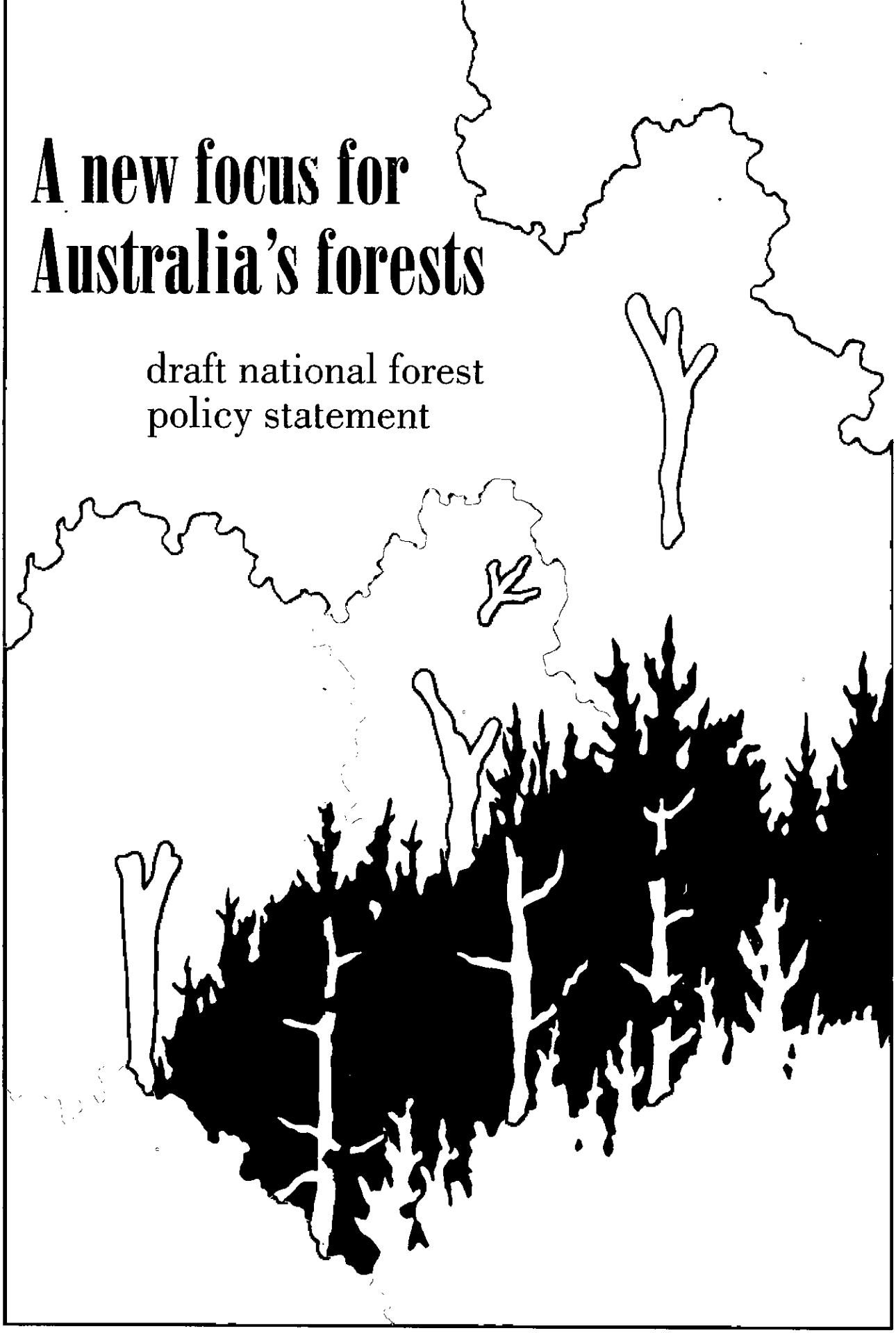
A new focus for Australia's forests

draft national forest policy statement



Summary

AT A GLANCE - THE DRAFT NATIONAL FOREST POLICY STATEMENT

For the first time, Australia is to take a co-ordinated national approach to the sustainable management and use of Australia's forests. The Statement outlines a vision of Australia's forests and forest industries into the next century. The cornerstone of the vision is the principle of ecologically sustainable development.

The Statement has been prepared by Commonwealth, State and Territory officials under the auspices of the Australian Forestry Council and the Australian and New Zealand Environment and Conservation Council, and has yet to be endorsed by Governments.

THE POLICIES AT A GLANCE

1. Forest Conservation

Two principal objectives outlined in the Statement are the maintenance of a permanent forest estate in Australia and the protection of nature conservation values in forests.

1.1 Adequate nature conservation reserves

It is important that Australia protects and manages conservation values in forests. This will be achieved by:

- determination of agreed criteria for a comprehensive and representative reservation system;
- establishment of a comprehensive network of secure and representative reserves, supported by complementary management outside reserves;
- adequate resources for forest reserve management;
- further developing management plans for reserves to ensure protection of conservation and heritage values.

1.2 Protection of old-growth and wilderness values through a transition strategy

A transition strategy has been agreed which will conserve and manage forests with old-growth and wilderness values by:

- ensuring that a representative reserve system of forests with old-growth values and wilderness areas is in place by the end of 1995, complemented by sustainable management outside reserves.

1.3 Ecologically sustainable forest management

Ecologically sustainable management of native forests and plantations will be given effect through:

- further developing and applying codes of practice for all commercial and high impact uses;
- avoiding or limiting clearing of public native forests to cases where national and regional conservation objectives and catchment management objectives are not compromised;
- encouraging sustainable management of private native forests;
- managing unallocated and leased Crown land consistent with ecologically sustainable practices.

1.4 Adequate forest protection

Protection of the conservation and commercial values of forests will necessitate:

- addressing threats to forests from disease, pests, fire and pathogens;
- strict guidelines for use of agricultural and veterinary chemicals;
- adequate quarantine measures against introduction of plant diseases and pests;
- monitoring and control of feral animals and exotic plants.

2. Wood Production and Industry Development

Sustainable economic use of native forests and plantations is a major objective outlined in the Statement.

2.1 *Promotion of efficient use and value adding industries*

The benefit to the community from using multiple purpose forests for wood production can be increased through efficient use of wood by industry and value-adding forest products industries. This will be achieved by:

- cooperative arrangements between Governments aimed at providing certainty and security to industry so that it can make significant long term investments in value-adding projects;
- lifting export controls on private and public plantation woodchips, subject to satisfactory codes of practice;
- following comprehensive forest assessments, the Commonwealth will consider longer term export licence approvals;
- providing domestic processors with the first opportunity to use pulpwood from native forests to facilitate domestic value adding processing;
- adoption of the national environmental guidelines for new bleached eucalypt kraft pulpmills;
- reviewing existing taxation provisions for recycled paper.

2.2 *Structural assistance and improving international competitiveness*

The forest and forest products industries need to be internationally competitive and adjust constantly to changing consumer preferences, market conditions and the availability and quality of wood resource. This will be assisted by:

- promoting industry development initiatives of Governments, including participation in the Best Practices Program;
- structural adjustment assistance should resource be withdrawn by Governments.

2.3 *Improving employment opportunities, labour productivity and safety*

There are important regional and local employment effects of wood production and processing. Increased labour productivity is important for improving industry efficiency. This will be pursued by:

- continued skills up-grading, workplace reform and occupational health and safety programs.

2.4 *Wood pricing and allocation*

The pricing and allocation system for wood from public native forests has a major bearing on industry performance and community returns. Appropriate policies will be achieved by:

- further developing pricing and allocation systems which are market based and allow transferability of rights, a fair return to the community and promote the most efficient use of resources;
- revised accounting procedures to reflect costs associated with wood production and community services.

3. *Integrated Decision Making and Management*

It is important to ensure that Governments have access to the same information and consider issues concurrently rather than sequentially to avoid duplication and fragmentation in decision making. This will be achieved by:

- implementing land use decision-making processes agreed in the context of the Intergovernmental Agreement on the Environment;
- integrated management of conservation and commercial uses of forests;
- development of regional management plans by forest management agencies, consulting with regional organisations and the community.

4. *Private Native Forests*

The management of forests in private ownership is integral to achieving the objectives for the management of the native forest estate. This will be achieved by:

- future land development being in line with soundly-based regional conservation and development strategies;
- encouraging the application of Codes of Practice covering wood production and other uses;
- the provision of incentives, information and technical advice to encourage conservation;
- promotion of sustainable forest management through Landcare groups;
- land clearing controls and/or other measures to encourage forest retention.

5. *Plantations*

Plantations can provide a wide range of commercial, environmental and aesthetic benefits to the community. Plantation development will be facilitated by:

- reviewing the taxation treatment of plantations;
- provision of extension services;
- development of demonstration plantations on farms;
- tree breeding and research program;
- simplifying approval processes;

6. *Water Supply and Catchment Management*

The value to the community of a reliable, high quality water supply is very great. Water quality will be maintained by:

- the promotion of integrated catchment management among public and private forest owners.

7. *Public Awareness and Involvement*

Forest management agencies manage public forests on behalf of the community. It is important that these agencies are accountable to the community for their stewardship of the community's assets. This will be achieved by:

- improve community awareness of forest management and conservation through forest information facilities and school education initiatives;
- public involvement in land use decision making.
- producing "state of the forests" reviews every five years for public information on forest management;

8. *Tourism Recreation*

In an increasingly competitive tourist market, Australia's natural environment is a major attraction for domestic and overseas visitors. Tourism and recreation will be enhanced by:

- developing an ecotourism strategy for Australia covering tourist use of Australia's forests;
- international marketing of forest-based tourism;
- providing appropriate infrastructure and visitor facilities;
- increasing ecotourism related research and monitoring the impact of tourism and recreation.

9. *Research and Development*

An enhanced, better coordinated and focussed research and development effort is important to the future of Australia's forests and forest industries. This will be achieved by:

- establishment of a Forest and Wood Products Research and Development Corporation, additional research into conservation and environmental aspects of forests, and plantations research;
- continued support for the national pulpmill research program.

10. *International Responsibilities*

As a world leader in developing sustainable forest management, forest practices and community involvement in forestry, Australia will continue to be a model for the conservation and sustainable use of forests. This will require:

- promoting sustainable forest management internationally;
- continuing the development of an international agreement on forests.

Public comments on the draft National Forest Policy Statement are invited prior to the finalisation of the Statement for consideration by Governments. Details on where to send comments are included at the back of the Statement.

Joint Statement

DPIE92/60GR

7 JULY 1992

A NEW FOCUS FOR AUSTRALIA'S FORESTS

Australia will have a comprehensive system of forest conservation reserves, more productive and efficient forest industries, increased plantation development and eco-tourism growth, under a draft National Forest Policy Statement released today.

The draft Statement was released on behalf of the Federal Government by the Minister for Resources, Alan Griffiths and the Minister for the Arts, Sport, the Environment and Territories, Ros Kelly.

The Statement is also being released across Australia by State and Territory Ministers responsible for forests, conservation and the environment.

Mr Griffiths and Mrs Kelly said the Statement will, for the first time since Federation, take a co-ordinated approach to the conservation and sustainable management of Australia's forests.

The Statement's strategy and initiatives are comprehensive and far reaching. They address the fundamental issues of conservation, commercial use, value-adding investment, sustainable employment and the protection of old growth and wilderness values through a transition strategy, all of which have been at the centre of the forests debate over the last 15 years.

The new focus seeks to achieve the best mix of conservation and commercial uses of native and plantation forests, in an integrated planning and management framework.

As part of this, the Statement outlines a shared vision of Australia's forests and forest industries into the next century. Its main features are outlined in the attached summary document.

"The statement includes a draft national plantations strategy that will provide an increased commercial wood resource for industry and, in some cases, should also help to rehabilitate degraded farmland and improve water quality.

"The draft statement also proposes an increased and better focussed national research and development effort, and more opportunities for effective public participation in decision-making about forest use," the Ministers said.

"It is particularly pleasing for me to see a national approach to establishing a comprehensive reserve system for forests," Mrs Kelly said.

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"A commitment to have the best of our old growth forests and wilderness protected by 1995 will go a long way to resolving the contentious forestry debate."

People interested in forest policy will have an opportunity to submit comments to Commonwealth, State or Territory governments.

When finalised later this year, the draft statement will be the response by the governments to three major forest inquiries: the reports of the Ecologically Sustainable Development Working Group on Forest Use, the Resource Assessment Commission Forest and Timber Inquiry, and the National Plantations Advisory Committee.

Public comment on the draft policy statement is welcome. Copies are available from:

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Forests Policy Analysis Unit
Land Resources Division
Department of Primary Industries and Energy
GPO Box 858
Canberra City ACT 2601

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FAX to E.L.O. GROUP

Judy Messer has suggested that a special meeting of the ELO Group be convened at **2.00 pm this Wednesday 24th June** at the Nature Conservation Council, **39 George Street, The Rocks.**

The purpose of the meeting will be to discuss the production of a letter to all NSW Members of Parliament concerning the **Natural Resources Management package.** Other strategies for combatting the Package may also be discussed.

You may be aware that some of the ELO Group will be meeting Dr. Neil Shepherd of the Environment Protection Authority at 4.00 pm the same afternoon, so the 2nd part of the 2.00 pm meeting will be devoted to a pre-Shepherd meeting caucus.

Please let me know as soon as possible if you can make the 2.00 pm meeting.

Yours sincerely

Sid Walker
Executive Officer

TREE WORLD

MONTHLY NEWSLETTER OF PEEKAY TREE CROPS DEVELOPMENT FOUNDATION

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A STRATEGY FOR COCONUT HYBRID PRODUCTION IN INDIA

Two general groups of coconut hybrids are produced in India. They are the Tall x Dwarf (TxD) and Dwarf x Tall (DxT) hybrid combinations. The production and distribution of TxD hybrids have commenced about five decades ago. In the beginning, the production was restricted to a limited number of seedlings. The production efforts received a fillip since 1968 with the launching of a Centrally Sponsored Scheme for the production and distribution of TxD hybrids. On the other hand, DxT hybrids are still not available for general distribution despite the fact that most of the seed gardens for the production of these hybrids were established in the different states during the seventies.

The field performance of hybrids

The coconut hybrids are known for their precocity in bearing and high yield potential. The farmers, while conscious of these qualities, have also observed many undesirable traits in TxD hybrids when grown under field conditions. Consequently, the TxD hybrids have not received general acceptance by the farmers as superior in all respects to the local cultivars. In order to assess the performance of hybrids growing under varied conditions two comprehensive field surveys were organised in 1978 and 1988. The first survey which was organised jointly by the Central Plantation Crops Research Institute, the erstwhile Directorate of Coconut Development, the Kerala Agricultural University and the Directorate of Agriculture, Kerala, covered the research stations and farmer's fields in Kerala. The second survey which was sponsored by the Asian and Pacific Coconut Community covered the farmer's fields in Kerala, Tamil Nadu, Karnataka and Andhra Pradesh.

The results of the first survey clearly revealed that the hybrids performed well only when grown under favourable management conditions. Under rainfed and low external input agriculture, the ordinary tall cultivars were found to be more productive than the hybrids. It was also observed that undesirable traits such as alternative bearing, bunch buckling, leaf drooping and immature nut fall were common features in the TxD combinations. Among the two groups of hybrids, the manifestation of undesirable traits was minimum for the DxT group. The DxT hybrids were also found to give higher yields than the TxD hybrids under identitical conditions of growth. The opinion of the farmers was not in favour of large scale cultivation of TxD hybrids. On the other hand, they preferred DxT hybrids as a better alternative to the local cultivars for new plantings and re-plantings.

In the second survey also more or less identical findings were recorded. The pre-bearing period of both the hybrids ranged from five to six years, while under identical conditions the pre-bearing period of tall cultivars was upto seven to eight years. Full expression of the yield potential of hybrids was noticed under favourable environmental and management conditions. Alternative bearing, bunch buckling, leaf drooping and immature nut fall were widespread in the TxD hybrids compared to the DxT and local talls. Palm to palm variation among the TxD palms was very pronounced. While some TxD palms yielded more than 200 nuts others in the same plot yielded only less than 50 nuts a year. In most cases not less than 25 to 30 per cent of the TxD palms were found to be less productive than the local talls growing either in the same field or under comparable conditions. Among the farmers covered in the survey over 80 per cent favoured the cultivation of DxT hybrids. Better performance of DxT combinations even under low external input agriculture, was the major reason for the preference shown by the farmers.

Which hybrids to produce?

It is a general observation that large scale production of TxD hybrids is hindered by technical constraints. The method of production now adopted required trained climbers for the purpose of emasculation and hand pollination of all the female flowers of tall mother palms. When large number of such pollinations are to be made it would not always be feasible to exercise a proper check from the ground on the pollination process. It is also not possible to differentiate between true hybrids and the seedlings of the tall mother palms in the nursery because of uniformity in colour of all the seedlings.

When large number of TxD hybrids are to be produced, indiscriminate selection and use of parents, especially dwarf pollen donors, have also to be resorted to. Selection of parents without studying their combining ability and the adoption of hand pollination on tall mother palms, the efficiency of which could not be checked even at the nursery stage, are likely to cause much variation among the resulting progenies in their field performance. The expression of undesirable traits by the TxD hybrid progenies could be related to the dominant male parent influence.

The DxT hybrids are produced in large numbers in many coconut growing countries. The advantage with this hybrid is that when yellow, orange or red colour forms of dwarf are used as female parents, the hybrids can easily be identified in the nursery on the basis of petiole colour. The hybrid seedlings will have a greenish brown or brownish petiole depending on the colour of the talls used in crossing. The dwarf inbreds will have the true colour of the respective dwarfs used. They could be easily identified and culled out thereby ensuring the supply of only hybrid progenies from the nursery. Thus, unlike in the case of TxD hybrids, the farmers could be sure of what they are planting. As such, when selected DxT hybrid seedlings are planted, the extent of palm to palm variability in the field may not be as pronounced as in the case of TxD hybrids. Another advantage with the DxT hybrids is that it is possible to produce hybrid progenies in large numbers in seed farms where either the dwarf and tall cultivars are planted together in optimum proportion or selected progenies of outstanding dwarf palms alone are planted. In the former method the dwarf palms are emasculated on a regular basis and left for natural crossing with the tall palms standing nearby. In the latter method the dwarf palms after emasculation are assisted pollinated using appropriate devices with the pollen collected from tall male parents growing at different locations. Though the second method involves assisted pollination, it facilitates the production of desired hybrid combinations using the pollen of selected tall parents. Also with the introduction of improved devices for pollination, assisted pollination could be performed from the ground itself because of the short stature of the dwarf palms.

Apart from the TxD and DxT hybrids, promising combinations of Tall x Tall (TxT) are also produced in many countries. Some such combinations are found to be very high yielders. In India, the steps taken in the early sixties for the production of TxT hybrids have failed to register success. In Sri Lanka progenies of selected TxT crosses have been released for cultivation in all districts. The variety, known by the name CRIC 60, comes to flowering in 5 to 8 years depending on the quality of management and yields about 100 nuts or 22.5 kg of copra per palm per year under rainfed conditions. The palms are generally hardy and are tolerant to drought and pests and diseases. In Indonesia four TxT hybrids are available with copra yield ranging from 3.9 tonnes per ha to 4.7 tonnes per ha per year. Similar high yielding TxT combinations are available in Thailand, Ivory Coast, Vanuatu etc. The TxT hybrids, in general, are superior to the open pollinated progenies of Tall but may not out-yield DxT hybrids.

While the superiority of DxT hybrids and , possibly, of TxT hybrids is generally recognised, it is the TxD hybrids that are produced in large numbers in India. Under the ongoing Centrally Sponsored Scheme covering the major coconut growing states, the annual production is 0.15 million seedlings. This production level is planned to be doubled during the VIIIth Five Year Plan period. Perhaps, India is the only country in the World where the production of TxD hybrids is still continued. Despite the popularisation of TxD hybrids over the past five decades, they have not gained as much acceptance as DxT hybrids among the farmers which by itself is a valid reason for not spending additional resources on their production. Instead, the present production level may be maintained and additional resources invested for enlarging the production base of both the DxT and TxT hybrids. The production of TxD hybrids could be discontinued when the availability of other hybrid forms becomes sufficient for general distribution.

The unaccomplished production targets of DxT and TxT hybrids

For the production of DxT hybrids, seed farms were set up in 200 ha each in the states of Kerala, Karnataka and Tamil Nadu and 40 ha in Orissa. Of these farms, the seed farms in Karnataka and Orissa and one farm of 100ha in Tamil Nadu were established in the early seventies. The seed farm in Kerala and the second seed farm in Tamil Nadu were established in the early eighties. Apart from these farms which were part of a Centrally Sponsored Scheme, another farm of 43 ha was established by the CPCRI for the same purpose in Karnataka sometime in early seventies.

In the beginning it was expected that by 1985 atleast four million DxT hybrids could be produced from all the seed farms. But the expectation was belied and no farm including the one established by the CPCRI is likely to achieve the expected level of production in the near future. While the set back experienced in the farm of the CPCRI was due to technical reasons, the reason for the failure in the case of all other farms was mainly administrative.

In addition to the farms established for the production of DxT hybrids, one farm of 40ha was established in Karnataka in 1968 for the production of TxT hybrids. Progenies of crosses between selected tall parents were procured from the CPCRI and planted in the farm. But no seednuts were produced in the farm which is now in a neglected condition. As the scope of this essay does not permit to go into the causes of failure of the seed farms, it is suffice to mention that the pattern of financing and implementation of Centrally Sponsored Schemes has been instrumental for the tardy progress achieved in the production of both DxT and TxT hybrids.

Success in private sector

Contrary to the failure experienced in the dispensation of the hybrid production farms in the Government Sector, commendable achievements were made by the private sector in the field. There is, however, only one seed farm in the private sector in the country. The hybrid seed farm developed by the Deejay Enterprises in an area of about 80ha at Kodimangalam near Madurai in Tamil Nadu is an excellent example of what could be achieved if earnest efforts are made for the purpose. This farm was established just about a decade ago with the encouragement and technical sup-

port of the erstwhile Directorate of Coconut Development and the CPCRI. In this farm two hybrid combinations are produced and distribution of seedlings was commenced in 1990. From 1992 onwards, seednuts are also being made available from the farm. The hybrid combinations produced in the farm are Malayan Yellow Dwarf x West Coast Tall (MD-1) and Malayan Yellow Dwarf x East Coast Tall (MD-2).

Suggestions for future strategy

★ The production target of TxD hybrids under the ongoing Centrally Sponsored Scheme may not be enhanced but maintained at the existing level and the production discontinued within a short time frame.

★ A committee of technical experts may inspect the different seed gardens and suggest measures for improving the conditions of the farms for achieving the set production targets during the VIIIth Five Year Plan period.

★ The Committee may also assess the annual requirement of planting material of DxT and TxT hybrids and high yielding tall cultivars and determine the most appropriate production strategies for satisfying the demand.

★ The committee may suggest the number and area of new seed farms to be established, the states to be covered and the hybrid combinations to be produced in each farm.

★ Central investment for the production of coconut hybrids during the VIII Plan period shall be on Central Sector Schemes to be implemented directly by the Coconut Development Board.

★ Except for the establishment and maintenance of seed farms for the production of coconut hybrids and quality planting material of selected cultivars, the Coconut Development Board shall not run coconut nurseries for the production of seedlings of ordinary cultivars except in non-traditional belts where state level facilities are presently inadequate.

★ For enabling the Coconut Development Board to establish and run seed production farms in the different states efficiently, the quality and the technical competence of the organisation has to be improved and or strengthened.

★ The private sector engaged in the scientific production of coconut hybrids on commercial scale may be encouraged and supported. The planting material produced in seed farms such as the Deejay Hybrid Seed Farm at Madurai may be procured by the Central and State Agencies for distribution to farmers wherever improved planting material is in short supply.

- P.K.Thampan

PROMOTE NEEM IN FORESTRY PROGRAMMES

The Social Forestry Departments in the country have been promoting the establishment of eucalyptus plantations since long. After realising the undesirable effects of eucalyptus plantations on the local eco-systems, many indigenous tree species have been identified as possible alternatives in the social forestry and agro-forestry programmes. One such tree is Neem (*Azadirachta indica*).

Neem is an indigenous tree of India. It flowers in summer with new flush of green leaves providing excellent shade to the surroundings. In many Indian villages neem is a revered tree and it is seldom cut. This social awareness has resulted in saving neem tree form destruction.

Unfortunately during the last world war, thousands of neem trees were cut and converted into charcoal for gasification and use as fuel in transport vehicles in place of diesel. Since then, the expanding population and urbanisation have slowed down the planting of useful trees like neem.

With the recognition of the environmental hazards associated with the indiscriminate use of chemical pesticides in agriculture, the use of bio-pesticides is now-a-days being recommended as the safest method of plant protection. Many alkaloids from tree species such as neem could be isolated and used as effective pesticides without causing any damage to man and environment.

Neem leaf decoction is traditionally used as a cure for yellow fever and other ailments in African countries. Neem stick is even now used in many countries including India as tooth brush and dentists have found that the teeth of those using neem stick regularly are stronger than those who use chemical tooth paste. Neem oil is used in many Indian villages as a cure for many maladies. Neem foliage is an excellent green leaf manure which has nematicidal properties. The tree also yields fire wood and good quality timber. The timber is useful for miscellaneous constructions and furniture making.

Neem fruits are also eaten during periods of drought as they are mildly sweet. Termites do not attack neem tree. Neem plantations have been raised successfully along the borders of Sahara desert in African Countries, like Niger, Charl, Dahomey, Benin, Sierra-leone, Nigeria etc. It is time that the Social Forestry Departments assign adequate priority to neem as a planting material in the reforestation programmes in place of eucalyptus and other exotic but less useful trees.

- Dr. L. Venkat Ratnam

TREES OF ECONOMIC IMPORTANCE

Clove (*Syzygium aromaticum*)

Clove is an exotic tree spice introduced into India by the British East India Company more than a century ago. The flower bud of the tree is the spice and it is very much in demand in food, pharmaceutical and perfumery industries. In Indonesia a significant proportion of the domestic production is used for the making of the famous 'Kartek' cigarettes.

The world production of clove is estimated at 88,000 tonnes per annum. The estimated global trade in the commodity is around 9000 tonnes valued at 36.46 million US dollars. Zansibar is the main producer of clove, followed by Indonesia, Madagascar, Sri Lanka and Malaysia. Bulk of the Produce is consumed in these producing countries.

Clove prefers a humid tropical climate. An annual rainfall of about 1500 to 2500 mm, a temperature range of 25°C to 35°C and well drained loamy and lateritic soils are the ideal conditions for successful clove cultivation. As far as elevation is concerned, clove thrives well from almost sea level to about 500m from M.S.L. Climatically, practically the entire state of Kerala, and the adjoining districts in Tamil Nadu and Karnataka are suitable for successful clove cultivation. Similarly, most of the North-Eastern States are also suitable for clove cultivation. But the total area under clove in the country is only around 2000ha and production 1500 tonnes per annum as against the estimated annual requirement of about 4000

tonnes. The deficit is made good by imports.

