep the manufacturers of coloured confetti in work".

Habitat protection is the key to species conservation. Australia has taken several major steps over recent years to address the enormous environmental problems associated with habitat destruction and species extinction. Having enacted legislation to protect the environment the NSW government now wants to repeal the legislation immediately it's effects are starting to be felt. If we are to protect our rapidly declining natural environment we must accept that there will have to be some changes to work practices and employment opportunities.

NSW is on the verge of returning to an environmental dark age of confrontation. Now that the conservation movement has repeatedly established at law that the logging of primary forests is in breach of most environmental protection legislation the government, with the collaboration of the Labour Opposition it seems, is trying to subvert the rule of law.

The Minister for Conservation and Land Management is urging timber workers to rally to demonstrate their opposition to endangered fauna protection as he tries desperately to exempt the Forestry Commission from the Environmental Planning and Assessment Act, the most basic of planning and environmental protection legislation. By supporting the Government's proposed Bill it appears the Opposition is prepared to risk losing any environmental credibility it might have had.



Compartments 129-134, Riamukka State Forest, part of the Premier's EIS strategy areas being roaded prior to logging. March 8th 1992. No EIS has been prepared.

The Forest Products Association has mounted a half million dollar campaign of misinformation claiming massive unemployment in the coming months. Meanwhile the silent majority who favour an end to environmental degradation are hard put to obtain a hearing in the current frenzy whipped up by the State Government and the timber industry.

It is only the jobs involved in the removal of the primary, original forest cover that are under threat. It has now been clearly established that it is not possible for current logging practices to continue in primary forest and at the same time comply with basic environmental protection legislation. Intense roading, logging and burning all combine to have a devastating and irreparable impact on the forest environment.

Only primary forest contains the very tall large trees, sometimes many hundreds of years old, that are needed to supply the few remaining large sawmills of the north coast. The secondary, logged or regrowth forests no longer contain enough big trees to satisfy the hunger of these industrial dinosaurs.

However, millions of hectares of secondary forest are still available to those sections of the timber industry not dependent on primary forest. These include the woodchip and pulp industries, the small sawlog mills, veneer mills sleeper cutting, durable pole supplies and salvage for bush sawn timber.

All these operations have received licences from the Parks Service, can generally comply with all existing legislation and continue uninterrupted to provide thousands of jobs both within and outside the forests.

The whole issue revolves around the environmental acceptability of the Forestry Commission's and the timber industry's presumption that they have the right to destroy the remaining unprotected primary forests on the north coast of NSW.

# Forestry Commission of N.S.W.



Forestry Office

P.O. Box 426,

GLEN INNES, 2370.

Our reference: Mr. Furrer

Your reference: R.O. Ref/1646

The Secretary,  
Manning River T.C.M.,  
P.O. Box 482,  
TAREE, N.S.W. 2430.

Telephone (067)  
322111

Dear Sir,

I write in reply to your letter of 28th November, 1991 on the subject of pine plantation in the Nowendoc area.

Within the Manning River catchment clearing of native forest for pine plantation establishment concluded in December 1990. Parts of this area was planted in winter 1991 and the remainder will be planted next year.

No crown land is currently being cleared for pine plantation.

Despite assurances from the Forestry Commission that the practice has been discontinued (above), the clearing and burning of native forest for pine plantations continues in Walcha Nundle Management Area in Feb 1992 (below).





Plate 7.11. Earth crossing in C200 site 3. Filter strips have been cleared and sediment transport into drainage lines has resulted.



Plate 7.12. The yellow podzolic soil at this site appears to be dispersible. This sediment will pass into the stream system from both above and below the earth embankment.

The first logging cycle of the primary forest is almost complete. The Resource Assessment Commission put at 15% the amount of State Forest unlogged in NSW. Much of this is represented by small patches in otherwise logged forest.

The remainder, including a mere 180,000 Ha on the north coast is at the centre of the current dispute. This represents less than five percent of the total State forest resource. It is the last of the primary forest. It is irreplaceable and it is being removed at an ever increasing rate and will be gone in a decade or two.

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Public Accounts Committee

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- 6.22 Further alarming the Committee was section 1.6.4 of the Management Plan for the Wingham Management Area (1985) which canvasses long-term prospects:

*"If it is assumed that the present level of cut continues and that there is no alteration in the current utilisation standards, the hardwood sawlog resources available from unlogged stands and the relogging of previously logged stands could be exhausted in the period 2005-2010. At this time the oldest significant area of regrowth resulting from earlier logging will be 60-65 years old. With current sawmill technology it is assumed that a rotation of at least 80 years is required to produce sawlogs of suitable size."*<sup>9</sup>

NSW Parliament. Public Accounts Committee Report on the Forestry Commission. Dec 1990.

Alternative employment must be found for the primary forest based employees. Changes in sawmill technology to accomodate smaller regrowth logs, a move to the establishment of a plantation based industry and the payment of compensation where appropriate are the ways to solve the problem. To exempt the timber industry from environmental laws on the other hand will only revive increased confrontation in the forests and will do nothing to solve the inevitable job losses which will occur in a few years time when the old growth resource runs out.

The future of any timber industry based on the old growth or primary forest resource is particularly bleak. Those based on regrowth and ultimately on plantations will provide the only viable investment and employment opportunities into the next millenium.

We cannot hope to set any example for halting deforestation and ending the dispossession of native tribal people's lands in the tropical and temperate forests of the rest of the world when we have already displaced Australia's own native people and continue to destroy the country's remaining forest.

If logging in primary forests is halted now , we still have a chance of taking some of our wildlife, their natural habitats and their wealth of hidden secrets into the next century beside us.

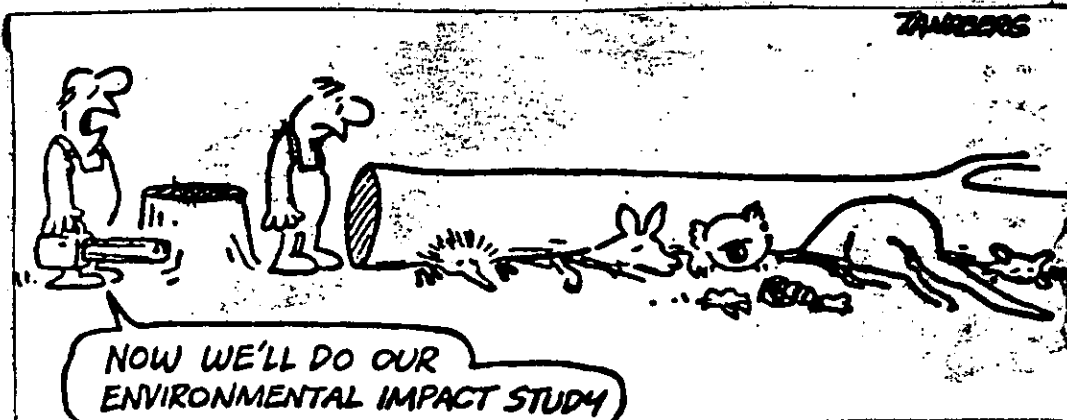
We implore the Labour Opposition and the independents to make a stand for habitat and species conservation by rejecting outright this Timber Industry (Interim Protection) Bill 1992.

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Prepared by:

Christopher Sheed. The Oxygen Farm Assoc. Inc.  
and  
Helmut Aimann. Wingham Forest Action.

Post Office Elands 2429 NSW (065)504572



Under licences for which the F.C. certified they had complied with the E.P.A. Act is included one compartment covered by Greiner's old growth moratorium:

WAUCHOPE : BELANGERA S.F. Cmpt. 46.

Under General licence No. T50045, 27.2.92 issued by the NPWS the F.C. was not required to certify that they had complied with the E.P.A. Act. Though they are for areas in which they want to commence operations prior to 17 March 1992. This list includes 2 areas which Greiner included in his announcement but which were subsequently dropped from F.C. lists:

WALCHA - NUNDLE M.A. : RIAMUKKA S.F. : Cmpts 139, 140, 141, 142, 144.

TENTERFIELD M.A. : JENNER S.F. : Cmpts. 412, 413, 414, 415.

It also includes further compartments covered by Greiner's moratorium:

WALCHA - NUNDLE M.A. : NOWENDOC S.F. : Cmpt 219

: TUGGULO S.F. : Cmpts 268, 269

Dailan.

## Conservation at the Crossroads

"To allow the devastation of the last remnants of our magnificent forests, scientific knowledge of which is still largely unknown, in order to preserve employment in the timber industry is akin to allowing the old masters in the National Gallery to be cut up in order to keep the manufacturers of coloured confetti in work".

Habitat protection is the key to species conservation. Australia has taken several major steps over recent years to address the enormous environmental problems associated with habitat destruction and species extinction. Having enacted legislation to protect the environment the NSW government now wants to repeal the legislation immediately its effects are starting to be felt. If we are to protect our rapidly declining natural environment we must accept that there will have to be some changes to work practices and employment opportunities.

NSW is on the verge of returning to an environmental dark age of confrontation. Now that the conservation movement has repeatedly established at law that the logging of primary forests is in breach of most environmental protection legislation the government, with the collaboration of the Labour Opposition it seems, is trying to subvert the rule of law.