In India, clove is commercially cultivated on a limited scale in Kanyakumari, Tirunelveli and Nilgiri districts of Tamil Nadu and in the South and North Canara districts of Karnataka. In Kerala state clove is commercially grown in certain pockets in Quilon and Trivandrum districts. Clove comes up well as an intercrop in coconut and areca gardens. In fact it is successfully grown in areca gardens in the South and North Canara districts of Karnataka state. In Kerala state there is good potential for growing clove as an intercrop in coconut gardens and along with other perennial tree crops in home gardens where irrigation facilities are available.

The area selected for raising clove plantation should be cleared off wild growth before monsoon. Pits of size 75cm cube at a spacing of seven meters may be dug before the onset of monsoon rains. Pits may be filled with a mixture of compost or well decomposed cattle manure and loose friable top soil and the seedlings are planted in the centre of the pits in may-June with the onset of monsoon rains. Banana may be planted nearby to provide cool and humid atmosphere to the tender seedlings. Watering may be done during summer months. About 200 plants per ha can be accommodated, when raised as a pure crop. If grown as an inter-crop, spacing is to be adjusted according to the position of the main crop.

Clove tree begins to yield from the seventh year of planting and full bearing stage will be attained in about 15 to 20 years from planting. The flowering season is September to October in the plains and December to February in the hills.

Flower buds, formed on young flush, take about five to six months to become ready for harvest. The optimum stage of picking clove buds is when the buds are fully developed and the base of the calyx turns to pink colour from green. Care should be taken to collect the buds at the correct stage of maturity, as otherwise the quality of the produce will be poor. Such clove buds are carefully picked by hand. When the trees are tall and the branches are beyond the reach, platform ladders are to be used for harvesting. Bending the branches or knocking down the bud clusters with stick is not recommended as these practices will affect the future bearing.

The buds after separating from the stalks may be spread evenly to dry in the sun on mats or cement floors. During nights, buds should be covered, lest they re-absorb moisture. The period of drying depends on the climatic conditions. Normally, it is possible to dry cloves in four or five days under direct sun and in about four hours when they are heated on zinc trays over a regulated fire. Fully dried buds develop the characteristic dark brown colour and are crisp. Improperly dried and stored cloves have much darker colour and will have wrinkled appearance. Such produce is inferior in quality. About 8000 to 10,000 numbers of good quality clove buds would weigh one kilogram.

A well maintained full grown tree under favourable conditions may yield around five to eight kg of dried clove buds on an average. The present average price of 1kg of dried clove buds in India is around Rs. 150.

- Antony Cherian

NEWS AND NOTES

Higher Coconut Productivity Through Efficient Management

Efficient utilisation of locally available resources supplemented with external inputs can result in very high coconut yields which are usually not achieved in the chemically predominant coconut culture. In a 24ha coconut garden situated at Odayamkulam near Pollachi in Tamil Nadu a progressive farmer Mr. O.V.R. Somasundaram has adopted all possible measures for enhancing the vitality of the agroecosystem in order to support higher levels of productivity on a sustainable basis.

The farmer has 3200 palms of the age group 6 to 18 years of which 300-400 palms have not yet commenced fruiting. Among the palms, 1200 are TallxDwarf hybrids procured from the Coconut Research Station, Veppankulam, Tamil Nadu and the remaining local cultivars. The planting material of the local cultivars was raised by Mr. Somasundaram himself from seeds of selected high yielding palms.

All the palms in the garden receive plenty of organic manures in the forms of farm yard manure, compost and green manure at the rate of 200 kg per palm per year. It is a regular practice to grow sann hemp (*Crotalaria juncea*) around the basin of each palm., The plants are pulled up and buried in the basin at the flowering stage. The organic manures are supplemented with other manures and fertilizers at the rates of 2kg neem cake mixed with 1.3 kg of urea, 2kg each of super phosphate and muriate of potash and 1kg of magnesium sulphate. The palms receive weekly irrigation.

In 1990, the total production of coconuts in the farm was 350,000 nuts from 1800 yielding palms which was equivalent to an average yield of 194 nuts per palm. In 1991, the average yield was, however, less at around 190 nuts. In 1992, the average yield is expected to be still less, but marginally. The slight reduction in the average yield is the result of more number of tall palms reaching the bearing stage. In 1990, the bearing palms were mainly hybrids.

The experience of the farmer with Tall x Dwarf hybrids is that they are highly variable in the field with 25-30 per cent of the palm population turning out to be very poor yielders. Among the high yielders, there are many which exhibit alternate bearing tendency. Mr. O.V.R. Somasundaram is also practising multispecies cropping in his garden. He has trained pepper vines on about 2000 palms and most of which have started fruiting. The pepper vines are four years old. There are 250 four year old nutmeg plants, 250 jack trees besides many other miscellaneous tree crops. The innovative farming techniques adopted by the farmer in his farm are worth emulation by other farmers for achieving higher levels of coconut productivity and more income from a unit area under coconut.

Prospects for Cocoa Development in India

Cocoa (*Theobroma cacao*) is a compatible and remunerative intercrop in coconut and arecanut gardens. It's cultivation as an intercrop can benefit a large number of small and marginal farmers in the southern states of India particularly in Kerala. The cultivation and subsequent processing activities would also create additional employment opportunities in the rural areas and benefit the national economy.

The present grinding capacity of the processing units in the country is 14000-16000 tonnes of dry beans. It has been estimated that the requirement of cocoa beans in the existing processing units would be 21,650 tonnes by 1997. The production potential of the existing cocoa plantations in the country being about 7000 tonnes only, there is need for the development of cocoa cultivation further. In order to achieve the required level of production, the area under the crop has to be expanded besides improving the productivity of the existing gardens. As the existing gardens were raised mostly from the seed material imported in the early years, a good percentage of them require replanting and or rejuvenation with superior planting material. The farmers are also to be guaranteed a remunerative price for cocoa beans along with providing adequate marketing support for the sale of their produce.

- P.K. Thampan

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WHAT'S WRONG WITH THE NSW GOVERNMENT'S NATURAL RESOURCES MANAGEMENT PACKAGE

The NSW Government wants to change the way we make decisions about the use of land, including high conservation value forests, the coast, crown lands and waterways. It has proposed five new laws which will override existing legislation and which currently protect the environment and allow public participation.

The new laws will create confrontation - worsening divisions over the future of the natural environment.

WHAT THE NEW LAWS WILL DO

Natural Resources Management Council Bill

* This bill will, in effect, replace the regional planning process of the Environmntal Planning and Assessment Act 1979 (EPA). A new Resources Management Council will produce regional reviews that will recommend how public land (including national parks) can be used. It replaces the proven system of regional environmental studies and plans found in the EPA Act.
* The EPA Act has a balanced set of objectives, but the new Council will be dominated by developer interests thus skewing decisions towards exploitation interests.
* The NSW Government has never been enthusiastic about using the EPA Act and now it doing away with one its cornerstones.

Endangered and Other Threatened Species Bill

* This should be renamed the extinction law. It is appalling.
* It repeals the Endangered Fauna Act and the licensing powers given to the National Parks Service, just as government agencies and the private sector are beginning to put in place decison making processes to take account of endangered species.
* The Bill sacks the current independent scientific committee and replaces it with one stacked with government appointees (no doubt conservatives).
* In a move criticised by scientists the term 'endangered' is redefined so as to remove 150 species off the current NSW endangered list. 'Endangered' now means likely to become extinct in Australia within 20 years. Such a parlous state would mean very few individuals of an animal would be left and extinction a near certainty.
* Unless a strong recovery plan is in place. But this proposed law creates ineffective recovery plans. Such plans have to minimise the social and economic effects - one vested interest could ensure extinction. Further the plan cannot stop bodies such as the Forestry Commission from complying with their statutory duties - like logging old growth forests!

Forest (Resource Security) Bill

* This is even worse than the proposed defeated Federal law.
* Forests can be handed over to the timber industry in long term contracts with hefty compensation claims liable if a forest area is withdrawn.
* Such forests, called Timber Production Forests, are not subject to Part 4 of the EPA Act, nor Part 5 that requires

environmental impact statements.
* And, not surprisingly, there is no protection for endangered species.
* Special mention is made of the south east forests - they are automatically available for resource security - without any further environmental assessment.
* Such a law will create immense conflict in the forests as it removes accountability and ongoing public participation.
* A better law would seek to resolve conflict by bringing the parties together and assisting the retraining and re-employment of workers displaced by conservation decisions. Independent MP, Peter McDonald has introduced a private members bill to achieve this.

Amendments to the EPA and Heritage Acts
* The EPA Act is amended so that the body that produces the environmental impact statement does not also adjudicate it. This is an imporvement but there is a catch - the other laws in the government's package have to also be passed. The gain is not worth the pain.
* There is also the clause that allows the activity to be changed in secret or conditions to be changed without opportunity for public comment.
* The Heritage Act will no longer apply to the natural environment and aboriginal sites. Pernament conservation orders will no longer be available.
* Urban bushland will be under particular threat as other laws, such as those found in the National Parks and Wildlife Act, will not be applied.

The Government Package also overturns four court cases won by environmentalists on the legal and environmental merits.

THE ALTERNATIVES
* Use the existing provisions of the EPA Act to produce regional environmental studies and plans. Retain the integrity of a proven, world class piece of legislation.
* Introduce a strong Threatened Species Act - the Threatened Species Network has drafted such a law.
* Pass a separate small bill removing adjudication of environmental impact statement from the proponent and author of the eis.

1.6.92

JEFF ANGEL

OUTLINE OF PEAK ENVIRONMENT GROUPS NATURE CONSERVATION/LAND USE DECISION MAKING PACKA

GE

New South Wales

[Peak Group Logos]

Nature Conservation/Land Use Decision-Making Package

Discussion Paper and Exposure Bills

July 1992

CONTENTS

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this doc
lobbying list (MLO)
env. groups with
package → Riley
meeting with Cam.

FOREWORD [outline]

This package is a response to Government's Natural Resources Package. It addresses the same land-use decision-making processes as those in the Government's Natural Resources Package.

Unlike the Governent's package, which specifically exempts the South East Forests from these decision-making processes, this package does not refer to specific areas of land.

The peak environment groups believe, however, that a number of valuable natural areas are in danger and require immediate protection, namely:

- the proposed Khappinghat Nature Reserve
- the proposed Moonee Beach Nature Reserve
- the South East Forests
- nominated Wilderness Areas
- other proposed National Parks and Nature Reserves

We believe that additional legislation is necessary to do this, and should be passed by the Parliament at the earliest opportunity. The necessary Bills to do this are now either before the Parliament, or will be listed, we believe, early in the Budget Session.

This Nature Conservation/Land Use Decision Making Package gives effect to the principle that natural resources should only be used when this use is controlled by an integrated plan based on ecological sustainability. Such a plan depends on a resource information database which has the confidence of the community.

Both the plan and the database must be prepared with the public being fully informed, and participating at every stage. This is the only way of preventing conflict over land use decisions about public resources.

Only when there is such a plan, and the necessary background data to formulate it, can developers feel that their investment will be secure.

All of these steps are possible under the EP&A Act.

Dr Judy Messer, Nature Conservation Council of NSW
Milo Dunphy, Total Environment Centre
Sue Salmon, Australian Conservation Foundation
Rod Knight, The Wilderness Society
Graham Douglas, National Parks Association of NSW
Jeff Angel, South East Forest Alliance

BIG SCRUB ENVIRONMENT CENTRE INC.

Greg Gill
21 Possum Pie Rd.
Wootton 2423
Phone 049)977263

20 November 1991

Ms. Janet Thompson,
Freedom of Information Registrar,
Dept. of Arts, Sports, Environment,
Tourism and Territories,
Box 787 Canberra,
ACT 2601

Dear Ms. Thompson,

Pursuant to the Freedom of Information Act 1982, I wish to seek access to the following documents relating to the export of woodchip by Sawmillers Exports Pty. Ltd.(SEPL) and Brisbane Forest Products Pty. Ltd. (BFP) operating in Nth. NSW and Sth. Qld. respectively, and Midway Wood Products Pty. Ltd. (MWP) of Victoria.

I require a list of all published documents and a copy of all unpublished documents including; reports, letters, files, notes, minutes, memos, maps ,tables and graphs in regards to:-

a>. information and advice, including results of environmental assessment, given to the Minister for Resources Senator Peter Cook in 1983, allowing the inclusion of silvicultural residues from Crown land and timber taken from private property in the Export Licence of SEPL.

b>. information and advice given by Dept. of Arts, Sport, Environment, Tourism and Territories (DASETT) to the Dept. of Primary Industry and Energy (DoPIE) in 1988, including information received from the Forestry Commission NSW, approving the increase of SEPL's export licence from 350,000 tonnes p.a to 500,000 tpa.

c>. information, including environmental aspects, considered in conjunction with DoPIE when approving the issuing of export licences to BFP in 1989 for 180,000 tpa, and to MWP in 1990 for 170,000 tpa.

d>. a list of all private property, and results of any environmental impact assessment of private property from which timber for the production of export woodchip by the three companies concerned has, or will be taken.

e>. results of inspections by officers of DASETT, of any of the three company's operations.

.../2

f>. information considered, including advice received from the Forestry Commission NSW to justify, not recommending designation of SEPL and BFP as proponents under the Environmental Protection (Impact of Proposals) Act 1974,(Impact Act), prior to 1990.

g>. any information and advice received by DASETT from the three companies and the relevant state land management agencies, regarding the extent of environmental impact assessment necessary (ie. environmental impact statement or public environment report), as proponents under the Impact Act.

h>. documentary evidence to support the claim by the Minister, that two thirds of the woodchip exported by SEPL is derived from sawmill waste.

In view of the large amount of information involved in this request, and the fact that much of it could be contained in documents that are seemingly irrelevant, I request that nominated members of the Big Scrub Environment Centre be given access to all files relating to the companies mentioned, to allow the appropriate information to be gathered for copying.

Also bearing in mind that the Big Scrub Environment Centre is a public interest organisation, operating on a very limited budget, I request the maximum reduction of fees allowable under these circumstances.

Thank you for your attention to these matters of public interest. I look forward to a prompt response to the requests made above.

Yours sincerely,

Greg Gill
for Big Scrub Environment Centre Inc.

6/3

BIG SCRUB ENVIRONMENT CENTRE INC.

Greg Gill
21 Possum Pie Rd.
Wootton 2423
NSW.
Phone 049)977263

2 January 1992

Ms. F. Kelleher,
Freedom of Information Registrar,
Dept. Primary Industry and Energy,
G.P.O. Box 858,
Canberra. 2601
A.C.T.

Dear Ms. Kelleher,

I refer to the letter from Mr. Don Banfield, Assistant Secretary of the Forests Branch of the Dept. of Primary Industry and Energy (DoPIE), dated 16 December 1991, informing me that under Section 24 of the Freedom of Information Act 1982, my request for access to information (ref. no. FOI 91/42) has been refused. The reason given by Mr Banfield for his refusal was that the 40 hours work required to identify and search files and documents, and the fact that DoPIE may hold some 600 pages of relevant information to be photocopied, would involve a substantial and unreasonable diversion of resources of his branch.

I am aware that under the FOI Act, there are provisions for the refusal of a request for the reasons stated, however I believe in this case the use of Sec. 24 (1) of the Act could be seen as being obstructive and should not be applied.

It is my understanding that under Commonwealth Legislation other than the FOI Act, that the part of my request relating to matters considered by the Minister for Resources, regarding the issuing of the export licences and the conditions imposed on these licences, as well as copies of the licences and conditions, should be made available to members of the public, free of charge and without the formal requirements of access via the FOI process. Also following telephone conversations with Mr Charles Body of the Forests Branch, and Mr Dailan Pugh and myself from the Big Scrub Environment Centre, it was generally understood that a request for access to this information was not unreasonable.

In assuming that the relevant information held or prepared by the Australian Quarantine and Inspection Service, as requested, would not be so voluminous as to be considered unreasonable, it would seem evident that access to the available information regarding;

.../2

a>. results of any environmental impact assessment or monitoring of Crown land and private property.

b>. a list of all private properties that timber for export woodchip has or will be taken.

is the restrictive component of my request, and is responsible for the reluctance on behalf of the Forests Branch to grant access to the information required.

This being the case, I believe the decision to refuse my request for information is most unreasonable, considering much of the requested information should be made available free of charge and without the procedural requirements under the FOI Act,and the fact that a request made to the Dept. Arts, Sports, Environment, Tourism and Territories for similar information was granted.

Another disturbing aspect of the refusal of my request by the Forests Branch, was the complete lack of advice given, regarding my right to appeal the decision. While it may not be mandatory for the Branch to give advice in these circumstances, in dealing with other Commonwealth Departments in the past, I have been shown the courtesy of being supplied with information regarding my rights concerning such matters as; reviews of charges, and rights of review where access is refused, as well as provisions for complaints to the Commonwealth Ombudsman and the use of the Administrative Appeals Tribunal.

Pursuant to Section 54 of the FOI Act, I request an internal review of the decision to refuse access to the requested information.

Please find enclosed the $40 application fee, which I believe in this case is an unnecessary and unfair impediment to access to public information, and therefore request the Dept. to exercise its discretion and remit the application fee, not only on the grounds as stated previously but bearing in mind that the information required is in the general public interest.

I would also request the Dept. to review the imposition of any charges related to the supply of information regarding;

a> matters considered by the Minister as requested (a - e page 1)
b> copies of export licences and conditions, as requested.

I look forward to a prompt response to the review of my request.

Yours sincerely,

Greg Gill
for the Big Scrub Environment Centre Inc.

COMMONWEALTH DEPARTMENT OF PRIMARY INDUSTRIES AND ENERGY
EDMUND BARTON BUILDING, CANBERRA ACT
Telex [illegible] Fax (06) 272 5161

16 December 1991

Mr G. Gill
Big Scrub Environment Centre
21 Possum Pie Road
WOOTTON N.S.W. 2423

Dear Mr Gill,

I refer to your request dated 14 November 1991 under the Freedom of Information Act 1982 for copies of documents related to the woodchip export operations of Sawmillers Exports Pty Ltd, Brisbane Forest Products Pty Ltd and Midway Wood Products Pty Ltd.

We estimate that a minimum of 40 hours' work would be required to search files, identify documents relevant to your request and decide whether they should be released in whole or in part. As we estimate that we may hold at least 600 pages in over 20 files relevant to your request, photocopying alone would be a major task.

Further, many of the papers are from other organisations or individuals and we would have to consult all of them (perhaps 30 organisations or individuals in total) to seek their agreement to the release of their documents. This task, however, could not be commenced until we had completed a search of all relevant files.

I understand that Mr Charles Body of this Branch has already contacted you by telephone, advising you of the magnitude of the work required in relation to your request and suggesting that you may wish to consider amending the request. Mr Dailan Pugh, however, has advised that the Big Scrub Environment Centre does not wish to amend the request.

In the circumstances, I have concluded that your request would involve a substantial and unreasonable diversion of the resources of this Branch and I therefore advise, under Section 24 of the Freedom of Information Act, that I refuse your request.

Should you wish to discuss this matter further, you may contact Mr Body on (06) 272 4196.

Yours sincerely,

Don Banfield
Assistant Secretary
Forests Branch

6/3

URGENT AND IMPORTANT

Proposal to take Court action over Woodchip Licences

Please see Council Minutes for second meeting M 15/2/11

We have now received advice from the Environmental Defenders Office concerning the possible effects of the Council seeking to take court action against the Commonwealth Government namely the Minister for Resources Alan Griffiths. The Minister has issued renewal licences for export of wood chips without seeking full environmental impact statements.

The advice of the EDO is:-
any liability which may attach to the Council cannot be attached to the various member bodies or to the office bearers of the Council. If the NCEC Inc. were to incur liability as a result of a loss in the Federal Court the Council could be wound up and its assets liquidated. (This would not prevent another organisation being formed to carry out the work of this Council under another name)

Legal aid .This may be granted by the Commonwealth Attorney General and will cover most of the costs. If the Council were to lose the case the AG does not normally provide indemnity to cover the costs of the opposing party .It may be necessary to lodge a security for costs to guarantee the Ministers costs in the event that the Minister wins. This was the tactic used in the Mt.Etna case and it defeated those who were attempting to save the caves

Standing. The Council would have reasonable prospects of obtaining standing and thus be able to appear as the "aggrieved person " of the Act and so appear before the Court

Please note that the next stage would be to ask counsel to examine the merits of the case and see whether there are grounds for the action and whether the case is liable to be successful ,then with this information the EDO can seek legal aid on the Councils behalf. After that the Council can decide whether or not to continue with the case.

Would you please consult with your society and inform me if your group is prepared to support this very important action by this Council. Please note that this Council will not be solely responsible for the funding of the legal costs over and above the costs met by Legal Aid. There will be financial help from other sources.

James L.O.Tedder Hon Sec. 22 January 1992

BIG SCRUB ENVIRONMENT CENTRE INC.

Greg Gill
21 Possum Pie Rd.
Wootton 2423
Phone 049)977263

14 November 1991

Ms. F. Kelleher,
Freedom of Information Registrar,
Dept. Primary Industry and Energy,
G.P.O. Box 858,
Canberra.
A.C.T.

Dear Ms. Kelleher,

Pursuant to the Freedom of Information Act 1982, I wish to seek access to the following documents relating to the export of woodchip by Sawmillers Exports Pty. Ltd. and Brisbane Forest Products Pty Ltd operating in Nth. N.S.W. and Sth. Q.L.D., and Midway Wood Products Pty. Ltd. of Victoria.

I require a list of all published documents and a copy of all unpublished documents including; reports, letters, files, notes, minutes, memos, maps, tables and graphs with regards to matters taken into account or considered by the Minister for Resources both past and present when making his decision to:-

a>. Include silvicultural residues from Crown land and timber taken from private properties in the export licence for these companies.

b>.Increase Sawmillers Exports P/L. licence from 350,000 t.p.a. to 500,000 t.p.a. in 1988.

c>.Not include logging residue and sawmill waste for assessment when designating Sawmillers Exports P/L. and Brisbane Forest Products P/L as proponents under the Environmental Protection (Impact of Proposals) Act 1974 (Impact Act).

d>.Designate Sawmillers Exports P/L. and Brisbane Forest Products as proponents under the Impact Act, for the use of silvicultural residues from Crown land and timber taken from private property.

e>.Not include timber taken from Crown land, for assessment when designating Midway Wood Products P/L as proponents under the Impact Act.

.../2

Also I seek a list of all published documents and a copy of all unpublished documents, including reports, letters, files, notes, minutes, memos, maps, tables and graphs containing any information regarding:-

a>. Results of any environmental impact assessment or monitoring of Crown land and private property for the purpose of issuing the export licences.

b>.A list of all private properties that timber for export woodchips has or will be taken.

c>.Any information held or prepared by the Australian Quarantine and Inspection Service (A.Q.I.S.) concerning investigations into breaches of export licence conditions, or the unauthorised taking of timber from private property by any of the companies concerned.

In addition I require copies of export licences and all conditions applying to the licences of Sawmillers Exports P/L. and Brisbane Forest Products P/L. This should include definitions of raw resources, ie. logging residue, sawmill waste, silvicultural residue and roundwood, for the purpose of the issuing of the export licences.

In view of the large amount of information involved in this request, and the fact that much of it could be contained in documents that may be partially irrelevant, I request that nominated members of the Big Scrub Environment Centre be given access to all files relating to these companies, to allow the appropriate information to be copied.

Also bearing in mind that the Big Scrub Environment Centre is a public interest organisation operating on a very limited budget,I request the maximum reduction of fees allowable under these circumstances.

Thank you for your attention to these matters of public interest. I look forward to a prompt response to the requests made above.

Yours sincerely,

Greg Gill
for Big Scrub Environment Centre Inc.

Forestry Commission of N.S.W.

21 SEP 1992
WING-PS
LETTER-EF-5

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

Environment Centre of NSW
39 George St.
The Rocks
NSW 2000
Sandra Heilpenn

Your reference:
Our reference: EAB
P.SMITH
(02)9804559

17
~~15th~~ September 1992

Dear Madam,

Summary Brochure on the Wingham Management Area EIS

An Environmental Impact Statement for proposed forestry activities in the Wingham Management Area is now on public exhibition until 26th October, 1992. A copy of the advertisement detailing the public display is enclosed.

The Wingham EIS is the first to be produced under the Commission's EIS strategy which mainly covers proposed activities in the North-East of N.S.W. A total of fifteen EISs, which are now listed in the Timber Industry (Interim Protection) Act 1992, are intended to be produced by 1994. These EISs, which are additional to those being produced for proposed activities in the Eden Management Area, represent the most extensive environmental assessment of forestry operations ever carried out in Australia.

Two features of the EIS program are the community consultation and the flora and fauna surveys. The consultation process goes well beyond statutory requirements and includes public input prior to the engagement of consultants and meetings and inspections during the preparation of the EISs. In addition, public display arrangements for the EISs are generally far greater than statutory requirements.

The comprehensive fauna surveys cover mammals (including bats), amphibians, reptiles and birds and these, together with the vegetation surveys, are used to develop conservation strategies for the various Management Areas. These strategies are developed in the light of one of the Commission's main corporate objectives "to manage forests in an ecologically sustainable manner and encourage community understanding and support of forest management." As the conservation strategies generally include the preservation of large areas of "old growth" forests their economic and social impacts must be closely examined with this being a further important feature of the EISs.

A Summary Brochure has been produced on the Wingham EIS and includes an explanation of the E.I.S. process. Copies of the Brochure are enclosed. Should you require more copies please contact Andrew Lugg [phone (02) 9804290] or myself.

Yours faithfully,

PETER S. SMITH
Manager,
Environmental Assessment Branch

FORESTRY COMMISSION AND NATIONAL PARKS AND WILDLIFE SERVICE

Assessment of Environmental and Faunal Impact of Proposed Forest Management in the Wingham Management Area Public Exhibition

The Forestry Commission proposes to continue management of the 58,000 hectares of State Forests and 6,000 hectares of Crown timber lands in the Wingham Management Area to meet its obligations under the Forestry Act and other relevant legislation and policies. Proposed operations include logging of hardwood sawlogs and other timber products, access road construction and fuel management.

Environmental aspects of the proposed activities have been examined and an **Environmental Impact Statement (EIS)** has been prepared by the environmental consultants Truyard Pty Ltd. The EIS contains a **Fauna Impact Statement** (FIS) prepared in accordance with the provisions of Section 92D of the National Parks and Wildlife (NPW) Act as amended by the Endangered Fauna (Interim Protection) Act and in accordance with the specific requirements of the Director of the National Parks and Wildlife Service (NPWS). A licence application under Section 120 of the NPW Act has been submitted to the Director, NPWS. A copy of all the submissions received by the Forestry Commission in response to exhibition of the EIS/FIS will be sent to the Director, NPWS for consideration.

The EIS/FIS may be inspected during normal office hours from 7 September 1992 to 26 October 1992 at the following locations:

Forestry Commission of NSW
Head Office, Building 2
423 Pennant Hills Road
PENNANT HILLS 2120

Forestry Commission of NSW
Pulteney Street
TAREE 2430

Forestry Commission of NSW
19E Hill Street
WALCHA 2354

Forestry Commission of NSW
Maher Street
WAUCHOPE 2446

Shire Library
Walcha Shire Council
Derby Street
WALCHA 2354

Shire Library
Greater Taree City Council
Pulteney Street
TAREE 2430

NSW Government Information Centre
Goodsell Building, Hunter Street
SYDNEY 2000

NSW Environment Centre
34 George Street
SYDNEY 2000

Department of Planning
Publications Desk
Remington Centre
175 Liverpool Street
SYDNEY 2000

Department of Planning
20 Auckland Street
NEWCASTLE 2300

National Parks & Wildlife Service
Level 1, 43 Bridge Street
HURSTVILLE 2220

National Parks & Wildlife Service
Lot 5, Bourke Street
RAYMOND TERRACE 2324

National Parks & Wildlife Service
Everard Street
PORT MACQUARIE 2444

Hastings Municipal Council Chambers
Cnr. Burrawan & Lord Streets
PORT MACQUARIE 2444

Wingham Branch Library
Wynter Street
WINGHAM 2429

Copies of the EIS/FIS may be purchased from the Forestry Commission Offices listed above and from the Department of Planning's Publication Desk in Sydney at a cost of $15. Supporting reports on soils, hydrology, archaeology and scenic resource are available as a group at a further cost of $10. The Survey reports on flora, mammals, birds, reptiles/amphibians and bats have been published as part of the Commission's Forest Resources Series and are available at $10 each. A flat fee of $5 for postage/packing applies per set of documents.

Any person or organisation may make written representation during the exhibition period, with respect to the activity proposed in the EIS/FIS, to the **Forestry Commission, Locked Bag 23, Pennant Hills, NSW 2120.** Submissions should be received by the Commission by 5.00 pm on 26 October 1992. Copies of all submissions will be forwarded by the Commission to NPWS and to the Department of Planning. The Minister for Planning will determine whether the Commission may carry out, or approve or permit logging operations.

Further inquiries regarding the EIS/FIS can be directed to Jim Simmons of the Commission's Taree Office (065) 51 0249 or Brian Brooker in Sydney, (02) 980 4285.

J.H. DRIELSMA
Commissioner of Forests

THE NEW SOUTH WALES GOVERNMENT
Putting people first by managing better

List of Maps showing wilderness areas which can be logged without E.I.S.

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)

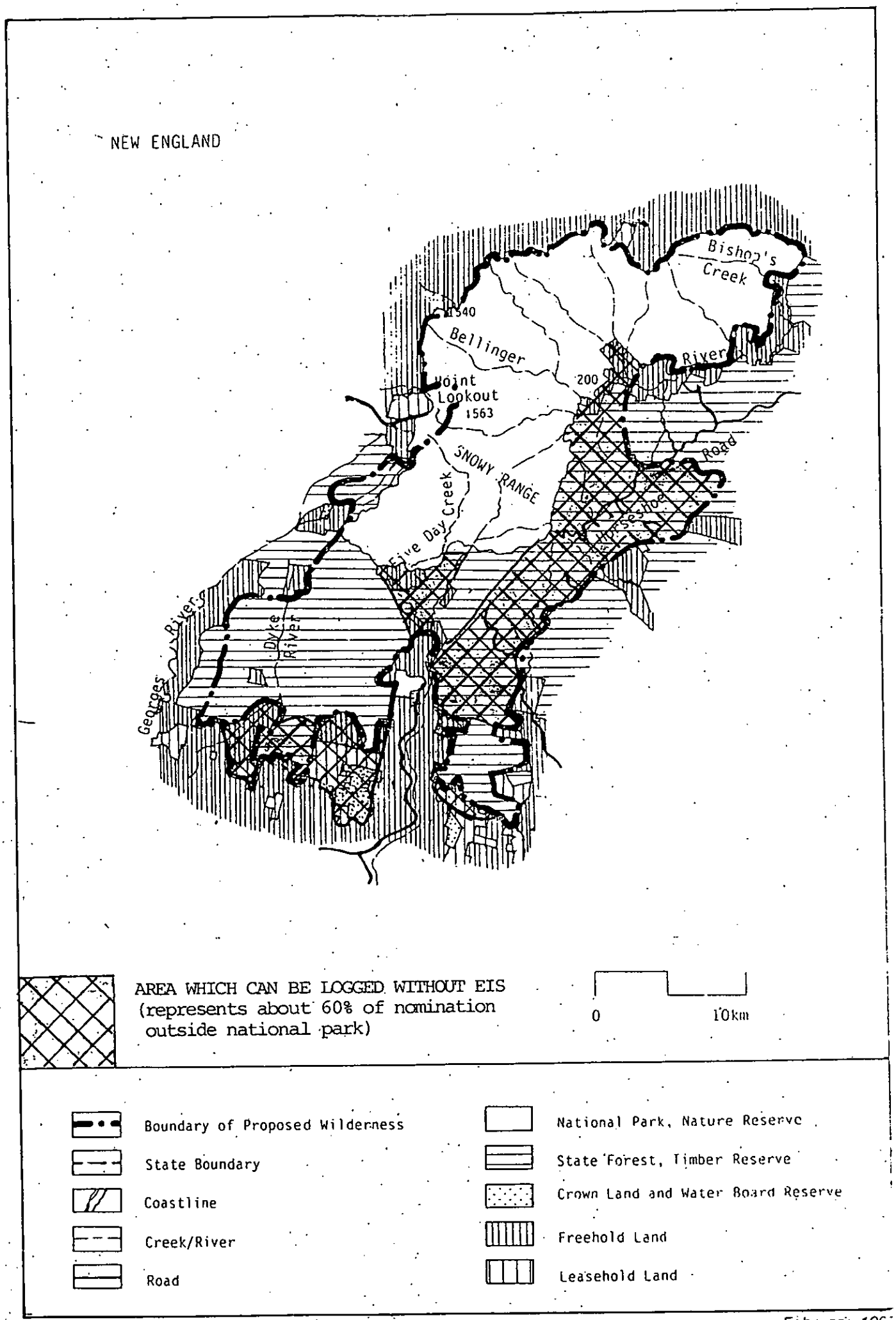
Macleay Gorges

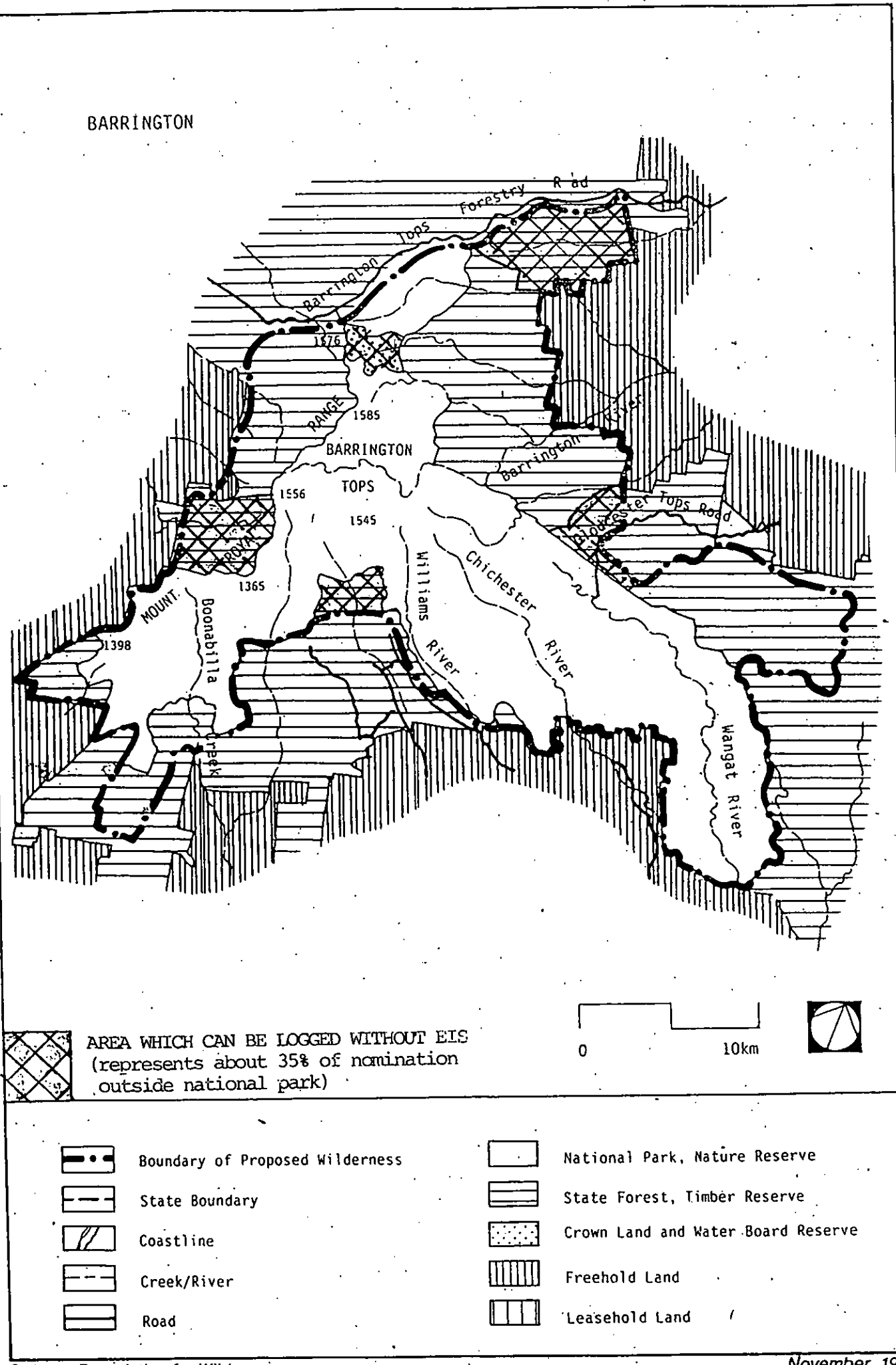
Deua

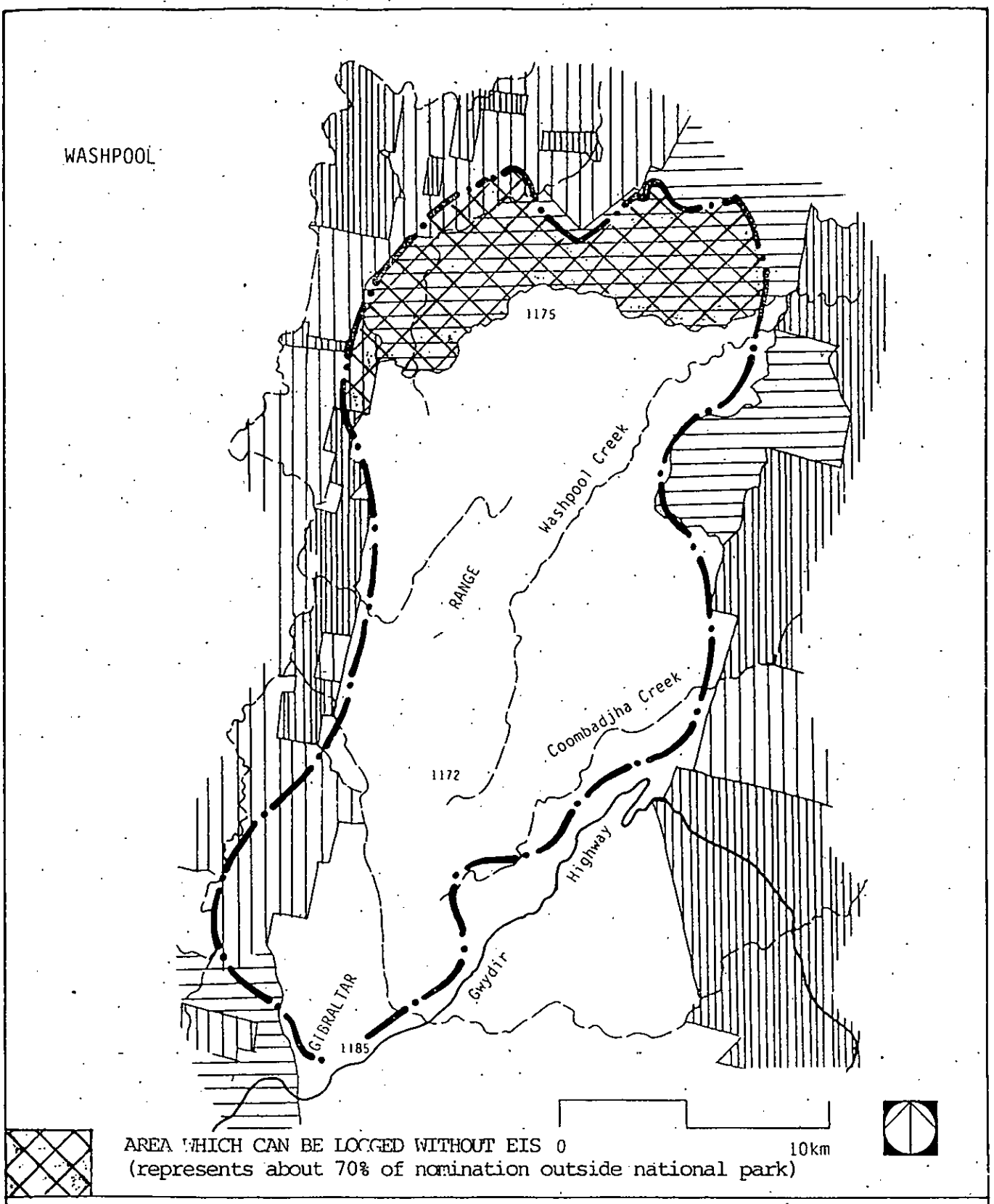
SCHEDULE 3—TIMETABLE FOR ASSESSMENT OF WILDERNESS PROPOSALS REFERRED TO IN SCHEDULE 2

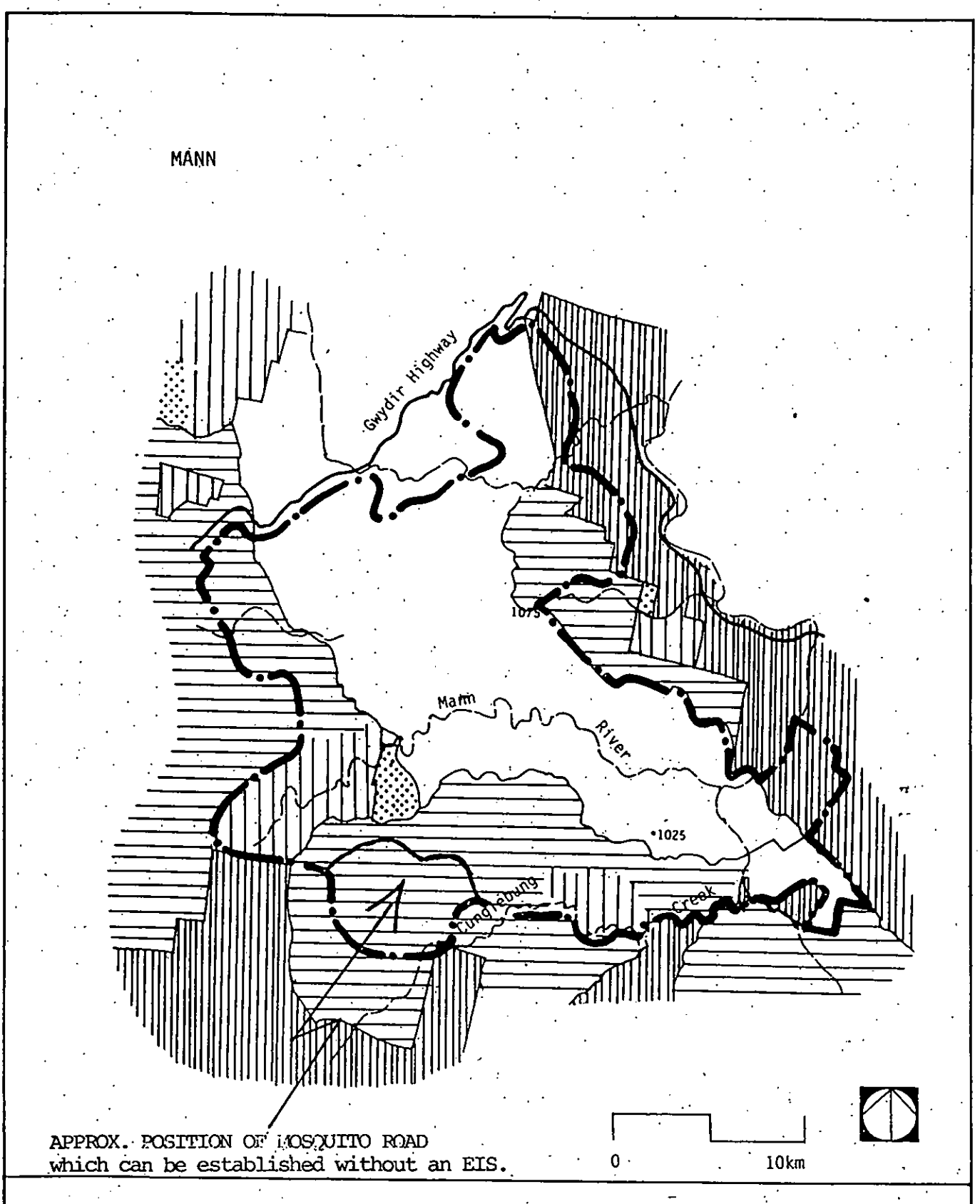
(Sec. 7)

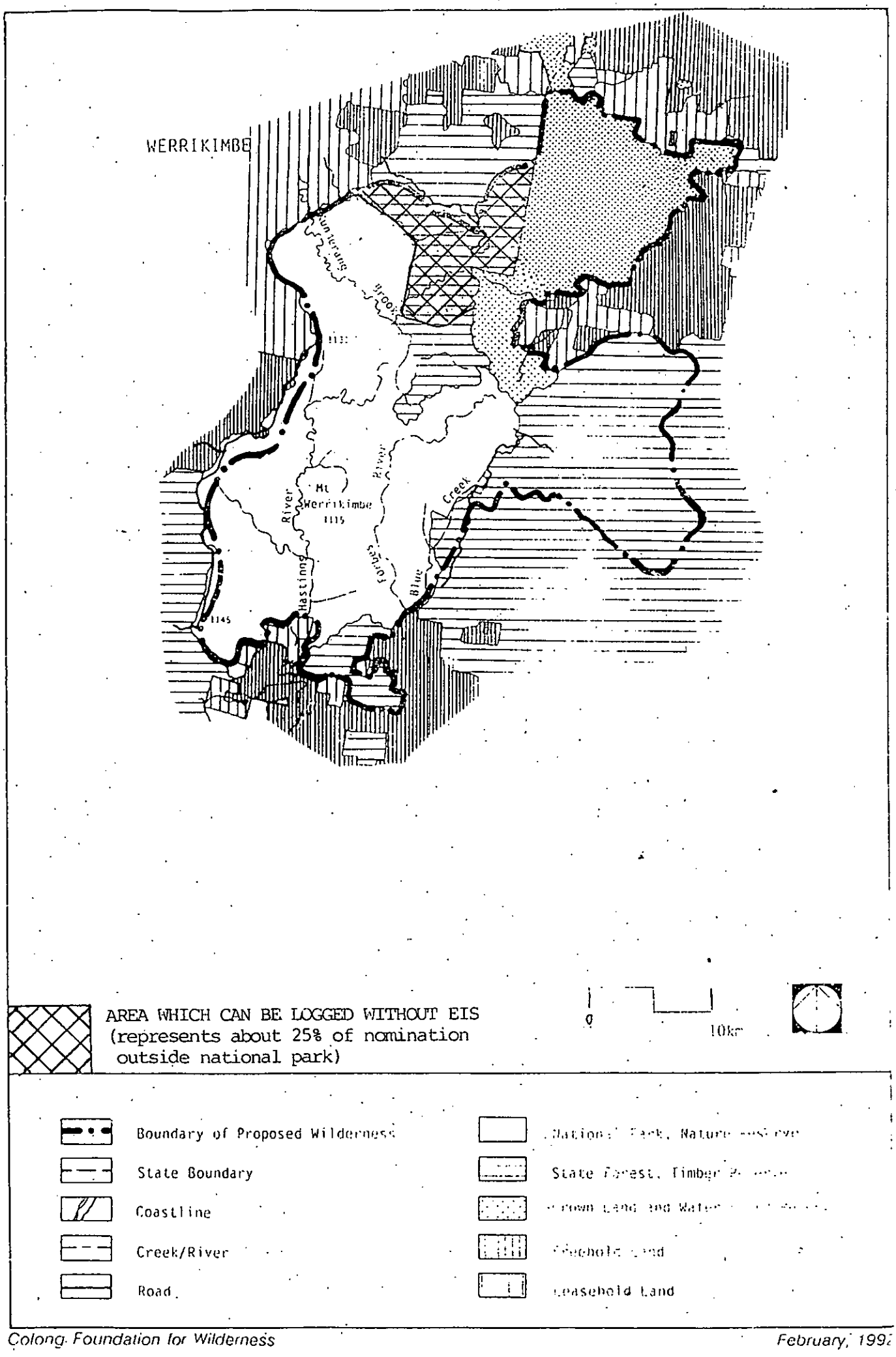
Proposal	Date
Guy Fawkes	31 October 1992
Mann	31 October 1992
Washpool	31 October 1992
New England	31 May 1993
Werrikimbe	31 May 1993
Barrington	30 September 1993
Macleay Gorges	30 April 1994
Deua	30 September 1994

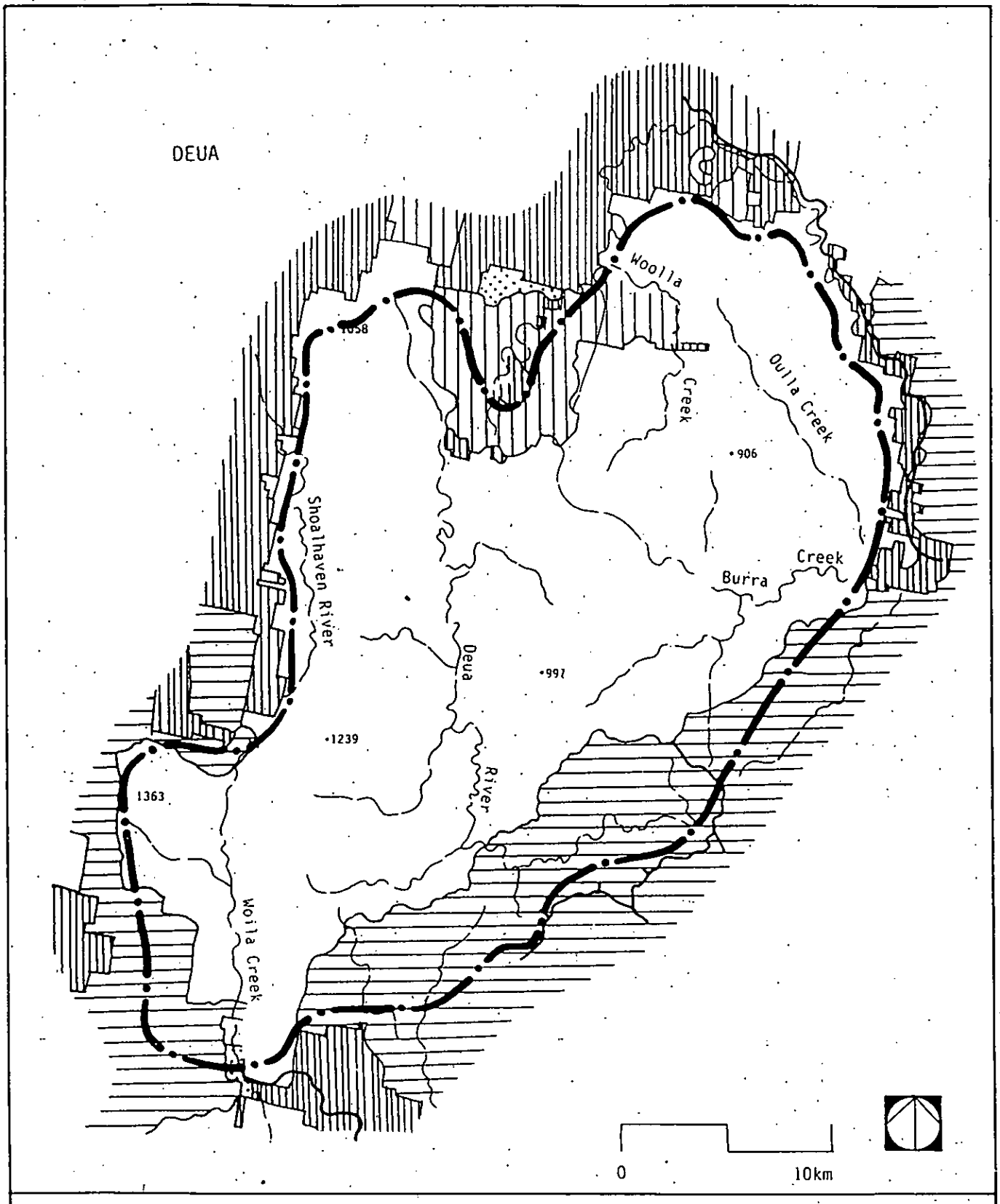

NEW ENGLAND
Bishop's Creek
1540
Bellinger River
Joint Lookout
1563
200
SNOWY RANGE
Five Day Creek
Dyke River
Georges River
AREA WHICH CAN BE LOGGED WITHOUT EIS
(represents about 60% of nomination outside national park)
0
10km
Boundary of Proposed Wilderness
State Boundary
Coastline
Creek/River
Road
National Park, Nature Reserve
State Forest, Timber Reserve
Crown Land and Water Board Reserve
Freehold Land
Leasehold Land