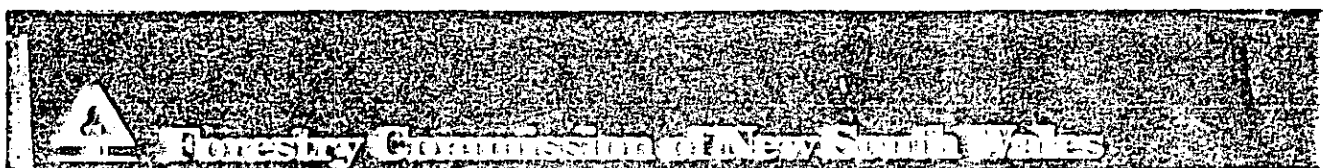
The Minister for Conservation and Land Management is urging timber workers to rally to demonstrate their opposition to endangered fauna protection as he tries desperately to exempt the Forestry Commission from the Environmental Planning and Assessment Act, the most basic of planning and environmental protection legislation. By supporting the Government's proposed Bill it appears the Opposition is prepared to risk losing any environmental credibility it might have had.

# Conservation at the Crossroads

An appeal to the NSW Parliament.

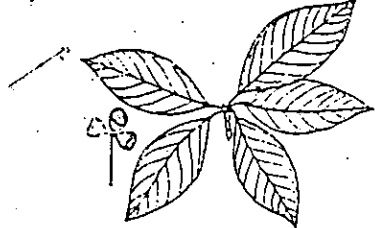
9th March 1992

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## AUSTRALIA'S NATIVE FORESTS

- *A Gift from the Past*
  - *An Asset for the Present*
  - *A Promise for the Future*
-



BRUSH BOX

*Corynestoma confertus*

# N.E.F.A.

## NORTH EAST FOREST ALLIANCE

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

LISMORE: The Big Scrub Environment Centre Inc, 149 Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 222 676

### BACKGROUND BRIEFING ON TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

9th March 1992

SUPPORT FOR THE TIMBER INDUSTRY (INTERIM PROTECTION) BILL IS  
SUPPORT FOR:

- \* UNSUSTAINABLE LOGGING
- \* RAINFOREST LOGGING
- \* WILDERNESS DESTRUCTION
- \* CONVERSION OF NATIVE FOREST TO PINE PLANTATIONS
- \* DESTRUCTION OF ABORIGINAL SITES
- \* REMOVAL OF ENVIRONMENTAL SAFEGUARDS
- \* FORESTRY COMMISSION DECEIT
- \* INTENSIFIED CONFLICT AND CONFRONTATION

HERE'S WHY:

#### 1. CAN MANAGEMENT PLANS BE RELIED UPON?

Sections 3 (e) and 8 (a) of the Bill are designed to give a form of "resource security" to the timber industry by guaranteeing the volumes of timber specified in Forestry Commission management plans. This has the dangerous effect of allowing unsustainable logging, rainforest logging and conversion of native forests to pine plantations to continue unchecked. These problems are compounded because, while the Forestry Commission has undertaken to revise management plans every five years or 10 years "at the latest", on the north coast 8 management plans are 10-15 years old and 14 are 5-10 years old. Thus much of the data and prescriptions are out of date and inaccurate.

While the Forestry Commission claims to have a sustained yield strategy they are not logging on a sustainable basis in many management areas. Their evident strategy in some management areas is to cut-out the old growth forests then drastically reduce, or eliminate, quotas and then manage the regrowth forests on a sustainable basis at some future time. It is evident from reading management plans and annual reports that in many management areas estimates of available

volumes are often inaccurate and significant shortfalls are occurring in some management areas the Commission considers to be on sustained yield.

Section 8 states "a person who carries out logging operations on any land specified in Schedule 2 ... must comply with:

(a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan"

### 1.1 MANAGEMENT PLANS REQUIRE THAT SOME FORESTS MUST BE LOGGED ON AN UNSUSTAINABLE BASIS.

The current Management Plan for Casino West Management Area (1979) states:

"...the current hardwood sawlog yield of 21 000 m<sup>3</sup> nett quota per annum from the Ewingar forests could only extend until about mid 1995... it is estimated that a replacement mature sawlog crop could not be recruited for approximately a further sixty years. Consequently, the sustained yield rate of sawlog production from the Ewingar forests would be only about one quarter of the present rate of cut." (p.23a)

The Casino West Management Plan Annual Report 1988/89 notes that for the Ewingar Working Circle the hardwood quota was still 21 000 m<sup>3</sup> nett with 22 239 m<sup>3</sup> nett cut in 1987/88 and 18 416 m<sup>3</sup> cut in 1988/89. Over a period of ten years there had been no attempt whatsoever to reduce the quota to a sustainable level. There is still no intent to do so.

The current Management Plan for Walcha-Nundle Management Area (1987) states:

"Harvest of the currently identified sawlog resource could continue at present rates for some 10 years; i.e. until 1997. ... To bridge the estimated minimum 40 year gap from the present until growing stock builds up sufficiently to sustain viable quota yields would require a reduction in quota yield from the present 52 000 m<sup>3</sup> gross... to 12 300 gross per annum." (p. 47)

The current Tenterfield Management Plan (1983) states:

"The long-term sawlog yield capacity of the Management Area is expected to be less than the current rate of cut [of 21 000 m<sup>3</sup>]. ...Current speculative indications are that the forest types occurring in the Management Area could reasonably be expected to sustain a quota-

sawlog yield of only... 15 000 m<sup>3</sup> net/year..." (p.24-25)

The current Bulahdelah Management Plan (1980) states:

"...present estimates indicate that the sawlog yield cannot be sustained at existing levels [of 24 580 m<sup>3</sup> nett] for longer than about 16 years. The extent of the decrease in yield cannot be predicted with precision. ... it seems unlikely that sawlog availability will decrease below about 10 000 m<sup>3</sup> per annum." (p.26)

The Annual Reports for the Bulahdelah Management Area give a quota sawlog yield of 30 172 m<sup>3</sup> nett for 1987/88, 29 685 m<sup>3</sup> nett for 1988/89 and 32 199 m<sup>3</sup> nett for 1989/90. It is evident that rather than reduce the cut to a sustainable level the cut has actually increased.

The current Management Plan for Kendall Management Area (1982) states:

"...indications... are that sawlog yields available ...from the application of current harvesting prescriptions over the period to about 2010, could be something of the order of about 75% of the current rate of cut and quota commitments [of 32 300 m<sup>3</sup>]." (p.35)

\*

UNSUSTAINABLE LOGGING SHOULD NOT BE CONDONED /

## 1.2 MANAGEMENT PLANS ALLOW RAINFOREST LOGGING TO CONTINUE

The current Management Plan for Casino West Management Area (1979) states:

Rainforest logging (outside North Washpool) "...shall be restricted to the harvesting of mature and overmature stems:... From areas of Subtropical type encountered and economically accessible only during hardwood logging, to retain at least 50% canopy cover to maintain a viable rainforest structure of the pre-existing species range."

The current Management Plan for Coffs Harbour Management Area (1984) states:

"Rainforest timbers are expected to be available only in very small volumes, as trees selected for speciality uses only on an individual basis, or from trees damaged or likely to be damaged in roading, hardwood logging, or other forest operations.

"The above comments exclude hoop pine which is present as a significant resource ranging from overmature trees

to sub-merchantable regrowth. These stands are expected to be available for regular selective harvesting of an as yet indeterminate yield in the future."

Many management areas specify logging of rainforests for speciality purposes yet the Forestry Commission has deliberately refused to define "speciality" so as to leave their options open. Similarly there is no restriction on the common practice of bulldozing roads and snig tracks through rainforest.

Rainforest with eucalypt and Brush Box emergents, which renowned ecologists (e.g. Prof. L. Webb) describe as rainforest, are still being clearfelled without any environmental assessment, on the grounds that the Forestry Commission doesn't consider it rainforest.

\*

RAINFOREST LOGGING SHOULD NOT BE CONDONED. /

### 1.3 MANAGEMENT PLANS ALLOW THE CLEARING OF NATIVE FORESTS FOR PINE PLANTATIONS TO CONTINUE

The current Management Plan for Walcha-Nundle Management Area (1987) states:

"The plantation estate shall continue to be expanded at up to about 500 hectares per annum or as directed by the Commission..." (p.85)

"In native forest areas, site preparation shall normally be by tractor clearing, windrow stacking, rootraking, burning of windrows, restacking and disc ploughing." (p.87)

The Management Plan notes that "the plantations of the Area are not in a uniformly good silvicultural condition. ...around 20% of the plantations either suffers from severe weed competition, is on excessively steep topography, was established on poorly prepared sites, or for various reasons is poorly stocked." (p.30). It is also noted that limited low pruning, no high pruning, and limited thinning has been carried out because of labour constraints. As they can't even manage the plantations they have it is madness to go on creating more.

Mr. Gordon, the then Minister for Conservation and Water Resources, announced on 12 October 1979, an undertaking by the Forestry Commission to prepare Environmental Impact Statements for conifer plantation development in the Bathurst and Nundle-Nowendoc areas. A similar undertaking was given in 1989 for conifer plantation development in the Tallagander area.

The promised E.I.S.'s were never prepared and from 1980 to 1990 in the Walcha-Nundle Management Area alone 3 764 hectares of native forests were illegally cleared. The Commission was reminded of their undertakings in July and December 1990 and requested to cease any further clearing without first preparing an E.I.S. The Commission has continued to clear. Even though the District Forester maintains that when they bulldoze a tree with a Koala in it they pause to give the Koala time to get out of the way, it is the height of hypocrisy for them to now turn around and say they have to prepare an E.I.S. for a selective logging operation in a forest they have previously degraded.