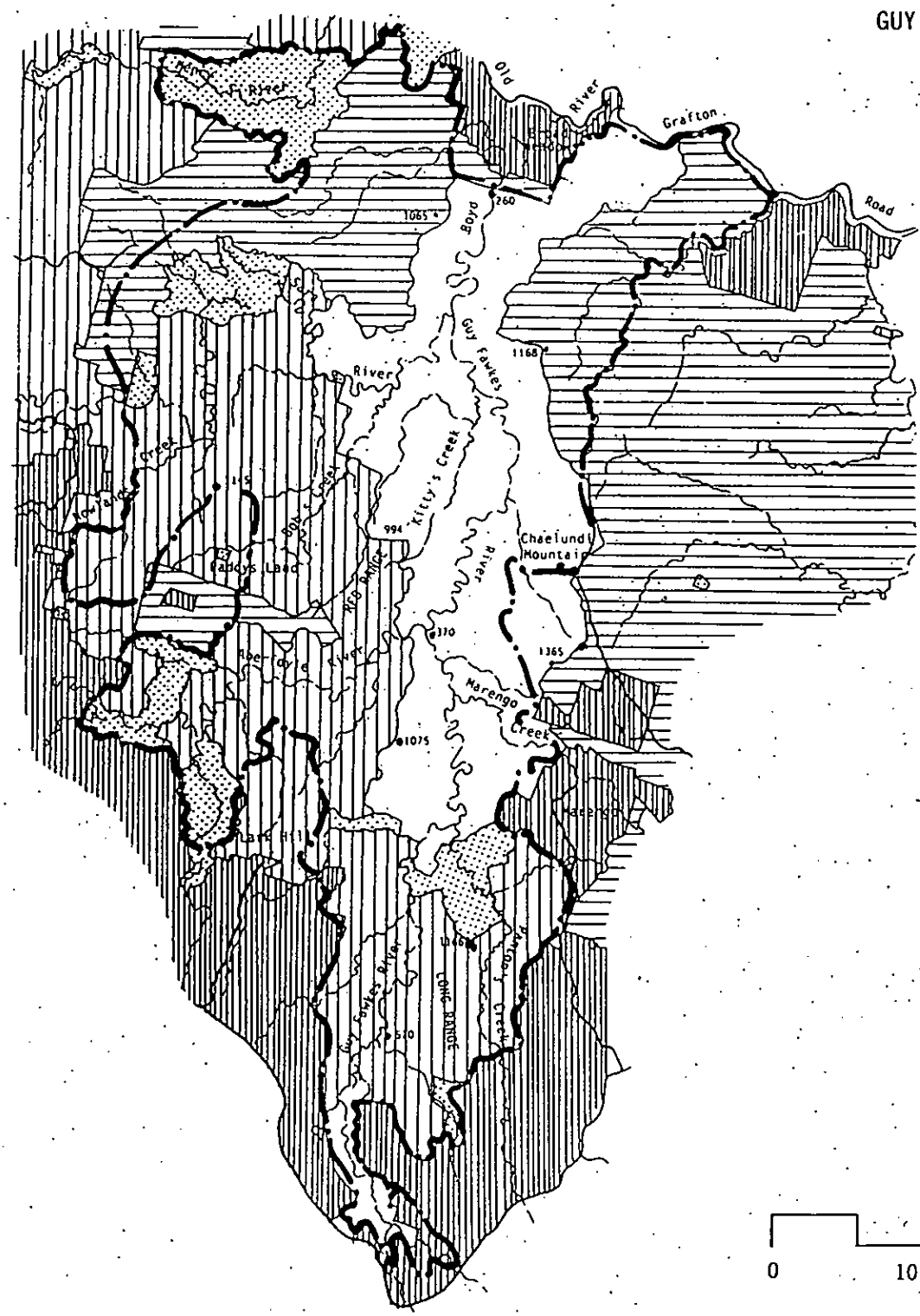

BARRINGTON
Forestry Road
Barrington Tops
1576
RANGE
1585
BARRINGTON
TOPS
1556
1545
ROYAL
1365
MOUNT
1398
Boonabilla Creek
Williams River
Chichester River
Barrington River
Gloucester Tops Road
Wangat River
AREA WHICH CAN BE LOGGED WITHOUT EIS
(represents about 35% of nomination outside national park)
0
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


WASHPOOL
1175
Washpool Creek
RANGE
Coombadjha Creek
1172
Highway
Gwydir
GIBRALTAR
1185
AREA WHICH CAN BE LOGGED WITHOUT EIS
(represents about 70% of nomination outside national park)
0
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


MANN
Gwydir Highway
1075
Mann
River
*1025
Tungabung
Creek
APPROX. POSITION OF MOSQUITO ROAD
which can be established without an EIS.
0
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


WERRIKIMBE
Mt Werrikimbe 1115
Hastings River
Forbes River
Blue Creek
1145
AREA WHICH CAN BE LOGGED WITHOUT EIS
(represents about 25% of nomination outside national park)
0
10km
Boundary of Proposed Wilderness
State Boundary
Coastline
Creek/River
Road
National Park, Nature Reserve
State Forest, Timber Reserve
Crown Land and Water
Freehold Land
Leasehold Land


DEUA
Woolla
Creek
Oulla Creek
1058
906
Shoalhaven River
Burra
Creek
Deua
997
1239
River
1363
Woila Creek
0
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



- Boundary of Proposed Wilderness
- State Boundary
- Coastline
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- National Park, Nature Reserve
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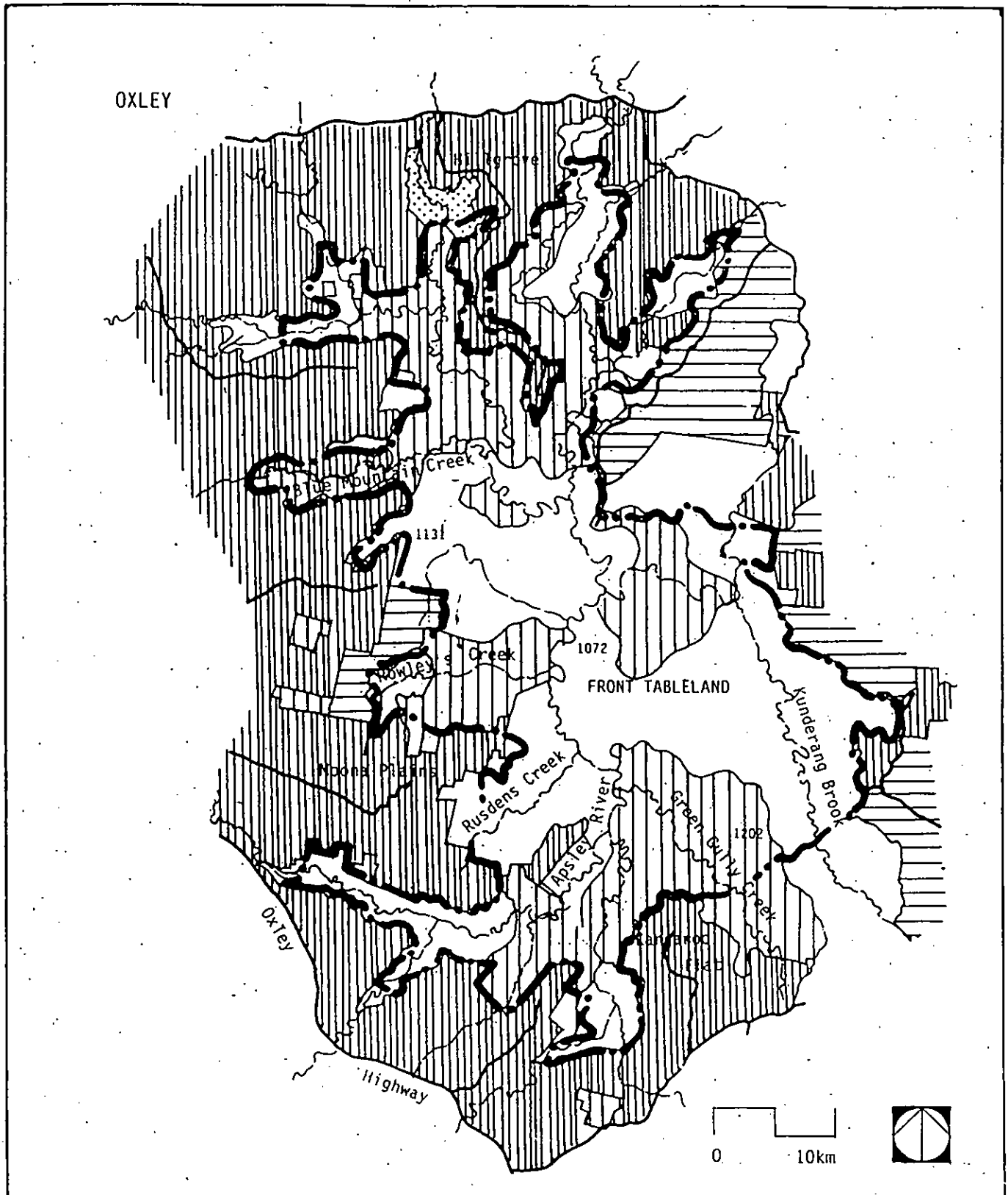
- Leasehold Land



Colong Foundation for Wilderness

February, 1992

193-0060

DRAFT

GUIDELINES FOR A PUBLIC ENVIRONMENT REPORT

ON

THE EXPORT BY BRISBANE FOREST PRODUCTS PTY LTD OF WOODCHIPS PRODUCED FROM PRIVATE PROPERTY OPERATIONS

PREPARED BY: **Environment Assessment Branch, Commonwealth Environment Protection Agency**

May 1992

A. INTRODUCTION

1. BACKGROUND

The Minister for the Arts, Sport, the Environment and Territories, on 24 April 1992, directed that a public environment report (PER) should be prepared by Brisbane Forest Products Pty Ltd (BFP) in accordance with the Administrative Procedures under the Commonwealth *Environment Protection (Impact of Proposals) Act 1974* (the Impact Act) in relation to the proposed continuation of the above project.

The PER is to examine the environmental impact of the export by BFP of woodchips produced from forestry and clearing operations on private property in northern NSW and Queensland. The examination should cover the associated transport of pulplogs from these operations, chipping of the pulplogs and transport to the export facility at Brisbane. The PER will also need to discuss BFP's other sources of woodchips (eg sawmill and logging residues) to the extent necessary to place the private property sources within the context of BFP's overall woodchip operations.

The object of the Impact Act is to ensure that matters affecting the environment to a significant extent are fully examined and taken into account in decisions by the Commonwealth Government.

In preparing a PER, to help achieve this objective, the proponent should bear in mind the following aims of the PER and public review process:

- to provide a source of information from which interested individuals and groups may gain an understanding of the proposal, the need for the proposal, the alternatives, the environment which it would affect, the impacts that may occur,

the measures to be taken to minimise these impacts, and proposed environmental management, safeguards, and monitoring procedures;

- to provide a forum for public consultation and informed comment on the proposal; and

- to provide a framework in which decision-makers may consider the environmental aspects of the proposal in parallel with economic, technical and other factors.

2. GENERAL CONTENT, SCOPE, FORMAT AND STYLE

The Administrative Procedures under the Impact Act provide guidance on the public review and assessment process. Paragraph 4.2 lists those general matters to be addressed in a PER. Generally, a PER is directed when the Minister considers that the public should be made aware of a proposal and its potential impacts, but where the impacts are expected to be few, or focused on a small number of specific issues. A PER provides a more selective treatment of the environmental implications of a proposal than does an environmental impact statement. As such, the document should give priority to the major issues associated with the proposal. Matters of lesser concern should be dealt with only to the extent required to demonstrate that they have been considered.

The information and discussion in the PER should be presented clearly and concisely so that it can be easily understood by the general reader. The methods and techniques used to collect and analyse information should be described briefly. Technical jargon should be avoided wherever possible. Detailed technical information should be included as appendices. The documentation should include references for any information or data provided and a list of individuals and organisations consulted.

Although every attempt has been made to ensure that these guidelines address all of the major issues associated with this proposal, they are not necessarily exhaustive. Other relevant matters that arise during preparation of the PER should be included.

It is essential that the Environment Assessment Branch, Commonwealth Environment Protection Agency, be consulted throughout preparation of the PER as required by paragraph 4.5 of the Administrative Procedures under the Impact Act.

Maps, diagrams, tables, photos etc should be used particularly where they can clarify, substitute for or reduce text.

B. CONTENTS OF THE PER

1. SUMMARY

This section should be no more than a brief summary of information in the body of the document. Detail should be provided in the appropriate sections below.

- title of proposal
- name and address of proponent
- background and need for proposal
- description of proposal
- alternatives considered
- existing environment
- potential environmental impacts
- proposed environmental safeguards and monitoring.

2. INTRODUCTION

The introduction should briefly:

- define the proposal and its objectives
- discuss the status of the proposal and the requirement for the PER
- explain the process to be followed under the *Environment Protection (Impact of Proposals) Act 1974*
- explain any role or responsibility of Qld and NSW Government agencies and Local Government authorities in proposal approval and project control
- briefly describe the area of interest and regional setting.

3. BACKGROUND AND NEED FOR THE PROJECT

Discuss the background and need for the project, including:

- role and organisation of BFP, relationship and interaction with associated companies
- brief discussion of past, present and anticipated sources and markets for woodchip exports (include summary of sources and shipments to date)
- summary of past relevant assessments and inquiries into the woodchipping industry in the region
- relevant statutory requirements (Commonwealth, State and Local Government), decision-making authorities and approvals required for operations from which woodchip exports are derived
- objectives for project, including the terms of export licence renewal which are being sought, volumes sought and time period involved

- legislative basis or Government policy relevant to the proposal

- cost/benefit justification, covering economic, employment, environmental and social aspects, as appropriate. Provide a summary of environmental, economic and social arguments to justify the project.

4. DESCRIPTION OF THE PROJECT

Current and proposed categories of operations on private property from which pulplogs for woodchip export are taken should be described, as far as possible. Other sources of woodchips, and infrastructure associated with BFP's overall operations, will need to be discussed to the extent necessary to allow an understanding of the project.

This Section should also define relevant forestry terms used throughout the document (eg clearing residues, logging residues, silvicultural residues etc).

4.1 General

- background to current operations, including brief history and description of the timber industry in the area of interest, and BFP's operations

- current export licence conditions, periods and volumes and relationship to the project currently being assessed

- define the existing and potential area of economic supply/interest for private property residues (include maps as appropriate)

- provide estimates of pulpwood resource availability from private property within the area of interest. Estimated yields of woodchips in terms of logging and clearing operations on private property. Demonstration of sustainable yield for private forestry operations from which pulplogs are extracted and of overall volume availability over proposed licence period. Details of any landholders "intentions surveys" and results.

- relationship of project to sawmill operations and wood supplies. Briefly discuss integration of private property woodchip production with sawlog and other processing industries; give estimates, if possible, of tonnages of sawlogs and other forest products associated with pulpwood production

- type, standards and quality of export woodchips

- description of species/size/age/type of trees acceptable as pulplogs for chipping

- economics of private property operations in terms of return to individual landholders, as a proportion of clearing or logging costs

- description of chipping operations for private property pulplogs (facilities, machinery, workforce, hours of operation, disposal of wastes such as bark and waste water, noise, relevant environmental standards, legislative requirements etc)

- transport of pulplogs from private property operations to chipping sites and transport of chips to the export facility at Brisbane.

4.2 Procedures and Controls

- detail legislation and standards covering logging and clearing on private property. List Local/State/Commonwealth authorities involved. Describe landowners, BFP's and Local/State/Commonwealth responsibilities under existing legislation.

- describe any measures to take into account fauna and flora conservation values or requirements

- outline the current approvals process for the export of woodchips sourced from private property residues

- describe any controls or checks in place to ensure that private clearing is for appropriate agricultural, grazing or plantation purposes

- describe on a step by step basis, existing/proposed procedures for undertaking private property clearing/forestry from which woodchips are to be exported. Describe BFP's current/proposed planning and operational process including, as relevant, identification of biophysical constraints or site limitations on harvesting, management and environmental prescriptions, harvesting plans, removal of pulplogs, monitoring and supervision, rehabilitation etc (refer also Section 9 of guidelines).

5. ALTERNATIVES

Describe potential prudent and feasible alternatives to the use of private property forestry and clearing residues. Other woodchip sources (eg sawmill residues and logging residues) will need to be discussed in sufficient detail to allow an understanding of the effects of a change in volume, or availability, of private property residues on BFP's overall operations.

The following provide examples of alternatives to be considered:

- project not continuing (ie no further use of private property residues). Consider in the context of changed volumes of other woodchip sources available to BFP (eg sawmill residues and logging residues)

- variations to the economic area of supply

- variations of pulplog specifications
- effect of changing economic circumstances (eg world market for woodchips) on volumes of private property residues utilised
- alternative use of pulplogs and alternative domestic uses for woodchips
- future/alternative uses of relevant private land within the area of interest
- alternative transportation of pulplogs and woodchips.

6. EXISTING ENVIRONMENT

The section should provide a broad description of the environment within the area of interest and an overall appraisal of physical, ecological and socioeconomic systems affected by the project. This should be covered to the extent appropriate to the nature of the proposal.

6.1 Biophysical Environment

- climate
- geology, soils, erosion potential
- hydrology and catchment characteristics
- major habitats and communities present
- areas of particular environmental significance
- rare, threatened or endemic/restricted species/communities (local, regional, national significance).

6.2 Socioeconomic Environment

- land use, land capability and land tenure. Areas of conservation significance (including national parks, national estate, world heritage areas etc)
- use of forests by recreationists and for minor forest products (beekeeping etc)
- use of forests for water catchments
- areas of significant historical, scientific or educational value, including Aboriginal value
- transport of pulplogs and woodchips, indicate principal routes and communities, as appropriate
- chipping operations
- other relevant socioeconomic factors of the area of interest.

7. ENVIRONMENTAL IMPACTS

This section should clearly identify, and highlight at the outset, the principal environmental impacts expected to result from the project.

7.1 Biophysical Environment

- long term impacts on soil fertility, soil structure and erodibility, site productivity, water quality, catchment characteristics and aquatic ecosystems as a result of changes to forest structure resulting from forestry operations (including clearing) on private land
- changes in forest structure and communities
- impacts on ecological balance and biodiversity. Loss of wildlife habitat through pulplog removal.
- local and regional cumulative effects of private property clearing operations on habitat and native flora and fauna
- consideration of current and anticipated requirements under State endangered fauna legislation
- overall long term effects of private property operations on conservation and environmental values of the forests involved
- short and long term impacts of harvesting operations and machinery disturbance on:
  - soils (erosion and compaction)
  - catchment water quality and aquatic ecosystems
  - the introduction of exotic plants and animals
  - fire risk
  - noise
  - other disturbance to the forest
- greenhouse climate change considerations.

7.2 Socioeconomic Environment

- broadly discuss and assess the implications of private property operations for future land use. Discuss in terms of the most beneficial use of the forests involved and foregone land use opportunities.
- discuss whether the availability of a market for woodchips could result in increased incentive to fell native vegetation for pulpwood purposes and the effects of this on private land use

- impacts on any recreational use of forests involved and utilisation of minor forest products (eg wildflowers, fencing timber, firewood, beekeeping etc)

- impacts on water catchment regimes (flooding, sedimentation of water storages)

- impacts on sites with particular conservation significance, significant historical, scientific or educational sites, Aboriginal sites etc

- impacts on visual amenity and landscape

- impacts on any adjoining or nearby areas of high conservation or economic value

- transport issues, safety, impacts on tourism/local traffic and local settlements, dust, road maintenance costs

- chipping operations, effects on local amenity, disposal of wastes.

8. IMPACT OF ALTERNATIVES

Broadly discuss the differences in impacts of the alternatives considered in Section 5. Highlight the specific positive and negative impacts arising out of the alternatives. Discuss the reasons for adopting the preferred project, in terms of these impacts.

9. ENVIRONMENTAL MANAGEMENT, SAFEGUARDS AND MONITORING

This section should describe all measures currently in place and proposed to minimise any adverse impacts associated with the project and should draw together all relevant information mentioned elsewhere in the text together with a clear statement of specific commitments. A clear analysis should be provided of the likely effectiveness and secondary effects of all safeguards and monitoring programs implemented.

A strategic environmental management program, including environmental safeguards, should be described. Existing or proposed control systems at State and company level to ensure adherence to operational prescriptions should be described. Procedures for reporting the results of monitoring and management to appropriate authorities should be given.

Authorities responsible for management should be clearly identified. Reference should also be made to relevant legislation and standards of Local, State and Commonwealth authorities.

Monitoring programs and environmental management plans should be designed to:

- assess the impacts of the project

- ensure safeguards are being effectively applied
- identify any unpredicted impacts and measures to apply remedial measures
- measure any differences between predicted and actual impacts.

Some examples of factors to be considered are listed below.

- overall environmental protection measures to minimise impacts on areas of outstanding natural or cultural value
- safeguards and measures proposed to protect the environment during clearing/forestry on private land, including:
  - overall environmental prescriptions, protection measures and standards (eg buffer strips, habitat trees, coupe size and shape, wildlife corridors, erosion mitigation etc)
  - preservation of soils, water quality and hydrological regimes
  - flora and fauna values, including on a regional basis
  - waste management
  - site restoration and rehabilitation of disturbed areas
- assistance programs/measures which the company may provide to private landholders (eg to maintain forests for sustainable logging, establish plantations etc)
- specific measures to protect rare/endangered species/communities
- programs/procedures to monitor environmental impacts, including:
  - erosion, sediment pollution of rivers etc as a result of logging operations
  - flora and fauna values
  - steps to be taken to correct detrimental effects identified by monitoring
  - provisions for liaison/consultation with relevant authorities and user groups
  - management arrangements to ensure the above programs are effectively applied
  - procedures for reporting on monitoring programs and recipients of reports.

10. CONSULTATION, REFERENCES AND STUDIES

Detail consultations and studies undertaken in the course of project formulation and preparation of the PER. In particular, discuss the outcome of any public meetings or discussions with interest groups. Negotiations/discussions with relevant Commonwealth, State and Local authorities should also be discussed. Any further or ongoing consultations or studies should be outlined.

Cite any sources of information used in preparing the document.

Botanists Sue Forest Service To Preserve Biodiversity

Milwaukee—The battle to preserve biological diversity in the United States has, until now, been fought species by species. Like battlefields of a long-ago war, once-obscure names such as the snail darter and the spotted owl mark its progress. But now, a trio of botanists from the University of Wisconsin is trying to open up a much broader front. They have filed two suits against the U.S. Forest Service in an attempt to force it to manage its millions of acres in a way that will preserve overall biodiversity, rather than merely preventing individual species from being wiped out. "There's no question it's a precedent-setting case for conserving biological diversity," says Nathaniel Lawrence, a Natural Resources Defense Council attorney in San Francisco who specializes in litigating on conservation issues.

W.S. ALVERSON

Floor space. A grove of hemlocks in the Chequamegon National Forest. Deer may have eaten hemlock seedlings and prevented new growth from the forest floor.

One reason the suits can't just be written off as another engagement in the ongoing fight between environmentalists and the federal government is the credentials of the botanists who joined the Sierra Club and the Wisconsin Audubon Council in filing. And, when oral arguments were heard earlier this month in federal court in Milwaukee, supportive written statements from a blue-ribbon panel of biodiversity experts, including Edward O. Wilson of Harvard, were part of the plaintiffs' case. The botanists and their allies argue that the Forest Service has failed in its obligation to preserve biodiversity. The linchpin of their argument is that the relevant scientific data accumulated by ecologists during the 1970s and 1980s was ignored in Forest Service planning.

Specifically challenged in the suits are long-term management plans developed by the Service for the Nicolet and Chequamegon national forests in northern Wisconsin. The botanists—chiefly Donald M. Waller, Stephen L. Solheim, and William S. Alverson—charge that the plans contravene a provision in the 1976 National Forest Management Act, which is supposed to ensure "diversity of plant and animal communities." The lawsuits also contend that biodiversity was not considered in the environmental impact statements required by federal law. If Judge John W. Reynolds of U.S. District Court here agrees, the ruling could have an impact not only on national forests, but ultimately on all federal projects, which are required to produce environmental impact statements.

Says Walter Kuhlmann, attorney for the plaintiffs: "We think the ruling on these issues will send a message around the country that it's not just species already endangered that must be protected under existing statutes." And if these suits don't, others could—because observers say the Wisconsin suits may herald others that intend to force the Forest Service to manage for biodiversity.

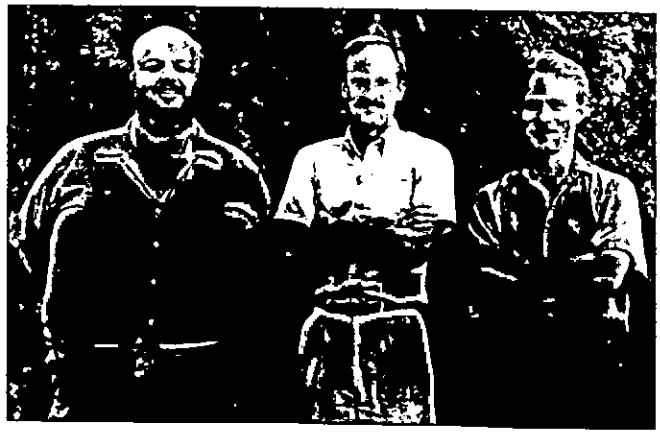
The roots of the Wisconsin lawsuits can be traced to the early 1980s, when Alverson and Solheim, along with Emmet Judziewicz, who were in or about to enter graduate school in botany at Wisconsin, were hired by the state, under contract for the Forest Service, to survey the Nicolet and Chequamegon (pronounced Sha-WAH-megon) forests for rare plants. The forests are largely made up of stands of aspen, pine, and birch that feed nearby pulp mills, but sphagnum-matted swamps thick with mosquitos and northern white cedars fill the low-lying areas. It was here that the student botanists found much of the diversity, including orchids such as the rare pink calypso.

In all, they reported on some 20 rare species that they assumed would be targeted for management under the 1976 act. But in 1985, when draft management plans for the forests came out, consideration of rare plants was largely missing. Also missing was any notice of other factors conservation biologists had begun to learn can have a strong impact on biodiversity. "We were incredulous when we read the plans [and saw] that they had so abysmally misunderstood, misconstrued, or missed altogether all the information that was piling up out of ecology through the late 1970s and early 1980s," says botanist Waller.

Among the information ecologists amassed in those decades was that small patches of habitat—even if they add up to the same area as one large patch—are not as effective for preserving some species. In addition, biologists found that "edge effects" (the influence that the humidity, temperature, and species of one habitat can have on those in adjoining ones) can wreak havoc on certain species. Yet the Forest Service plans would have fragmented the ecological communities into small patches by allowing roads and logging throughout the forests, creating large amounts of "edge" habitat—roads, clearcuts, and other openings—favorable to the overgrown deer population at the expense of the forest interior conditions required by some rare plants and other species.

The Wisconsin botanists alerted the Forest Service to these flaws during the public comment period on the plans. They suggested timber sales be rearranged to avoid fragmentation, leaving a few 40,000- to 100,000-acre blocks of forest to develop into roadless old growth, or "diversity maintenance areas"—a proposal even the staff of the Chequamegon Forest conceded would allow the same amount of logging overall as the Forest Service's own plan.

A coalition representing paper industry,



Biodiversity. Botanists Stephen Solheim, Donald Waller, and William Alverson, who sued the U.S. Forest Service.

logging, hunting, snowmobile, and related interests mobilized to oppose the botanists' proposal. "The overriding concern is that practical use [of the forest would be restricted]," says Scott W. Hansen, attorney for the coalition, which filed a friend of the court brief in the case. Hansen adds that "there's little empirical data that supports the need for such [diversity maintenance] areas."

Somewhat daunted by the criticism, the botanists sent their proposal to some of biology's best-known thinkers about diversity.* "We wanted a reality check," says Waller. The written reviews came back in the form of 13 thumbs up, validating the use the botanists had made of recent developments in conservation biology and affirming the necessity for large blocks of habitat to minimize edge effects. "We desperately need to understand how mature ecosystems function, and every road, every forest edge, every clearing, is a wall between us and that understanding," wrote Dan Janzen, a University of Pennsylvania ecologist who specializes in tropical forest conservation.

JUUNZEMS AND JUDZIEWICZ

Worth preserving? Ram's head ladyslipper, an uncommon plant from Nicolet National Forest.

The 13 statements became part of the blizzard of paper filed in an administrative appeal of the plans in 1986 by the botanists to the Forest Service head office in Washington. The head office did make changes in the plan—including mandating more monitoring of rare plants. But the issues of habitat fragmentation and edge effects were not addressed, the botanists say. Still, Don Meyer, director of planning and budgeting in the regional Forest Service office in Milwaukee, defends the plans as a "very strong and good faith effort" to meet the ecological requirements of the 1976 law. They have "an ecological basis," he says, though he acknowledges that basis is "not to the extent that we understand ecosystems now." The plans provide, he argues, for multiple purposes, including species preservation.

The botanists organized into a task force and joined forces with the Sierra Club and the Audubon Council to file lawsuits. Once the information was boiled down into oral arguments in a federal courtroom, the main questions seemed to deal with scientific knowledge: What did the forest planners know about the relevant science—and when did they know it? The botanists maintain that knowledge of habitat fragmentation and edge effects was widely accepted scientifically at the time the plans were written and that it should have been incorporated into the planning. "We don't think there's that much mystery about the scientific principles," attorney Kuhlmann told the judge. "They'd been in the literature for 20 to 25 years" before the plans came out.

The Forest Service has a different view. "The conservation biology theories advanced by Plaintiffs were emerging at the time the Plans were developed and could not be expected to be incorporated, to the degree advocated by Plaintiffs, into federal land management decision making," reads one brief. But in a somewhat franker statement, Wells Burgess, the Justice Department attorney representing the Forest Service, offered a different explanation: "That's how the government works. They're going to be behind the curve."

If the botanists win, the impact of the cases will depend in part on how Judge Reynolds casts his opinion. If he writes a broad opinion, requiring that environmental impact statements must consider biodiversity questions, the effects could well ripple out through all federal projects. A decision is expected this fall or winter. But the cases already seem to have had an effect on the Forest Service. This summer the Service launched its official "ecosystem management" program, in which the agency claims to shift from an emphasis on exploitation of timber resources toward sustaining ecological processes in the nation's forests, which one Forest Service brochure describes, ironically, as "chief among the country's most important reservoirs of biodiversity."

—Christine Mlot

Christine Mlot is a science writer based in Milwaukee.

*The reviewers and their affiliations at the time (1986): Jared M. Diamond, University of California, Los Angeles; Paul R. Ehrlich and Bruce A. Wilcox, Stanford University; David Wilcove and Barry R. Flamm, The Wilderness Society; Richard T. T. Forman and Edward O. Wilson, Harvard University; Larry D. Harris, University of Florida, Gainesville; Daniel H. Janzen, University of Pennsylvania; Robert M. May, Princeton University; Peter H. Raven, Missouri Botanical Garden; Daniel Simberloff, Florida State University; Michael E. Soulé, Society for Conservation Biology.

NIH BUDGET

No Help in Sight From the Senate

Most officials at the National Institutes of Health (NIH) probably thought they were having a bad dream last June when the House approved a 1993 budget for the National Institutes of Health that was about $200 million less than the Bush Administration had requested. Well, if they did, the nightmare is deepening. Last week, the Senate Appropriations Committee recommended to the full Senate a 1993 budget for NIH of $10.37 billion, only about a 3% increase over the 1992 budget and virtually the same amount as the House approved. The budget numbers have incensed NIH officials, including Director Bernadine Healy, who are accustomed to Congress adding to—not subtracting from—the Administration's request.

"Congress is snookering the American public," Healy told *Science*. Healy estimates that NIH will "barely" be able to fund 5000 new grants—1000 fewer than last year—if the NIH budget remains at this level. Whether this bad dream will come true will be decided when the Senate votes on the committee's recommendation (the vote was expected to occur earlier this week after *Science* went to press) and after the Senate and the House resolve the differences over the bill.

Healy is particularly incensed that the Senate committee recommended only $833 million for the National Institute of General Medical Sciences (NIGMS), 9% less than the House approved and 29% less than the Administration requested. The NIGMS supports basic research in areas such as genetics, biophysics, and structural biology, and is "the underpinning of all the work at NIH," Healy says. She described the level of funding for the NIGMS as a "classic example" of what's wrong with this year's appropriations.

Healy also complains that Congress is directing NIH to do more research on breast cancer without providing adequate funding. "It's a 'Sophie's Choice' on women's health. If we do more on breast cancer, we take away from lung cancer. I think it's cruel politics," she says. But an appropriations staffer disputes Healy's charge, pointing out that the committee has approved $220 million for breast cancer research, about $83 million more than the Administration requested.

Another cut will affect Healy's ability to start new initiatives: The Senate committee slashed the director's discretionary fund from $20 million in 1992 to $3 million in 1993. Last year, Healy created the Shannon Awards, a program that uses discretionary money to fund research projects that just miss obtaining a regular NIH grant. Now, besides having less money to fund the Shannons, there will be about 1000 more grants competing for them, Healy asserts.

An appropriations staffer makes no apologies for the cuts, and blames the tight NIH budget on the stagnant U.S. economy. "We love Bernadine Healy," he says. "We wish we had more money to take care of her."

—Richard Stone

FOREST AND TIMBER INQUIRY INFORMATION SHEET: CONSERVATION MANAGEMENT

The basic goal of conservation is to retain natural ecosystems with their complement of biological diversity and ecological processes, with a minimum of human interference.

There are no firmly established guidelines for assessing whether adequate conservation of an ecosystem has been achieved. The Inquiry considered and asked others the question 'What constitutes adequate conservation?' It received no definitive answer, even from bodies with administrative and management responsibilities in this area.

While most state and territory agencies now plan to reserve poorly conserved ecosystems and species, Australia has a reserve system that is less than optimal. With the possible exception of the Australian Capital Territory, there is a need for further reservation of areas in all states and territories to achieve a fully representative reserve system. A national strategy to ensure the biological conservation of Australia's forests must be developed and implemented as part of the National Forest Strategy.

A reserve system that conserves viable representative samples of the biological diversity of natural forest ecosystems in Australia is an essential component of any strategy to maintain the permanent forest estate. Further, biological conservation outside reserves is an essential component of such a strategy.

The choice of actual areas for further reservation is best left to 'balanced panels of experts' reviewing current land uses within a bioregional context. The 'balanced panel of experts' concept endorsed by the Inquiry is similar to that used by the Forests and Forest Industry Council of Tasmania in developing its Forests and Forest Industry Strategy.

Regional assessment: conflict over forest use will not be reduced if governments continue to rely on ad hoc, reactive mechanisms for accommodating the interests of more than one government in forest use decisions.

The Inquiry recommends that the Commonwealth and the states develop coordinated national strategies and guidelines for prospective regional forest planning.

The Inquiry endorses the work undertaken by the Australian Heritage Commission in collaboration with the Western Australian Department of Conservation and Land Management as a possible model for intergovernmental cooperation in regional forest assessment.

The Inquiry recommends that a national framework be established for cooperative, integrated, prospective regional assessments taking into account National Estate and World Heritage values, endangered species, biodiversity, old growth, vegetation remnants, pests, diseases, water catchments and fire management, social and economic considerations.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: PLANTATIONS

Conservation groups have argued that logging should cease in native forests and that the wood and wood products industry should be based almost entirely on plantation resources. The industry has argued that plantations are only a complement to native forest harvesting and that access to native forests must be maintained.

Replacement of native forest harvesting: plantations, both hardwood and softwood, will develop under normal market conditions as opportunities occur. The extent to which wood from plantations can replace wood from native forests — allowing for the time taken for plantations to grow — is limited by past rates of planting. Unless the community is prepared to accept significant dislocation of regional industry and employment it will not be feasible to accelerate the replacement of native hardwoods with softwood resources. The timber industry must remain dependent, for some time, on the native forest resource.

Plantation establishment: Governments can influence, however, the rate of plantation establishment in a number of ways. The Inquiry considers that, if governments wish to encourage private investment in plantations, government-owned plantations should operate along fully commercial lines. Imputed values for taxation, dividend payments and, if not already incurred, land costs should be incorporated in their accounting procedures. Alternatively, government-owned plantations could be sold to private investors.

Taxation: In submissions and at public hearings, plantation industry representatives criticised the effects of the taxation system on incentives to invest. The Inquiry investigated these claims and concluded that the taxation system is essentially neutral in its effects, although it does recommend some amendments to the *Income Tax Assessment Act 1936*.

The Inquiry has concluded that the lack of any provision in the Income Tax Assessment Act allowing for the indexation of tax deductions associated with very long term investments may dissuade individuals, particularly farmers, from investing in forestry. If government considered that a specific provision should be introduced to counter this disincentive effect, the Income Tax Assessment Act could be amended to provide for the indexation of allowable deductions carried forward over a long period in relation either to forestry investments or to investments spread over a specified term.

The present limit of $250 000 for allowable deductions in the case of deposits under the Income Equalisation Deposits Scheme is too low to suit an industry such as plantation forestry, a characteristic of which is that in a single year, when trees are harvested, a very large return is made on a very long term investment. The Inquiry recommends that for forestry investments, the upper limit of allowable deductions for deposits under the Income Equalisation Deposits Scheme be raised.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: ENVIRONMENTAL IMPACTS OF WOOD PRODUCTION

Much of the debate about future uses of forests has focused on the environmental impacts of wood production and other uses and whether or not these impacts are damaging to the values of the forest estate. There are some who think that the impact of wood production, is sufficiently serious for its use to be discontinued; there are others who contend that measures to mitigate impacts are adequate and that wood production should continue. Claim and counterclaim have been put forward concerning the extent of knowledge about impacts, the nature and extent of the impacts, and the efficiency and effectiveness of current practices for monitoring and minimising impacts.

At present there are relatively few Australian papers containing original data on the impacts of forest use. The Inquiry conducted a survey of the published and unpublished Australian literature on the impacts of forest use. Out of more than 2000 articles examined, only 20 per cent contained original data dealing with impacts. The majority of these dealt with the impacts of wood production. Less than half the articles containing original data are based on studies that extended beyond one year and less than 10 per cent are based on studies that extended beyond 10 years.

Consequently, there is insufficient information available to support claims about whether impacts resulting from forest uses, including wood production, are benign or deleterious to environmental values in Australia. The information that is available addresses short-term effects (a decade or less). However, in the view of the Inquiry, the major concerns are those changes that are less obvious and gradual and may become serious in the longer term.

After taking the precautionary principle and intergenerational equity into account the Inquiry concluded that the cessation of wood production activities in native forests is not justified on the basis of the evidence before it. However, the Inquiry strongly emphasises that there are inherent uncertainties about long term effects and therefore the precautionary principle must form the basis for all future policies and practices relating to the management of forests for wood production and for minimising the impacts of this activity. This is particularly important given the current trends towards increasing intensity of wood production regimes.

The Inquiry concludes that the current levels of monitoring impacts are inadequate and recommends that systematic long term monitoring be established and that forest managers hold the maintenance of forest ecosystem processes as their highest priority. The Inquiry considers that there is much scope for improving public confidence in the ability of forest managers to identify problems and modify their management accordingly. To this end the Inquiry recommends independent audits of the adequacy of forest codes of practices and their enforcement.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: OLD-GROWTH FORESTS

Old-growth forests are often a source of conflict among different sections of the community. Old-growth forests combine attributes of ecological maturity and high biological diversity with aesthetic and intangible values associated with their relatively undisturbed state. Industry seeks continued access to ecologically mature forests since they represent a significant part of the forest resource and contain trees of suitable size for wood-processing activities. The Inquiry estimates that up to 11 per cent of sawlogs and 23 per cent of pulplogs currently come from old-growth forests.

The Inquiry found that there is no generally agreed definition of what constitutes an 'old-growth forest'. It recommends that use of the term 'old growth' be reserved for forests that are both negligibly disturbed and ecologically mature and have high conservation and intangible values.

The widespread loss and modification of old-growth forest ecosystems since European settlement in Australia has led to a perception that such forests are now rare. Insufficient information is available, however, to make this assessment. According to the Inquiry's Forest Resource Survey, 18 per cent of all remaining eucalypt forests are unlogged, but not all of this would constitute old-growth forest by the inquiry's definition.

Logging of old-growth forest potentially violates the precautionary principle of sustainable development in that an irreplaceable resource is being destroyed: although the ecological attributes of old growth may be regenerated in the long term (a century or more), the values associated with the pristine attributes cannot be replaced. It is not feasible to log old-growth forests, as defined by the Inquiry, and yet retain their full complement of old-growth attributes and values.

Options: in the Inquiry's view there are available to governments two justifiable options for dealing with the areas identified as old-growth forests by a proposed comprehensive survey.

> The first option is to require a rapid cessation of all logging operations within those forest areas, and placing them in conservation reserves. This would result in the significant loss of timber resource in some regions and it would not necessarily ensure the long-term preservation of old-growth stands.
>
> The second option is for forest management agencies to prepare comprehensive management plans that identify and rank old-growth forests in terms of their full range of values. Under this option it may be decided that after adequate protection of examples of old-growth forests some old growth may be available for logging if no alternative sources of timber exist and the impacts on local communities are significant.

FOREST AND TIMBER INQUIRY INFORMATION SHEET:

RESOURCE SECURITY

The term 'resource security' has been adopted by parties to the forest debate to refer to guarantees of secure access to wood resources for fixed periods. The concept has become contentious in relation to native forest use because the wood and wood products industry has interpreted recent allocations of production forests to conservation tenures as a threat to future investment; and conservation groups see large areas of forested land being devoted to wood production for considerable periods.

The Inquiry is of the view that security of investment for industry is essential to the future of a competitive wood and wood products industry based on public native forest resources. Security of investment can be achieved where long-term wood supply agreements are determined and financial compensation is offered in the event of promised wood allocations being withdrawn.

In response to industry concerns, the Commonwealth Government has developed the Forest Conservation and Development Bill. At the time of completion of the Final Report the Bill had not been introduced into the Senate.

The Inquiry is of the view that the proposed legislation is largely irrelevant to the majority of producers in the forest industry since it applies only to projects worth more than $100 million. It notes, however, the Commonwealth Government's intention to provide non-legislative resource security for projects worth less than $100 million. The Inquiry is concerned that this approach will entrench the current practice of reactive project-by-project assessment.

Regardless of whether the Forest Conservation and Development Bill is enacted, the Inquiry's preferred approach to resource security is to strengthen and revise agreements between state forest management agencies and industry, particularly through the development of enforceable contracts that make clear provision for compensation.

The Inquiry considers that governments should carefully consider a system of long-term harvest rights incorporating periodic review. The Inquiry has provided an example of how such a system might work in Chapter 16 of its Final Report.

The question of Commonwealth involvement in these processes is best dealt with through the intergovernmental institutional arrangements proposed by the Inquiry. This would include the development of integrated regional assessments as a priority.

The Inquiry finds that the offer of appropriate compensation is an important element in providing investment security for industry while maintaining an adaptive and precautionary approach to forest management. It acknowledges that this involves governments assuming greater financial risk. Such an arrangement would be conditional on industry paying governments for the full value of wood harvesting rights and paying for the costs of wood production in public native forests.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: OPTIONS FOR STATES AND TERRITORIES

Changes to institutional arrangements at the state and territory level are the prerogative of the relevant governments. Nevertheless, the Inquiry puts forward several suggestions for consideration by those governments.

As the Inquiry sees it, the main difficulty facing the states and territories in forestry decisions is that of matching institutional change with the rapid changes in community values and other factors (such as technology) that have already occurred and can be expected to occur in the future.

Need for integrated agencies: the Inquiry considers that there is greater potential for adapting to change if forestry planning and management are undertaken in conjunction with conservation and land management, within integrated agencies.

The Inquiry has criticised existing management arrangements, particularly those that split the conservation function between agencies with responsibilities for reserve management and agencies with responsibilities for wood production. No amount of inter-agency consultation can substitute for an institution with responsibilities for integrated forest management.

Some states have already established integrated departments, and others are considering similar arrangements. Each state and territory must of course make its own decision, but the Inquiry strongly recommends that the advantages of integrating resource management and conservation functions be carefully assessed and that governments build on the knowledge and skills contained within existing agencies. Improved state and territory decision making in relation to forestry matters should lessen the number of occasions requiring Commonwealth involvement.

Some Inquiry participants claimed that the integration of agencies allows for conflict to be internalised; in the Inquiry's view, this potential would be countered by the more open processes that it recommends.

Separate land use allocation: the problems of land use planning and the establishment of conservation reserves in forest areas are a matter that all states and territories should confront with urgency. Each state and territory that has not already done so should establish a forest land use advisory body equipped to reappraise both the forest resource and the conservation reserve system. These bodies should be separate from the integrated forest management agencies.

Greater community involvement: the other major problem that the states and territories should confront is that of community consultation and participation in forestry decisions. Much of the community's mistrust of forest management can be attributed to frustration caused by lack of information and lack of opportunity to comment effectively on forestry plans. The Inquiry is of the view that more open and transparent processes would result in reduced conflict.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: OPTIONS FOR THE COMMONWEALTH

The Inquiry is concerned that the difficulties experienced with Australia's forest and timber resources may be indicative of problems that the Commonwealth will face as it considers possible mechanisms for implementing the recommendations of the Ecologically Sustainable Development Working Groups or in undertaking other initiatives to foster ecologically sustainable development.

It will be difficult for the Commonwealth Government to manage its forest-related responsibilities while those responsibilities remain dispersed in different departments pursuing different objectives. The same will probably apply to other renewable resources.

The Commonwealth's current administrative arrangements relating to forest issues are inadequate to support government policy aimed at fostering ecologically sustainable resource development.

This is a matter of particular concern because the Commonwealth advocates integrated assessment and decision making for the environment and development but splits its own bureaucracy in such a way that it will be difficult to undertake the necessary tasks of planning and implementation.

Options: the Inquiry strongly suggests that the Commonwealth consider institutional arrangements that bring together all Commonwealth responsibilities for forest policy. In the Inquiry's view there are two options in this regard:

1. to bring together all Commonwealth responsibilities for forest policy within a single existing organisation;

2. to establish a new portfolio, the Department of Renewable Resources, with responsibilities relating to forestry, fisheries, and possibly agriculture and land management. This is the Inquiry's preferred option.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: OPTIONS FOR INTERGOVERNMENTAL MECHANISMS

The Inquiry finds the existing intergovernmental arrangements unsatisfactory: the respective roles of governments in relation to forest use are unclear; effective mechanisms for intergovernmental coordination of policy do not exist; and there are few national standards, criteria and guidelines for forest-use decisions when the interests of governments overlap.

The Inquiry concludes that there is a need for improved decision-making structures and processes at Commonwealth, state and territory level and for better coordination of forest decisions in areas of common jurisdiction.

The overriding national need is for improved intergovernmental institutions and decision processes that would support comprehensive forward planning for forest use. Mechanisms for conflict resolution would still be required, but it is far more important to focus on approaches that would minimise the occurrence of forest disputes rather than dealing with them after they have arisen. The most contentious areas of decision making are those in which state and territory and Commonwealth interests and obligations overlap.

The following are the Inquiry's options for improved institutional arrangements at the intergovernmental, or national, level:

1. to retain existing national institutions and modify existing intergovernmental mechanisms;

2. to modify existing institutions and intergovernmental mechanisms. This option would involve retaining the present Australian Forestry Council and enhancing consultative mechanisms between the Australian Forestry Council and the Australian and New Zealand Environment and Conservation Council;

3. to create a new national institution, the National Forests Council, by reforming the existing Australian Forestry Council. This new Council would involve ministers with responsibility for conservation as well as ministers with responsibility for forestry matters. It would have considerably expanded responsibilities, which would be carried out by a number of working groups. This is the Inquiry's preferred option.

As an adjunct to this option but also as options in their own right, the Inquiry proposes the establishment of an Australian Forests Research and Development Authority and a Forest Product Development and Marketing Corporation.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: WOODCHIPS

The wood and wood products industry and the state forest management agencies argue that woodchipping is an integral part of the industry, valuable in its own right and an important element of forest management strategies. Conservation groups argue that woodchipping allows the logging of forest in areas that would otherwise not be financially feasible and that export woodchips is a waste of Australia's forest resources.

Policy on exporting woodchips: Calls have been made to ban the export of woodchips for environmental reasons. Others have said that the domestic processing of these woodchips would improve Australia's economic performance.

The Inquiry concludes that if the main point of concern is that the logging practices associated with the production of woodchips from native forests are unacceptable on ecological or other grounds, it would be more effective to control these practices directly or implement a different system of land use rather than impose export sanctions or engage in other forms of intervention in established commercial activities.

The Inquiry agrees that national economic gains would accrue if woodchips could be profitably redirected to pulp mills within Australia, but this cannot be forced by government decree; if it is to occur it must be as a consequence of commercial opportunities and responses. To discontinue woodchip exports for any other reason than a decline in international competitiveness, particularly at short notice, would seriously disrupt industry and impose severe economic losses on forest-based industries and local communities.

The Inquiry recommends that, at the very least, the Commonwealth draw a distinction between woodchips obtained from native forests and those produced by plantations.

Export tax: The Resource Assessment Commission's Research Branch study of the Australia–Japan woodchip trade resulted in a proposal that a tax on export woodchips to enable Australia to gain a larger share of the available economic surplus generated by the woodchip trade be considered.

It is the Inquiry's view that the Commonwealth Government should not consider an export tax on woodchips unless the buoyant market conditions that characterised the 1980s were to reappear.

Transfer pricing: the Inquiry investigated claims that the Australian community may be subsidising woodchip production because pulplog royalties are too low or because some woodchip exporters may be engaging in transfer pricing. 'Transfer pricing' refers in this instance to the possible conveyance of domestic profits made by a local subsidiary, by selling raw materials at an artificially low price, to a parent company overseas. The Inquiry found no evidence of transfer pricing.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: PULP AND PAPER MILLS

Australia has a large trade deficit in paper products and exports large quantities of woodchips. The pulp and paper industry argues the trade deficit could be reduced if pulp mills are built in Australia. Industry believes that the development of large pulp mills using the bleached kraft technology is the most commercially viable option. Conservation groups argue that these mills will tie up large areas of forested land for long periods and that smaller scale mills using technologies that do not produce organochlorines are more appropriate. Conservationists argue that alternatives to harvesting native forests exist such as using plantation grown feedstock or non-wood fibres.

Wood availability: at present the establishment of a bleached eucalypt kraft mill seems a prospect only in Tasmania, where the current volume of export woodchips, derived mainly from native forest is sufficient to supply a world-scale mill. A study undertaken for the Inquiry of the forests of south-eastern NSW and East Gippsland found that barely enough wood would be available in that region to support a world-scale mill.

The Inquiry considers it probable that if the native forest is relied upon to supply wood for world-scale bleached eucalypt kraft mills, very large areas of forest would be committed to pulpwood production for long periods. This would preclude some other uses of the forest resource in those areas, possibly even the production of saw logs. The relevant forest management agencies would face strong pressure to apply short-rotation, intensive methods of silviculture, and this would significantly change forest structure and ecosystem processes.

Choice of technology and scale: the choice of pulp mill scale and technology should be left to industry, provided it meets the standards in the Pulp and Paper Industry Package and any standards set by the relevant state. Decisions made by industry will be constrained by economic considerations, wood supply conditions, and effluent standards.

Direct regulation of harvesting practices is the appropriate way to deal with the environmental impacts of forest management practices. Indirect controls based on restrictions on processing technology would not be as efficient.

Organochlorines: organochlorines from bleached eucalypt kraft mills pose some risk of long-term environmental damage, but the Inquiry has been unable to determine the extent of that risk. The Inquiry recommends that if any bleached eucalypt kraft mills are built in Australia they should be subject to careful environmental monitoring and adaptive control.

Alternative fibres: pulp and paper operations based on non-wood fibres, principally kenaf, wheat straw and bagasse, may be developed in Australia in the future. The Inquiry examined their prospects and concluded that they would be unlikely to displace hardwood pulp in most paper-making operations.

Environmental performance and monitoring: in general, the pulp and paper industry and government environment protection agencies are endeavouring to achieve the highest possible standards of effluent control, particularly in relation to upgrading existing pulp and paper mills.

However, much of the information about effluents has not been compiled and presented in a manner that facilitates public scrutiny. As a consequence, environment protection agencies generally are not held publicly accountable if they permit a mill to exceed licensed effluent levels.

The performance of the pulp and paper industry and the environment protection agencies in meeting and establishing appropriate discharge levels for effluent should be open to public scrutiny. This can only occur if the agencies ensure that all monitoring is undertaken and that the results are published in such a way as to allow useful examination of data by the public.

The Inquiry recommends that the environment protection agencies undertake environmental audits of all existing pulp and paper mills in order to establish a comprehensive and publicly accountable framework for any proposed expansion of the industry. Such audits should include assessment of existing total effluent loads, environmental conditions in receiving waters, and effects on ecosystems and other receptors.

FOREST AND TIMBER INQUIRY INFORMATION SHEET: SUSTAINABLE YIELD

One of the most contentious issues examined by the Inquiry was the question of the sustainability of current forest harvesting. Conservation groups argued that wood production levels were unsustainable while state forest management agencies and the timber industry maintained that current harvesting levels were sustainable.

In native forests zoned for wood production there are particular problems associated with converting mature forest to regrowth. If mature forest is cut too quickly there may be a shortfall in wood supply before the regrowth is available; this 'trough' could continue for at least another cutting cycle as a shortfall of particular age classes. In this sense, 'overcutting' can be said to have taken place. Such harvesting practices can still, however, be described as sustainable: they will not destroy the capacity of the forest to produce wood in the future if harvesting and regeneration are conducted proficiently, but they will result in what foresters call 'uneven-flow' sustainable yield from the forest area concerned.

The Inquiry received evidence that, during the postwar period, overcutting (as defined) occurred in most parts of Australia in response to political pressure to extract the native timber resource to support construction and economic development. In some areas high rates of sawlog removal continued into the 1970s.

In its draft report the Inquiry called for information demonstrating that forests are being managed for sustained yield. The agencies responded to this call and, on the basis of information presented, there has been a shift in the Inquiry's thinking about sustained yield from what was said in the draft report. The Inquiry is satisfied that currently the agencies have in place sustained yield management strategies for wood production. The evidence before the Inquiry is that these strategies are appropriate. The agencies' yield projections are supported by the Inquiry's own analysis of the data the agencies have provided.

There are a number of different interpretations of the term sustained yield, and there is potential for overly simplistic approaches to be adopted. In preparing forest management plans it would be better to concentrate on explicit scenarios that seek to match long-term production potential with the capacity to process the offtake and with demand for the products.

The management of the forest estate to achieve a sustainable, marketable and relatively even flow of products will always remain difficult and controversial. Forest agencies have been hampered in their planning by a shortage of information on the extent and growth of forest resources. The Inquiry encourages forest management agencies to continue their efforts to improve their planning facilities and to make their data, models and scenarios available for peer review and public scrutiny.