\* CONVERSION OF NATIVE FORESTS TO PINE PLANTATIONS SHOULD NOT NOW BE CONDONED. /

## 2. ENVIRONMENTAL SAFEGUARDS

The only clause that deals with measures to be taken to protect the environment in the Bill is 8 (b) which notes that a person who carries out logging operations must comply with;

"the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land."

N.E.F.A. has never seen a specific code of logging practices and so questions whether such a code exists. If it does then it has certainly not been subjected to public scrutiny.

The Standard Erosion Mitigation Conditions are the only general prescriptions applied in N.S.W. These are specifically designed to lessen erosion and stream degradation. They have been shown in the field to be inadequate and have been strongly criticised by soil scientist Dr. J. Magarity. The Forestry Commission is aware that the prescriptions are inadequate. The prescriptions should be improved, with allowance for public input, and not entrenched as they are now.

More recent Management Plans have various prescriptions for the protection of a limited number of fauna while older plans can have no specific prescriptions. The prescriptions generally adopted by the Commission have been repeatedly criticised for over a decade by their own researchers (e.g. W. Rhonan-Jones, C. Mackowski, R. Kavanagh) and independent researchers (e.g. Prof. H. Recher, Dr. A. Smith, Dr. T. Norton, Dr. H. Possingham), often to no avail. While the Endangered Fauna (Interim Protection) Act will hopefully offer some protection for endangered fauna there are no adequate prescriptions for other protected fauna.

It is equally important to take responsible measures to protect rare and endangered plants, unusual plant associations, rainforests and sites of cultural significance.

The Forestry Commission generally refuses to undertake any form of environmental or cultural assessment of areas before commencing operations. They rely instead upon any chance findings of significant species or sites that their marketing foreman may make. In general such people are not trained in botany, zoology or archaeology and so the chances of them stumbling across significant species or sites is remote.

There are numerous recorded instances where the approach of "what you don't see can't hurt you" has led to detrimental activities occurring in habitats of rare or endangered species or significant sites. In one instance a road was pushed through an Aboriginal bora ring.

It is essential that the Forestry Commission not be exempted from the requirement of Section 111 of the E.P.A. Act to adequately assess the environment to be affected by their activities.

\*

ABANDONMENT OF ENVIRONMENTAL SAFEGUARDS MUST NOT BE TOLERATED.

### 3. GREINER'S MISSING FORESTS.

In June 1990 Premier Greiner launched 'Meeting the Environmental Challenge: A Forestry Strategy' which was an undertaking to prepare Environmental Impact Statements for "some 180 000 ha within 14 separate forest management areas." in northern N.S.W. A roughly drawn map accompanied the document which indicated the areas. These were predominantly old growth forest areas. The Forestry Commission omitted enough old growth forest to maintain supplies to industry while the E.I.S.'s were being prepared.

At the time of the announcement the Forestry Commission was still preparing the supporting documents and had not completed the more detailed maps. Soon after they released a more detailed colour map titled "EIS Priority Areas in State Forests" which depicted the E.I.S. areas. At this stage it was evident that two of the E.I.S. areas, one in Riamukka S.F. and one in Tuggulo S.F., had been omitted.

Some time later the final maps were completed and released along with a detailed breakdown of the areas involved. At this stage it was apparent that a further area in Jenner State Forest had been completely dropped along with parts of other areas in Mt. Royal, Oakwood, London Bridge and

Riamukka State Forests. The total area was now given as 169 600 ha., a loss of some 10 400 ha. The Forestry Commission reneged on Greiner's announcement. This has been brought to Minister West's attention on a number of occasions but he has failed to do anything about it.

\* GREINER'S MISSING E.I.S. AREAS MUST BE RESTORED!

#### 4. WILDERNESS DESTRUCTION

There have been persistent claims that there has been an agreement between the Minister for Conservation and Land Management, Mr. West, and the Minister for the Environment, Mr. Moore, that no logging will be permitted in Wilderness Areas.

Despite this logging has occurred in Washpool Wilderness (Forestland S.F.), Bindery Wilderness (Dalmorton and Cangai S.F.'s), Guy Fawkes River Wilderness (Chaelundi and London Bridge S.F.'s) and Werrikimbe Wilderness (Carrai and Mt. Boss S.F.'s). These have all been nominated for identification under the Wilderness Act and are currently being assessed by the N.P.W.S.

\* WILDERNESS AREAS SHOULD NOT BE DESTROYED BEFORE THEY ARE ASSESSED!

#### 5. WILL JOBS REALLY BE LOST?

On the 18 February 1992 the Forest Products Association claimed that 94 jobs had already been lost as a result of the Endangered Fauna (Interim Protection) Bill, with a further 302 jobs to be lost within 2 months. When contacted they said that the job losses were ascertained from responses to a questionnaire they had sent out. From the information they provided it was only possible to check out 63 of the claims where job losses had already supposedly occurred.

Twenty nine were reputed to involve logging on State Forests but when Forestry Commission Head Office and the respective Districts were contacted they totally denied that any such job losses had occurred. In one instance where 5 jobs were claimed to have been lost because three compartments could not be logged when they had already finished logging them.

Thirty four were reputed to have resulted from not being able to log private land in the Bellingen Shire. When the shire and local saw millers were contacted it became apparent that one mill (J. Caben's) employing 6 people had recently closed for unrelated economic reasons and that another (K. Adams') employing 8 people was going to have to

close soon because the Forestry Commission had given their allocation to another mill. There were no other expected job losses.

By the 24 February 1992 the multiplier effect was gaining momentum and expected job losses had skyrocketed to 6 000. In an effort to get to the truth of the matter all Forestry Commission Regional Offices, a number of District Offices and a variety of saw millers in north eastern N.S.W. were contacted. Based on this it is apparent that:

- a) With the exception of two areas all Management Areas in north eastern N.S.W. have applied for enough compartments, for which the Commission has certified that it has complied with the E.P.A. Act, to maintain supplies to industry for at least two months and mostly four months. There are concerns in some areas that the timber available from these areas is of generally poorer quality. The N.P.W.S. has issued licences for 837 such compartments, which is every one applied for.
- b) The Forestry Commission has also obtained licences for a further 293 compartments for which it hasn't certified that it has complied with the E.P.A. Act. It is evident that for a number of these that the Forestry Commission could comply with the E.P.A. Act by undertaking a proper assessment and adopting adequate mitigation prescriptions without having to prepare an E.I.S.
- c) The Forestry Commission is claiming that it wasn't able to identify enough compartments in the Kempsey and Urunga Management Areas to maintain supplies to industry, even though it has obtained licences for 68 and 60 compartments respectively, for which it has certified compliance with the E.P.A. Act. Licences have been issued for a further 57 and 66 compartments respectively for which it has not certified compliance. Fifty one of these compartments are in Mistake State Forest in Urunga Management Area. The Commission released a draft E.I.S. in August 1991 which was criticised because of major flaws. The Commission has delayed determination while extra work has been undertaken. It is apparent that if the local community were consulted (and their concerns addressed) that the E.I.S. could readily be determined for at least part of the area. Mistake State Forest is within economic haulage distance of the Kempsey mills and thus could supply them on a temporary basis if required.
- d) Many small 'salvage' millers are concerned that the Forestry Commission is telling them that the Commission has not obtained licences to be able to supply them while the Soil Conservation Service is denying them access to private property. It is evident that in many areas their operations could be modified, as required, to ensure compliance with

the E.P.A. Act and licences issued. Though it seems that both the Forestry Commission and Soil Conservation Service are deliberately picking on them to get at the Endangered Fauna (Interim Protection) Act.

The Forestry Commission and other National Party controlled Government Departments are, in many instances, going out of their way to frustrate the E.F.(I.P.) Act. Minister West has issued a press release (28 February 1992) in which he notes that the Soil Conservation branch is telling people to contact the N.P.W.S. for such activities as "removing woody weeds, camphor laurels, bitou bush or other similar noxious weeds" and "gully filling". Documents obtained from the N.P.W.S. under a Freedom of Information request reveal that on the grounds that their activities may significantly affect endangered fauna the Forestry Commission has told people they must obtain a licence from the N.P.W.S. for activities such as hunting feral goats, spraying weeds, camping, orienteering, car rallies, horse riding and picking greenery. There is a concerted campaign to discredit the Act and waste N.P.W.S. staff's time.

The timber industry's half million dollar campaign to get rid of the E.F.(I.P.) Act is similarly going to ridiculous extremes to discredit the Act. It would seem inevitable that workers will be stood down because of both the industry's and the Commission's unwillingness to work within any environmental constraints. Though it is also apparent that in the short term there is no need to stand down workers if a responsible attitude is taken. The measures suggested above will buy enough time for an independent inquiry to be established so that all the propaganda can be sorted through and a rational approach to overcome any hurdles identified.

Environmental safeguards and significant areas should not be sacrificed because of a campaign of falsehoods and innuendo. It is time to begin to solve the forest conflict in north east N.S.W. not to accentuate it by throwing planning laws out the window. At the same time it is essential to realise that present logging practices are unsustainable, that the market trend is away from hardwoods and that the recession is having a significant effect on the industry. Thus any solution will require restructuring of the timber industry irrespective of environmental protection measures. Transitional arrangements must begin to be implemented now.