Forests agencies and industry have given great emphasis to the loss of forest resources due to transfers to conservation purposes. The Inquiry found that significant losses have occurred in some regions, however, there has been a tendency to over emphasise the impact of these losses on sustained yield planning.

DRAFT 2

NEW SOUTH WALES

[Peak Group Logos]

NATURE CONSERVATION/LAND USE PLANNING PACKAGE

Planning for job security and a healthy environment

DISCUSSION PAPER AND EXPOSURE BILLS

JULY 1992

Contents

Foreword

This package is a response to the Government's Natural Resources Package. It addresses the same land-use decision-making questions as that package.

Except for the Threatened Species Conservation Bill, which must be passed this year under the requirements of the Endangered Fauna (Interim Protection) Act, the questions addressed in the Government's package are not the most important priorities of the conservation groups. They certainly do not reflect the planning needs of NSW.

Our immediate concern is for the many valuable natural areas which are in danger and require immediate protection. Bills to protect some of these areas are currently before the Parliament, or will be listed early in the Budget Session, i.e.:

- the South East Forests,
- the proposed Khappinghat Nature Reserve,
- the proposed Moonee Beach Nature Reserve,
- nominated Wilderness Areas, and
- other proposed National Parks and Nature Reserves.

Many environment groups also believe that the Wilderness Act and the National Parks and Wildlife Act require amendment to improve their public participation processes.

The Parliament should prepare and pass these Bills at the earliest opportunity.

Unlike the Government's Natural Resources package, which exempts the South East Forests from its decision-making processes, this Nature Conservation/Land Use Planning Package does not refer to specific areas of land. It presents, instead, an integrated system for planning natural resource use in an ecologically sustainable way.

In an ideal world, land-use decisions would be made by people disconnected from the political process. This independent body would assess the biophysical capability of the environment, and then recommend a mix of land-uses that leave the ecosystem and its processes intact in the long term. Land-use decision-making would be guided primarily be ecological thinking, rather than political or economic ideology.

The proposed Natural Resources Management Council, however, is an entirely politicised body which operates in secret to execute the political ideology of the parties in power. We have no confidence in its composition or its processes, and so have chosen to promote the proven land-use planning processes of the Environmental Planning and Assessment Act 1979.

Although this landmark legislation is amongst the best in the world, successive Government's have been ignoring the spirit, and the letter, of the law since it was enacted.

While land-use decisions under the Environmental Planning and Assessment Act 1979 are made ultimately by the Minister, we have confidence that its integrated regional approach, and its comprehensive public consultation process, can ensure ecological sustainability.

In contrast, the Government's Natural Resources Package aims simply to develop natural resources on public lands by overruling existing laws. By imposing private interests on public land, the Government's package will only increase social conflict.

Security for those investing in industries based on public resources can only be guaranteed if the community support those industries. Conflict will only be avoided when the community has been fully informed, and has participated in decisions about these industries use public resources.

We call on all Members of Parliament to reject the Government's Natural Resources package, and to begin implementing the state's existing legislation.

Dr Judy Messer, Nature Conservation Council of NSW
Milo Dunphy, Total Environment Centre
Sue Salmon, Australian Conservation Foundation
Ben Oquist, The Wilderness Society
Graham Douglas, National Parks Association of NSW
Jeff Angel, South East Forest Alliance

Executive Summary — incomplete

The NSW Government's Natural Resources Package has been designed to destroy many of the laws and procedures which currently protect the environment. It undermines fundamentals of the Environmental Planning and Assessment Act 1979, and aspects of the National Parks and Wildlife Act 1974 and the Heritage Act 1977, which have been established in landmark Court cases.

Under the Natural Resources package:

* Departments and Ministers are less accountable.

* Departments and Ministers make their decisions in a less open manner.

* Vested interests have an improper level of influence over land-use decisions.

* Decisions about compensation agreements, and the protection of endangered species habitats, are made in secret.

* Environmental protection can be sacrificed for political expediency.

* Public resource are virtually privatised.

* The stated conservation objectives are corrupted by evasion clauses and mechanisms.

If the package is passed, decisions about the land and its resources will be made in a loosely structured way which does not guarantee environmental protection, and may lead to serious maladministration.

The NSW environment groups' Nature Conservation/Land Use Planning Package is an active plan to resolve conflict, protect jobs and conserve that natural environment. Its key features are:

* making full use of the Environmental Planning and Assessment Act for long-term state and regional planning,

* amending the Environmental Planning and Assessment Act to ensure that the environmental impact statements of state and local Government agencies are determined by an independent body,

* empowering the National Parks and Wildlife Service to implement the Threatened Species Conservation Bill 1992 (as proposed in this package), and

* reforming the forestry industry to ensure that it becomes economically efficient, and ecologically sustainable, and that jobs are protected through regional adjustment packages.

Resolving land-use conflicts

The Nature Conservation/Land Use Planning Package resolves conflict over land-use decisions by bringing in independent assessors from the Office of the Commissioners of Inquiry. This office has proven itself capable of producing balanced and independent reports on many occasions in the past.

Protecting jobs

In addressing the 40-year decline in the timber industry has been in decline for many years, employing fewer people The Nature Conservation/Land Use Planning Package Conflict over ensures the security of jobs in forested regions by

If the community believes that environmental values are secure in the long term, then industries which behave in a responsible way will continue unhindered. Environmental and industrial security will only arise when:

* there is a sound information base;
* there are integrated plans for appropriate use of the land which guarantee an ecologically sustainable yield;
* the public are informed participants in the preparation of these plans; and
* the plans are sufficiently flexible to accommodate any new information which may arise.

The task of co-ordinating assessments on a regional basis currently belongs to the Department administering the Environmental Planning and Assessment Act 1979.

The Act provides for:

* regional environmental plans to allow land assessments to be made on a regional basis,
* coordination of the information currently held by different government agencies (through section 46, and through the Advisory Co-ordinating Committee), and

* new studies to be initiated when there is not sufficient information already available.

An action plan for the Environmental Planning and Assessment Act

Revive the Advisory Co-ordinating Committee

Prepare regional environmental plans for the whole state

Urgently protect areas under threat

Monitor and regulate activities on private land

Consult the public

Commissions of Inquiry should resolve disputes

Report on progress annually

By identifying critical habitat and threatening processes well in advance, the Bill will ensure that the community is aware of its responsibilities in the earliest stages of planning a new development. Most importantly, it takes a responsible approach to development, ensuring that developers can integrate threatened species conservation into their project planning. Areas of critical habitat, and activities which could harm threatened species, will be identified and publicised widely in the community.

By identifying critical habitat and threatening processes well in advance, the Bill will ensure that the community is aware of its responsibilities in the earliest stages of planning a new development. Responsible developers will welcome this move.

A prerequisite for integrated land-use planning is a resource information database which has the confidence of the community. To gain community confidence, both the plan and the database must be prepared with full public involvement at every stage. These are public resources and all information concerning them must be freely available to the community.

Nature Conservation/Land Use Planning Package

Our goals as a conservation movement are:

* to resolve the conflict over natural resources and land use in New South Wales;
* to protect the natural environment, in particular threatened species;
* to ensure that land-based natural resources are used only on an ecologically sustainable basis; and
* to provide for genuine public participation.

These aims can be achieved by:

* making full use of the Environmental Planning and Assessment Act for long-term state and regional planning,
* amending the Environmental Planning and Assessment Act to ensure that the environmental impact statements (EISs) of state and local Government agencies are determined by an independent body, and
* empowering the National Parks and Wildlife Service to implement the Threatened Species Conservation Bill 1992 (as proposed in this package), and
* reforming the forestry industry to ensure that high conservation value forests are not logged, that forestry is only carried out an ecologically sustainable yield basis, and that plans for making the transition to plantation forestry are put in place.

Reviving the Environmental Planning & Assessment Act

Virtually all of the functions which the Natural Resources Management Council would perform can occur more accountably under the existing Environmental Planning and Assessment Act 1979.

A comparison of the objects of the Environmental Planning and Assessment Act 1979 and the Natural Resources Management Council Bill illustrates this duplication:

Environmental Planning & Assessment Act 1979

Objects

5. The objects of the Act are-

(a) to encourage-

(i) the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

(ii) the promotion and co-ordination of the orderly and economic use and development of land;

(iii) the protection, provision and co-ordination of communication and utility services;

(iv) the provision of land for public purposes;

(v) the provision and co-ordination of community services and facilities; and

(vi) the protection of the environment;

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Natural Resources Management Council Bill 1992

Object of Act

3. (1) The object of this Act is to establish an independent authority to improve the decision-making process with respect to the use of public land so that:

(a) the Government may make sound decisions about the balance between conservation and other natural resources use; and

(b) the allocation of the use of natural resources to industry is secure.

(2) In particular, the object of this Act is to ensure that:

(a) comprehensive and reliable information about the natural resources of public land is compiled and available for the purposes of that decision-making process; and

(b) all values of public land (including conservation and economic values) are assessed; and

(c) those assessments are made on a systematic regional basis instead of by different government agencies on a site by site basis; and

(d) principles of environmental policy (as agreed between the Commonwealth and the States) are applied in that decision-making process as the basis of ecologically sustainable development.

The unused powers of the Environmental Planning and Assessment Act 1979 are highlighted when the Natural Resources Management Council Bill's objects are considered phrase by phrase:

"an independent authority"

The Bill proposes a Council dominated by Governemnt departments and others whose primary function is development. Leaving aside the question of whether a body dominated by such interests is independent, an authority with similar functions, the Advisory Co-ordinating Committee, is already established under Section 19 of the EP&A Act.

This committee is composed entirely of heads of Department. Its functions are:

(a) to advise the Minister on means to ensure effective co-ordination of the activities and programmes of public authorities in the achievement of objects of this Act;

(b) to review progress and performance in the achievement of objects of this Act;

(c) to advise the Minister on the priorities to be established for the achievement of objects of this Act;

(d)to advise the Minister on matters which should be taken into consideration in the preparation of environmental planning instruments [i.e. state environmental planning policies, regional environmental plans, and local environmental plans];

(e) to advise the Minister on such matters as may be referred to it by the Minister or the Director.

A truly independent assessor is most needed when land-uses are in dispute. Under the Environmental Planning and Assessment Act 1979, this is the role of the Commissioners of Inquiry. This office has proven itself capable of independence on many occasions in the past, and this role should continue.

"to improve the decision-making process with respect to the use of public land"

The regional environmental plans under the Environmental Planning and Assessment Act 1979 fulfil the same role as the regional reviews of the Natural Resources Management Council.

The decision-making processes for regional environmental plans, however, encourage greater public involvement and accountability than those of the Natural Resources Management Council Bill.

Under Part 3, Division 3, of the Environmental Planning and Assessment Act 1979, draft regional environmental plans are exhibited and the public can make comments. This can be done a number of times to ensure that the final plan has the support of the community at large.

A Commission of Inquiry can be called at this draft plan stage to resolve any disputes raised in the community submissions. The report and recommendations of a Commission of Inquiry are automatically made public. This facility to resolve disputes openly at the planning stage should be preserved.

Section 22 of the Natural Resources Management Council Bill provides that a draft report is released only once, and that the public are given at least 60 days to make comments. The resolution of any disputes identified by this process is carried out by the Natural Resources Management Council behind closed doors. There is no independent resolution of disputes, and no guarantee that the public will be informed how the dispute has been resolved.

The community is increasingly demanding to be informed of, and involved in, decisions relating to the environment. Collective decisions are less likely to lead to conflict, and more likely to produce creative outcomes.

"so that: (a) the Government may make sound decisions about the balance between conservation and other natural resources use;"

This objective is a direct duplication of the objects of the Environmental Planning and Assessment Act 1979, particularly (a)(i) and (ii), which read:

(a) to encourage-

(i) the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

(ii the promotion and co-ordination of the orderly and economic use and development of land;

A group dominated by development interests will be unable to find any kind of "balance". The stacking of the Natural Resources Management Council will automatically favour development at the expense of the environment.

"and (b) the allocation of the use of natural resources to industry is secure."

Many resource-based industries have had privileged and subsidised access to natural resources in the past, allowing them to over-exploit natural resources and to become inefficient. Over-exploitation has raised concerns for the environment, while inefficiency has threatened the economic future of the industries.

The end result has been the conflict between those seeking to protect the environment, and those seeking to protect their jobs.

If the community believes that environmental values are secure in the long term, then industries which behave in a responsible way will continue unhindered. Environmental and industrial security will only arise when:

* there is a sound information base;
* there are integrated plans for appropriate use of the land which guarantee an ecologically sustainable yield;

* the public are informed participants in the preparation of these plans; and
* the plans are sufficiently flexible to accommodate any new information which may arise.

Erecting legal and financial barriers to discourage or prevent the community acting to protect the environment will not end this conflict. A more likely outcome is that opposition to these resource development proposals will be radicalised. Ecalating conflict will be guaranteed.

"(2) In particular, the object of this Act is to ensure that: (a) comprehensive and reliable information about the natural resources of public land is compiled and available for the purposes of that decision-making process;"

The task of compiling information about the natural resources of all land in NSW currently belongs to the Department administering the Environmental Planning and Assessment Act 1979; Section 46 of the Environmental Planning and Assessment Act 1979 requires, and empowers, all public authorities to *"furnish such information and provide such assistance as may reasonably be required by the Director in the preparation of the* [environmental] *study or* [draft regional environmental] *plan."*

Why the Government's Natural Resources Package will not work - 1.

Natural Resources Management Council

The Natural Resources Management Council usurps the Regional Environmental Plan process of the Environmental Planning and Assessment Act 1979 and replaces it with a developer-dominated system.

Section 8 (Members and procedure of Council)
The Council is clearly dominated by those with an interest in exploiting natural resources, rather than protecting the environment.

Of the seven Government departments represented on the Council, five have a primary objective of development, while only two are responsible for protecting the environment. Of the five non-government members, three are likely to represent resource use interests.

Section 13 (Principal functions)
The Council is required to review all public lands, but takes little account of private lands in the region. This will lead to an unbalanced assessment of the resources available, and their regional significance.

The north-east forests clearly demonstrate the failings of this process; more than half of the timber logged in this region comes from private lands, rather than State Forests.

More worrying is the power of the Council to review national park boundaries. Logging and mining could be recommended in areas which have been reserved for their high conservation value.

Section 16 (Obligation of Council to apply agreed principles of environmental policy as basis of ecologically sustainable development)
The Council's relationship with the Federal Government has been poorly constructed. It depends largely on the Intergovernmental Agreement on the Environment, a document developed in secret which is unlikely to involve public discussion.

This document makes no mention of Federal involvement in State land-use decision making, yet the Australian Heritage Commission has been drafted on to the Council without its permission (Section 8).

Section 22 (Public consultation by Council)
The public's involvement is limited to commenting on the draft report. There is no opportunity for involvement in setting the terms of reference or assessing the adequacy of research.

Section 33 (Council may rely on EIS etc. prepared by other agencies)
As the Council can choose to accept the Forestry Commission EISs as the only source of information for regional reviews, it will be at risk of being dangerously misled by those with vested interest. Forestry Commission EISs have been discredited in the Land and Environment Court on numerous occasions in recent years.

and (b) all values of public land (including conservation and economic values) are assessed;

Before a draft regional environmental plan is prepared, Section 41(1) of the Environmental Planning and Assessment Act 1979 requires the Director to prepare an environmental study of the region. Section 41(2) allows the Director to determine the matters to which the study shall have regard.

Given that Object 5 (a)(i) states that the EP&A aims

> *"to encourage the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;,*

it is reasonable to expect that all values of public land would be considered in an environmental study.

and (c) those assessments are made on a systematic regional basis instead of by different government agencies on a site by site basis;

The task of co-ordinating assessments on a regional basis currently belongs to the Department administering the Environmental Planning and Assessment Act 1979.

The Act provides for:

* regional environmental plans to allow land assessments to be made on a regional basis,
* coordination of the information currently held by different government agencies (through section 46, and through the Advisory Co-ordinating Committee), and
* new studies to be initiated when there is not sufficient information already available.

and (d) principles of environmental policy (as agreed between the Commonwealth and the States) are applied in that decision-making process as the basis of ecologically sustainable development.

The principles of environmental policy (as agreed between the Commonwealth and the States) make few enforceable demands on either level of Government.

The same net effect would be achieved by an administrative direction to the Department of Planning to incorporate ecological sustainability into its terms of reference for regional environmental plans.

The Environment Protection Authority has a statutory responsibility to take account of ecologically sustainable development in its operations. It should be advising the Department of Planning (and indeed all Government departments) on these matters.

An action plan for the Environmental Planning and Assessment Act

The following program aims to revitalise the Environmental Planning and Assessment Act 1979 by applying its planning provisions more diligently. This program uses the existing powers of the Act to make land-use decisions and to resolve disputes.

1. Revive the Advisory Co-ordinating Committee

The Advisory Co-ordinating Committee, which consists of heads of Departments, should be re-convened to pool current resource data, and to assist in co-ordinating the production of regional environmental studies. Each of these roles is possible under the Committee's statutory functions.

2. Prepare regional environmental plans for the whole state

A program for preparing regional environmental plans to cover the whole state should be put in place. Regional environmental plans are sufficiently powerful to protect the environment, can facilitate development and are sufficiently flexible to respond to changing circumstances. The funding which was to be used to establish an unnecessary Natural Resources Management Council should be allocated to preparing these plans, and to carrying our additional research.

3. Urgently protect areas under threat

In some cases, the process of redressing the balance between environment protection and economic development cannot wait for a long program of plans and studies. Some areas are in immediate danger of permanent damage.

The precautionary principle in the Protection of the Environment Administration Act 1991 states that

"if there are threats of serous or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation."

Such threats do exist in many areas, and the Environment Protection Authority has a statutory responsibility to inform, and direct other Government authorities to take urgent action.

The National Parks and Wildlife Service should urgently identify areas of high conservation value. The Government should immediately incorporate these areas into conservation reserves.

4. Monitor and regulate activities on private land

As many private land activities have a significant effect on the environment of the region and the state (e.g. logging, vegetation clearance), controls on these activities should be improved. They should be considered in regional environmental studies, and their impacts should be regulated under regional environmental plans and state environmental planning policies.

5. Consult the public

The proper processes of public consultation, as described in sections 47 to 51 of the Environmental Planning and Assessment Act 1979, should be implemented in full.

6. Commissions of Inquiry should resolve disputes

Resource disputes which are identified during the public consultation process should be referred to Commissions of Inquiry for resolution (section 49(1)(a) Environmental Planning and Assessment Act 1979).

7. Report on progress annually

The annual report of the Department of Environment and Planning should include an evaluation of progress on the making and implementing of REPs.

Environmental Planning & Assessment (Part 5 Reform) Amendment Bill 1992

This Bill, specially prepared for this document, aims to prevent proponent Government agencies from determining their own environmental impact statements (EISs). While it is based on the the Bill in the Government's Natural Resources package, provisions allowing the Minister to modify development conditions in secret, and to evade making a ruling, have been removed.

The final determination will be made by the Minister for Planning, who must consider assessments from the public and independent experts. Although the Minister is not independent of the Government, the separation of proponent from determining authority is an important step towards the independent determination of EISs generally. Environment groups have been promoting this concept for many years.

Why the Government's Natural Resources Package will not work - 2.

Environmental Planning and Assessment (Amendment) Bill 1992

The idea of preventing a proponent government authority from assessing its own environmental impact statements has been supported by environment groups in the past. This Bill, however, contains a number of highly objectionable provisions which corrupt this primary aim.

For the reasons below, and as the Bill is unnecessarily cognate with the Natural Resources Management Council Bill, it must be rejected.

Section 115B(3) (Provisions relating to Minister's approval)
The Minister may revoke or modify conditions at any time, without public notification or comment. The community is excluded from challenging the Minister's opinion that the environment will not be significantly affected. There are no checks and balances to prevent gross maladministration.

Section 115B(9) (Provisions relating to Minister's approval)
The Minister for Planning can avoid determining an EIS by failing to act within 21 days. After that time, the determining power reverts to the proponent public authority.

The Minister can evade the responsibility to check the activities of other Departments, and the current system, which has failed to protect the environment and resulted in lengthy Court battles, is reinstated: (Section 8(5) of the Timber Industry (Interim Protection) Act 1992 is a similarly unacceptable provision.)

Section 115C(5) (Director's report)
In a similar way, the Director of Planning can avoid preparing a report on an EIS by failing to act within 3 months. The approval of the Minister is then not required, and the proponent public authority is allowed to make their own decision.

Section 115D (Excluded determining authorities)
Councils and county councils are excluded from the Act, and others can be excluded by the Minister.

No proponent should be empowered to judge their own EISs. This creates the possibility of maladministration by poorly resourced or unsympathetic councils, and does not guarantee that the environment will be protected.

Consequential amendments to the Timber Industry (Interim Protection) Act 1992
The omission of section 9(5) of the Timber Industry (Interim Protection) Act 1992 intensifies the damage being done by this unacceptable legislation.

Section 9(5) requires the Minister for Planning to examine wilderness assessments when EISs for the same area are being considered. While this is a long way from the ideal situation in which forestry activities are planned in a broad, regional context, it is administratively efficient to consider all available assessments when making a decision.

Omitting the section will allow the Minister to ignore key environmental information when assessing a logging operation, and may lead to wilderness values being irreversibly damaged before they have been judged.

This Bill improves on the Government's Bill by ensuring that:

* The Minister for Planning cannot revoke or modify conditions without first considering an EIS (where one is required), or calling for public submissions, considering those submissions, and forming an opinion that the revocation or modification will not significantly increase the detrimental effect of the activity on the environment (compare section 115B(3) of the Government's Environmental Planning and Assessment (Amendment) Bill 1992 with section 115C of the Environmental Planning and Assessment (Part 5 Reform) Amendment Bill 1992).

* The Minister for Planning cannot evade determining an EIS by failing to act within 21 days (see section 115B(9) of the Government's Environmental Planning and Assessment (Amendment) Bill 1992).

* The Director of Planning cannot evade preparing a report on an EIS by failing to act within 3 months (see section 115C(5) of the Government's Environmental Planning and Assessment (Amendment) Bill 1992).

* All Part 5 EISs must be determined by the Minister for Planning. This Bill does not exclude local councils, county councils or the Minister administering the Environmental Planning and Assessment Act 1979 from its operations, nor does it allow the Minister the discretion to exclude other persons or bodies by regulation (see section 115D of the Government's Environmental Planning and Assessment (Amendment) Bill 1992); and

* The provisions of the Timber Industry (Interim Protection) Act 1992, which require that wilderness assessments are examined concurrently with EISs over the same area, are left intact (see consequential amendment (1) to the Timber Industry (Interim Protection) Act 1992 No. 1 on page 8 of the Government's Environmental Planning and Assessment (Amendment) Bill 1992).

* The Minister receives advice on the EISs from independent experts in tertiary institutions (see section 115D(2) of the Environmental Planning and Assessment (Part 5 Reform) Amendment Bill 1992).

* All projects must be monitored to ensure that they do not deviate from the activity as approved by the Minister (see section 115E of the Environmental Planning and Assessment (Part 5 Reform) Amendment Bill 1992).

Why the Government's Natural Resources Package will not work - 3.

Heritage (Amendment) Bill 1992

This Bill seeks to override the recent finding of the Land and Environment Court that the Minister for Planning had been in breach of the Heritage Act. It excludes natural areas and Aboriginal relics and places from the ambit of the Heritage Act.

The Heritage Act has important and unique powers to protect the natural environment and Aboriginal heritage, and these should be retained. The National Parks and Wildlife Act does not have an equivalent of the Heritage Act's powerful and enduring Permanent Conservation Orders.

Interim Conservation Orders (under the Heritage Act) are also more useful than the Interim Protection Orders of the National Parks and Wildlife Act 1974, as they can be extended indefinitely.

Areas of urban bushland are particularly at risk. Most urban bushland is in small patches which have great local value, but may not warrant gazettal as Nature Reserves or National Parks under the National Parks and Wildlife Act 1974.

The Heritage Act has been used to protect natural lands in urban areas a number of times, including the Mount Wilson precinct in the Blue Mountains, Barrenjoey Headland and the Palm Beach Isthmus, a reserve near Eastwood and the Eastern Headland at Malabar.

Threatened Species Conservation Bill 1992

For a number of years the Threatened Species Network (comprising Australia's peak conservation groups and other interested parties) has been developing a draft of a Threatened Species Conservation Bill. In addition, both Labor and the Coalition have committed themselves to introducing strong Threatened Species legislation.

The 1991 Land and Environment Court case over Chaelundi State Forest established that the National Parks and Wildlife Service has statutory responsibility for protecting all endangered fauna in NSW.

The subsequent Endangered Fauna (Interim Protection) Act 1991 set up an administrative process to handle this licensing responsibility, established an independent scientific committee and improved assessment at the development control level. (Note that the Endangered Fauna (Interim Protection) Act refers only to fauna, and not to plants or ecological communities.)

The Endangered Fauna (Interim Protection) Act is working

Licensing is a well established approach to the control of environmentally hazardous activities. The NSW Environment Protection Authority issues pollution licenses, the NSW Department of Water Resources licenses the pumping of water from rivers, and the Soil Conservation Service licenses private land clearing.

The Commissioner for Forests, Mr Hans Drielsma, has stated publicly (in a speech to the ATF Conference, 29th May 1992):

> *"We strongly support the trend towards the uniform application of environmental standards and regulatory authorities across all land tenures."*

He went on to support the efficient external regulation of Forestry Commission activities.

Since the Endangered Fauna (Interim Protection) Act came into force the National Parks and Wildlife Service has established an Endangered Species Unit which has been consulting widely with the community and with public authorities. As of 30 July 1992, only 57 licenses had been issued, far fewer than the thousands claimed necessary when the Endangered Fauna (Interim Protection) Bill was being debated.

Many public authorities, who are consent authorities under the Environmental Planning and Assessment Act 1979, are now integrating endangered species concerns into their daily work. By modifying activities so that they do no harm to endangered species, no license is needed. This is the ultimate goal of strong, workable endangered species legislation.

The Soil Conservation Service, in particular, has developed standard endangered fauna assessment procedures for its field officers all over the state. These procedures guide the officers through the decision whether fauna impact statements are needed before a protected land clearing licence can be issued.

As well as assessing the likely impact of the proposal on endangered fauna habitat, the procedures include keys for identifying and mapping endangered fauna habitat, a database for identifying endangered fauna likely to occur in each habitat type and basic prescriptions for minimising the impact of logging on endangered fauna and their habitats.

Despite the lack of Cabinet support, and despite no special funding being allocated to the National Parks and Wildlife Service, the licensing system is beginning to work well to protect endangered fauna.

Fundamentals of the Threatened Species Conservation Bill

The Threatened Species Conservation Bill takes an active approach to threatened species management by protecting the habitat of animals, plants and ecological communities. It has a number of complementary strategies, including action plans to control threatening processes, recovery plans, conservation agreements under the National Parks and Wildlife Act, and community education programs.

Most importantly, it takes a responsible approach to development, ensuring that developers can integrate threatened species conservation into their project planning. Areas of critical habitat, and activities which could harm threatened species, will be identified and publicised widely in the community.

The Bill is founded on three principles:

(a) We have a responsibility to future generations to ensure that no species become extinct because of our actions or inaction.

(b) The conservation of biodiversity is so important that it should be managed on an independent and scientific basis, free of political interference, and of compromises at the expense of biodiversity. When a species is at risk, political interests must come last.

(c) The National Parks and Wildlife Service has proven itself to be the only public authority with the necessary technical competence and statutory jurisdiction for protecting threatened species.

The Bill builds on the licensing procedures already in the National Parks and Wildlife Act, adding provisions to protect flora and ecological communities.

It is essential that the Endangered Fauna (Interim Protection) Act is not repealed; it provides these licensing procedures and crucial concepts regarding species disturbance.

Listing by the Scientific Advisory Committee

The Scientific Advisory Committee is responsible for listing threatened species or communities of flora and fauna, including plants, fungi, insects, fish, frogs, reptiles, birds and mammals.

Two main Schedules must be prepared:

Schedule 2 - endangered or vulnerable: species and communities in a state of decline which may result in extinction in NSW.

Schedule 3 - potentially vulnerable: species and communities potentially in a state of decline which may result in extinction in NSW.

Species or communities listed on either Schedule 2 or 3 are termed 'threatened', however licensing requirements only apply to Schedule 2 species. Schedule 2 will replace Schedule 12 of the National Parks and Wildlife Act.

The Committee consists of:

- two scientists from the National Parks & Wildlife Service,
- one scientist from the Australian Museum,
- one scientist from the Royal Botanic Gardens,
- one scientist from the Ecological Society,
- one scientist from the Entomological Society, and
- one scientist from a NSW tertiary institution.

The Committee's recommendations for listing under Schedule 2 or Schedule 3 are made directly to the Governor. There is no opportunity for Ministerial interference in listing; data on the level of threat cannot be distorted for political purposes.

Flora or fauna which constitute a serious threat to human health can be excluded from the Bill (Schedule 1). Species which have not been recorded in the wild for more than 50 years, or have not been found during repeated searches, can be listed as extinct in New South Wales (Schedule 4).

Each of the Committee's listing procedures involve a multi-phased public consultation program. The Committee must advertise each of their recommended listings, and then take account of any submissions they receive. In the case of endangered or vulnerable (Schedule 2) or potentially vulnerable species or communities (Schedule 3), the public can nominate species or communities to be added to the list.

Provisional listing can 'fast-track' the listing process to urgently protect a species or community under immediate threat.

Endangered or vulnerable species or communities can not be disturbed without a license from the Director of the National Parks and Wildlife Service. Each applicant must go through the procedure introduced by the Endangered Fauna (Interim Protection) Act 1991.

Critical habitats and threatening processes

Once a species or community has been listed on Schedule 2, the Scientific Advisory Committee must determine its critical habitat within one year. The location of this habitat is then advertised (except if the Committee believes that the publicity would be likely to lead to harm to the species or community, or if the

landholder requests that the information be withheld and the Minister agrees).

In a similar way the Committee must determine which processes are likely to threaten a listed species or community. These threatening processes are also advertised.

Any person may request that a determination of critical habitat or threatening process be amended by the Committee.

The Director is responsible for identifying threatening processes which affect more than one species or community, which operate across a region, or which will worsen the condition of a potentially vulnerable species or community.

Potentially vulnerable species or communities (Schedule 3)

Once a species or community has been listed as potentially vulnerable (Schedule 3), it must be monitored by the Committee. The Committee must regularly review its status and decide if it should be changed to endangered or vulnerable. The Committee can request that the Director prepare action plans to prevent further deterioration of its condition.

Recovery plans and action plans

Both recovery plans and action plans are the responsibility of the Director. Their preparation involves a public consultation process, and occasional review.

Recovery plans refer to endangered and vulnerable species and communities (Schedule 2). They state:

- what must be done to ensure that a threatened species or community recovers to a position of viability in the wild, and
- what must be done to protect its critical habitat, and
- which activities may or may not be licensed within the critical habitat.

Action plans refer to threatening processes that affect more than one species or community. They state:

- what must be done to eliminate or mitigate the impact of the threatening process, and
- the persons or public authorities likely to be affected by the plan.

When preparing recovery and action plans, the Director must refer them to the Scientific Advisory Committee and take their advice into account. Recovery plans and action plans must be taken into account by the Director when issuing licenses to take or kill endangered or vulnerable species or communities.

Action plans must be taken into account by consent authorities under the Environmental Planning and Assessment Act 1979 when determining development applications or when approving of activities likely to significantly affect a potentially vulnerable species or community.

Other ways to protect threatened species

* The Director may acquire and dedicate an area of critical habitat under the National Parks and Wildlife Act 1974.

* In order to protect threatened species on private land, or land controlled by a public authority, the Director and the landholder may choose to enter into a management contract.

* A state-wide strategy for preserving all species of flora and fauna in the wild must be prepared by the Director of the National Parks and Wildlife Service. This Biological Diversity Strategy must include strategies for ecologically sustainable development, public education programs and a research program.

Threatened Species Unit

The Bill establishes a Threatened Species Unit within the National Parks and Wildlife Service. The Unit's role is to co-ordinate and advise the Director of the NPWS on threatened species matters, and to assist the Scientific Advisory Committee. They may carry out surveys, manage databases, liaise with other Government departments and prepare education material.

Responsibilities under Threatened Species Conservation Bill - Summary

The Minister:

- appoints the Scientific Advisory Committee, and
- decides which of the species recommended by the Committee should be excluded from the Bill because they are a serious threat to human health.

The Scientific Advisory Committee:

- must identify endangered or vulnerable species or communities (Schedule 2), their critical habitats and the processes which threaten them,
- must identify potentially vulnerable species or communities (Schedule 3), and the processes which threaten them, and
- consult with the public when making its listings.

The Director of the National Parks and Wildlife Service:

- must prepare recovery plans for endangered or vulnerable species or communities (Schedule 2),
- must ensure that licenses to take or kill endangered species or communities are issued in compliance with relevant recovery or action plans,
- must publicise the terms of any recovery or action plan,
- must consult with the public when developing recovery and action plans,
- must prepare a Biological diversity strategy,
- may enter into a management contract with a landholder or public authority to protect a threatened species or community,
- may acquire land to protect a threatened species or community, and
- may accept a recommendation of the Committee to review a plan of management for a national park or other area under the National Parks and Wildlife Act 1974.

Consent authorities under the Environmental Planning and Assessment Act 1979:

- must take into account relevant recovery or action plans when determining development applications or when approving of activities likely to significantly affect the environment, and
- must, where necessary, require a biodiversity impact statement.

A proponent of a development, an applicant for a license, a landholder or a lessee:

- must not take or kill any species or community listed in Schedule 2 without a license,
- must take into account relevant recovery or action plans when applying for development consent or a license to take or kill any species or community listed in Schedule 2,
- may enter into a management contract with the Director of the National Parks and Wildlife Service to protect a threatened species or community, and
- must complete a biodiversity impact statement when applying for a license to take or kill a species or community listed on Schedule 2.

Why the Government's Natural Resources Package will not work - 4.

Endangered and Other Threatened Species Conservation Bill

This Bill fails to effectively place an onus on any person or authority to ensure that endangered species are protected. Instead, the Minister can chose to protect species which are likely to become extinct within Australia in the next 20 years, as long as the social and economic costs are minimised.

Section 5 (Repeal of Endangered Fauna (Interim Protection) Act)
This Bill repeals the Endangered Fauna (Interim Protection) Act, replacing it with far weaker provisions, and removes the licensing powers of the National Parks and Wildlife Service. Fauna impact statements will no longer be required. The Act and these licensing powers have been functioning effectively since late 1991, and should be retained.

Section 8 (Species eligible for listing as endangered species)
This Bill's definitions show a lack of understanding of conservation ecology, and have been widely criticised by scientists and wildlife management experts. The definition of "endangered" (likely to become extinct in Australia within 20 years) is absurdly narrow. It will completely fail to protect species which live longer than 20 years.

Section 11 (Species eligible for listing as other threatened species)
The classifications of endangered, rare or vulnerable only apply at an Australian level. The need for viable populations in each region, ensuring genetic diversity, ecosystem functioning and population security, has been ignored.

Section 18 (Aims of recovery plans)
The recovery plans prepared under the Bill must have a minimal social or economic impact. The Government may choose to put its own political interests ahead of the need for species conservation. Vested interests will prevail and extinctions will be inevitable.

Section 28 (Implementation of recovery plans)
No Government agency (including local Government agencies) is obliged to actually implement the recovery plan, particularly if that plan conflicts with their statutory obligations. Many public authorities have a statutory obligation to carry out environmentally damaging activities (e.g logging and roading), but few are obliged to protect the environment, and none are obliged to protect endangered species (except for the National Parks and Wildlife Service).

Section 31 (Critical habitat)
Given that species conservation depends on habitat protection, it is dangerous for the final decision on critical habitat to be made by the Minister for Planning. Expertise for this decision lies with the Scientific Committee and the National Parks and Wildlife Service.

Section 45 (Scientific committee)
The Independent Scientific Committee established by the Endangered Fauna (Interim Protection) Act is abolished. It is replaced with a Government-appointed committee which is likely to be politicised.

Schedule 3 (Amendment of National Parks and Wildlife Act 1974)
The definition of "take or kill" in the National Parks and Wildlife Act 1974, as determined by the Land and Environment and Appeals Courts in 1991, is overruled. The definition no longer refers to an impact on habitat, and the licensing powers and strong prosecution powers under the National Parks and Wildlife Act 1974 are removed.

Schedule 6 (Savings, transitional and other provisions)
The stop work order on compartment 1402 in the south-east forests is specifically lifted. Endangered animals which are known to occur in the compartment may be the first casualty of this new law.

Reforming Forestry in New South Wales

Six fundamental problems face the native forest industry in New South Wales:

(1)The Forestry Commission's approach to native forest management involves logging high conservation value forests;

(2)The Forestry Commission has been unable and unwilling to uphold environmental protection laws - self regulation has failed;

(3)Mechanisation has been responsible for a steady decline in employment;

(4)Competition from pine sawlogs is eliminating hardwood markets, leading to mill closures;

(5)Decision-making in the Forestry Commission is closed, and the decisions are implemented in a confrontational manner;

(6)The industry is largely uneconomic and depends on subsidies.

The Forest (Resource Security) Bill does not address these problems and, in fact, intensifies them.

High conservation value forests are being logged

While the Resource Assessment Commission (Forest and Timber Inquiry Final Report, 1992) found that *"all forest agencies now have procedures directed towards bringing offtakes within sustainable yield estimates"* (Vol.1, p.236), it also found that *"there is a need for further reservation of areas in all states and territories to achieve a fully representative reserve system"* (Vol.1, p.204).

The implication, therefore, is that "sustained yield management" in New South Wales relies, in part, on logging high conservation value forests. High conservation value forests must be protected before logging can be considered in the remaining areas.

The Forestry Commission has been breaking the law

The poor environmental record of the Forestry Commission is now widely acknowledged. A series of Court cases have demonstrated that the Commission has acted contrary to the environment and planning laws of NSW.

Much of this behaviour must be attributed to the Commission's lack of public accountability, and its close links with the timber industry.

Mechanisation destroys timber jobs, not conservation

The graphs opposite show a steady decline in employment in the timber industry over the last few decades: a 25% fall in forestry employment between 1965 and 1984, and a 60% fall in timber mill employment between 1963 and 1983. The second graph suggests that this trend has a 40 year history.

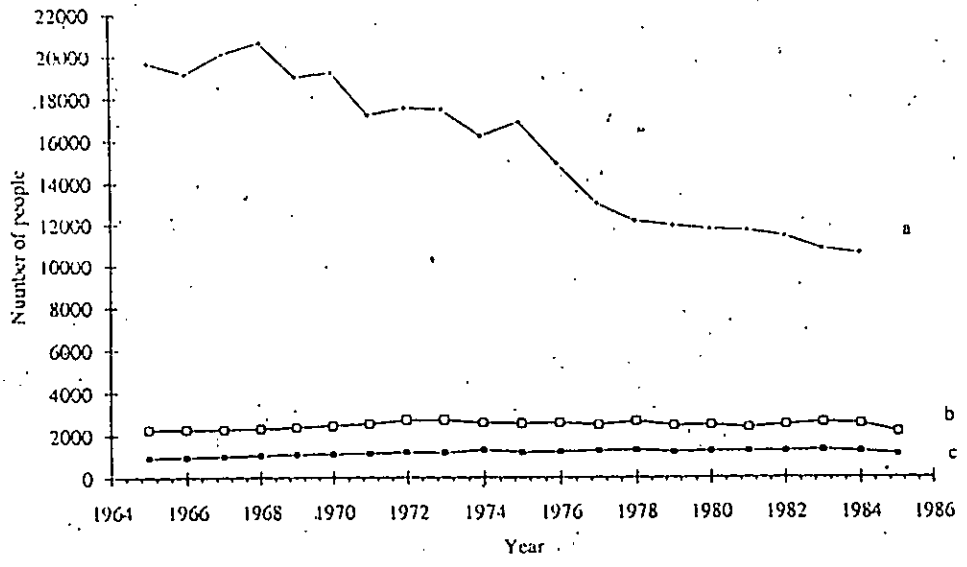
NB: While these are national figures, the Resource Assessment Commission's 1992 Final Report points out that *"New South Wales mirrors the national trend* (p.G36, Volume 2A)."

The total production of hardwood from Crown land in NSW, however, increased by 40% between 1964 and 1984 (Source: p.G40, RAC 1992, *Forest and Timber Inquiry Final Report. Volume 2A*).

These trends have been attributed to a replacement of labour with machinery such as improved saws, machines and trucks, as well as mechanised systems for harvesting in pine plantations (Dargavel, J. 1988 *Sawing, selling and sons*, ANU Centre for Resource and Environmental Studies). It is inevitable that mechanisation will continue, and that quotas will be cut further to achieve sustained yield, leading to further job losses.

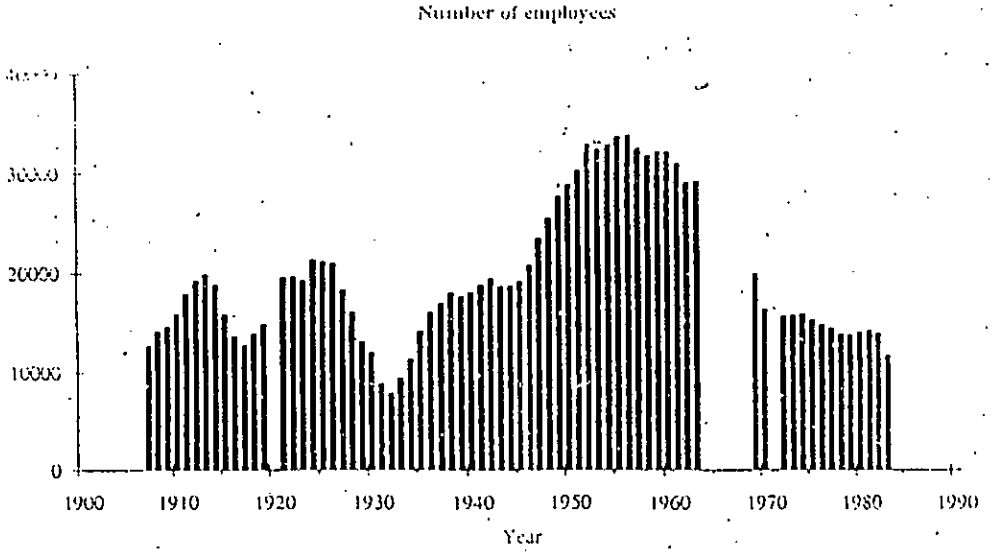
Despite the rhetoric which accompanied the passage of the Timber Industry (Interim Protection) Act 1992, it did not address these fundamental trends. Any plan for restructuring the timber industry must take account of these real trends, which are leading to job losses. There is no evidence the trends can be reversed.

Figure G.13 Employment in Australian forestry, 1965–85



a. Labourers involved in forest establishment, tending, felling and extraction.
b. Non-professional field and clerical employees.
c. Professional foresters and others.
Source: ABARE (1988).

Figure G.14 Employment in timber mills and number of mills: Australia, 1907–83



Source: Dargavel and Boutland (1988).

(Source: pp.G35, G37, Resource Assessment Commission 1992, *Forest and Timber Inquiry Final Report. Volume 2A*)

A new strategy to protect jobs and forests

The timber industry is in a state of transition in the face of market and environmental pressures. Presented below is a strategy for implementing the transition from native forest logging to ecologically sustainable forestry. It suggests a range of economic instruments which can direct timber industry revenue to regional employment packages and ecologically sustainable forest management.

The strategy also suggests a new structure for the Forestry Commission to better implement ecologically sustainable forest management.

Economic instruments can promote conservation and sustainable natural resource use

In 1990, the NSW Public Accounts Committee identified serious inadequacies in the economic structure of the NSW timber industry. According to their report:

> *"...native forest asset valuations really only consider replacement costs, a satisfactory inventory of native forests is lacking, there is no accounting for the non-timber values inherent in the native forest...and numerous subsidies enjoyed by the Commission...are not quantified in the accounts."*
>
> (p 21, Report on the Forestry Commission, Public Accounts Committee 1990)

Why the Government's Natural Resources Package will not work - 5.

Forest (Resource Security) Bill 1992

Rather than being a tonic for the ills of the timber industry, this Bill will simply perpetuate its economic inefficiencies, and entrench community conflict.

The Bill perpetuates inefficiencies by:

* failing to allow assessment of the economic efficiency of, and subsidies being paid to, operations in resource security areas;
* failing to guarantee that the resource is earning its full economic value;
* failing to provide for an objective audit of claims that the industry is value-adding;
* failing to address the continuing trends of mechanisation leading to job losses;
* failing to prevent clear-felling in high conservation value forests and the subsequent loss of economic and environmental values; and
* failing to encourage plantations, which are likely to be more economically efficient in the long-term.

By maintaining the current economic structure of the forest industry, this Bill demonstrates that the Government is not committed to ensuring that forestry in New South Wales becomes ecologically sustainable.

This Bill will ensure that the conflict over forests in NSW will continue for years, and worsen. Accountability and public participation are all but eliminated.

In short, it threatens to transfer the effective ownership of public resources, including old-growth forest, to private companies, entrench inappropriate methods of production and perpetuate their adverse environmental effects.

Section 10 (Certain land in South-east forests may be classified without prior review by Council)

While the package advocates a systematic approach to land-use decisions across the state, it does not apply to land-uses in the south-east forests. The Government is apparently satisfied with the current imbalance in this region.

An examination of this 'satisfactory' land-use outcome in the south-east shows that endangered species are at risk and conflict is continuing: the Director of the National Parks and Wildlife Service recently made a stop-work order to protect endangered species under threat from forestry activities; and protests over the inadequate reservation of high conservation value forest are continuing.

The effect of these subsidies is clear:

> *"The State's timber processing industry is heavily subsidised by the public sector. Chief among the subsidies are under-priced raw materials (in the case of Eucalypt logs), and failure to bear the full costs of road construction and maintenance which are attributable to the industry's operations. As a result of these subsidies, saw-milling businesses which would be marginal or non-viable in their present form are able to continue operating and to continue resisting the pressures to change their inefficient methods of operation."*
>
> (p 31, Report on the Forestry Commission, Public Accounts Committee 1990)

The net economic benefits of the native timber industry are clearly questionable.

A range of economic instruments can be used to ensure that natural resource based industries are ecologically sustainable *(Caring for the Earth: A Strategy for Sustainable Living*, 1991, United Nations Environment Program, the International Union for the Conservation of Nature and the World Wide Fund for Nature). Some of these are outlined below.

We recommend that the NSW Government refer the matters raised below to the Government Pricing Tribunal, and to the Environmental Economics Unit of the Environment Protection Authority for further development.

Charges

Using the principle of 'user pays', forest industries must pay for activities which are harmful to the environment. The Government already has mechanisms to institute this, such as pollution licence fees and timber royalties.

Such charges should reflect the environmental harm caused. For example, pollution licence fees should be slightly higher than the cost of removing that pollution, or the cost of

Why the Government's Natural Resources Package will not work - 5.

Forest (Resource Security) Bill 1992 ... continued

Section 13 (Prohibition on classification of land subject to Timber Industry (Interim Protection) Act 1992

The Minister for Planning can chose not to assess an environmental impact statement prepared under the timetable specified in the Timber Industry (Interim Protection) Act 1992, completely contradicting the intention of the amendments to the Environmental Planning and Assessment Act 1979 contained in the package.

Section 16 (Timber Production Forest)

This section is certainly the most dangerous aspect of the Bill. Parts 4 and 5 of the Environmental Planning and Assessment Act 1979 will not apply to large areas of forest in New South Wales. Years of planning law, and a series of well established legal precedents, will be completely overridden.

Furthermore, it will not be possible to protect endangered species in these forests. Sub-section 16(4) ensures that no part of these forests can be classified as critical habitat for endangered species and protected under the Government's own Endangered and Other Threatened Species Conservation Bill. New information on a threatened species in the area can not be accommodated; extinction is ensured.

Section 20 (Resource security compensation arrangements in timber supply contracts)

Timber supply contracts can include compensation payments for withdrawing an area of forested land, rather than for failing to make available a certain volume of timber. These contracts are agreed in secret without any requirement to publicise them. This discourages the provision of alternative timber volumes from other areas, including plantations. It will also discourage the declaration of conservation and recreation reserves as the Government will have to buy back public land.

Section 24 (Application of Codes to forested public land)

The only 'environmental controls' on logging in Timber Production Lands or Restricted Use Forest are in the Forestry Practices Code. The Code is under the complete control of the Forestry Commission and its Minister, and does not regulate activities on private lands.

As the Bill fails to grant the community the right to challenge a breach of that Code, the potential for maladministration is obvious. The Code will lead not improve the current unacceptable situation.

rehabilitating an environment degraded by that pollution.

Subsidies

Subsidies can be used to encourage industries which generate employment but do not cause environmental damage. In New South Wales, the opposite is happening.

The 1990 Public Accounts Committee report found that the Forestry Commission was making a $16 million annual subsidy to the forest industry through roads and management services.

The forest industry should be covering the costs of this infrastructure, and subsidies should be used to encourage the development of ecologically sustainable industries in forested regions, e.g. eco-tourism, recycled paper manufacture, recycled timber product manufacture and plantation management.

Regional employment packages such as *"Employment in south-east NSW: a review and proposed employment package"* (prepared by John Formby for the South East Forest Alliance), should be developed for each forested region in the State.

Performance bonds

Timber companies must be required to lodge performance bonds to ensure that areas in which they have been operating are satisfactorily reforested, restored or regenerated to a specified age. Performance bonds are already required for many mining operations under the NSW Mining Act 1992.

Tradeable permits

An open system of tradeable permits must replace the current situation, where the Government makes secret timber supply agreements with private companies.

Tradeable permits, for the supply of timber on a per unit volume basis, should be administered and auctioned by the Forestry Commission. This process should be completely open to public scrutiny and competitive. The reserve price should reflect the true environmental cost of producing, extracting and replacing the timber.

Forests have non-timber values too

The Natural Resources Management Council Bill 1992 takes a very narrow view of what constitutes a natural resource, listing only traditional extractive industry resources such as timber and minerals.

NSW forests are important centres of global biodiversity whose non-timber values have never been properly estimated. Non-timber uses of forests include the **harvesting of essential oils and craft materials**, and the **removal of seed and shoot material for plant propagation** and distribution.

A study by the International Trade Centre (UNCTAD/GATT 1987, *Floricultural products: a study of major markets*) found that despite Australia's unique flora, our exports of live and cut flowers and plants was insignificant: the Netherlands earned about half of the $2 billion annual market worldwide. Australia imports $2.65 million worth of cut flowers annually.

Tourism

Toursim is the non-timber use most likely to employ people in the immediate future. It is one of Australia's fastest growing industries, contributing $23.4 billion to Australia's gross domestic product in 1989-90.

Studies have show that the natural environment is a major factor in attracting tourists. Over 85% of Japanese visitors and 70% of European and American travellers identified such factors as beautiful scenery and wildlife as key elements in their travel decisions. (*A National Strategy for the Conservation of Australia's Biological Diversity*, The Biological Diversity Advisory Committee 1992).

In the year ending April 1986, the Western Tasmania Wilderness National Parks were visited by 203,500 people - almost double the number that visited Kakadu National Park during the same period. Australia wide, 790,000 people visited World Heritage Areas during that period (*Australia's Environment*, Australian Bureau of Statistics 1992). In 1990 over 106,000 people visited Queensland's national parks (*A National Strategy for the Conservation of Australia's Biological Diversity*, The Biological Diversity Advisory Committee 1992).

The contribution to regional economies is significant. The whale watching at Hervey Bay in Queensland is worth up to $10 million annually. Closer to home, a 1988 study by the Kuringgai College of Advanced Education (*New England-Dorrigo Tourism Study*) found that New England National Park and Dorrigo National Park were together worth about the same amount to the regional economy, and employing between 200 and 300 people.

There is no evidence to show that tourists are attracted by regrowth forest, logging operations, saw mills, pulp mills or logging trucks.

The NSW Government should urgently fund an economic study of the non-timber values of our forested regions.

The Forestry Commission must be reformed

The Forestry Act requires urgent and fundamental reform to allow it to implement ecologically sustainable forest management.

The Forestry (Amendment) Bill 1992, introduced by Dr Peter Macdonald earlier this year, is a significant ~~first step~~ in introducing new objectives and processes into the Forestry Commission's administrative legislation.

The ~~peak environment groups fully~~ endorse the following principles for reforming the Forestry Commission:

Environmental protection is paramount

* The objects of the Forestry Act must impose on the Commission a duty of care to protect the environment.

* Any legislation to reform the Forestry Act should include powerful transitional measures to prevent panic clearing on both private and public land.

Forestry must be ecologically sustainable

* The highest priority of the Forestry Commission must be to manage State Forests in an ecologically sustainable way. To that end the following principles must determine the Commission's operations:

  (a) The precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

  (b) Inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

  (c) Conservation of biological diversity and ecological integrity.

  (d) Improved valuation and pricing of environmental resources.

The public must be involved

* The public must have free access to all information regarding the Forestry Commission, its lands, the resources it controls, the agreements it makes with industry and the rationale for the decisions it takes.

* The public must have every opportunity to participate in decisions affecting forests.

* Any person should be empowered to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the Forestry Act.

High conservation value forest must be protected

* Logging in high conservation value forests should cease at the earliest opportunity. [NB: The 1992 Draft National Forest Policy Statement accepts the need to protect all high conservation value and wilderness forests.]

* The Forestry Commission should be managing the transition of the forest industry from logging high conservation value forests to logging plantations and appropriate regrowth exclusively.

* The Forestry Commission should cooperate in ensuring that high conservation value forests are given the highest level of protection possible. These forests should include:
  - old growth or undisturbed forest,
  - the habitat of threatened species of flora and fauna,
  - substantially undisturbed catchment,
  - rainforest,
  - distinctive scenic areas,
  - forests of Aboriginal and European heritage significance,
  - areas with other environmental and cultural values identified by the National Parks and Wildlife Service, the Australian Heritage Commission or the Heritage Council,
  - wilderness identified under the Wilderness Act 1987.