**THERE NEEDS TO BE AN INQUIRY  
INTO THE OBSTRUCTIONIST  
APPROACH OF THE FORESTRY  
COMMISSION AND ASCERTAIN WHAT  
IS REALLY HAPPENING TO THE  
TIMBER INDUSTRY.**

*prepared by Dailan Pugh : Far North Coast NEFA Co-ordinator*



# THE WILDERNESS SOCIETY

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Fax (02) 264-2673

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## FACT SHEET

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10 March 1992

### FOREST PROTECTION AND EMPLOYMENT: TIME TO FACE UP TO THE FACTS

\* Between 1965 and 1985, Australian wood production increased by 40%, while jobs in the industry fell by 40%.

\* State Forests in NSW increased by 250,000 hectares in the last 10 years.

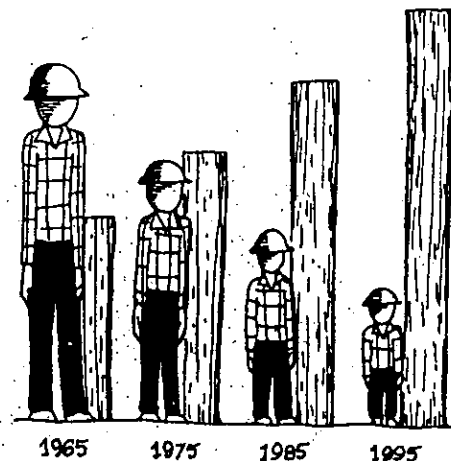
\* Sawmills fed with quotas from this area fell by 25% over the same period.

\* 60% of the timber now cut in NSW is exported as woodchips.

\* Native forests now supply only 50% of sawn timber used in NSW.

\* 33% of sawn timber produced within NSW comes from plantations.

\* The Forestry Commission predict that NSW softwood plantations will supply 80% of all sawn timber needs by the year 2010.



#### THE TIMBER INDUSTRY (INTERIM PROTECTION) BILL

The Bill fails to recognise that economic trends now underway in the timber industry will result in continuing decline of native forest logging, irrespective of the creation of new Wilderness areas and National Parks.

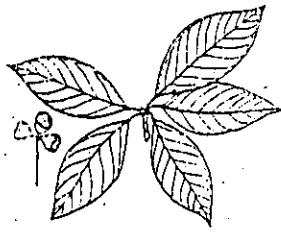
If left to market forces, restructuring of regional economies will be to the detriment of timber workers. The Government has a unique opportunity to move our timber production to a sustainable plantation base, while creating new jobs reliant on sustainable forest protection.

#### WHAT THE RESOURCE ASSESSMENT COMMISSION SAYS

"The extraordinarily rapid expansion of plantation forestry in the last three decades...will be the major determinant of timber production and utilisation in Australia for at least the next 50 years" p.123

"The prolonged period of overcutting...rather than the inclusion of timber producing areas in national parks, is the main cause of the dwindling supply of hardwood sawlogs" p.123

For further information please contact:  
Rodney Knight, NSW Campaign Coordinator



BRUSH BOX

*Lophospermum confertus*

# N.E.F.A.

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### SUBMISSION TO N.S.W. PARLIAMENT

### Timber Industry (Interim Protection) Bill, 1992

Hereunder is a submission prepared by the Wingham Forest Action on the behalf of the North East Forest Alliance (NEFA).

Within these pages are documentary proof that:

- \* forests for which the Premier decreed EIS's would be prepared, have been roaded and logged without EIS's;
- \* the Forestry Commission has deleted forests from the program of EIS's announced by the Premier on June 24 1990;
- \* areas of native forest in the Walcha-Nundle Management Area are still being cleared for more pine plantations despite repeated assurances from FCNSW that this was not happening;
- \* clearing of native forest for pine plantations is proceeding without an EIS despite a 12 year old promise that an Environmental Impact Statement would be prepared by FCNSW;
- \* FCNSW's soil conservation measures are inadequate & regularly cause erosion and significant pollution of watercourses.

From this submission and NEFA's briefing note on the TIIP Bill, (March 1992) it is clear that the Forestry Commission has utterly failed to honour the responsibilities of its charter: to supply timber at sustainable levels while protecting the environment.

The Commission has done more than make a few mistakes. The pattern of deceit, incompetence and confrontation has proven, absolutely conclusively, that the Forestry Commission cannot be TRUSTED.

Its time that the real root cause of the ongoing forest disputes is brought to account publicly. Parliament must take action, because successive governments have not, to ensure that no public assets continue to be managed by untrustworthy public servants.

Support for the Timber Industry (Interim Protection) Bill will entrench the unsustainable logging and environmental abuses of the last decade. It will reward the Commission for its illegality and continue the \$16,000,000 annual subsidies to the industry identified by the all party NSW Public Accounts Committee (PAC).

Please reject the Bill and demand that information on forest resources be put into the public domain, so informed consideration of alternatives to this draconian legislation can be made.



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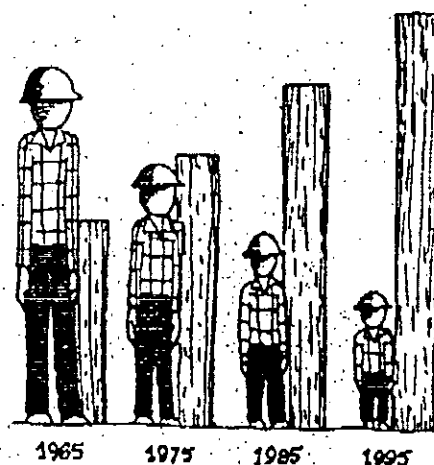
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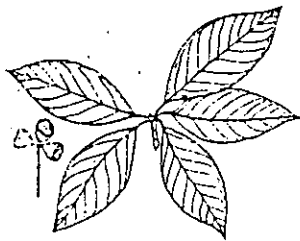
If left to market forces, restructuring of regional economies will be to the detriment of timber workers. The Government has a unique opportunity to move our timber production to a sustainable plantation base, while creating new jobs reliant on sustainable forest protection.

#### WHAT THE RESOURCE ASSESSMENT COMMISSION SAYS

"The extraordinarily rapid expansion of plantation forestry in the last three decades...will be the major determinant of timber production and utilisation in Australia for at least the next 50 years" p.123

"The prolonged period of overcutting...rather than the inclusion of timber producing areas in national parks, is the main cause of the dwindling supply of hardwood sawlogs" p.123

For further information please contact:  
 Rodney Knight, NSW Campaign Coordinator



# N.E.F.A.

## NORTH EAST FOREST ALLIANCE

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

LISMORE: The Big Scrub Environment Centre Inc, 149 Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 222 676

### BACKGROUND BRIEFING ON TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992

9th March 1992

SUPPORT FOR THE TIMBER INDUSTRY (INTERIM PROTECTION) BILL IS  
SUPPORT FOR:

- \* UNSUSTAINABLE LOGGING
- \* RAINFOREST LOGGING
- \* WILDERNESS DESTRUCTION
- \* CONVERSION OF NATIVE FOREST TO PINE PLANTATIONS
- \* DESTRUCTION OF ABORIGINAL SITES
- \* REMOVAL OF ENVIRONMENTAL SAFEGUARDS
- \* FORESTRY COMMISSION DECEIT
- \* INTENSIFIED CONFLICT AND CONFRONTATION

HERE'S WHY:

#### 1. CAN MANAGEMENT PLANS BE RELIED UPON?

Sections 3 (e) and 8 (a) of the Bill are designed to give a form of "resource security" to the timber industry by guaranteeing the volumes of timber specified in Forestry Commission management plans. This has the dangerous effect of allowing unsustainable logging, rainforest logging and conversion of native forests to pine plantations to continue unchecked. These problems are compounded because, while the Forestry Commission has undertaken to revise management plans every five years or 10 years "at the latest", on the north coast 8 management plans are 10-15 years old and 14 are 5-10 years old. Thus much of the data and prescriptions are out of date and inaccurate.

While the Forestry Commission claims to have a sustained yield strategy they are not logging on a sustainable basis in many management areas. Their evident strategy in some management areas is to cut-out the old growth forests then drastically reduce, or eliminate, quotas and then manage the regrowth forests on a sustainable basis at some future time. It is evident from reading management plans and annual reports that in many management areas estimates of available

volumes are often inaccurate and significant shortfalls are occurring in some management areas the Commission considers to be on sustained yield.

Section 8 states "a person who carries out logging operations on any land specified in Schedule 2 ... must comply with:

(a) the management plan prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land, including, in particular, the sustainable yield strategies applicable under the management plan"

### 1.1 MANAGEMENT PLANS REQUIRE THAT SOME FORESTS MUST BE LOGGED ON AN UNSUSTAINABLE BASIS.

The current Management Plan for Casino West Management Area (1979) states:

"...the current hardwood sawlog yield of 21 000 m<sup>3</sup> nett quota per annum from the Ewingar forests could only extend until about mid 1995... it is estimated that a replacement mature sawlog crop could not be recruited for approximately a further sixty years. Consequently, the sustained yield rate of sawlog production from the Ewingar forests would be only about one quarter of the present rate of cut." (p.23a)

The Casino West Management Plan Annual Report 1988/89 notes that for the Ewingar Working Circle the hardwood quota was still 21 000 m<sup>3</sup> nett with 22 239 m<sup>3</sup> nett cut in 1987/88 and 18 416 m<sup>3</sup> cut in 1988/89. Over a period of ten years there had been no attempt whatsoever to reduce the quota to a sustainable level. There is still no intent to do so.