* The only authorities competent to determine the conservation value of a forest are the National Parks and Wildlife Service and the Australian Heritage Commission.

The Commission should be run by a stakeholders Board

* Immediate responsibility for the Forestry Commission and its actions should be given to a new State Forests Board.

* The Forestry Commission should be responsible to the State Forests Board. The Board should be responsible to the Minister, but should be able to initiate action independently.

* The State Forests Board should have an independent income which it can apply its operations, e.g. staff, commissioning studies.

* The State Forest Board should consist of:
  - the Commissioner for Forests,
  - the Director of the National Parks and Wildlife Service,
  - the Director-General of the Environment Protection Authority,
  - a representative of the Soil Conservation Service,
  - three persons nominated by conservation groups,
  - two persons nominated by a forest industry group,
  - a person nominated by the NSW Labor Council familiar with work practices in the timber industry,
  - a person nominated by an academic association of ecologists,
  - a chairperson, appointed by the Premier, who is an expert in native forest protection and the resolution of environmental conflicts.

The State Forest Board must ensure ecological sustainability

* The Board should:
  - ensure that high conservation value forests are immediately conserved in national parks,
  - set in place a transitional plantation strategy to provide for the timber needs of the State within a matter of years,
  - ensure that employment and revenue generation are maximised (within the constraints of environmental protection),
  - ensure that timber is only used on an ecologically sustainable basis,
  - investigate the full range of alternatives for achieving the ecologically sustainable use of forest (e.g alternative products, alternative markets, alternative pricing strategies, alternative employment programs for forested regions, public education programs, non-timber values of forests),
  - regularly review the operations of the Forestry Commission to ensure that its operations are ecologically sustainable,
  - review the management plans and timber pricing policies of the Forestry Commission every five years, and
  - be directly responsible for granting or renewing all major licences or agreements, and
  - cooperate with the Department of Planning in the production of regional environmental plans for forested regions.

* The Board should be advised by a Scientific Committee consisting of the nominees of:
  - the Commission,
  - the National Parks and Wildlife Service,
  - the Institute of Foresters,
  - the Australian Museum,
  - the Ecological Society of Australia, and
  - the Nature Conservation Council of NSW.

The Forestry Commission must control logging on private land

* Logging on private land must be carefully monitored and controlled to ensure that private land is used in an ecologically sustainable way.

* No timber should be extracted from land other than Crown-timber land without the consent of the Forestry Commission and the Soil Conservation Service.

* Before approving the extraction of timber from land other than Crown-timber land the Forestry Commission should consult the National Parks and Wildlife Service and the Environment Protection Authority.

* The State Forest Board should cooperate with the Department of Planning to produce State Environmental Planning Policies to regulate logging on private and public lands

ENVIRONMENTAL PLANNING AND ASSESSMENT (PART 5 REFORM) AMENDMENT BILL 1992

NEW SOUTH WALES

EXPLANATORY NOTE

(This Explanatory Notes relates to this Bill as introduced into Parliament)

Part 5 of the Environmental Planning and Assessment Act 1979 sets out the environmental assessment obligations of government agencies which propose to carry out, or propose to approve of others carrying out, activities which do not require development consent (and which therefore are not subject to environmental assessment under Part 4 of that Act by the council or other authority granting consent). If the activity is likely to significantly affect the environment, the agency is required to obtain an environmental impact statement, place it on public exhibition and take account of responses to the statement. Typical examples of such activities are the construction of freeways, logging operation, and other major public works.

The object of this Bill is to amend the Environmental Planning and Assessment Act 1979 to provide that, where a Government agency is both the proponent and the determining authority for any activity for which an environmental impact statement has been obtained under Part 5 of that Act, the Minister for Planning and not the agency will finally decide whether the activity may proceed and any conditions to which it will be subject following the examination of the statement and public responses to it.

The principal features of the Bill are as follows:

(a) The obligation to refer the proposed activity to the Minister for Planning will arise only where the agency has decided to

obtain an environmental impact statement because the activity is likely to significantly affect the environment.

(b) That obligation will arise only if the agency is the proponent of the activity. The Forestry Commission is declared to be the proponent of all forestry activities authorised by it on land under its management. Similar declarations in respect of other agencies may be made by the regulations or by the Minister for Planning.

(c) After an agency obtains an environmental impact statement, the agency will be required to publicly exhibit the statement and consider the public responses to it before deciding whether to proceed with the activity and referring it to the Minister for Planning.

(d) Before the Minister for Planning makes a decision on whether the activity should proceed, the Director of Planning is to prepare a public report on the matter. The Minister for Planning is to have regard to that report, any report of a public inquiry and any submission from the Minister with the relevant portfolio responsibility for the activity.

(e) The Minister for Planning may approve of the activity (with or without conditions) or disapprove of the activity. For that purpose, the Minister is to review the decision of the agency having regard to the environmental assessment of the activity and the rights and obligations of the agency.

(f) The power of the Minister for Planning to instigate a public inquiry by a Commissioner under the Act is not affected - before the Minister for Planning determines the matter the relevant agency will be required to reconsider the proposed activity having regard to the findings of the inquiry.

(g) The new procedures will not apply to environmental impact statements that have already been prepared or that are currently being prepared in accordance with the requirements of the Director of Planning, unless the Minister for Planning directs that the new procedures are to apply. They will, however, apply to environmental impact statements prepared by the Forestry Commission under the Timber Industry (Interim Protection) Act 1992.

The Bill makes consequential amendments to the Timber Industry (Interim Protection) Act which includes interim measures for the Minister for Planning to approve of logging operations to which that Act applies (the approval of the Minister for Planning for those logging operations will continue to be required under the Bill).

The Bill also makes consequential amendments to the State Owned Corporations Act 1989 (which provides that Part 5 of the EPA Act applies instead of Part 4 for significant State or regional development certified by the Minister for Planning and provides for the portfolio Minister of the State owned coporation to determine the development). The Bill will enable the Minister for Planning to decide in those cases whether an environmental impact statement is required and to determine the development under the new arrangements in the place of the portfolio Minister.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the several provisions of the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the Environmental Planning and Assessment Act 1979 in Schedule 1.

Clause 4 is a formal provision that gives effect to the consequential amendments to the State Owned Corporations Act 1989 and the Timber Industry (Interim Protection) Act 1992 in Schedule 2.

Schedules 1 and 2 make the amendments set out above.

DRAFT 2

ENVIRONMENTAL PLANNING AND ASSESSMENT (PART 5 REFORM) AMENDMENT BILL 1992

NEW SOUTH WALES

No. ; 1992

A BILL FOR

An Act to amend the Environmental Planning and Assessment Act 1979 with respect to proposed activities of government agencies that are subject to environmental impact statements under Part 5 of that Act; and to consequential amend certain other Acts.

DRAFT 2

ENVIRONMENTAL PLANNING AND ASSESSMENT (PART 5 REFORM) AMENDMENT BILL 1992

NEW SOUTH WALES

TABLE OF PROVISIONS

The legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Environmental Planning and Assessment (Part 5 Reform) Amendment Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Environmental Planning and Assessment Act 1979 No. 203

3. The Environmental Planning and Assessment Act 1979 is amended as set out in Schedule 1.

Consequential amendment of other Acts

4. The State Owned Corporations Act 1989 and the Timber Industry (Interim Protection) Act 1992 are amended as set out in Schedule 2.

SCHEDULE 1 - AMENDMENT OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(Sec.3)

(1) Section 23 (**Delegation**):
In section 23 (8)(b), after "118", insert "or by Division 4 of Part 5".

(2) Part 5, Division 1, heading:
Before section 110, insert:

Division 1 - Preliminary

(3) Section 110 (**Definitions**):

(a) After the definition of "determining authority" insert:
"**government agency**" includes any government authority or statutory body, any local government authority and any county council;

(b) In the definitions of "proponent", after "the activity", insert ", and includes any person taken to be the proponent of the activity by virtue of section 110B".

(c) At the end of the section, insert:
(2) The Minister is not a determining authority in relation to an activity for the purposes of this Part merely because the Minister's approval is required under Division 4.

SCHEDULE 1 - AMENDMENT OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - *continued*

(4) Section 110B:

After section 110A, insert:

Determining authorities taken to be proponents of activities

110B.(1) A proponent of an activity for the purposes of this Part is taken to include the following:

(a) the Forestry Commission in respect of forestry activities authorised by that Commission on land under the management of that Commission;

(b) any determining authority which the Minister certifies in writing to be the proponent of a particular activity specified in the certificate or which the regulations declare to be the proponent of activities of the kind specified in the regulations.

(2) In any such case, a reference in this Part to a determining authority carrying out an activity includes a reference to the Forestry Commission or such a determining authority granting an approval in relation to the activity.

(5) Part 5, Division 2, heading:

Before section 111, insert:

Division 2 - Duty of determining authorities to consider environmental impact of activities

(6) Part 5, Division 3, heading:

Before section 112, insert:

Division 3 - Activities for which EIS required

(7) Section 112 (**Decisions of determining authority in relation to certain activities**):

(a) After section 112(1)(c), insert:

(c1) if Division 4 applies - any requisite approval of the Minister has been obtained and the activity is carried out in accordance with that approval;

(b) After section 112(6), insert:

(6A) However, the provisions of subsection (4) do not authorise a determining authority which is the proponent of an activity to do anything contrary to an approval under Division 4.

(8) Section 113 (**Publicity and examination of environmental impact statements**):

In section 113 (5), after "section 119", insert "or Division 4 applies".

SCHEDULE 1 - AMENDMENT OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - *continued*

(9) Part 5, Division 4:

After section 115, insert:

Division 4 - Minister administering this Act to be approving authority instead of proponent where EIS prepared

Requirement for Minister's approval

115A.(1) A determining authority is not to carry out an activity to which this Division applies if it is the proponent of the activity unless the Minister has approved of the activity being carried out.

(2) This Division applies to an activity only if the proponent has obtained an environmental impact statement in respect of the activity.

(3) When considering whether to approve of an activity, the Minister is to review the decision of the proponent to carry out the activity having regard to the assessment of the activity under this Part and the rights and obligations of the proponent.

Provisions relating to Minister's approval

115B.(1) A proponent may seek the Minister's approval under this Division after it has complied with section 112(1)(a)-(c).

(2) If a proponent seeks the Minister's approval under this Division, the Minister is required to approve of the activity (with or without conditions or modifications) or disapprove of the activity. The Minister is to notify the proponent of the decision and indicate the reasons for any conditions or modifications or any disapproval of the activity.

(3) The Minister, when approving of an activity, may impose only such conditions or require only such modifications as will in the Minister's opinion eliminate or reduce any detrimental effect of the activity on the environment.

(4) Before making a decision under this Division, the Minister is to obtain a report from the Director under section 115D. A report is not required if the Minister has directed that an inquiry be held in accordance with section 119.

(5) If the proponent is not a Minister, the Minister is to consult the Minister responsible for the proponent before making a decision under this Division.

(6) When making a decision under this Division, the Minister is to take into account any report of the Director under section 115D, any findings and recommendations of a Commission of Inquiry,and, if the proponent is not a Minister, any submission from the Minister responsible for the proponent.

(7) If the Minister has directed that an inquiry be held in accordance with section 119 with respect to an activity to which this Division applies, the Minister is to defer a decision on the activity until the proponent advises the Minister whether it proposes to proceed with or modify the activity following its consideration of the findings and recommendations of the Commission of Inquiry and any advice of the Minister.

Public consultation if conditions are varied or revoked

115C. (1) The Minister may, at the request of the proponent, revoke or vary any condition or modification imposed under section 115B(3).

(2) For the purposes of this Part, a request to revoke or vary any condition or modification imposed under section 115B(3) is considered to be an activity.

(3) If an environmental impact statement is not required, the Minister may only revoke or vary any condition or modification imposed under section 115B(3) if:

(a) a written request to modify or revoke the condition or modification, which includes an explanation of the need for the proposed revocation or modification and an assessment of its effect on the environment, has been received from the proponent; and

(b) the Minister has given notice in the prescribed form and manner that a copy of that written request may be inspected at -

(i) the office of the proponent and the Department at any time during ordinary office hours; and

(ii) such other premises and at such times as may be prescribed,

within such period, being not less than 30 days after the day on which the notice is given, as may be specified in the notice; and

(c) the Minister has, in the notice, invited any person to make written representations to the Department on the written request; and

(d) the Minister has examined and considered those representations, and any other representations; and

(e) the Minister has formed the opinion that the proposed revocation or modification will not significantly increase any detrimental effect that the activity may have on the environment.

SCHEDULE 1 - AMENDMENT OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - *continued*

Director's report

115D.(1) The Director is to report to the Minister on the assessment of a proposed activity under this Part and the decision of the proponent to carry out the activity.

(2) Before making a report, the Director must seek advice from at least one expert, employed in a tertiary institution, or employed by the Commonwealth Scientific and Industrial Research Organisation, who has relevant qualifications and experience, and has no financial interest in any aspect of the activity.

(3) When preparing a report, the Director is to take into account:

(a) the environmental impact statement,

(b) the representations made in response to the public exhibition of the statement,

(c) any submission from the proponent,

(d) advice provided under (2), and

(e) any other thing the Director considers relevant.

(3) The report must reproduce the advice obtained under (2), and the Director's response to this advice.

(4) A copy of the report is to be given to the proponent immediately after it is given to the Minster.

(5) The Director may make a report under this section even though an inquiry is held in accordance with section 119.

Monitoring

115E. (1) After the Minister has approved an activity, the Director must prepare and implement a program to periodically monitor the activity.

(2) The Director must immediately report to the Minister any matters which are at variance with the activity as approved by the Minister under section 115B.

(3) All reports prepared under this section must be made public.

Miscellaneous provisions

115E. (1) Any public authority or body to which an appeal may be made by or under any Act in relation to an activity to which this Division applies is, in deciding the appeal, to consider and take into account a report of the Director to the Minister under section 115D and the decision of the Minister.

(2) The following are to be made public:

(a) a decision of the Minister to approve or disapprove of an activity under this Division (together with any report of the Director to the Minster under section 115(D);

(b) a decision of the Minster to impose (or revoke or vary) a condition or modification to which such an approval is subject.

SCHEDULE 1 - AMENDMENT OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - *continued*

(3) Nothing in this Division prevents the proponent of an activity approved by the Minster under this Division from modifying the activity after that approval is given, unless the modification is not consistent with the terms of the approval or the modification is such that a further environmental impact statement is required under this Part.

(4) A proponent obtains an environmental impact statement for the purposes of this Division if it obtains and environmental impact statement itself or if it is furnished, at its request, with such a statement.

Transitional arrangements

115F.(1) This Division does not apply to an activity if the proponent obtained the environmental impact statement before the commencement of this Division or if the Director has notified, under the regulation, the person preparing the statement of requirements with respect to the form and contents of the statement.

(2) However, if the activity to which an environmental impact statement relates has not been carried out, this Division applies to the activity if the Minister (by notice in writing to the proponent) so directs.

SCHEDULE 2 - CONSEQUENTIAL AMENDMENT OF OTHER ACTS

(Sec. 4)

State Owned Corporations Act 1989 No. 134

Omit section 37A(4) and (5), insert instead:

(4) The Minister administering the Environmental Planning and Assessment Act 1979 may direct, by notice in writing to a State owned corporation, that the corporation is required to obtain an environmental impact statement under Part 5 of that Act in respect of development to which subsection (3) applies. Accordingly, the State owned corporation is taken to be the determining authority under Part 5 of that Act and must obtain the approval of that Minister under Division 4 of Part 5 of that Act before carrying out the development.

(5) If an environmental impact statement is not required to be obtained in respect of development to which subsection (3) applies, the State owned corporation is not to carry out the activity unless it has obtained the approval of the Minster administering the Environmental Planning and Assessment Act 1979. Before giving that approval, that Minister is required to comply with section 111 of that Act as if that Minister were the determining authority.

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SCHEDULE 2 - CONSEQUENTIAL AMENDMENT OF OTHER ACTS
- continued

Timber Industry (Interim Protection) Act 1992 No. 1

(1)Section 8 (**Logging operations on Schedule 4 land and their environmental assessment**):
(a) After section 8(3), insert;
(3A) After it obtains any such environmental impact statement and it has complied with section 112(1)(a)-(c) of the EPA Act, the Forestry Commission is required to seek the Minster for Planning's approval under Division 4 of Part 5 of the EPA Act in respect of the logging operations to which the statement applies as if Part 5 of the EPA Act were not suspended.
(b) From section 8(4), omit "section 9", insert instead "Division 4 of Part 5 of the EPA Act".
(c) Omit section 8(5).

(2) Section 9 (**Minister for Planning to be determining authority for environmental impact statements on logging operations**):
Omit the section.

(3) Section 9A:
Before section 10, insert:
Transitional provision consequent on repeal of section 9
9A.(1) A determination of the Minister for Planning under section 9 that was made before the repeal of that section by the Environmental Planning and Assessment (Amendment) Act 1992 is taken, after that commencement, to be a determination of that Minister under Division 4 of Part 5 of the EPA Act.
(2) If, on the repeal of section 9, a determination of the Minster for Planning is pending under that section, anything done under that section is taken on that repeal to have been done under Division 4 of Part 5 of the EPA Act.

(4) Section 13 (**Amendment of EPA Act**):
Omit the section.

(5)Section 14 (**Quarterly reporting by the Minister for the Environment**):
Omit the section.

(6) Section 16 (**Expiry of this Act**):
Omit ", except for sections 1, 2, 4, 9(8), 13, 14 and 16".

WHAT'S WRONG WITH THE NSW GOVERNMENT'S NATURAL RESOURCES MANAGEMENT PACKAGE

The NSW Government wants to change the way we make decisions about the use of land, including high conservation value forests, the coast, crown lands and waterways. It has proposed five new laws which will override existing legislation and which currently protect the environment and allow public participation. The new laws will create confrontation - worsening divisions over the future of the natural environment.

WHAT THE NEW LAWS WILL DO

NATURAL RESOURCES MANAGEMENT COUNCIL BILL

- This bill will, in effect, replace the regional planning process of the Environmental Planning and Assessment Act 1979 (EPA). A new Resources Management Council will produce regional reviews that will recommend how public land (including national parks) can be used. It replaces the proven system of regional environmental studies and plans found in the EPA Act.
- The EPA Act has a balanced set of objectives, but the new Council will be dominated by developer interests thus skewing decisions towards exploitation interests.
- The NSW Government has never been enthusiastic about using the EPA Act and now it is doing away with one its cornerstones.

ENDANGERED AND OTHER THREATENED SPECIES BILL

- This should be renamed the extinction law. It repeals the Endangered Fauna Act and the licensing powers given to the National Parks Service, just as government agencies and the private sector are beginning to put in place decision making processes to take account of endangered species.
- The Bill sacks the current independent scientific committee and replaces it with one stacked with government appointees (no doubt conservatives).
- In a move criticised by scientists the term 'endangered' is redefined so as to remove 150 species off the current NSW endangered list. 'Endangered' now means likely to become extinct in Australia within 20 years. Such a parlous state would mean very few individuals of an animal would be left and extinction a near certainty.
- Unless a strong recovery plan is in place. But this proposed law creates ineffective recovery plans. Such plans have to minimise the social and economic effects - one vested interest could ensure extinction. Further the plan cannot stop bodies such as the Forestry Commission from complying with their statutory duties - like logging old growth forests!

FOREST (RESOURCE SECURITY) BILL

- This is even worse than the defeated Federal law.
- Forests can be handed over to the timber industry in long term contracts with hefty compensation claims liable if a forest area is withdrawn.
- Such forests, called Timber Production Forests, are not subject to Part 4 of the EPA Act, nor Part 5 that requires environmental impact statements. And, not surprisingly, there is no protection for endangered species.
- Special mention is made of the south east forests - they are automatically available for resource security - without any further environmental assessment.
- Such a law will create immense conflict in the forests as it removes accountability and ongoing public participation. A better law would seek to resolve conflict by bringing the parties together and assisting the retraining and re-employment of workers displaced by conservation decisions. Independent MP, Peter McDonald has introduced a private members bill to achieve this.

AMENDMENTS TO THE EPA AND HERITAGE ACTS

- The EPA Act is amended so that the body that produces the environmental impact statement does not also adjudicate it. This is an improvement but there is a catch - the other laws in the government's package have to also be passed. The gain is not worth the pain.
- There is also the clause that allows the activity to be changed in secret or conditions to be changed without opportunity for public comment.
- The Heritage Act will no longer apply to the natural environment and aboriginal sites. Permanent conservation orders will no longer be available. Urban bushland will be under particular threat as other laws, such as those found in the National Parks and Wildlife Act, will not be applied.

THE ALTERNATIVES

- Use the existing provisions of the EPA Act to produce regional environmental studies and plans. Retain the integrity of a proven, world class piece of legislation.
- Introduce a strong Threatened Species Act - the Threatened Species Network has drafted such a law.
- Pass a separate small bill removing adjudication of environmental impact statement from the proponent and author of the eis.
- Support the forest decision making principles of Peter McDonald's Forest (Amendment) Bill.

KEY CONCERNS ABOUT RESOURCE SECURITY THAT ARISE FROM THE NSW GOVERNMENT'S FOREST (RESOURCE SECURITY) BILL

Hundreds of thousands of hectares of native forest will be handed over to logging and woodchip interests if the NSW Government succeeds in passing the Forest (Resource Security) Bill. It is part of the Natural Resources Management Package which aims to downgrade environment protection and public participation.

Viability of industry unlikely

- The Bill makes no attempt to assess whether the licence holder who is granted generous access to 'Timber Production Forests' (resource security forests) is viable in the long term, nor whether they will value-add.
- Much of the current native forest timber industry is under very significant competition from the pine timber industry and will close operations over the next decade. It is economically irrational to create resource security forests for such a short term industry.
- The timber industry in its current campaign has produced alleged investment plans of some hundreds of millions of dollars. Such figures have not been subject to independent verification or analysis as to whether they are viable projects. Decision making about large areas of native forest on the basis of industry propaganda is unacceptable.

Privatisation

- There is provision for long term agreements with compensation payments for withdrawal of forest area. If an agreement holder closes their business they will be in a position of being able to regard their licence as an asset and virtually sell their rights. This is tantamount to privatising native forests.

Environment protection removed

- The Bill ensures that Parts 4 and 5 of the EPA Act do not apply to resource security forests. Thus there will be no independent environmental monitoring or assessment. Nor will endangered species be protected as the endangered wildlife laws will not apply to such forests.
- The Bill establishes a Forest Practices Code to control logging. As these are under the complete control of the existing forestry administration this is, in terms of the broader environmental questions - self regulation - a proven failure in view of the number of successful prosecutions against the Forestry Commission for illegal activity.
- The lack of adequate external monitoring is contrary to the precautionary principle. The Bill, not only prevents action being taken to adequately protect the environment, it prevents independent authorities from finding new information.
- The Bill also clearly envisages that clearfelling will occur in resource security forests, as it immediately provides for the south east forests (including large areas of old growth) to be classified as Timber Production Forests. No native forest should be subject to broad scale logging of the intensity practised in the south east, under the regime envisaged in the Bill (or in any other circumstances).

Security over area preferred

- It is significant that the Bill grants resource security over an area of forest, not volume of timber. In contrast, granting of security over volume allows greater flexibility as to the area or type of forest to be logged.
- An area of forest will contain many parts that are unloggable, but by granting rights to area, those sites, which are often also environmentally sensitive, can be harmed. Further, if such parts are made into conservation reserves thus withdrawing them from the agreement area, then compensation will be payable (when in fact no timber volume has actually been lost). This is a major deterrence to protection measures in resource security forests.

The Bill is a grab of public land for private purposes and a recipe for environmental destruction.

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23 July 1992.

Sid Walker
Executive Officer
Nature Conservation Council of NSW
39 George Street SYDNEY NSW 2000.

Dear Sid,

Here are my comments on the "Land Use decision-making package" to be proposed by the peak groups as an alternative to the NSW Government's package.

The prospects of winning parliamentary support for the whole package are low because it involves a Forestry Bill which the ALP and at least one of the independents will almost certainly reject.

The elements of the package which can be sold are these:

1. **The Government's NRMC Bill is just a formalising of the current arrangements under which powerful resource development agencies of the State Government get together and decide how resources will be allocated. The NRMC would be overwhelmed by departmental heads probably with "riding instructions" from their Ministers and could in no sense be an "independent" arbiter. Proper administration of the EP&A Act would achieve most of the stated aims of the NRMC Bill. It should be argued that this course ought to be followed and the NRMC Bill should be dropped entirely.**

2. **The Government's Endangered and Other Threatened Species Bill is an attack on the Land and Environment Court's decision in the Chaelundi case and practically destroys the legitimate role of the NP&WS in protecting endangered wildlife. The environment groups' Threatened Species Bill is far more preferable and it should be argued that it ought to be passed. As a fall back position the groups might have to settle for a continuation of the Interim Legislation (in order to ensure the support of all the independents).**

3. **The Government's Heritage Amendment Bill is another attempt to reverse the effect of a Land and Environment Court decision. The Heritage Council has a role in protecting the natural environment under its Act and this role should be respected. The Heritage Council has a slightly better chance of acting independently (because of its**

diverse membership) than the lone Director of the NP&WS. Also, powers under the Heritage Act are better tested and (especially in relation to questions of compensation) more effective than the interim protection powers of the Director of the NP&WS. It should be argued that this Government Bill ought to be dropped.

4. The Government's Environmental Planning and Assessment (Amendment) Bill goes in the right direction by stopping government development proponents from determining their own EIS's. The Environment groups' EP&A Reform Bill makes some arguable improvements and it ought to be argued that it should be preferred and the Government's Bill dropped.

The element of the package which is unsaleable is the substitution of the Government's Forest (Resource Security) Bill with a bill favoured by the environment groups that would reflect Peter MacDonald's Forestry (Amendment) Bill 1992.

I take this view because John Hatton took a position on forestry with his support for the Timber Industry (Protection) Act and it is just unrealistic to expect him to abandon it so soon and so radically.

The choices given in the Government's and the environment groups' forestry bills are so utterly opposed as to be unable to be considered as alternatives in a political debate. In the circumstances it would be better to argue for an abandonment of the Government's resource security bill as part of the Government's package.

The ALP and the independents might be convinced that the Timber Industry (Protection) Act went far enough; alternatively, that the matter of forestry legislation is so important and so in need of further examination as to justify a Parliamentary Committee of Inquiry. Even if this does no more than shelve the issue, it is still the safer and preferable outcome as far as the environment groups are concerned because of the two forestry bills the Government's "resource security" bill has by far the better chance of being enacted.

Please provide Judy Messer with a copy of this letter.

Yours sincerely

Peter Prineas.

Peter Prineas

Hon Secretary
Nature Conservation Council of NSW.

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From: Alec

Date:

No of pages to follow: 1 + cover

Comments: Could you make these, Judy's and other interested persons know about this.

Thx.

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