The current Management Plan for Walcha-Nundle Management Area (1987) states:

"Harvest of the currently identified sawlog resource could continue at present rates for some 10 years; i.e. until 1997. ... To bridge the estimated minimum 40 year gap from the present until growing stock builds up sufficiently to sustain viable quota yields would require a reduction in quota yield from the present 52 000 m<sup>3</sup> gross... to 12 300 gross per annum." (p. 47)

The current Tenterfield Management Plan (1983) states:

"The long-term sawlog yield capacity of the Management Area is expected to be less than the current rate of cut [of 21 000 m<sup>3</sup>]. ...Current speculative indications are that the forest types occurring in the Management Area could reasonably be expected to sustain a quota-

sawlog yield of only... 15 000 m<sup>3</sup> net/year..." (p.24-25)

The current Bulahdelah Management Plan (1980) states:

"...present estimates indicate that the sawlog yield cannot be sustained at existing levels [of 24 580 m<sup>3</sup> nett] for longer than about 16 years. The extent of the decrease in yield cannot be predicted with precision. ... it seems unlikely that sawlog availability will decrease below about 10 000 m<sup>3</sup> per annum." (p.26)

The Annual Reports for the Bulahdelah Management Area give a quota sawlog yield of 30 172 m<sup>3</sup> nett for 1987/88, 29 685 m<sup>3</sup> nett for 1988/89 and 32 199 m<sup>3</sup> nett for 1989/90. It is evident that rather than reduce the cut to a sustainable level the cut has actually increased.

The current Management Plan for Kendall Management Area (1982) states:

"...indications... are that sawlog yields available ...from the application of current harvesting prescriptions over the period to about 2010, could be something of the order of about 75% of the current rate of cut and quota commitments [of 32 300 m<sup>3</sup>]." (p.35)

**\* UNSUSTAINABLE LOGGING SHOULD NOT BE CONDONED.**

**1.2 MANAGEMENT PLANS ALLOW RAINFOREST LOGGING TO CONTINUE**

The current Management Plan for Casino West Management Area (1979) states:

Rainforest logging (outside North Washpool) "...shall be restricted to the harvesting of mature and overmature stems:... From areas of Subtropical type encountered and economically accessible only during hardwood logging, to retain at least 50% canopy cover to maintain a viable rainforest structure of the pre-existing species range."

The current Management Plan for Coffs Harbour Management Area (1984) states:

"Rainforest timbers are expected to be available only in very small volumes, as trees selected for speciality uses only on an individual basis, or from trees damaged or likely to be damaged in roading, hardwood logging, or other forest operations.

"The above comments exclude hoop pine which is present as a significant resource ranging from overmature trees

to sub-merchantable regrowth. These stands are expected to be available for regular selective harvesting of an as yet indeterminate yield in the future."

Many management areas specify logging of rainforests for speciality purposes yet the Forestry Commission has deliberately refused to define "speciality" so as to leave their options open. Similarly there is no restriction on the common practice of bulldozing roads and snig tracks through rainforest.

Rainforest with eucalypt and Brush Box emergents, which renowned ecologists (e.g. Prof. L. Webb) describe as rainforest, are still being clearfelled without any environmental assessment, on the grounds that the Forestry Commission doesn't consider it rainforest.

**\* RAINFOREST LOGGING SHOULD NOT BE CONDONED !**

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### **1.3 MANAGEMENT PLANS ALLOW THE CLEARING OF NATIVE FORESTS FOR PINE PLANTATIONS TO CONTINUE**

The current Management Plan for Walcha-Nundle Management Area (1987) states:

"The plantation estate shall continue to be expanded at up to about 500 hectares per annum or as directed by the Commission..." (p.85)

"In native forest areas, site preparation shall normally be by tractor clearing, windrow stacking, rootraking, burning of windrows, restacking and disc ploughing." (p.87)

The Management Plan notes that "the plantations of the Area are not in a uniformly good silvicultural condition. ...around 20% of the plantations either suffers from severe weed competition, is on excessively steep topography, was established on poorly prepared sites, or for various reasons is poorly stocked." (p.30). It is also noted that limited low pruning, no high pruning, and limited thinning has been carried out because of labour constraints. As they can't even manage the plantations they have it is madness to go on creating more.

Mr. Gordon, the then Minister for Conservation and Water Resources, announced on 12 October 1979, an undertaking by the Forestry Commission to prepare Environmental Impact Statements for conifer plantation development in the Bathurst and Nundle-Nowendoc areas. A similar undertaking was given in 1989 for conifer plantation development in the Tallagander area.

The promised E.I.S.'s were never prepared and from 1980 to 1990 in the Walcha-Nundle Management Area alone 3 764 hectares of native forests were illegally cleared. The Commission was reminded of their undertakings in July and December 1990 and requested to cease any further clearing without first preparing an E.I.S. The Commission has continued to clear. Even though the District Forester maintains that when they bulldoze a tree with a Koala in it they pause to give the Koala time to get out of the way, it is the height of hypocrisy for them to now turn around and say they have to prepare an E.I.S. for a selective logging operation in a forest they have previously degraded.

\* CONVERSION OF NATIVE FORESTS TO PINE PLANTATIONS SHOULD NOT NOW BE CONDONED. /

## 2. ENVIRONMENTAL SAFEGUARDS

The only clause that deals with measures to be taken to protect the environment in the Bill is 8 (b) which notes that a person who carries out logging operations must comply with;

"the code of logging practices prepared under the Forestry Act 1916 applying, as at the date of assent to this Act, to the land."

N.E.F.A. has never seen a specific code of logging practices and so questions whether such a code exists. If it does then it has certainly not been subjected to public scrutiny.

The Standard Erosion Mitigation Conditions are the only general prescriptions applied in N.S.W. These are specifically designed to lessen erosion and stream degradation. They have been shown in the field to be inadequate and have been strongly criticised by soil scientist Dr. J. Magarity. The Forestry Commission is aware that the prescriptions are inadequate. The prescriptions should be improved, with allowance for public input, and not entrenched as they are now.

More recent Management Plans have various prescriptions for the protection of a limited number of fauna while older plans can have no specific prescriptions. The prescriptions generally adopted by the Commission have been repeatedly criticised for over a decade by their own researchers (e.g. W. Rhonan-Jones, C. Mackowski, R. Kavanagh) and independent researchers (e.g. Prof. H. Recher, Dr. A. Smith, Dr. T. Norton, Dr. H. Possingham), often to no avail. While the Endangered Fauna (Interim Protection) Act will hopefully offer some protection for endangered fauna there are no adequate prescriptions for other protected fauna.

It is equally important to take responsible measures to protect rare and endangered plants, unusual plant associations, rainforests and sites of cultural significance.

The Forestry Commission generally refuses to undertake any form of environmental or cultural assessment of areas before commencing operations. They rely instead upon any chance findings of significant species or sites that their marketing foreman may make. In general such people are not trained in botany, zoology or archaeology and so the chances of them stumbling across significant species or sites is remote.

There are numerous recorded instances where the approach of "what you don't see can't hurt you" has led to detrimental activities occurring in habitats of rare or endangered species or significant sites. In one instance a road was pushed through an Aboriginal bora ring.

It is essential that the Forestry Commission not be exempted from the requirement of Section 111 of the E.P.A. Act to adequately assess the environment to be affected by their activities.

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**ABANDONMENT OF ENVIRONMENTAL SAFEGUARDS MUST NOT BE TOLERATED.**

### **3. GREINER'S MISSING FORESTS.**

In June 1990 Premier Greiner launched 'Meeting the Environmental Challenge: A Forestry Strategy' which was an undertaking to prepare Environmental Impact Statements for "some 180 000 ha within 14 separate forest management areas." in northern N.S.W. A roughly drawn map accompanied the document which indicated the areas. These were predominantly old growth forest areas. The Forestry Commission omitted enough old growth forest to maintain supplies to industry while the E.I.S.'s were being prepared.

At the time of the announcement the Forestry Commission was still preparing the supporting documents and had not completed the more detailed maps. Soon after they released a more detailed colour map titled "EIS Priority Areas in State Forests" which depicted the E.I.S. areas. At this stage it was evident that two of the E.I.S. areas, one in Riamukka S.F. and one in Tuggulo S.F., had been omitted.

Some time later the final maps were completed and released along with a detailed breakdown of the areas involved. At this stage it was apparent that a further area in Jenner State Forest had been completely dropped along with parts of other areas in Mt. Royal, Oakwood, London Bridge and

Riamukka State Forests. The total area was now given as 169 600 ha., a loss of some 10 400 ha. The Forestry Commission reneged on Greiner's announcement. This has been brought to Minister West's attention on a number of occasions but he has failed to do anything about it.

\*

**GREINER'S MISSING E.I.S. AREAS MUST BE RESTORED!**

#### **4. WILDERNESS DESTRUCTION**

There have been persistent claims that there has been an agreement between the Minister for Conservation and Land Management, Mr. West, and the Minister for the Environment, Mr. Moore, that no logging will be permitted in Wilderness Areas.

Despite this logging has occurred in Washpool Wilderness (Forestland S.F.), Bindery Wilderness (Dalmorton and Cangai S.F.'s), Guy Fawkes River Wilderness (Chaelundi and London Bridge S.F.'s) and Werrikimbe Wilderness (Carrai and Mt. Boss S.F.'s). These have all been nominated for identification under the Wilderness Act and are currently being assessed by the N.P.W.S.

\*

**WILDERNESS AREAS SHOULD NOT BE DESTROYED BEFORE THEY ARE ASSESSED!**

#### **5. WILL JOBS REALLY BE LOST?**

On the 18 February 1992 the Forest Products Association claimed that 94 jobs had already been lost as a result of the Endangered Fauna (Interim Protection) Bill, with a further 302 jobs to be lost within 2 months. When contacted they said that the job losses were ascertained from responses to a questionnaire they had sent out. From the information they provided it was only possible to check out 63 of the claims where job losses had already supposedly occurred.

Twenty nine were reputed to involve logging on State Forests but when Forestry Commission Head Office and the respective Districts were contacted they totally denied that any such job losses had occurred. In one instance where 5 jobs were claimed to have been lost because three compartments could not be logged when they had already finished logging them.

Thirty four were reputed to have resulted from not being able to log private land in the Bellingen Shire. When the shire and local saw millers were contacted it became apparent that one mill (J. Caben's) employing 6 people had recently closed for unrelated economic reasons and that another (K. Adams') employing 8 people was going to have to

close soon because the Forestry Commission had given their allocation to another mill. There were no other expected job losses.

By the 24 February 1992 the multiplier effect was gaining momentum and expected job losses had skyrocketed to 6 000. In an effort to get to the truth of the matter all Forestry Commission Regional Offices, a number of District Offices and a variety of saw millers in north eastern N.S.W. were contacted. Based on this it is apparent that:

a) With the exception of two areas all Management Areas in north eastern N.S.W. have applied for enough compartments, for which the Commission has certified that it has complied with the E.P.A. Act, to maintain supplies to industry for at least two months and mostly four months. There are concerns in some areas that the timber available from these areas is of generally poorer quality. The N.P.W.S. has issued licences for 837 such compartments, which is every one applied for.

b) The Forestry Commission has also obtained licences for a further 293 compartments for which it hasn't certified that it has complied with the E.P.A. Act. It is evident that for a number of these that the Forestry Commission could comply with the E.P.A. Act by undertaking a proper assessment and adopting adequate mitigation prescriptions without having to prepare an E.I.S.

c) The Forestry Commission is claiming that it wasn't able to identify enough compartments in the Kempsey and Urunga Management Areas to maintain supplies to industry, even though it has obtained licences for 68 and 60 compartments respectively, for which it has certified compliance with the E.P.A. Act. Licences have been issued for a further 57 and 66 compartments respectively for which it has not certified compliance. Fifty one of these compartments are in Mistake State Forest in Urunga Management Area. The Commission released a draft E.I.S. in August 1991 which was criticised because of major flaws. The Commission has delayed determination while extra work has been undertaken. It is apparent that if the local community were consulted (and their concerns addressed) that the E.I.S. could readily be determined for at least part of the area. Mistake State Forest is within economic haulage distance of the Kempsey mills and thus could supply them on a temporary basis if required.

d) Many small 'salvage' millers are concerned that the Forestry Commission is telling them that the Commission has not obtained licences to be able to supply them while the Soil Conservation Service is denying them access to private property. It is evident that in many areas their operations could be modified, as required, to ensure compliance with

the E.P.A. Act and licences issued. Though it seems that both the Forestry Commission and Soil Conservation Service are deliberately picking on them to get at the Endangered Fauna (Interim Protection) Act.

The Forestry Commission and other National Party controlled Government Departments are, in many instances, going out of their way to frustrate the E.F.(I.P.) Act. Minister West has issued a press release (28 February 1992) in which he notes that the Soil Conservation branch is telling people to contact the N.P.W.S. for such activities as "removing woody weeds, camphor laurels, bitou bush or other similar noxious weeds" and "gully filling". Documents obtained from the N.P.W.S. under a Freedom of Information request reveal that on the grounds that their activities may significantly affect endangered fauna the Forestry Commission has told people they must obtain a licence from the N.P.W.S. for activities such as hunting feral goats, spraying weeds, camping, orienteering, car rallies, horse riding and picking greenery. There is a concerted campaign to discredit the Act and waste N.P.W.S. staff's time.

The timber industry's half million dollar campaign to get rid of the E.F.(I.P.) Act is similarly going to ridiculous extremes to discredit the Act. It would seem inevitable that workers will be stood down because of both the industry's and the Commission's unwillingness to work within any environmental constraints. Though it is also apparent that in the short term there is no need to stand down workers if a responsible attitude is taken. The measures suggested above will buy enough time for an independent inquiry to be established so that all the propaganda can be sorted through and a rational approach to overcome any hurdles identified.

Environmental safeguards and significant areas should not be sacrificed because of a campaign of falsehoods and innuendo. It is time to begin to solve the forest conflict in north east N.S.W. not to accentuate it by throwing planning laws out the window. At the same time it is essential to realise that present logging practices are unsustainable, that the market trend is away from hardwoods and that the recession is having a significant effect on the industry. Thus any solution will require restructuring of the timber industry irrespective of environmental protection measures. Transitional arrangements must begin to be implemented now.

**THERE NEEDS TO BE AN INQUIRY  
INTO THE OBSTRUCTIONIST  
APPROACH OF THE FORESTRY  
COMMISSION AND ASCERTAIN WHAT  
IS REALLY HAPPENING TO THE  
TIMBER INDUSTRY.**

*prepared by Dailan Pugh : Far North Coast NEFA Co-ordinator*

9/3/92

# Logging deadlock likely to continue

By ALICIA LARRIERA

The legislative deadlock over how NSW's forests can be logged is likely to remain unresolved, despite the State Government's decision to hold an emergency sitting of Parliament tomorrow to try to overturn Opposition and Independent amendments to its timber industry bill.

And the Minister for Conservation and Land Management, Mr West, claims that if the ALP and Independents do not agree to allow the Timber Industry (Interim Protection) Bill to pass through Parliament unamended, it will be illegal to log large tracts of NSW's forests and the industry will collapse, costing thousands of jobs.

"If the deadlock between the Upper House and the Lower House is not broken, up to 6,000 timber jobs could be lost by June," Mr West said.

"Their move to lock up all lands nominated for wilderness areas or proposed for national parks will mean the immediate withdrawal of thousands of hectares from logging operations."

The Premier has cited the threat of a "jobs-crisis" in the forest industry as the reason for recalling Parliament to debate the bill again.

On Friday, the Lower House passed the Timber Industry (Interim Protection) Bill, which allows logging to continue, with up to 30 months to conform to the environmental impact statement provisions of the Environmental Planning and Assessment Act.

The Government claims its bill is necessary for forestry operations to continue in the State, and the Forestry Commission says that without the exemptions, logging operators would have been in breach of environment laws, with many forced to close down from as early as this week.

The bill was passed through the Lower House with amendments, but reverted to its original form in the Upper House where the Government has the numbers. This means that the bill must be presented again to the Lower House.

However, the ALP has no intention of withdrawing its amendments to the bill and tomorrow's sitting is expected, by both sides, to do little to resolve the deadlock.

The State Government introduced its bill in response to the Opposition's successful passage through Parliament of the Endangered Fauna (Interim Protection) Act.

The timber industry and Government MPs have argued that this legislation is locking up thousands of hectares of legitimate logging land, posing a major threat to the industry, and potentially thousands of jobs.

However, the ALP claims that the Forestry Commission breached environment laws for years, and that timber supply problems are related to this and not its endangered fauna laws, passed by Parliament in December.

The Endangered Fauna (Interim Protection) Act empowered the director of the National Parks and Wildlife Service to issue stopwork orders where continued logging operations threaten an endangered species.

The Opposition amendments to the Government's industry protection bill included making the Forestry Commission carry out environmental impact statements before logging takes place.

Other key amendments included retaining stopwork order provisions of the Protected Fauna (Interim Protection) Act and the establishment of an independent Forestry Committee, comprising professionals such as timber resource economists and biologists, to carry out environmental impact statements for the commission.

Mr Greiner and Mr West have both argued that these amendments render the timber industry unworkable and lock up tracts of legitimate logging land.

The Opposition's spokeswoman on the environment, Ms Pam Allan, said yesterday that if the Government was so concerned about the ALP's amendments, it had had the numbers to oppose their adoption by the Parliament last Friday.

"But instead [two of their MPs] deliberately left the Assembly so that the amendments would remain part of the bill," Ms Allan said.

"Not content with already axing 50,000 jobs in the Public Service, the Government and the Niles [who hold the balance of power in the Upper House] want to now ruin the timber industry in a cynical point-scoring exercise against the Opposition."

"Workable legislation could have been passed through the Parliament on Friday evening — instead Mr Greiner is going to be wasting more taxpayers' money recalling Parliament, when it could have been dealt with during normal Parliament working hours."



# THE WILDERNESS SOCIETY

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5 March 1992

Attn: Chiefs of Staff, News Editors,  
Environment Reporters.

\*\*\* MEDIA BRIEF \*\*\*

WHY IS BOB CARR'S OPPOSITION  
SIDING WITH THE VANDALS OF  
THE GREINER GOVERNMENT TO  
LEGALISE UNLAWFUL LOGGING AND  
WOODCHIPPING IN NSW FORESTS?

WHY IS HE SUPPORTING THIS BILL  
WITHOUT ANY VERIFIABLE  
RESOURCE DATA HAVING BEEN MADE  
PUBLIC?

The Timber Industry (Interim Protection) Bill is being  
forced through Parliament today.

Comment available today (5/3) & tomorrow (6/3) from:

**Rodney Knight, NSW Campaign Coordinator**  
Ph: (02) 267 7929(w), (02) 810 6129(h)

A Fact Sheet on the shortcomings of this hasty and  
unnecessary Bill is attached.



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## FACT SHEET

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### WHY THE TIMBER INDUSTRY (INTERIM PROTECTION) BILL SHOULD BE REJECTED.

4 March 1992

\* The Government is attempting to force the Bill through Parliament this week, supposedly to prevent imminent job losses in the north coast timber industry. **THE GOVERNMENT HAS NOT PROVIDED A SINGLE PIECE OF VERIFIABLE RESOURCE DATA WHICH SUBSTANTIATES THIS CLAIM.** A delay is needed to test this claim.

\* The Government and the Forestry Commission now admit that the Endangered Fauna (Interim Protection) Bill has not caused disruption to the timber industry operating from State Forests.

\* The Minister for Forests, Gary West, and the Forestry Commission admit that it had been illegally approved by the Premier in June 1990 to log in 120,000 hectares of north coast forests without the preparation of Environmental Impact Statements. **GARY WEST WAS TOLD THIS WAS UNLAWFUL IN DECEMBER 1990, BUT DID NOTHING TO REQUIRE COMPLIANCE WITH THE LAW.**

\* The Bill seeks to suspend Part 5 of the Environmental Planning and Assessment Act for forestry operations. Part 5 is the fundamental control of development by Government agencies and should continue to be inviolate. **THE SUSPENSION IS A DELIBERATE ATTEMPT TO LEGALISE LOGGING IN AREAS WHERE IT WOULD OTHERWISE BE ILLEGAL.**

\* The Bill seeks to remove the power of the National Parks and Wildlife Service to issue Stop Work Orders where wildlife are under serious and imminent threat. **STOP WORK ORDERS ARE A REASONABLE EMERGENCY POWER, WHICH HAVE ONLY EVER BEEN USED TO STOP LOGGING IN 56 HECTARES OF OUTSTANDING FOREST IN SOUTH EAST NSW.**

\* The Bill seeks to guarantee timber industry employment until September 1994. The industry is declining rapidly under competition from cheaper, plantation grown softwoods. **THE GUARANTEE WILL BE A MASSIVE PUBLIC SUBSIDY WHICH REMOVES GOVERNMENT FROM RESPONSIBILITY FOR MICROECONOMIC REFORM IN THE TIMBER INDUSTRY.**

\* The Bill provides no guarantee that areas identified for permanent protection as Wilderness areas and National Parks will even be given interim protection in the life of the Bill. The EISs which are in preparation will be used to justify logging of the last undisturbed native forests in NSW. **THE BILL PROVIDES RESOURCE SECURITY TO THE INDUSTRY, BUT NO SECURITY FOR THE ENVIRONMENT!**

For further information please contact:  
Rodney Knight, NSW Campaign Coordinator

NSW GOVERNMENT SET TO INTRODUCE RESOURCE SECURITY LEGISLATION.  
THIS WEEK!

PLEASE PHONE YOUR LOCAL ALP MEMBER.  
URGE THAT THE TIMBER INDUSTRY (INTERIM PROTECTION) BILL  
BE REJECTED

PLEASE PHONE WED 4/3/92 OR THURS 5/3/92

WHY?

\* The NSW Government is attempting to force a Timber Industry (Interim Protection) Bill through Parliament this week, supposedly to prevent job losses in the timber industry. IT HAS NOT PROVIDED A SINGLE SCRAP OF EVIDENCE THAT THERE IS AN URGENT SHORTAGE OF TIMBER FOR NORTH COAST TIMBER MILLS. A delay would allow all the facts to be considered.

\* The Government has now admitted that the Endangered Fauna (Interim Protection) Bill has not caused any disruption to the timber industry operating from State Forests.

\* The Forestry Commission and the Minister, Gary West, admit that the Bill has arisen because the Forestry Commission had illegally approved logging in 120,000 hectares of north coast forests without the preparation of Environmental Impact Statements. GARY WEST WAS TOLD OF THE UNLAWFULNESS OF THIS IN DECEMBER 1990, BUT DID NOTHING TO REQUIRE COMPLIANCE WITH THE LAW.

\* The Timber Industry (Interim Protection) Bill seeks to suspend Part 5 of the Environmental Planning and Assessment Act for this area of forest. Part 5 is the fundamental control of development by Government agencies in NSW. THE SUSPENSION IS A DELIBERATE ATTEMPT TO LEGALISE LOGGING IN AREAS WHERE IT WOULD OTHERWISE BE ILLEGAL.

\* The Timber Industry (Interim Protection) Bill seeks to remove the power of the National Parks and Wildlife Service to issue Stop Work Orders to protect wildlife. THIS IS A REASONABLE EMERGENCY POWER, WHICH HAS ONLY EVER BEEN USED TO STOP LOGGING IN 56 HECTARES OF OUTSTANDING FOREST IN SOUTH EAST NSW.

\* The Timber Industry (Interim Protection) Bill seeks to guarantee timber industry employment until September 1994. THIS GUARANTEE IS A MASSIVE PUBLIC SUBSIDY OF THE NATIVE FOREST LOGGING INDUSTRY, WHICH IS DECLINING RAPIDLY FROM COMPETITION WITH CHEAPER, BETTER QUALITY PLANTATION GROWN SOFTWOODS.

\* The Timber Industry (Interim Protection) Bill provides no guarantee that the areas identified by conservation groups for permanent protection as wilderness areas and National Parks will even be considered. The EISs which are in preparation will be used to justify logging of the last undisturbed native forests in NSW. THE BILL PROVIDES RESOURCE SECURITY TO THE INDUSTRY, BUT NO SECURITY FOR THE ENVIRONMENT!

NATURE CONSERVATION COUNCIL OF NSW  
AUSTRALIAN CONSERVATION FOUNDATION  
NATIONAL PARKS ASSOCIATION OF NSW  
NATIONAL TRUST OF AUSTRALIA (NSW)  
COLONG FOUNDATION FOR WILDERNESS  
NORTH EAST FOREST ALLIANCE  
CONSERVATION COUNCIL OF CANBERRA AND THE SOUTH EAST REGION

FUND FOR ANIMALS  
FRIENDS OF THE EARTH  
GREENPEACE (AUSTRALIA)  
THE WILDERNESS SOCIETY  
TOTAL ENVIRONMENT CENTRE  
SOUTH EAST FOREST ALLIANCE

5th March 1992

Ms Pamela Allan, MLA  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

Please address your reply to:  
Nature Conservation Council  
39 George St  
SYDNEY NSW 2000

Dear Ms Allan

**TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992**

The NSW environment movement unanimously calls on you to reject the Government's Timber Industry (Interim Protection) Bill 1992.

The Bill will legitimise the Forestry Commission's 12 year history of illegal logging, admitted to by the Government and the Forestry Commission at Tuesday night's meeting at Parliament House.

It will suspend Part V of the Environmental Planning and Assessment Act 1979 (EP&A Act). Part V requires Government agencies to prepare environmental impact statements (EISs) for activities which significantly affect the environment. This is a fundamental tenet of environmental planning in NSW.

The Bill also removes the power of the National Parks and Wildlife Service (NPWS) to issue stop-work orders to protect wildlife. This is a reasonable emergency power which is essential to protect the habitat of endangered species under immediate threat. To date it has only been used to stop logging in 56 hectares of forest in south-east NSW.

The Bill has been rushed into Parliament with the claim that jobs are about to be lost. The timber industry, however, has failed to substantiate its case in the Industrial Commission. Instead we have seen only industry propaganda, which has been accepted as fact by the Government. In our view, the Forestry Commission has effected a timber supply strike to create a climate to further its clearly established agenda for exemption from the EP&A Act.

We urgently call on you to reject any proposal to weaken Part V of the EP&A Act and measures currently in place to protect fauna.

In addition to these most objectionable aspects, the Bill has provisions which reflect the inadequacies of the Government's resource allocation and environmental management process, e.g.:

- \* It provides de facto resource security for the forest industry without establishing a simultaneous process for protecting nominated wilderness areas or national park proposals. Interim protection for these areas is not mentioned;
- \* The Government's annual \$16 million subsidy of the forest industry via the Forestry Commission (Public Accounts Committee Report, December 1991) is entrenched;
- \* Rather than restructuring the Forestry Commission, this Bill rewards confrontation, incompetence and illegality;
- \* The Forestry Commission remains the determining authority for its own EISs. Several Court judgments have established that it has regularly exercised this power unlawfully;
- \* The Bill has no Third Party Rights of enforcement to ensure that the Forestry Commission meets its obligations under this legislation;
- \* Information about forest resources and timber agreements, which would allow an evaluation of the real effect of this legislation, has been withheld by the Forestry Commission. The rushed timetable of the Bill removes the possibility of such evaluation by community groups or the NPWS;
- \* The Bill makes no provision for micro-economic reform to facilitate the restructuring of the timber industry. As plantation softwoods already supply 60% of NSW sawn timber, this restructuring is inevitable.

We can only interpret support for this legislation as support for further subsidies to the timber industry, support for a discredited Forestry Commission, support for illegal activity, and support for de-valuing the EP&A Act. We strongly urge you to reject the Bill.

Signed

*Peter Wright*

Peter Wright

Environment Liaison Officer for:

Dr Judy Messer, Nature Conservation Council of NSW  
 Sue Salmon, Australian Conservation Foundation  
 Katherine Antram, Fund for Animals  
 Stephen Davies, National Trust of Australia (NSW)  
 Rod Knight, The Wilderness Society  
 Milo Dunphy, Total Environment Centre  
 Rod Bennison, National Parks Association of NSW  
 Keith Muir, Colong Foundation for Wilderness  
 Paul Brown, Greenpeace (Australia)  
 Peter Hopper, Friends of the Earth  
 John Corkill, North East Forest Alliance  
 Jeff Angel, South East Forest Alliance  
 Jacqueline Rees, Conservation Council of Canberra and the  
 South East Region

# ALP's law hypocritical, say timber workers

By ALICIA LARRIERA

The head of the ALP-affiliated NSW timber workers' union has attacked the State Opposition's spokeswoman on the environment, Ms Pam Allan, for being "hypocritical", and claims that legislation she introduced to Parliament will cost hundreds of jobs and close sawmills.

However, the Timber Trade Industrial Association withdrew yesterday its application for stand-down orders for up to 6,000 timber workers to be inserted into industry awards.

It was an action the Opposition cites as proof of the employers' "embarrassing" inability to prove that its endangered fauna laws are causing jobs losses.

The attack by the secretary of the NSW forestry division of the Construction, Forestry, Mining and Employees' Union, Mr Gavin Hillier, against Ms Allan, and the NSW Opposition, came only hours after he appeared with the ALP in the commission, giving evidence that there had been no job losses as a result of the Endangered Fauna (Interim) Protection Act.

In an interview with the *Herald* last night, Mr Hillier said he had changed his position because union shop stewards had provided him with information after his appearance in the commission.

He said he was now certain there would be "a lot of trouble" in about three months as a result of the laws.

He said that mills, including some in Wauchope, Grafton, Port Macquarie, Casino, Glen Innes and Coffs Harbour, were all in danger of closing.

Mr Hillier said there were at least 11 mills, each with around 120 staff, facing closure.

"The problem with us is that we're fighting about 4,000 agendas — the ALP's, the Govern-

ment's, the conservationists', the industry's," he said.

"At the end of the day, we realise that no-one's concerned with the workers. They're just interested in their own agenda."

He said that Ms Allan had "come out and blasted" the Independent MP Dr Terry Methereell when he wanted to establish new national parks for not consulting the timber union about possible job losses.

"Pam never told us of this act in the first place. Pam's a bit hypocritical when she doesn't tell us about an act that's affecting our members."

A spokesman for Ms Allan defended the act and its application last night, saying that not one logging licence application had been rejected by the National Parks and Wildlife Service.

He also challenged the union to provide evidence of job losses, saying that the ALP had already given Mr Hillier a guarantee that if he could prove that the act would result in a cut of timber industry jobs, the Opposition would introduce suitable amendments to ensure that did not occur.

"To date, the timber workers' union has not put forward any submission that jobs have been lost, or are in danger of being lost," the spokesman said.

The secretary of the Timber Trade Industrial Association, Mr Colin Dorber, said that the association had withdrawn its application because of "concern that it had been politicised".

"We did not wish to see the commission used for ideological reasons by the ALP and Australian Conservation Foundation."

Having dropped its application for wide-ranging powers to stand down workers, the association is now preparing to run a test case against the act utilising one logging company on the North Coast.

TACTICS FOR MEETING RE: EFIP ACT AND TIIP BILL  
ROOM 814 3/3/92

WHO IS CHAIRING THE MEETING?

WHAT IS THE AGENDA?

WHAT BASIS IS THERE FOR THE TIMBER INDUSTRY (ONTERIM PROTECTION) BILL GIVEN THAT 6,000 JOBS WILL NOT BE LOST?

MINISTER TO EXPLAIN THE NEED FOR URGENCY IN PASSING THE BILL IN 24 HOURS?

WHERE IS THE INFORMATION REQUESTED TO INFORM CONSIDERATION OF ISSUES?

PREMIER GREINER'S JUNE 90 FOREST STRATEGY UNLAWFUL - REFER TO DAILAN'S ANALYSIS OF AREAS NOT NOW SUBJECT OF EIS (SEE ALSO ACF LETTER TO GREINER)

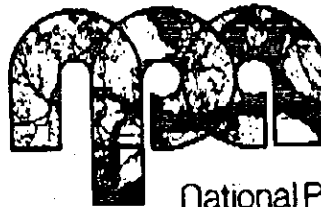
FCNSW WHOLLY UNRELIABLE - DECISION OF GREINER GOVERNMENT BASED ON MORE ADVICE OF FCNSW AND WILL PRE-EMPT

- \* NSW PARLIAMENTS PUBLIC ACCOUNTS COMMITTEE (PAC) REVIEW
- \* COMMONWEALTH RESOURCE ASSESSMENT COMMISSION (RAC) FINAL REPORT OF FORESTS AND TIMBER INQUIRY NOW DUE AT OR BEFORE 31 MARCH 1992

FOCUS ON ECONOMIC IMPLICATIONS OF GUARANTEEING TIMBER INDUSTRY JOBS - ALREADY \$16 MILLION IN SUBSIDIES, ADDITIONAL \$10 MILLION PER YEAR = \$30 MILLION

ATTACK CONTENTS OF BRIEFING PAPER ON TIMBER INDUSTRY (INTERIM PROTECTION) BILL

- \* MISCHIEVEOUS REPRESENTATION OF EFFECT OF EFIP ACT
- \* ET AL ! MUCH MORE LATER...



National Parks Association of NSW Inc.

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Ms Clover Moore  
Mr John Hatton  
Dr Terry Metherill  
Ms Pam Allen

State Council  
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RESPONSE TO THE  
TIMBER INDUSTRY (INTERIM PROTECTION) BILL

Having regard to the stated purposes of the Timber Industry (Interim Protection) Bill, the National Parks Association of NSW (Inc.) does not accept that the Forestry Commission of NSW should be exempt from the provisions of Part V of the Environmental Planning and Assessment Act, 1979. The problems of the industry have arisen from two factors:

- a) the consistent denial by the Forestry Commission that its activities are such as to significantly effect the environment under Part V of the Act and that an EIS is required; and
- b) the failure of the Premier and the Minister for Tourism and Lands and Forests to accept consistent legal precedent that EIS's were required and ensure that the Commission fulfilled its statutory obligations under the EP&A Act.

The issue of exemption from Part V of the EP&A Act is a very sensitive one for the environmental movement and would establish an unacceptable precedent if not limited or with a balancing mechanism to determine new areas of national parks estate.

Notwithstanding this, should the ALP and Independents determine to support such a Bill then there are a number of major issues which should be addressed:

- a) the Forestry Commission should not be allowed to determine its own proposals. An independent body should be established or if an existing structure used it should be related to the EP&A Act;
- b) the NPWS need to be consulted not only in relation to the contents of the EIS and FIS but also in relation to the scientific rigor applied to the investigative process;
- c) faunal surveys which are to be conducted in conformity of NPWS licence requirements continue to

be conducted and made publicly available for those areas not subject of EIS's;

- d) timber removal from 'old growth' forests should be minimised during the interim period while EIS's are being prepared. To adequately assess this, the Commission must supply timber resource and environmental data about these areas including regional quotas and resource availability for areas not subject to EIS's;
- e) Areas nominated as wilderness or for addition to the national parks estate should not be logged and a formal process of nomination of national parks estate should be established through the National Parks and Wildlife Advisory Council;
- f) the Act should have a sunset clause and any areas not assessed will need to fall within the ambit of existing EP&A Act provisions;
- g) there should be penalties on the Commission for failure to meet the required schedule of EISs to be set out in the T.I. (Interim) Act;
- h) the decision in relation to areas to be logged and compliance with the Act should be subject to a right of appeal by a third party;
- i) there should be no guarantee that old growth forests will be logged as part of the assessment process, the process should be to determine the acceptability of logging and not simply what conditions will be placed on the activity;

To ensure the process is balanced, parallel legislation should be introduced which establishes a public participatory and consultative process for the evaluation and dedication of national parks estate. Not all areas affected are wilderness, yet the biodiversity of the State is being lost through logging.

meaning? || The concept of a natural resources assessment process should only apply in relation to resource utilisation and not its conservation or protection (eg NPWS and Water Boards). Another aspect of this process is therefore adequacy of resources to undertake the investigation of areas by the NPWS and funds for management of areas which are reserved/dedicated as national parks, nature reserves, etc.

The National Parks (New Areas and Miscellaneous Provisions) Bill provides that process and should be supported as a private members Bill. I hope you will give positive consideration to the above points in arriving at your policy position.